

ELEVATE TRANSIT — ZONING FOR ACCESSIBILITY

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

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

* * *

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

* * *

**23-16
Special Floor Area and Lot Coverage Provisions for Certain Areas**

* * *

(b) For R10 Districts in Community District 7 in the Borough of Manhattan

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 be 10.0. No #floor area# bonuses shall be permitted except as authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

* * *

Commented [DCP1]: General: The regulations for Zoning for Accessibility would be established in Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations). The new regulations would include a new system-wide framework for coordinating the siting and provision of transit easements (the “system-wide easement framework”) and would expand the existing subway improvement bonus, which currently provides additional floor area for developments that include subway station improvements, to other mass transit stations and other high-density areas in the city (the “expanded transit improvement bonus”).

Additional text changes in other chapters of the Zoning Resolution, particularly in the Special District chapters located within Article VIII through XIV, would address how the proposed framework would apply with existing zoning regulations.

Commented [DCP2]: The expanded transit improvement bonus would apply to sites that are located in R9 and R10 density-level districts and within 500’ or 1,500’ from mass transit stations. The area of applicability would include such sites that are also in Manhattan Community District 7.

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

* * *

**Chapter 7
Special Urban Design Regulations**

* * *

**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 118-50, the #Special East Harlem Corridors District# as described in Section 138-33, 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. In addition, for #developments or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections 66-22 (Special Use Regulations) through 66-25 (Special Streetscape Regulations) may be applied.

* * *

* 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 with 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

* * *

Commented [DCP3]: Zoning relief for sites providing easement volumes, pursuant to Article VI, Chapter 6, would also apply to developments and enlargements providing a relocated or renovated subway stair in accordance with this Section.

**37-50
REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE**

* * *

**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~~ #transit volumes# and improvements to #mass transit stations#, through #block# connection or #public plaza#. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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 #Transit volumes# and improvements to #mass transit stations#	x	x	x
Through #block# connection	x	x	
#Public plaza#	x	x	x

Commented [DCP4]: In addition to subway station improvements pursuant to the existing subway bonus (Section 74-634), easement volumes, clear paths and improvements to all other mass transit stations, provided in accordance with Article VI, Chapter 6, would count towards pedestrian circulation requirements.

* * *

37-53

Design Standards for Pedestrian Circulation Spaces

* * *

(g) ~~Subway station improvement~~ #Transit volumes# and improvements to #mass transit stations#

~~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.~~

Where #transit volumes# or improvements to #mass transit stations# are provided pursuant to the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), each square foot of mass transit access may constitute one square foot of required pedestrian circulation space, not to exceed 3,000 square feet. For the purposes of this paragraph (g), defined terms include those in Section 66-11 (Definitions).

* * *

ARTICLE VI

SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

* * *

Chapter 2

Special Regulations Applying in the Waterfront Area

* * *

62-10

GENERAL PROVISIONS

* * *

Commented [DCP5]: Currently, subway station improvements pursuant to the existing subway bonus (Section 74-634) are counted towards pedestrian circulation space requirements. The proposed zoning text would also count easement volumes, clear paths and improvements to other mass transit station improvements (provided in accordance with the regulations of Article VI, Chapter 6), towards pedestrian circulation space requirements.

Commented [DCP6]: In the event of a conflict between regulations, the provisions of Article VI, Chapter 6 would supersede the provisions of this Chapter.

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, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

* * *

62-30

SPECIAL BULK REGULATIONS

62-32

Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

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). For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Commented [DCP7]: The regulations of this Section currently restrict bonuses for community facility and commercial uses within Residence Districts in Waterfront Areas. The proposed zoning text would allow additional floor area increase for sites providing a transit improvement pursuant to the expanded transit improvement bonus.

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 except as permitted pursuant to the provisions of paragraph (c) of this Section; and
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0; and
- (c) For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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).

Commented [DCP8]: The regulations of this Section currently restrict bonuses for community facility and commercial uses within Commercial Districts in Waterfront Areas. The proposed zoning text would allow additional floor area increase for sites providing a transit improvement pursuant to the expanded transit improvement bonus.

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.~~ However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP9]: The regulations of this Section currently restrict bonuses in Manufacturing Districts in Waterfront Areas. The proposed zoning text would allow additional floor area increase for sites providing a transit improvement pursuant to the expanded transit improvement bonus.

* * *

Chapter 6

Special Regulations Applying Around Mass Transit Stations

[All text in this Chapter is new text]

Commented [DCP10]: The provisions of this chapter establish the framework for Zoning for Accessibility, which consists of easement provisions applying within 50 feet of any mass transit station in most zoning districts (the "system-wide easement framework") and an expanded transit improvement bonus applying in high-density districts (the "expanded transit improvement bonus").

66-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations, and in doing so, promote and protect public health, safety, general welfare and amenity. The general goals of this Chapter include, among others, the following purposes:

- (a) to support the long-term planning needs of mass transit stations and systemwide accessibility;
- (b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;
- (c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;
- (d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;
- (e) to coordinate the present and future relationship of land uses around transit stations; 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.

66-10

GENERAL PROVISIONS

66-11

Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Above-grade mass transit station

For the purposes of this Chapter, an “above-grade mass transit station” shall refer to a #mass transit station# with a platform that is located entirely above five feet from #curb level#.

At or below-grade mass transit station

Commented [DCP11]: For the purposes of this Chapter, above-grade mass transit stations would be a newly defined term for elevated stations or stations that are located on an embankment. Such term would be used elsewhere in the Chapter.

Commented [DCP12]: For the purposes of this Chapter, at- or below-grade mass transit stations would be a newly defined term for underground or open cut stations. Such term would be used elsewhere in the Chapter.

For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a #mass transit station# that is not an #above-grade mass transit stations#.

Central Business Districts

For the purposes of this Chapter, “Central Business Districts” shall refer to #Special Midtown District#, #Special Hudson Yards District#, #Special Lower Manhattan District#, #Special Downtown Brooklyn District#, #Special Long Island City Mixed Use District# or #Special Garment Center District#.

Commented [DCP13]: For the purposes of this Chapter, Central Business Districts would be a newly defined term for sites in certain high-density Special Purpose Districts with a higher concentration of mass transit stations. Within Central Business Districts, the proposed transit bonus program would be available to sites that are at a greater distance from a mass transit station. Such term would be used elsewhere in the Chapter.

Clear path

For the purposes of this Chapter, a “clear path” shall refer to an unobstructed area between the #street line# and #street wall# that

Commented [DCP14]: For the purposes of this Chapter, a clear path would be a newly defined term for additional pedestrian space provided on the zoning lot through greater street wall recesses around transit station entrances. Such term would be used elsewhere in the Chapter.

- (a) directly #abuts# an adjoining public sidewalk; and
- (b) extends along the #street line# for a distance equal to the width of an existing or planned access point to a #mass transit station# facing such #transit-adjacent site#, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All #clear paths# shall be accessible to the public at all times.

Easement volume

For the purposes of this Chapter, an “easement volume” shall refer to an area of the #zoning lot# used to accommodate either:

Commented [DCP15]: For the purposes of this Chapter, an easement volume would be a newly defined term for any easements provided on zoning lots to facilitate future station access points or other station facilities. Such term would be used elsewhere in the Chapter.

- (a) station access infrastructure, in the form of elevators, stairs, escalators, or fare control areas;
or
- (b) ancillary facilities that are needed to support transit system functionality.

Eligible zoning districts

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

Commented [DCP16]: For the purposes of this Chapter, eligible zoning districts would be a newly defined term for zoning districts that usually allow and support uses beyond single- and two-family housing. Such term would be used elsewhere in the Chapter.

- (a) R5D, R6, R7, R8, R9 or R10 Districts;
- (b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;

- (c) M1 Districts paired with R6 through R10 Districts; or
- (d) #Manufacturing Districts#.

Enlargements

For the purposes of applying the provisions of Section 62-20, inclusive, an “enlargement” on any #transit-adjacent site# shall be limited to #enlargements# involving ground floor level construction.

Commented [DCP17]: For the purposes of Section 66-20, enlargements would be a newly defined term that would exclude enlargements that do not involve ground-level construction. Enlargements that do not involve ground floor level construction would not be subject to the certification process pursuant to Section 66-21. Such term would be used elsewhere in the provisions of Section 66-20.

Mass transit station

For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail #mass transit station# operated by a #transit agency#. Such #mass transit stations# shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

Commented [DCP18]: For the purposes of this Chapter, a mass transit station would be a newly defined term for any subway or rail mass transit station operated in the city by a transit agency. A mass transit station would include all components of the station for the purposes of applying the regulations of this Chapter. Such term would be used elsewhere in the Chapter.

Primary transit-adjacent sites

For the purposes of this Chapter, “primary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of 5,000 square feet or more.

Commented [DCP19]: For the purposes of this Chapter, primary transit-adjacent sites would be a newly defined term for sites that would be subject to the easement certification process. Such sites would have a lot area of at least 5,000 sf and within an eligible zoning district.

Such term would be used elsewhere in the Chapter.

Qualifying transit improvement sites

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to #zoning lots# that are:

Commented [DCP20]: For the purposes of this Chapter, qualifying transit improvement sites would be a newly defined term for sites that would be eligible to apply for the expanded transit improvement bonus. Such sites would need to be in an R9 or R10 density-level district, and within a certain distance from a mass transit station. Such term would be used elsewhere in the Chapter.

- (a) located in one of the following zoning districts:
 - (1) R9 or R10 Districts;
 - (2) #Commercial Districts# mapped within, or with an equivalent of an R9 or R10 District;
 - (3) M1 Districts paired with an R9 or R10 District; or
 - (4) M1-6 Districts; and
- (b) located wholly or partially within the following distance from a #mass transit station#:

- (1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or
- (2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

Such distance shall be measured from the outermost extent of the #mass transit station#. For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.

Secondary transit-adjacent sites

For the purposes of this Chapter, “secondary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of less than 5,000 square feet.

Commented [DCP21]: For the purposes of this Chapter, secondary transit-adjacent sites would be a newly defined term for sites in eligible zoning districts that have a lot area of less than 5,000 sf. Such sites would not be subject to the easement certification process but could provide an easement, voluntarily and receive zoning relief. Such term would be used elsewhere in the Chapter.

Transit agency

For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected #mass transit station#.

Commented [DCP22]: For the purposes of this Chapter, a transit agency would be a newly defined term for any governmental agency with jurisdiction over any mass transit station in the city. Examples of transit agencies include Metropolitan Transit Authority and all of its operating agencies, Port Authority of New York and New Jersey, New Jersey Transit. Such term would be used elsewhere in the Chapter.

Transit-adjacent sites

For the purposes of this Chapter, “transit-adjacent sites” shall refer to #zoning lots# that are located within 50 feet of a #mass transit station#, and located in #eligible zoning districts#. #Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

Commented [DCP23]: For the purposes of this Chapter, a transit-adjacent site would be a newly defined term for any site that is within 50 feet of a mass transit station and located in an eligible zoning district. Such term would be used elsewhere in the Chapter.

Transit volume

For the purposes of this Chapter, a “transit volume” shall refer to an area of a #transit-adjacent site# where, pursuant to the provisions of this Chapter, a #transit agency# has determined transit or pedestrian circulation improvements are needed for a #mass transit station#. Such #transit volume# may be used to accommodate #easement volumes# or #clear paths#.

Commented [DCP24]: For the purposes of this Chapter, a transit volume would be a newly defined term for easement volumes and clear paths. Such term would be used elsewhere in the Chapter.

66-12 **Applicability**

The provisions of this Chapter shall apply to #transit-adjacent sites# or #qualifying transit improvement sites#, as follows:

- (a) For #transit-adjacent sites#

(1) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements#, as such term is modified pursuant to Section 66-11 (Definitions), on #primary transit-adjacent sites#.

Commented [DCP25]: These provisions would establish a certification process for the system-wide easement provisions that would apply to primary transit-adjacent sites (sites within 50 feet of transit station with at least 5,000 square feet of lot area, in eligible zoning districts).

(2) The provisions of Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#, as well as parking modifications available to all #transit-adjacent sites#.

Commented [DCP26]: These provisions would establish an easement certification process that would be optional to secondary transit-adjacent sites (sites within 50 feet of transit station with less than 5,000 square feet, in the same eligible zoning districts) and all transit-adjacent sites with conversions.

(b) For #qualifying transit improvement sites#

The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall be optional for #qualifying transit improvement sites#.

Commented [DCP27]: These provisions would establish an expanded transit improvement bonus that would be available to sites in high-density districts within specified distances from mass transit stations.

66-13

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, the following provisions of this Chapter shall not apply to certain areas:

(a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:

Commented [DCP28]: The system-wide easement provisions of this Chapter would not apply in certain areas with existing easement provisions that were established for area-specific plans.

(1) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#

(2) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions)

(3) #Special Transit Land Use District#

(b) The provisions of 66-51 (Floor Area Bonus for Mass Transit Station Improvements) shall not apply to the following areas within Special Purpose Districts:

Commented [DCP29]: The expanded transit improvement bonus would not apply in areas where complex floor area provisions for transit improvements exist. Such floor area provisions were created to deliver improvements that implement planning objectives for area-specific plans.

(1) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#

(2) The Court Square Subdistrict within #Special Long Island Mixed Use District#

- (3) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions)

66-14

Applicability of Previously Filed Special Permits

If, before [date of adoption], an application for a special permit for a #floor area# bonus for subway station improvements has been referred by the City Planning Commission pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to [date of adoption], such application may continue pursuant to the regulations in effect at the time such special permit was referred by the Commission. Such special permit, if granted by the Commission, 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 referred by the Commission.

Commented [DCP30]: For all applications for a subway bonus special permit (pursuant to Section 74-634) that have been referred by the City Planning Commission prior to the date of adoption, such application would continue pursuant to the regulations in effect at the time such special permit was referred out.

66-20

SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

For all #developments# or #enlargements# on #primary transit-adjacent sites#, a certification by the Chairperson of the City Planning Commission shall apply pursuant to Section 66-21 (Certification for Transit Volume) to determine if a #transit volume# is needed. Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-22 (Special Use Regulations), 66-23 (Special Bulk Regulations), 66-24 (Special Regulations for Accessory Off-Street Parking and Curb Cuts), and 66-25 (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

Commented [DCP31]: The provisions of Section 66-20 would apply to developments and enlargements on primary transit-adjacent sites that would be subject to the system-wide easement provisions.

Commented [DCP32]: On sites that provide an easement volume or clear path, zoning relief would apply.

66-21

Certification for Transit Volumes

For all #developments# or #enlargements# on #primary transit-adjacent sites#, the #transit agency# and Chairperson shall jointly certify to the Commissioner of the Department of Buildings whether or not a #transit volume# is needed on the #zoning lot#, in accordance with the provisions of paragraph (a) of this Section. Such certification shall be obtained prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for such #development# or #enlargement#. Where an #easement volume# is needed, the additional requirements set forth in paragraph (b) of this Section shall apply.

Commented [DCP33]: For any development or enlargements on primary transit-adjacent sites, a certification process to determine whether or not an easement volume or clear path is needed, would apply. A certification from the Chairperson of the City Planning Commission and MTA would have to be obtained prior to any application for new construction with the Department of Buildings.

(a) Application requirements

The owner of the #zoning lot# shall file an application with the #transit agency# and the

Such certification process derives from the transit easement provisions of the Special Inwood District.

Chairperson of the City Planning Commission requesting a certification as to whether or not a #transit volume# is needed on the #primary transit-adjacent site#.

Within 60 days of receipt of such application, the #transit agency# and the Chairperson shall jointly certify whether or not a #transit volume# is needed on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

When the #transit agency# and the Chairperson indicate that a #transit volume# is needed, the #transit agency# shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type, and reasonable dimensions for such #transit volume# based on a concept plan for the use of such volume.

The owner shall submit a site plan showing a proposed location of such #transit volume# that would accommodate needed transit or pedestrian circulation improvements and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the #transit agency# and the Chairperson.

The #transit agency# and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the #transit volume# is being finalized. Upon joint approval of a site plan by the #transit agency# and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Commissioner of the Department of Buildings.

(b) Recordation, completion procedures and termination of an easement volume

Where an #easement volume# is needed pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall be provided with a certified copy of the legally enforceable instrument providing the mechanism for creating such #easement volume#, as well as necessary documentation setting forth other obligations and requirements pursuant to Section 66-40 (RECORDATION, CONSTRUCTION AND MAINTENANCE, AND TERMINATION).

Commented [DCP34]: If an easement volume is needed on the zoning lot, additional recordation requirements and procedures would apply.

66-22
Special Use Regulations

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

66-221
Temporary uses

Commented [DCP35]: These provisions would allow transit easements to be temporarily occupied by any permitted uses except residential use until such volume is needed by the transit agency.

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

- (a) in all districts, any #community facility use# without sleeping accommodations allowed by the underlying district;
- (b) in #Residence Districts#, #uses# listed in Use Group 6A and 6C; and
- (c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of six months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

66-222

Special use allowances around easement volumes

The following #use# allowances around #easement volumes# shall apply in applicable districts.

- (a) Special #use# allowances in #Residence Districts#

In all #Residence Districts#, #uses# listed in Use Group 6A and 6C shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

- (1) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or
- (2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

- (b) Special regulations for #commercial use# location in #mixed buildings# in #Commercial Districts#

Commented [DCP36]: To promote compatible uses around easement volumes where future station entrances could be located, local retail uses would be permitted within 30 feet around an easement in residence districts and within 30 feet on the second floor where easements serving above-grade stations are provided.

Commented [DCP37]: Permitted commercial uses would be allowed on the second floor where easements serving above-grade stations are provided on sites with mixed-use buildings in commercial districts

In C1 or C2 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# that are #developed# or #enlarged# with an #easement volume# serving an #above-grade mass transit station#, to allow all permitted #commercial uses# on the lowest two #stories#.

66-23

Special Bulk Regulations

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section 66-234 (Special street wall modifications) shall apply.

66-231

Special floor area modification

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

Commented [DCP38]: To ensure that the maximum allowable floor space on a site is not reduced as a result of an easement volume, floor space contained within such volume would be excluded from the definition of zoning floor area.

66-232

Special open space, lot coverage and yard modifications

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes

Commented [DCP39]: To ensure that any future vertical circulation elements within easement volumes can connect appropriately to below or above-grade stations, such volumes (and any future station connections therein) would be treated as permitted obstructions.

(other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

Commented [DCP40]: To allow flexibility in accommodating commercial floor space, such uses would be allowed to extend up within the rear yard up to a height of 30'.

(b) Special #open space# modifications in certain districts

In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the provisions of paragraph (g) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall not apply.

Commented [DCP41]: To allow easement volumes to be more easily accommodated on a site, restrictions and dimensional requirements applying to 33% of the required open space provided on the zoning lot would not apply.

(c) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except as modified pursuant to this paragraph.

Commented [DCP42]: To integrate easement volumes more easily within buildings, lot coverage would also be increased in applicable R5 Districts, and Quality Housing buildings in R6 and R7 Districts.

(1) Any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.

(2) In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 85 percent. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#.

(3) In R6 and R7 Districts, for #Quality Housing buildings#, the maximum #residential lot coverage# for #interior lots# and #through lots# shall be 70 percent.

66-234

Special street wall modifications

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

For #Quality Housing buildings#, the underlying #street wall# location provisions shall be modified pursuant to this paragraph.

(1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.

Commented [DCP43]: To provide flexibility in locating easements, easement volumes and any portion of a building behind or above such volume would not be subject to street wall location requirements.

(2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that 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, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and 15 feet from the edges of the #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

Commented [DCP44]: Additional street wall flexibility would be provided within 15 feet from an easement volume.

(b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

Commented [DCP45]: Where clear paths are provided, street walls could be recessed from the interior boundary of such clear path. Such boundary would be treated as the street line for the purposes of applying street wall location requirements.

66-235

Special height and setback modifications

The height and setback modifications of this Section shall apply as follows:

(a) Permitted obstructions

(1) #Easement volumes#

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

Commented [DCP46]: To ensure that any future vertical circulation elements within easement volumes can connect appropriately to below or above-grade stations, such volumes (and any future station connections therein) would be treated as permitted obstructions.

(2) Dormers

For #Quality Housing buildings#, as an alternative to the provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the #street wall# shall be determined pursuant to the provisions of paragraph (a) of Section 234 (Special street wall modifications).

Commented [DCP47]: This modification to the underlying dormer allowances would provide a design alternative that can help break up the bulk in the upper portion of the building.

(b) Special height and setback provisions for R5 Districts

The requirements of Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts) shall be modified for the portions of a #building# used for #residential use#, as follows:

- (1) In #Commercial Districts# mapped within, or with a #residential# equivalent of an R5 District, the maximum height of a #street wall# before setback shall be 35 feet. Above such height, a setback of 10 feet shall be provided, and the maximum #building# height shall be 45 feet. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#; and
- (2) In R5D Districts or #Commercial Districts# mapped within, or with a #residential# equivalent of an R5D District, the maximum permitted #building# height shall be increased by 10 feet or one #story#, whichever is less.

(c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts

In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R6 through R10 Districts, and M1-6D Districts, where #building# height limitations apply, the maximum permitted height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R7 through R10 Districts, and M1-6D Districts, the maximum permitted height for a #building or other structure# shall be increased by 20 feet or two #stories#, whichever is less.

66-24

Special Regulations for Accessory Off-Street Parking and Curb Cuts

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of Section 66-241 (Special accessory off-street parking provisions) and 66-242 (Special regulations for location of access to the street).

66-241

Special accessory off-street parking provisions

Where off-street parking spaces are required pursuant to the underlying parking requirements, the following parking space deduction and waivers shall apply:

- (a) Parking space deduction

Commented [DCP48]: For buildings in R5 Districts with a commercial overlay and their commercial equivalents, the maximum permitted height would generally be increased between 5 to 12 feet, depending on whether or not such buildings utilize infill provisions.

For buildings in R5D Districts and their commercial equivalents, the maximum permitted height would be increased by 10 feet.

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces.

Commented [DCP49]: To ensure that the volume needed for easements would not directly compete with the space needed for required parking, a deduction of 15 parking spaces would apply to all developments and enlargements.

(b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

Commented [DCP50]: Additional parking waivers would also apply to small sites.

<u>District</u>	<u>Lot Area (in square feet)</u>
<u>R5 R5D</u>	
<u>C1-1 C2-1 C3 C4-1</u>	
<u>C1-2 C2-2 C4-2 C8-1</u>	<u>10,000 or less</u>
<u>C1-3 C2-3 C4-2A C4-3 C7 C8-2</u>	
<u>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</u>	
<u>R6 R7 R8 R9 R10</u>	
<u>C1-4 C2-4 C4-4 C4-5D C8-3</u>	
<u>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8</u> <u>C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5</u> <u>C6 C8-4</u>	<u>15,000 or less</u>
<u>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</u>	

66-242

Special regulations for location of access to the street

Where permitted or required off-street parking spaces or loading berths are provided, entrances and exits for #accessory# off-street parking spaces or loading berths, #public parking garages#, or #public parking lots# shall not be located less than 30 feet from a #transit volume#. In addition, such restriction, and the location of the #transit volume# shall be considered for the purposes of

applying waivers provisions of Sections 25-27, 25-34, 36-24, 36-38 or 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden).

Commented [DCP51]: To ensure the safety of transit users entering and leaving station entrances within designated easement areas, curb cuts for parking facilities or loading berths would be restricted within 30 feet of an easement volume.

66-25 **Special Streetscape Regulations**

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections 62-251 (Ground floor level requirements) and 62-252 (Planting requirements).

66-251 **Ground floor level requirements**

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

Commented [DCP52]: Easement volumes would not be subject to general streetscape provisions, which include ground floor use regulations, transparency provisions.

66-252 **Planting requirements**

(a) Planting requirements for R5D Districts

In R5D Districts, planting requirements shall be modified as follows:

- (i) The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the planting requirement of Section 23-451 (Planting requirement). Where planting is required within the #front yard# pursuant to Section 23-451 (Planting requirement), the area of the #easement volume# shall be discounted from the #street# frontage for the purposes of the #zoning lot# for the purposes of determining the minimum percentage of #front yard# to be planted; and**
- (ii) Where planting strips are required along the entire length of the curb of the #street# pursuant to Section 26-42 (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.**

Commented [DCP53]: Where an easement volume is provided in low-density districts, the area occupied by the easement would be excluded for the purposes of determining the required amount of planting area. Such planting areas include planting strips and front yard planting areas.

(b) Planting requirements for #Quality Housing buildings#

Commented [DCP54]: Where an easement volume is provided, the area in front of the easement would be excluded from required planting pursuant to quality housing requirements.

For #Quality Housing buildings#, the area of the #zoning lot# between the #street line# and the #easement volume# shall be exempt from the planting requirements of Section 28-23 (Planting Areas).

66-26

Additional Modifications

The City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section 66-52 (Additional Modifications).

66-30

SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

For all #secondary transit-adjacent sites#, the provisions of this Section are optional. On such sites, an optional #transit volume# may be provided in accordance with a certification by the Chairperson of the City Planning Commission pursuant to Section 66-31 (Certification for Optional Transit Volumes). Where a #transit volume# is provided, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-32 (Special Modifications for Secondary Transit-adjacent Sites).

Commented [DCP55]: The provisions of Section 66-30 would be optional to developments and enlargements on secondary transit-adjacent sites and conversions on all transit-adjacent sites.

66-31

Certification for Optional Transit Volumes

For all #developments# and #enlargements# on #secondary transit-adjacent sites# and #conversions# on all #transit-adjacent sites# seeking to provide a #transit volume#, the #transit agency# and Chairperson shall jointly certify to the Commissioner of the Department of Buildings the location, appropriate type, and reasonable dimensions for such #transit volume# in accordance with the provisions of paragraph (a) of this Section. Such certification shall be obtained prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for such #development#, #enlargement# or #conversion#. Where an #easement volume# is provided, the additional requirements set forth in paragraph (b) of this Section shall apply.

(a) Application requirements

The owner of the #zoning lot# shall file an application with the #transit agency# and the Chairperson of the City Planning Commission requesting a certification as to whether or not a #transit volume# is needed on the #secondary transit-adjacent site#.

Commented [DCP56]: For developments and enlargements on secondary transit-adjacent sites and conversions on all transit-adjacent sites seeking to provide an easement or clear path, an optional certification process would apply to determine whether or not an easement volume or clear path is needed.

Such certification process is similar to the provisions of Section 66-21, which derive from the transit easement provisions of the Special Inwood District.

Within 60 days of receipt of such application, the #transit agency# and the Chairperson shall jointly certify whether or not a #transit volume# is needed on the #zoning lot#. When the #transit agency# and the Chairperson indicate that a #transit volume# is needed within the 60-day period, the #transit agency# shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type, and reasonable dimensions for such #transit volume# based on a concept plan for the use of such volume.

The owner shall submit a site plan showing a proposed location of such #transit volume# that would accommodate needed transit or pedestrian circulation improvements and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the #transit agency# and the Chairperson.

The #transit agency# and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the #transit volume# is being finalized. Upon joint approval of a site plan by the #transit agency# and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Commissioner of the Department of Buildings.

(b) Recordation, completion procedures and termination of an easement volume

Where an #easement volume# is needed pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall be provided with a certified copy of the legally enforceable instrument providing the mechanism for creating such #easement volume#, as well as necessary documentation setting forth other obligations and requirements pursuant to Section 66-40 (RECORDATION, CONSTRUCTION AND MAINTENANCE, AND TERMINATION).

Commented [DCP57]: If an easement volume is provided on the zoning lot, additional recordation requirements and procedures would apply.

66-32

Special Modifications for Secondary Transit-adjacent Sites

Where a #transit volume# is provided pursuant to Section 66-31 (Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

(a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections 66-22 through 66-25 shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.

Commented [DCP58]: For developments or enlargements on secondary transit-adjacent sites providing an easement volume or clear path, the same set of relief afforded to primary transit-adjacent sites would apply.

(b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:

Commented [DCP59]: For conversions on all transit-adjacent sites providing an easement volume or clear path, a targeted set of zoning relief would apply.

(1) #Use# modifications pursuant to Section 66-221 (Temporary uses);

(2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modification), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard

modifications), Section 66-234 (Special street wall modifications), and paragraph (a)(1) of Section 66-235 (Special height and setback modifications);

- (3) Curb cut provisions pursuant to Section 66-242 (Special regulations for location of access to the street); and
- (4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

66-33

Additional Modifications

Where a #transit volume# is provided pursuant to Section 66-31 (Certification for Optional Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Section, pursuant to Section 66-52 (Additional Modifications).

66-40

RECORDATION, CONSTRUCTION AND MAINTENANCE, AND TERMINATION PROVISIONS

Where an #easement volume# is provided pursuant to Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) or Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) the provisions of this Section shall apply.

66-41

Recordation and Completion Procedures

The recordation and completion procedures of this Section shall apply to #transit-adjacent sites# providing an #easement volume#.

(a) Recordation

Legally enforceable instruments, running with the land, creating an #easement volume#, and setting forth the obligations of either the #transit agency# or the owner and developer, their successors and assigns, to design and construct the improvement, as well as other basic terms of the easement shall be executed and recorded in a form acceptable to the #transit agency# and the Chairperson. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development#, #enlargement# or #conversion#.

Commented [DCP60]: Where an easement is needed or provided pursuant to the provisions of Section 66-21 or 66-31, the agreed upon easement volume would be recorded against the zoning lot. Such requirement derives from the transit easement provisions of the Special Inwood District.

(b) Construction and maintenance

Where an #easement volume# is provided pursuant to this Section, transit access improvements within such volume shall be constructed and maintained either by the #transit agency# or the owner of the #zoning lot# with the #development#, #enlargement# or #conversion#.

(1) Where such transit access improvement is constructed and maintained by the #transit agency#:

- (i) Owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date.
- (ii) Where the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit agency#.
- (iii) Temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#.
- (iv) In the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.

(2) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#:

- (i) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;
- (ii) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;
- (iii) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of

Commented [DCP61]: Where an easement is needed or provided pursuant to the provisions of Section 66-21 or 66-31, requirements would apply to ensure that the development does not inhibit the transit agency's ability to construct a transit access improvement in the future.

Such provisions derive from the transit easement provisions of the Special Inwood District.

Commented [DCP62]: If the owner of the zoning decides to improve the easement at the time of development, specific requirements for the design, hours of access and signage, as well as safeguards for ensuring the completion of such improvements would apply. The construction of such improvements would be optional.

Such provisions derive from the transit easement provisions of the Special Inwood District.

non-illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

- (iv) no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

66-42

Termination of an Easement

In the event that the #transit agency# and the Chairperson of the City Planning Commission jointly notify, in writing, the owner of the #zoning lot# and the Department of Buildings that an #easement volume# is not needed on such #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section 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 #transit agency# to the extinguishment of the #easement volume#.

On any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Section and on which termination of the #easement volume# has been certified, pursuant to this paragraph, any floor space in a previously needed #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously needed volume is located within a #building#, the ground floor space shall be subject to all applicable ground floor level requirements of this Resolution.

Commented [DCP63]: If at a later time, the easement is no longer needed, the MTA could terminate the requirement and any restrictions would be removed on the zoning lot. Such provisions derive from the transit easement provisions of the Special Inwood District.

Commented [DCP64]: If, in the event that an easement volume is no longer needed, any uses within such volume would continue to be exempt from floor area and required parking, bicycle parking or loading berths. Such spaces would however be required to comply with all applicable ground floor level requirements.

66-50

SPECIAL APPROVALS

For #qualifying transit improvement sites#, a #floor area# bonus may be authorized by the City Planning Commission pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements) where major #mass transit station# improvements are provided.

For all applications pursuant to the provisions of Sections 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or 66-51, additional modifications may be granted by the City Planning Commission, either by authorization or special permit, pursuant to Section 66-52 (Additional Modifications).

Commented [DCP65]: The provisions of Section 66-51 would establish an authorization for the expanded transit improvement bonus, that would only apply to qualifying transit improvement sites (sites within R9 or R10 density-level districts, including their commercial equivalents, Mixed Use Districts and M1-6 Districts).

This transit bonus authorization would replace the existing special permit for subway station improvements (Section 74-634).

66-51

Additional Floor Area for Mass Transit Station Improvements

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may authorize a #floor area# bonus in accordance with the provisions of paragraph (a) of this Section where a major improvement to a #mass transit station# is provided in accordance with paragraph (b). All applications for an authorization pursuant to this Section shall be subject to the conditions, application requirements, findings and additional requirements of paragraphs (c) through (e).

(a) #Floor area# bonus

The City Planning Commission may authorize a #floor area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the applicable district regulations of this Resolution, in accordance with the following provisions:

- (1) Such #floor area# increase may be applied to the maximum #floor area ratio# of any permitted #use#, provided that the total of all such #floor area ratios# does not exceed such percent increase applied to the greatest #floor area ratio# permitted for any such #use# on the #qualifying transit improvements#:
- (2) Such #floor area# bonus may be used in combination with other #floor area# bonuses. However, the maximum #floor area# permitted through the combination of bonuses may exceed 20 percent of the base #floor area ratio# only as follows:
 - (i) within #Inclusionary Housing designated areas# and in R10 Districts outside of #Inclusionary Housing designated areas#, the percent in #floor area# bonus granted on a #qualifying transit improvement site# shall be calculated from the maximum #floor area ratios# set forth in paragraph (a) or (b) of Section 23-154 (Inclusionary Housing); or
 - (ii) where explicitly specified in a #Special Purpose District#; and
- (3) For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 (Inclusionary Housing) shall not apply to the bonus #floor area# authorized under the provisions of this Section.

(b) Conditions

All applications shall include a proposed improvement to a proximate #mass transit station#, and may consist of on-site or off-site improvements.

Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include capacity-enhancing, accessibility or significant environmental improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access.

Commented [DCP66]: A floor area increase of up to 20 percent of the maximum floor area ratio (FAR) permitted would be authorized for sites providing a major transit station improvement.

Commented [DCP67]: The floor area bonus would apply to both the maximum FARs of each use category and total maximum FAR.

Commented [DCP68]: The floor area increase pursuant to this authorization could only stack on top of floor area bonuses pursuant to Inclusionary Housing or as specified in Special Purpose Districts.

Commented [DCP69]: Bonus floor area generated from this authorization would not be subject to affordable housing requirements pursuant to Mandatory Inclusionary Housing or Inclusionary Housing, or for compensated developments in R10 districts outside of Inclusionary Housing Designated Areas.

Commented [DCP70]: In order for bonus floor area to be granted, the owner of the development site would need to construct a significant station improvement, including one or more capacity-enhancing, accessibility or significant environmental improvements.

Such improvements could be provided on-site or off-site, depending on the distance between the qualifying transit improvement site and the mass transit station.

retail #uses# or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

(c) Application requirements

All applications for an authorization pursuant to this Section shall include the following:

- (1) Prior to submitting an application for an authorization pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of certification, the Commission shall be provided with the following application materials:
 - (i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
 - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
 - (iii) initial plans for the maintenance of the proposed improvements.
- (3) Where a #transit volume# is needed pursuant to the provisions of Section 66-21 (Certification for Transit Volume), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

(d) Findings

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

- (1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this authorization;
- (2) for improvements involving capacity enhancements or accessibility, that newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, will

Commented [DCP71]: Before submitting an application for a floor area bonus, a schematic or concept plan of the proposed improvement would have to be reviewed and conceptually approved by the transit agency that has jurisdiction over the mass transit station.

Such pre-application requirements derive from the existing Special Permit for subway station improvements and are modified to specify that the concept plan would have to provide sufficient material and information to allow the transit agency to determine the constructability of such improvements.

Commented [DCP72]: A letter from the transit agency containing conceptual approval of the improvements would have to be included in the application materials at the time of certification (for referral) by the City Planning Commission. Such requirement derives from the existing Special Permit for subway station improvements.

Commented [DCP73]: The application materials would have to include sufficient information and justification for the Commission to evaluate how the proposed improvement would benefit the general public. Such requirement derives from the existing Special Permit for subway station improvements.

Commented [DCP74]: The application would also have to include initial plans for maintenance of the proposed improvements. Such requirement derives from the special permit for Grand Central public realm improvements in the Vanderbilt Corridor Subarea of East Midtown (Section 81-633).

Commented [DCP75]: Where an easement or a clear path is needed pursuant to the provisions of Section 66-21, the application materials for this authorization would also have to include sufficient information to demonstrate how the provisions of 66-21 are being satisfied.

Commented [DCP76]: The granting of a floor area bonus pursuant to this authorization would be contingent on specific findings by the Commission. The Commission would have to find that the amount of floor area is commensurate with the public benefit derived from the proposed improvements. The Commission would also have to find that the improvement will either provide significant enhancements to pedestrian circulation network to and through the station, or augment the beautification, walkability, passenger safety or environment of the station.

Such findings generally derive from the existing subway bonus special permit (Section 74-634).

constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; or

- (3) for improvements involving environmental design, that measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

- (1) Prior to the granting of an authorization pursuant to this Section, the following requirements shall be met:

(i) To the extent required by the #transit agency#, 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; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# 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 #transit agency#.

(ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the 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 improvement in accordance with such submission is feasible; and

- (2) 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, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Commented [DCP77]: The requirements of this Section derive from the special permit for Grand Central public realm improvements in the Vanderbilt Corridor Subarea of East Midtown (Section 81-633).

Commented [DCP78]: Prior to the granting of an authorization, an agreement between the applicant and the owner of the transit agency would have to be executed. Such agreement would establish the process for design development, and preliminary construction schedule, as well as lay out the owner's obligation to construct the proposed improvement. Such agreement would also include a program for maintenance and capital maintenance, and require that the improvement be publicly accessible during the hours of operation of the station or as otherwise approved by the transit agency.

Commented [DCP79]: Prior to the granting of an authorization, a final letter of approval of the proposed improvements by the transit agency would have to be submitted to the City Planning Commission.

Commented [DCP80]: Prior to obtaining a foundation or building permit at the Department of Buildings, a written declaration of restrictions would have to be recorded against the property. Such declaration of restrictions would include drawings of the proposed improvements as well as the obligations of the owner of the property set forth in the executed agreement with the transit agency.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, 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 #transit agency#, where applicable.

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

66-52 **Additional Modifications**

In conjunction with any application pursuant to Section 66-21 (Certification for Transit Volume), 66-31 (Certification for Optional Transit Volume) and 66-51 (Additional Floor Area for Mass Transit Station Improvements), modifications may be granted pursuant to Section 66-521 (Authorization for transit-adjacent sites or qualifying transit improvement sites) or Section 66-522 (Special permit for transit-adjacent sites or qualifying transit improvement sites).

66-521 **Authorization for transit-adjacent sites or qualifying transit improvement sites**

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) Conditions and limitations

Modifications to the maximum #building# height limits shall not result in a #building# height that exceeds 25 percent of the maximum permitted height as set forth in applicable district regulations, and as such heights are modified pursuant to the provisions of 66-235 (Special height and setback modifications), as applicable.

Commented [DCP81]: A temporary Certificate of Occupancy for bonus floor area would be issued only after the transit agency has determined that the proposed improvement is substantially complete and ready for public use. A permanent Certificate of Occupancy for the bonus floor area would be issued only after the transit agency has certified that the improvement is complete.

Commented [DCP82]: Additional modifications to zoning regulations could be authorized pursuant to this Section for sites providing an easement or a mass transit station improvement.

Commented [DCP83]: Modifications to all regulations except for provisions for floor area ratio could be authorized pursuant to this Section.

Commented [DCP84]: Modifications to building height would be limited to 25 percent of the maximum permitted height pursuant to district regulations.

(b) Application requirements

Applications for an authorization 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.

(c) Findings

The Commission shall find that:

- (1) such proposed modifications are the minimum extent necessary to
 - (i) reasonably accommodate an #easement volume# and associated access thereto; or
 - (ii) where improvements to #mass transit stations# are provided, reasonably accommodate the proposed #development# or #enlargement#;
- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

66-522

Special permit for transit-adjacent sites or qualifying transit improvement sites

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

(a) 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.

Commented [DCP85]: The granting of additional modifications pursuant to this authorization would be contingent on specific findings by the City Planning Commission. The Commission would have to find that the proposed modifications are the minimum extent necessary to facilitate the provision of an easement or to accommodate a proposed development with additional floor area pursuant to the authorization for transit improvements.

The Commission would also have to find that such modifications would not result in any adverse effects on the essential character of the surrounding area, access of light and air, or congestion.

Commented [DCP86]: Further modifications to zoning regulations could be granted by special permit pursuant to this Section for sites providing an easement or a mass transit station improvement.

Commented [DCP87]: Modifications to all regulations except for provisions for floor area ratio could be granted pursuant to this Section. Height modifications could exceed 25 percent of the maximum permitted height.

(b) Findings

The Commission shall find that:

- (1) such modifications will result in a better site plan for the proposed #transit volume#, improvement to #mass transit station# or #building# that is superior in design and harmonious with the surrounding area;
- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations:
 - (i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and
 - (ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and 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.

* * *

**ARTICLE VII
ADMINISTRATION**

* * *

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

* * *

Commented [DCP88]: The granting of additional modifications pursuant to this authorization would be contingent on specific findings by the City Planning Commission. The Commission would have to find that the proposed modifications result in a better site plan and improved distribution of bulk on the zoning lot.

The Commission would also have to find that such modifications would not result in any adverse effects on the essential character of the surrounding area, access of light and air, or congestion.

**74-60
PUBLIC SERVICE OR TRANSPORTATION FACILITIES**

* * *

**74-63
Bus Stations**

* * *

**~~74-634
Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan~~**

[Replaced by various provisions of Article VI, Chapter 6]

~~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 (Off street Relocation or Renovation of a Subway Stair), 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 118-50 and those stations listed in the following table:~~

<u>Station</u>	<u>Line</u>
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue

Commented [DCP89]: The existing subway bonus special permit pursuant to Section 74-634 would be replaced by the new transit improvement bonus authorization established in Section 66-51.

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

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Midtown District**

**81-00
GENERAL PURPOSES**

* * *

**81-02
General Provisions**

Commented [DCP90]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Midtown District, where applicable. However, such provisions shall not apply to qualifying sites in East Midtown Subdistrict.

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

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Commented [DCP91]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

81-022

Applicability of Special Transit Land Use District regulations

Except as otherwise provided in paragraphs (a), (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as designated on the #zoning map# by the letters "MiD-TA", 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 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~~ #mass transit 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)~~ Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

Commented [DCP92]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634).

* * *

**81-06
Applicability of Article VII Provisions**

* * *

**81-066
Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7**

* * *

- (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~~ authorized 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:

* * *

**81-20
BULK REGULATIONS**

**81-21
Floor Area Ratio Regulations**

* * *

**81-211
Maximum floor area ratio for non-residential or mixed buildings**

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

**MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND
MAXIMUM FLOOR AREA RATIOS BY DISTRICTS**

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)				
	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	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 ^{1,2,7}	13.0 ^{1,3}	14.0	16.0
D. Maximum Special Permit #Floor Area# Allowances by <u>Authorization</u> :(District-wide Incentives), Subway station improvements – Section 74-634 #Mass Transit Station# <u>Improvements – Section 66-51</u>	<u>1.6</u>	2.0 ^{1,6}	2.4 ¹	<u>2.8</u>	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	8.0	12.0	14.4	14.0	18.0
F. Maximum Special Permit #Floor Area# Allowances by <u>Authorization</u> in Penn Center Subdistrict: #Mass Transit Facility Station# Improvement – Section 74-634 <u>Section 81-541</u>	—	2.0	—	—	3.0
G. Maximum Total FAR with As-of-Right, District-wide and	—	12.0	—	—	18.0

Penn Center Subdistrict Incentives:					
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
Development rights (FAR) of a landmark lot for transfer purposes - Section 74-79	8.0	10.0	13.0 ⁵	14.0	16.0

Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on an "adjacent lot" - Section 74-79	1.6	2.0	2.4	No Limit	No Limit
O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives	9.6	14.4	14.4	No Limit	No Limit

- 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 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- 7 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 spaces)

~~81-29~~
~~Incentives by Special Permit for Provisions of Public Amenities~~

~~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.~~

Commented [DCP93]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634). The proposed bonus would apply to all developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6).

81-292

Subway station improvements

[Replaced by various provisions of Article VI, Chapter 6]

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
	53rd Street/Lexington Avenue

51st Street/Lexington Avenue-53rd Street	
57th Street	Broadway-60th Street
57th Street	6th Avenue
59th Street-Columbus Circle	Broadway-7th Avenue/8th Avenue

* * *

**81-40
MANDATORY DISTRICT PLAN ELEMENTS**

* * *

**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 3), #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)~~ 66-51 (Additional Floor Area for Mass Transit Station Improvements) and ~~81-292 (Subway station improvements)~~;

* * *

**81-43
Street Wall Continuity Along Designated Streets**

* * *

Commented [DCP94]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634).

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)~~ 66-51 (Additional Floor Area for Mass Transit Station Improvements), ~~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.

* * *

81-50 SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

* * *

81-54 Floor Area Bonus in the Penn Center Subdistrict

81-541 ~~Rail mass transit facility improvement~~ Mass transit station improvements

~~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;~~~~

Commented [DCP95]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634).

Commented [DCP96]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634) referenced in this Section. For qualifying transit improvement sites located partially within the Subdistrict, such bonus floor area could be located anywhere on such qualifying transit improvement sites.

- (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 #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For the purposes of this Section, improvements to any ~~rail mass transit facility~~ #mass transit station# on a #zoning lot# #qualifying transit improvement site# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section ~~74-634~~ 66-51, as modified herein. For #zoning lot# #qualifying transit improvement site# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #zoning lot# #qualifying transit improvement site#. In addition, if a ~~subway and/or rail mass transit~~ #mass transit station# improvement has been constructed in accordance with an approved ~~special permit authorization~~ and has received a Notice of Substantial Completion in accordance with the provisions of Section ~~74-634~~ 66-51, the bonus #floor area# may be retained at the full amount granted by the ~~special permit authorization~~ and may be utilized elsewhere on the #zoning lot# #qualifying transit improvement site# subject to any applicable review and approval process for such #development# or #enlargement#.

* * *

**81-60
SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT**

* * *

**81-63
Special Floor Area Provisions for the Vanderbilt Corridor Subarea**

For non-#residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such 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:

Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A. Basic Maximum FAR	15
B. Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station #Mass transit station# improvements (Section 74-634 66-51)	3.0
C. Maximum FAR of Lots Involving Landmarks:	
Maximum FAR of a lot containing non bonusable landmark (Section 74-711 or as-of-right)	15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	15.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
(a) an #adjacent lot# (Section 74-79)	No Limit
(b) a #receiving lot# (Section 81-632)	15.0
D. Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
E. Maximum Total FAR of a Lot with Transferred Development Rights on #receiving lots# (Section 81-632) or District-wide Incentives (including Section 81-633)	30.0
F. Maximum Total FAR of a Lot with Transferred Development Rights on an #adjacent lot# (Section 74-79) or District-wide Incentives (other than Section 81-633)	No Limit

Commented [DCP97]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634) referenced in this Section.

Any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

**81-64
Special Floor Area Provisions for Qualifying Sites**

* * *

**81-644
Special permit for transit improvements**

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit a #floor area#

Commented [DCP98]: The existing special permit for transit improvements for qualifying sites in East Midtown would be updated to include conditions, application requirements, findings and additional requirements that are consistent with the proposed transit improvement bonus authorization pursuant to Section 66-51. The floor area bonus pursuant to this Section however would remain as a special permit.

bonus in accordance with the provisions of this Section, where a major improvement to a subway or mass rail transit facility is provided in accordance with paragraph (b). All applications for a special permit pursuant to this Section shall be subject to the conditions, application requirements, findings and additional requirements of paragraphs (c) through (e), an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

(a) #Floor area# bonus

The City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on a #qualifying site#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites).

(b) Conditions

All applications shall include a proposed improvement to a proximate subway or rail mass transit facility, and may consist of on-site or off-site improvements.

Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include capacity-enhancing, accessibility or significant environmental improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, 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.

All proposed improvements shall be subject to the approval of the Metropolitan Transportation Authority (MTA) and the City Planning Commission.

(c) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

(1) 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 MTA and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.

Commented [DCP99]: In order for bonus floor area to be granted, the owner of the development site would need to construct a significant station improvement, including one or more capacity-enhancing, accessibility or significant environmental improvements.

Such improvements could be provided on-site or off-site, depending on the distance between the qualifying transit improvement site and the mass transit station.

Commented [DCP100]: Before submitting an application for a floor area bonus, a schematic or concept plan of the proposed improvement would have to be reviewed and conceptually approved by the MTA.

(2) At the time of certification, the Commission shall be provided with the following application materials:

(i) a letter from the MTA containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

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

(1) the public benefit derived from the improvements to a subway or rail mass transit facility merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;

(2) for improvements involving capacity enhancements or accessibility, that newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the subway or rail mass transit facility; or

(3) for improvements involving environmental design, that measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

(1) Prior to the granting of a special permit pursuant to this Section, the following requirements shall be met:

(i) To the extent required by the MTA, 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; establish a program for maintenance and capital maintenance;

Commented [DCP101]: A letter from the MTA containing conceptual approval of the improvements would have to be included in the application materials at the time of certification (for referral) by the City Planning Commission. Such requirement would be consistent with the current provisions.

Commented [DCP102]: The application materials would have to include sufficient information and justification for the Commission to evaluate how the proposed improvement would benefit the general public. Such requirement would be consistent with the current provisions.

Commented [DCP103]: The application would also have to include initial plans for maintenance of the proposed improvements. Such requirement derives from the special permit for Grand Central public realm improvements in the Vanderbilt Corridor Subarea of East Midtown (Section 81-633).

Commented [DCP104]: The granting of a floor area bonus pursuant to this special permit would be contingent on specific findings by the Commission. The Commission would have to find that the amount of floor area is commensurate with the public benefit derived from the proposed improvements. The Commission would also have to find that the improvement would either provide significant enhancements to pedestrian circulation network to and through the station, or augment the beautification, walkability, passenger safety or environment of the station.

Such findings generally derive from the existing subway bonus special permit (Section 74-634).

Commented [DCP105]: The requirements of this Section derive from the special permit for Grand Central public realm improvements in the Vanderbilt Corridor Subarea of East Midtown (Section 81-633).

and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the MTA. Where the MTA 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.

(ii) The City Planning Commission shall be provided with a final letter of approval from the MTA stating that the drawings and other documents submitted by the applicant have been determined by the MTA to be of sufficient scope and detail to fix and describe the size and character of the 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 improvement in accordance with such submission is feasible; and

(2) 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, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the MTA pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) 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 this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, 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, where applicable.

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

* * *

Commented [DCP106]: Prior to the granting of a special permit, an agreement between the applicant and the owner of MTA would have to be executed. Such agreement would establish the process for design development, preliminary construction schedule, and obligation of the owner to construct the proposed improvement. Such agreement would also include a program for maintenance and capital maintenance, and require that the improvement be publicly accessible during the hours of operation of the station or as otherwise approved by the MTA.

Commented [DCP107]: Prior to the granting of a special permit, a final letter of approval of the proposed improvements by the MTA would have to be submitted to the City Planning Commission.

Commented [DCP108]: Prior to obtaining a foundation or building permit at the Department of Buildings, a written declaration of restrictions would have to be recorded against the property. Such declaration of restrictions would include drawings of the proposed improvements as well as the obligations of the owner of the property set forth in the executed agreement with the MTA.

Commented [DCP109]: A temporary Certificate of Occupancy for bonus floor area would be issued only after the MTA has determined that the proposed improvement is substantially complete and ready for public use. A permanent Certificate of Occupancy for the bonus floor area would be issued only after the transit agency has certified that the improvement is complete.

81-65

Special Floor Area Provisions for All Non-qualifying Sites

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such 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:

Commented [DCP110]: The floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would replace the current subway improvement bonus and apply to non-qualifying sites (as defined in Section 81-613) that meet the criteria of a qualifying transit improvement site.

	Grand Central Core Area		Any Other Area	
	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
Means for achieving permitted FAR on a #zoning lot# for all other sites				
A. Basic Maximum FAR	15	12	15	12
B. Additional FAR for provision of a #public plaza# (Section 81-651)	--	--	1	1
C. Total as-of-right FAR	15	12	16	13
D. Additional FAR for subway station #mass transit station# improvements through special permit (Section 81-652)	3	2.4	3	2.4
E. Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 74-79 and 81-653)	15	12	16	13
F. Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79 and 81-653)	No limit	2.4	No limit	2.4
G. Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

* * *

81-652

Floor area bonus for ~~subway station~~ mass transit station improvements

~~For #non-qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

For #developments# or #enlargements# on #non-qualifying sites# that are #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-74

Special Incentives and Controls in the Theater Subdistrict

* * *

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 66-51 (Additional Floor Area for Mass Transit Station Improvements), 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:

* * *

Commented [DCP111]: The floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would replace the current subway improvement bonus and apply to non-qualifying sites (as defined in Section 81-613) that meet the criteria of a qualifying transit improvement site.

Commented [DCP112]: In the Theater Subdistrict, if a qualifying transit improvement site, seeking an authorization pursuant to Section 66-51, contains a theater designated as listed pursuant to Section 81-743, the conditions of this Section would need to be met.

Chapter 2
Special Lincoln Square District

Commented [DCP113]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Lincoln Square District, where applicable.

82-00
GENERAL PURPOSES

* * *

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.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Commented [DCP114]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

82-10
MANDATORY DISTRICT IMPROVEMENTS

* * *

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.~~

Commented [DCP115]: The easement provisions of Article VI, Chapter 6 would replace the easement provisions of this Chapter.

* * *

82-30
SPECIAL BULK REGULATIONS

* * *

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.~~

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City

Commented [DCP116]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634). The proposed bonus would apply to all developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6).

Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 3

Special Limited Commercial District

* * *

83-00

GENERAL PURPOSES

* * *

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.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Commented [DCP117]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Limited Commercial District, where applicable.

Commented [DCP118]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Chapter 6
Special Forest Hills District

* * *

86-00
GENERAL PURPOSES

* * *

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. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 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).

* * *

Chapter 8
Special Hudson Square District

88-00
GENERAL PURPOSES

* * *

Commented [DCP119]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Forest Hills District, where applicable.

Commented [DCP120]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Commented [DCP121]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Hudson Square District, where applicable.

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#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

Commented [DCP122]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

88-30
SPECIAL BULK REGULATIONS

* * *

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). In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP123]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

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~~ No #floor area# bonuses shall apply except as specified in Section 88-31 (Floor Area Regulations).

* * *

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Lower Manhattan District

91-00 GENERAL PURPOSES

* * *

91-01 General Provisions

* * *

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

* * *

91-20 FLOOR AREA AND DENSITY REGULATIONS

* * *

Commented [DCP124]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Lower Manhattan District, where applicable.

Commented [DCP125]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

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 maximum FAR for receiving lots less than 30,000 square feet
- 8 pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)

* * *

**91-25
Special Permit Bonuses for Increased Floor Area**

* * *

**91-251
~~Special permit for subway station improvements~~**

[Replaced by various provisions of Article VI, Chapter 6]

~~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).~~

Commented [DCP127]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634). The proposed bonus would apply to all developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6).

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

91-252

Special permit for covered pedestrian space

* * *

Chapter 2
Special Park Improvement District

Commented [DCP128]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Park Improvement District, where applicable.

92-00
GENERAL PURPOSES

* * *

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#.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP129]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

92-04
Special Bulk Provisions

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. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP130]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

* * *

Chapter 3
Special Hudson Yards District

Commented [DCP131]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in Subdistrict C and Subdistrict E within the Special Hudson Yards District, where applicable.

93-00
GENERAL PURPOSES

* * *

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#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

Commented [DCP132]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

93-20
SPECIAL FLOOR AREA REGULATIONS

* * *

93-22
Floor Area Regulations in Subdistricts B, C, D, E and F

* * *

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 23-154 (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 23-154, 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.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**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).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Commented [DCP133]: In Subdistrict C, developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6) would be able to apply for additional floor area increase pursuant to the proposed transit improvement bonus authorization (Section 66-51), provided that floor area increases from Inclusionary Housing and District Improvement Fund Bonus have been achieved.

Commented [DCP134]: In Subdistrict E, developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6) would be able to apply for additional floor area increase pursuant to the proposed transit improvement bonus authorization (Section 66-51), provided that the floor area increase from District Improvement Fund Bonus has been achieved.

Chapter 5
Special Transit Land Use District

95-00
GENERAL PURPOSES

* * *

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.

For #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

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, elevators or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

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

Commented [DCP135]: The transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Transit Land Use District, where applicable.

Commented [DCP136]: In the event of a conflict between the provisions of this Chapter and the provisions of the proposed transit improvement bonus authorization in Article VI, Chapter 6, the transit improvement bonus authorization would supersede the provisions of this Special Purpose District.

#public plaza# bonuses. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-52 51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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.

* * *

Chapter 6 Special Clinton District

96-00 GENERAL PURPOSES

* * *

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#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

* * *

Commented [DCP137]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Clinton District, where applicable.

Commented [DCP138]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

96-20
PERIMETER AREA

* * *

96-21
Special Regulations for 42nd Street Perimeter Area

* * *

(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 23-154 (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section 23-154 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

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 Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase

Commented [DCP139]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6) in Subarea 1 within the 42nd Street Perimeter Area, the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply. Such floor area bonus could be used separately or in combination with a bonus pursuant to Inclusionary Housing.

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#.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvement Bonus). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

* * *

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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

97-40
SPECIAL BULK REGULATIONS

* * *

Commented [DCP140]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6) in the Eighth Avenue Perimeter Area, the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply. Such floor area bonus could be used separately or in combination with a bonus pursuant to Inclusionary Housing.

Commented [DCP141]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special 125th Street District, where applicable.

Commented [DCP142]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

97-42

Additional Floor Area and Lot Coverage Regulations

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section 97-421 (Inclusionary Housing) or paragraph (a) of Section 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections 66-51, 97-421 and 97-422 may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 9

Special Madison Avenue Preservation District

99-00

GENERAL PURPOSES

* * *

99-02

General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Commented [DCP143]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply. Such floor area bonus could be used separately or in combination with a bonus pursuant to Inclusionary Housing or a bonus for visual or performing arts uses.

Commented [DCP144]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Madison Avenue Preservation District, where applicable.

Commented [DCP145]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

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. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Downtown Brooklyn District

101-00
GENERAL PURPOSES

* * *

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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 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#.

* * *

Commented [DCP146]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

Commented [DCP147]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Downtown Brooklyn District, where applicable.

Commented [DCP148]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

**101-20
SPECIAL BULK REGULATIONS**

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP149]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

**101-21
Special Floor Area and Lot Coverage Regulations**

* * *

(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 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0, and no #commercial# or #community facility floor area# bonuses shall be permitted. In addition, #residential floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing), and no other #residential floor area# bonuses shall be permitted.

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential floor area ratio# shall be 9.0. ~~No #floor area# bonuses shall be permitted. However, on~~ On a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# 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, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

No #floor area# bonuses shall be permitted except as authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

101-211

Special permit for subway station improvements

[Replaced by various provisions of Article VI, Chapter 6]

~~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
---------	------

Commented [DCP150]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634). The proposed bonus would apply to all developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6).

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/Eastern Parkway

* * *

Chapter 4
Special Manhattanville Mixed Use District

* * *

104-00
GENERAL PURPOSES

* * *

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#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this

Commented [DCP151]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Manhattanville Mixed Use District, where applicable.

Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

Commented [DCP152]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

**Chapter 5
Special Natural Area District**

Commented [DCP153]: The easement provisions established in Article VI, Chapter 6 would apply in certain Special Natural Area Districts, where applicable.

* * *

**105-00
GENERAL PURPOSES**

* * *

**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:

* * *

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).

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Commented [DCP154]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

Chapter 7
Special South Richmond Development District

* * *

107-00
GENERAL PURPOSES

* * *

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#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

Chapter 9
Special Little Italy District

109-00
GENERAL PURPOSES

* * *

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.

Commented [DCP155]: The easement provisions established in Article VI, Chapter 6 would apply in the Special South Richmond Development District, where applicable.

Commented [DCP156]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Commented [DCP157]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Little Italy District, where applicable.

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 23-15, 23-20 and 33-13 are made inapplicable.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

**109-30
HOUSTON STREET CORRIDOR (Area B)**

**109-32
Bulk Regulations**

* * *

**109-321
Floor area regulations**

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. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Tribeca Mixed Use District**

Commented [DCP158]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Commented [DCP159]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

Commented [DCP160]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Tribeca Mixed Use District, where applicable.

**111-00
GENERAL PURPOSES**

* * *

**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#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or ~~Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations),~~ the provisions of Article VI, ~~Chapter 4,~~ shall control.

* * *

**111-20
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

* * *

(b) Area A2

The underlying 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.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes

Commented [DCP161]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted in Area A2.

* * *

Commented [DCP162]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

**Chapter 3
Special Ocean Parkway District**

* * *

Commented [DCP163]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Ocean Parkway District, where applicable.

**113-00
GENERAL PURPOSES**

* * *

**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#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

Commented [DCP164]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

**Chapter 4
Special Bay Ridge District**

* * *

Commented [DCP165]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Bay Ridge District, where applicable.

**114-00
GENERAL PURPOSES**

* * *

**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.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

**Chapter 5
Special Downtown Jamaica District**

**115-00
GENERAL PURPOSES**

* * *

**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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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

Commented [DCP166]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Commented [DCP167]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Downtown Jamaica District, where applicable.

Commented [DCP168]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

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).

* * *

115-20 SPECIAL BULK REGULATIONS

* * *

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.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

- (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. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51. Such bonuses may be applied separately or in combination.

Commented [DCP169]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply. Such floor area bonus could be used separately or in combination with a bonus pursuant to Inclusionary Housing.

For the purposes of this paragraph, defined terms additionally include those in Section 66-11.

* * *

Chapter 6
Special Stapleton Waterfront District

* * *

116-00
GENERAL PURPOSES

* * *

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#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control, except in Subarea E of this Chapter.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying R6, C2-2, C4-2A and M2-1 Districts shall apply, as modified in this Chapter.

* * *

Chapter 7
Special Long Island City Mixed Use District

Commented [DCP170]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Stapleton Waterfront District, where applicable.

Commented [DCP171]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Commented [DCP172]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Long Island City Mixed Use District, where applicable. However, the transit improvement bonus authorization would not apply in the Court Square Subdistrict.

**117-00
GENERAL PURPOSES**

* * *

**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#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

Commented [DCP173]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

**117-50
QUEENS PLAZA SUBDISTRICT**

* * *

**117-52
Queens Plaza Subdistrict Special Bulk Regulations**

* * *

**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

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 8
Special Union Square District

118-00
GENERAL PURPOSES

* * *

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.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall

Commented [DCP174]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

Commented [DCP175]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Union Square District, where applicable.

control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

118-20 BULK REGULATIONS

118-21 Floor Area Regulations

The maximum #floor area ratio# permitted on property bounded by:

- (a) Broadway, a line midway between East 14th 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 118-60 (SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT).~~

In no event, shall the The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

* * *

~~118-60 SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT~~

[Replaced by various provisions of Article VI, Chapter 6]

~~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.~~

Commented [DCP176]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Commented [DCP177]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply.

Commented [DCP178]: The proposed transit improvement bonus authorization (Section 66-51) would replace the existing subway improvement bonus (Section 74-634). The proposed bonus would apply to all developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6).

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.

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Garment Center District**

**121-00
GENERAL PURPOSES**

* * *

**121-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Garment Center 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, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

**121-40
SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2**

* * *

Commented [DCP179]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Garment Center District, where applicable. In Subdistrict A2, the transit improvement bonus authorization may only apply after floor area increases generated from Inclusionary Housing and District Improvement Bonus have been fully utilized.

Commented [DCP180]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

121-41

Maximum Permitted Floor Area Within Subdistrict A-2

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 (Modifications of Inclusionary Housing Program), 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.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# pursuant to Section 93-31 or Section 93-23, has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Chapter 2

Special Grand Concourse Preservation District

* * *

122-00

GENERAL PURPOSES

* * *

Commented [DCP181]: Developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6) would be able to apply for additional floor area increase pursuant to the proposed transit improvement bonus authorization (Section 66-51), provided that the floor area increases from Inclusionary Housing and District Improvement Fund Bonus have been achieved.

Commented [DCP182]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Grand Concourse Preservation District, where applicable.

**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.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Commented [DCP183]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

**Chapter 3
Special Mixed Use District**

**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#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), 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.

* * *

Commented [DCP184]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in Special Mixed Use Districts, where applicable.

Commented [DCP185]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

**Chapter 5
Special Southern Hunters Point District**

Commented [DCP186]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Southern Hunters Point District, where applicable.

* * *

**125-00
GENERAL PURPOSES**

* * *

**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#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

Commented [DCP187]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

**125-20
FLOOR AREA REGULATIONS**

**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.~~ For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP188]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

* * *

**Chapter 8
Special St. George District**

Commented [DCP189]: The easement provisions established in Article VI, Chapter 6 would apply in the Special St. George District, where applicable.

* * *

**128-00
GENERAL PURPOSES**

* * *

**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#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

Commented [DCP190]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 1
Special Coney Island District**

Commented [DCP191]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Coney Island District, where applicable.

* * *

**131-00
GENERAL PURPOSES**

* * *

**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#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

Commented [DCP192]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

**Chapter 2
Special Enhanced Commercial District**

* * *

Commented [DCP193]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Enhanced Commercial Districts, where applicable.

**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. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

Commented [DCP194]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

**Chapter 5
Special Bay Street Corridor District**

* * *

Commented [DCP195]: The easement provisions in Article VI, Chapter 6 would apply in the Special Bay Street Corridor District, where applicable.

**135-00
GENERAL PURPOSES**

* * *

**135-04
Applicability**

* * *

**135-045
Applicability of Article VI, Chapter 6**

Notwithstanding the general provisions of Section 135-01, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Commented [DCP196]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

**~~135-045~~ 135-046
Applicability of this Chapter to certain zoning lots in Subdistrict D**

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

* * *

**Chapter 6
Special Downtown Far Rockaway District**

Commented [DCP197]: The easement provisions established in Article VI, Chapter 6 would apply in the Special Downtown Far Rockaway District, where applicable.

* * *

**136-00
GENERAL PURPOSES**

* * *

136-01
General Provisions

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway 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.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Commented [DCP198]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Chapter 7
Special Coastal Risk District

* * *

Commented [DCP199]: The easement provisions established in Article VI, Chapter 6 would apply in Special Coastal Risk Districts, where applicable.

137-10
GENERAL PURPOSES

The provisions of this Chapter shall apply in the #Special Coastal Risk 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.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

* * *

Commented [DCP200]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

Commented [DCP201]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special East Harlem Corridors District, where applicable. However, the easement provisions of Article VI, Chapter 6 shall not apply within the Special Transit Land Use District.

* * *

**138-01
General Provisions**

The provisions of this Chapter shall apply within the #Special East Harlem Corridors 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, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP202]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

**138-20
SPECIAL BULK REGULATIONS**

* * *

**138-21
Floor Area Regulations**

* * *

**138-211
Special floor area regulations**

* * *

(c) ~~Any floor space occupied by a subway entrance provided pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair) shall not count as #floor area#.~~ For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Commented [DCP203]: For developments and enlargements on qualifying transit improvement sites (as defined in Article VI, Chapter 6), the floor area bonus pursuant to the proposed transit improvement bonus authorization (Section 66-51) would apply over the floor area provisions of this Chapter.

138-212

Additional floor area regulations in the Park Avenue Subdistrict

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section 138-211 are further modified in this Section.

* * *

**ARTICLE XIV
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Jerome Corridor District**

Commented [DCP204]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Jerome Corridor District, where applicable.

**141-00
GENERAL PURPOSES**

* * *

**141-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Jerome Corridor 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, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Commented [DCP205]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

* * *

**Chapter 2
Special Inwood District**

Commented [DCP206]: The easement provisions and transit improvement bonus authorization established in Article VI, Chapter 6 would apply in the Special Inwood District, where applicable.

**142-00
GENERAL PURPOSES**

* * *

**142-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Inwood 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#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

* * *

**142-09
Off-street Relocation of Subway Station Entrances**

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District – Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be ~~required~~ needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

(a) Transit Easement

~~Prior to filing any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.~~

~~Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to~~

Commented [DCP207]: In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6, the applicable provisions of Article VI, Chapter 6 would supersede the provisions of this Special Purpose District.

Commented [DCP208]: The easement provisions of Article VI, Chapter 6 would replace the easement provisions of this Chapter, and apply to all transit-adjacent sites (as defined in Article VI, Chapter 6).

~~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 MTA and the Chairperson indicate that a transit easement volume is required, the MTA shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.~~

~~The owner shall submit a site plan showing a proposed location of such transit easement volume that would provide access between the #street# and the adjacent subway station and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.~~

~~Legally enforceable instruments, running with the land, creating a transit easement volume, and setting forth the obligations of either the MTA or the owner and developer, their successors and assigns, to design and construct the improvement, shall be executed and recorded in a form acceptable to the MTA and the Chairperson. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.~~

(b) ~~Construction and Maintenance~~

~~Where a transit easement volume is required pursuant to this Section, transit access improvements within such volume shall be constructed and maintained either by the MTA or the owner of the #zoning lot# with the #development# or #enlargement#.~~

(1) ~~Where such mass transit improvement is constructed and maintained by the owner of the #development# or #enlargement#:~~

- ~~(i) a transit access improvement shall be provided in accordance with standards set forth by the MTA;~~
- ~~(ii) such improvement shall be accessible to the public at all times, except as otherwise approved by the MTA;~~
- ~~(iii) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non #illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and~~

(iv) ~~no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvement is substantially complete and usable by the public.~~

(2) ~~Where such mass transit improvement is constructed and maintained by the MTA:~~

(i) ~~Where the construction of the improvement is not contemporaneous with the construction of the #development# or #enlargement#, any underground walls constructed along the #front lot line# adjacent to a below grade subway station shall include 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 determined through consultation with the MTA.~~

(ii) ~~Temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume.~~

(iii) ~~In the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.~~

(e) ~~Additional modifications~~

~~Where a transit easement volume is required pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall certify the following modifications in conjunction with such transit easement volume certification:~~

(1) ~~the edge of the transit easement volume facing the #street# shall be considered a #street wall# for the purposes of applying the #street wall# location provisions set forth in Section 142-40 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, irrespective of whether such volume is incorporated into a #building#;~~

(2) ~~for #zoning lots# adjacent to a below grade subway station, the maximum height for the #building# set forth in Section 142-40, inclusive, shall be increased by 10 feet, and the maximum number of #stories#, if applicable, shall be increased by one, except where the provisions of Section 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) are being utilized;~~

(3) ~~the floor space contained within any transit easement volume required pursuant to this Section shall be excluded from the definition of #floor area#; and~~

~~(4) the street frontage of such transit easement volume shall be excluded for the purpose of applying the provisions of Section 142-14 (Ground Floor Level Requirements).~~

(d) ~~Temporary Use~~

~~Any easement volume required on a #zoning lot# pursuant to paragraph (a) of this Section may be temporarily used for any permitted #commercial# or #community facility uses# until such time as required by the MTA for transit access improvements. The floor space allocated to such temporary #uses# within the transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off street parking, bicycle parking, or loading berths.~~

~~Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the easement volume is located prior to the time at which public #use# of the easement area is required, except as otherwise specified by the MTA. A minimum notice of six months shall be given, in writing, by the MTA to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.~~

(e) ~~Termination of an easement volume~~

~~In the event that the MTA 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 Section 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 MTA to the extinguishment of the easement volume.~~

~~On any #zoning lot# which has been #developed# or #enlarged# in accordance with the provisions of this Section and on which termination of transit easement has been certified, pursuant to this paragraph, any floor space in a previously required transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off street parking, bicycle parking or loading berths. However, where such previously required volume is located within a #building#, the ground floor space shall be subject to the provisions of Section 142-14.~~