



## Legislation Details (With Text)

<b>File #:</b>	Res 1103-2007	<b>Version:</b>	*	<b>Name:</b>	LU 577 - ULURP, Revise provisions related to privately owned public plazas (C070497ZRY)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Adopted
		<b>In control:</b>		<b>In control:</b>	Committee on Land Use
<b>On agenda:</b>	10/17/2007				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving the decision of the City Planning Commission on Application No. N 070497 ZRY, for an amendment of the Zoning Resolution of the City of New York to revise provisions related to privately owned public plazas, Community District 4, Borough of the Bronx; Community District 2, Borough of Brooklyn; Community Districts 1, 2, 3, 4, 5, 6, 8, 10, 11, and 12, Borough of Manhattan; and Community Districts 2 and 12, Borough of Queens (L.U. No. 577).				
<b>Sponsors:</b>	Melinda R. Katz, Tony Avella				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Press Release, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 10/17/07				

Date	Ver.	Action By	Action	Result
10/17/2007	*	Committee on Land Use	Approved by Committee	
10/17/2007	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1103

Resolution approving the decision of the City Planning Commission on Application No. N 070497 ZRY, for an amendment of the Zoning Resolution of the City of New York to revise provisions related to privately owned public plazas, Community District 4, Borough of the Bronx; Community District 2, Borough of Brooklyn; Community Districts 1, 2, 3, 4, 5, 6, 8, 10, 11, and 12, Borough of Manhattan; and Community Districts 2 and 12, Borough of Queens (L.U. No. 577).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on September 21, 2007 its decision dated September 19, 2007 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution of the City of New York (Application No. N 070497 ZRY) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 9, 2007;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 4, 2007 (CEQR No. 07DCP082M);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

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

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

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

\* \* \*

## Article I

### Chapter 2: Construction of Language and Definitions

\* \* \*

#### 12-10

#### DEFINITIONS

\* \* \*

##### Arcade

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

\* \* \*

##### Plaza

A "plaza" is an open area for public use on a #zoning lot developed#, from December 15, 1961 ~~prior to June 12 11, 1996~~, in accordance with the requirements set forth in Appendix E, Section 27-50 (PLAZA STANDARDS OF 1961).

##### Plaza, public

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

##### Plaza, residential

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

## Chapter 7.

### Plaza, urban

An "urban plaza" is an open area for public use on a #zoning lot developed#, ~~from April 16, 1975 prior to June 12 11, 1996~~, in accordance with plans certified by the Chairperson of the City Planning Commission or, ~~after from June 12 13, 1996 to (the applicable date of the amendment)~~ in accordance with the requirements set forth in Appendix E, Section 37-04.

\* \* \*

### Public Plaza - see Plaza, public

### Publicly accessible open area

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

\* \* \*

### Street, wide

A "wide street" is any #street# 75 feet or more in width. In C5-3, C6-4 or C6-6 Districts, when a #front lot line# of a #zoning lot# adjoins a portion of a #street# whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a #street# may be considered a #wide street#; or when a #front lot line# adjoins a portion of a #street# 70 feet or more in width, which is between two portions of a #street# 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a #wide street#, and in that case, for the purposes of the height and setback regulations and the measurement of any #residential plaza#, #urban plaza# #publicly accessible open area# or #arcade#, the #street line# shall be considered to be a continuous line connecting the respective #street lines# of the nearest portions of the #street# which are 75 feet or more in width.

\* \* \*

### Through block arcade

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

\* \* \*

## Article I

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

\* \* \*

## 13-01

### Applicability

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

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

\* \* \*

## Article II

### Chapter 3: Bulk Regulations for Residential Buildings in Residence Districts

\* \* \*

## 23-132

### Balconies in R6 through R10 Districts

R6 R7 R8 R9 R10

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

\* \* \*

## 23-16

### Existing Public Amenities For Which Floor Area Bonuses Have Been Received

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

In all districts, any existing open area for which a ~~#floor area#~~ bonus has not been utilized that occupies

the same #zoning lot# as an existing ~~#plaza#~~ #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

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

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

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

\* \* \*

## 23-71

### Minimum Distance between Buildings on a Single Zoning Lot

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

\* \* \*

## Article II

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

\* \* \*

#### 24-11

#### Maximum Floor Area Ratio and Percentage of Lot Coverage

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)

Section 24-14 (Floor Area Bonus for a ~~Residential~~ Public Plaza)

Section 24-15 (Floor Area Bonus for Arcades)

Section 24-17 (Special Provisions for Zoning Lots Divided by District Boundaries).

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

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

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

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE			
#Floor Area Ratio#	#Lot coverage# (percent of #lot area#)		District
	#Corner Lot#	#Interior Lot# or #Through Lot#	
1.00	60	55	R1
1.00	60	55	R2
1.00	60	55	R3
2.00	60	55	R4
2.00	60	55	R5
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	R5D R6B
4.80	70	65	R7-1

6.50	70	65	R7-2
4.00	80	65	R7A
3.00	80	65	R7B
5.00	80	70	R7X
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B*
6.00	80	70	R8X
10.00	75	65	R9
7.50	80	70	R9A
9.00	80	70	R9X
10.00	75	65	R10
10.00	100	70	R10A R10X

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

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

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

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

\* \* \*

## 24-112

### Existing public amenities for which floor area bonuses have been received

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

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

- (b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, ~~#plaza#~~ ~~#plaza# connected open area or #residential plaza#~~ ~~#publicly accessible open area#~~ for which a #floor area# bonus has been received, pursuant to

Section ~~37-06~~ 37-727 (~~Nighttime Closing of Existing Public Open Areas~~ Hours of Access).

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

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

\* \* \*

## 24-14

### Floor Area Bonus for a Residential Public Plaza

R9 R10

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

## 24-15

### Floor Area Bonus for Arcades

R9 R10

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

\* \* \*

## 24-53

### Alternate Front Setbacks

R6 R7 R8 R9 R10

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



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

\* \* \*

## Article II

### Chapter 6: Special Urban Design Guidelines - Streetscape

\* \* \*

#### 26-141 Arcades

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

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

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

\* \* \*

#### 26-143 Street wall articulation

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

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

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

#development#.

\* \* \*

## Article II

### Chapter 7

#### ~~Special Urban Design Guidelines – Residential Plazas and Arcades~~

*Sections 27-00 through 27-50 has been deleted and moved to Appendix E*

*Section 27-60 has been edited and moved to Section 37-80*

\* \* \*

## Article III

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

\* \* \*

#### 33-01

##### Applicability of this Chapter

\* \* \*

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), ~~33-14~~ 33-13, paragraph (a ~~b~~) and ~~33-16~~ 33-15, paragraph (a).

\* \* \*

#### 33-12

##### Maximum Floor Area Ratio

C1 C2 C3 C4 C5 C6 C7 C8

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

Section 33-13 (Floor Area Bonus for a ~~Residential~~ Public Plaza)

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

Section ~~33-15~~ 33-14 (Floor Area Bonus for Arcades)

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

Section ~~33-17~~ 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

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

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not

exceed the amount set forth in this Section by more than 20 percent.

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

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

(a) In contextual Commercial Districts

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

(b) In Community Board 7, Borough of Manhattan

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

(c) In C6-1A Districts

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

(d) In C6-4X Districts

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

\* \* \*

### 33-124

#### Existing public amenities for which floor area bonuses have been received

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

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

(b) Kiosks and open air cafes

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

(c) Nighttime closing of existing public open areas

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

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

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

### 33-13

#### Floor Area Bonus for a Residential Public Plaza

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

(a) #Community facility buildings#

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

### 33-14

#### Floor Area Bonus for an ~~Urban Plaza~~

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

(a b) #Commercial buildings#

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

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

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

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

In the districts indicated, for #community facility buildings# or #buildings# used for both #commercial# and #community facility uses#, for each square foot of #urban public plaza developed# in accordance with Section ~~37-04~~ 37-70 the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 may be increased as set forth in the following table:

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

### ~~33-15~~ 33-14

#### Floor Area Bonus for Arcades

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

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

#### FLOOR AREA BONUS

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

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within an R9 or R10 District, for #community facility buildings#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section ~~27-60~~ 37-80, the total #floor area# permitted on that #zoning

lot# under the provisions of Section 33-12 for a #community facility building# or a #building# used for both #commercial# and #community facility uses# may be increased as set forth in the following table:

\* \* \*

**33-16 33-15**

**Floor Area Bonus for Front Yards**

**33-161 33-151**

**In districts with bulk governed by Residence District bulk regulations**

\* \* \*

**33-162 33-152**

**In certain other Commercial Districts**

C3 C4-1

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

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

**33-17 33-16**

**Special Provisions for Zoning Lots Divided by District Boundaries**

C1 C2 C3 C4 C5 C6 C7 C8

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

\* \* \*

**33-44**

**Alternate Front Setbacks**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

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

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

\* \* \*

### 33-455

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

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

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

- (a) The maximum percent of #lot area# that may be occupied by such tower, shall be the sum of 40 percent plus one-half of one percent for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12 (Maximum Floor Area Ratio), ~~33-14~~ 33-13 (Floor Area Bonus for a ~~n Urban~~ Public Plaza) or Section ~~33-15~~ 33-14 (Floor Area Bonus for Arcades). The maximum #lot coverage# for any tower built under the provisions of this Section or for any #building# or #buildings# on any #zoning lot# occupied by such tower shall be 55 percent of the #lot area# of such #zoning lot#.
- (b) At all levels, including ground level, such #building# shall be set back from the #street line# as follows:
  - (1) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0667 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, ~~33-14~~ 33-13 or ~~33-15~~ 33-14, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.
  - (2) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .10 for every .10 by which the #floor area ratio# of such

#building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-14 33-13, or 33-15 33-14, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

\* \* \*

### 33-456

#### Alternate setback regulations on lots bounded by two or more streets

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

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

- (a) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0333 for each .10 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-14 33-13 or 33-15 33-14, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.
- (b) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .05 for each .10 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-14 33-13 or 33-15 33-14, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.
- (c) Notwithstanding any other provisions set forth in this Section, no tower built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

\* \* \*

## Article III

### Chapter 4: Bulk Regulations for Residential Buildings in Commercial Districts

\* \* \*

### 34-113

#### Existing public amenities for which floor area bonuses have been received

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

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



comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

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

(c) Nighttime closing of existing public open areas

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

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

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

\* \* \*

## 34-221

### Maximum floor area ratio

C1 C2 C3 C4 C5 C6

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

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

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

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

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

\* \* \*

## 34-223

### Floor area bonus for a ~~residential~~ public plaza

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

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

### ~~34-224~~

#### ~~Floor area bonus for an urban plaza~~

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

~~In the districts indicated, except for #buildings developed# pursuant to the Quality Housing Program, for each square foot of #urban plaza developed# in accordance with the provisions of Section 37-04 (Requirements for Urban Plazas), the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.~~

### ~~34-225~~ 34-224

#### Floor area bonus for an arcade

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

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

### ~~34-226~~ 34-225

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

\* \* \*

## Article III

### Chapter 5: Bulk Regulations for Mixed Buildings in Commercial Districts

\* \* \*

### 35-24

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

\* \* \*

(b)(3) In the districts indicated, and in other C4, C5 or C6 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or

~~#enlarged#~~ pursuant to the Quality Housing Program, the ~~#street wall#~~ location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a ~~#street wall#~~ with a minimum height of 12 feet shall be required on a ~~#narrow street line#~~ beyond 50 feet of its intersection with a ~~#wide street#~~, and shall extend along such entire ~~#narrow street#~~ frontage of the ~~#zoning lot#~~.

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

\* \* \*

### 35-312

#### Existing public amenities for which floor area bonuses have been received

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

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

- (b) Kiosks and open air cafes

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

- (c) Nighttime closing of existing public open area

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

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

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

\* \* \*

### 35-35

## **Floor Area Bonus for a Residential Plaza, Urban Plaza or Arcade in Connection with Mixed Buildings**

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

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

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

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

~~C6-4X~~

- (c) In the district indicated, no #floor area# bonuses for public open areas are permitted except as set forth for an #urban plaza# in Section 35-352.
- (d) Within the boundaries of Community District 7, Borough of Manhattan, the provisions of Sections 35-351 through 35-353 shall not apply.

### **35-351**

#### **Residential plazas**

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

- (a) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, the bonus provisions of Section 33-13 shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

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

- (b) In the districts indicated, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #residential plaza developed# in accordance with the provisions set forth in Article II, Chapter 7, the total #floor area# permitted on such #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

~~C6-1 C6-2 C6-3~~

- (c) In the districts indicated, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #residential plaza developed# in accordance with the

provisions set forth in Article II, Chapter 7, the total #floor area# permitted on such #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) may be increased by four square feet, except that in C6-3 Districts, the maximum #floor area# permitted for #buildings# containing #community facility uses# may be increased by six square feet.

### **35-352**

#### **Urban plazas**

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

- (a) In the districts indicated, except C6-4X Districts, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Section 33-14 shall apply.

~~C6-4X~~

- (b) In the district indicated, if all #dwelling units# in the #development# are located above a height of 60 feet above the #base plane#, then the provisions of Section 33-14 shall apply.

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

- (c) In the districts indicated, the provisions of Section 33-14 shall apply.

### **35-35**

#### **Floor Area Bonus for Public Plaza or Arcade in Connection with Mixed Buildings**

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

In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #mixed building# may be applied to a #mixed building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

- (a) Prohibition of public plaza and arcade bonuses

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

- (1) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.
- (2) Within the boundaries of Community District 7, Borough of Manhattan, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

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

- (b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, the bonus provisions of Section 33-13 shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

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

- (c) In the districts indicated, except C6-4X Districts, if more than 50% of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# developed in accordance with Section 37-70 (PUBLIC PLAZAS), the total #floor area# permitted on that #zoning lot# under the provision of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

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

- (d) In the districts indicated, if 50% or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Section 33-13 and 33-14 shall apply.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9

- (e) In the districts indicated, the provisions of Section 33-13 and 33-14 shall apply.

C6-4X

- (f) In the district indicated, if all #dwelling units# in the #development# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

\* \* \*

**35-40**

**APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS**

**C1 C2 C3 C4 C5 C6**

In the districts indicated, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# containing a #mixed building# shall equal the maximum #residential floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 (APPLICATION OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

**Illustrative Examples**

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of density regulations to mixed buildings.

**For a #mixed building# in a #predominantly built-up area# of a C1 District mapped within an R5**

**District**, the maximum permitted #commercial# FAR is 1.0, the maximum permitted #community facility# FAR is 2.0 and the maximum permitted #residential# FAR is 1.65, provided the total FAR for all #uses# on the #zoning lot# does not exceed 2.0, pursuant to Section 35-30. On a 10,000 square foot #zoning lot developed# with 1.0 FAR of #commercial use# and .2 FAR of #community facility use#, the maximum #residential floor area ratio# permitted for such #mixed building# is .8. The maximum number of #dwelling units# permitted on the #zoning lot# is 9 (10,000 x .8 divided by a factor of 900, pursuant to Section 23-22).

**For a #mixed building# where the #residential# portion is #developed# pursuant to the optional Quality Housing Program on a #wide street# in a C2 District mapped within an R7-1 District outside the #Manhattan Core#,** the maximum permitted #commercial# FAR is 2.0, the maximum permitted #community facility# FAR is 4.8 (or 1.0 if the total FAR on the #zoning lot# exceeds 3.5), and the maximum permitted #residential# FAR is 4.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 4.8, pursuant to Section 35-30. On a 15,000 square foot #zoning lot developed# with 1.0 FAR of #commercial use# and 1.0 FAR of #community facility use#, the maximum #residential floor area ratio# permitted for such #mixed building# is 2.8. The maximum number of #dwelling units# permitted on the #zoning lot# is 62 (15,000 x 2.8 divided by a factor of 680, pursuant to Section 23-22).

**For a #mixed building# in a C4-6 District #developed# with a n #urban public plaza# where less than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#,** the maximum permitted #commercial# FAR is 4.08 (3.4 plus a 20 percent increase for a n #urban public plaza#), the maximum permitted #community facility# FAR is 12.0 (10.0 plus a 20 percent increase for a n #urban public plaza#), and the maximum permitted #residential# FAR is 10.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 12.0, pursuant to Section 35-30. On a 20,000 square foot #zoning lot developed# with 7.0 FAR of #community facility use# and no #commercial use#, the maximum #residential floor area ratio# permitted on such #zoning lot# is 5.0. The maximum number of #dwelling units# permitted on the #zoning lot# is 126 (20,000 x 5 divided by a factor of 790, pursuant to Section 23-22).

\* \* \*

## Article III

### Chapter 7: Special Urban Design Regulations

\* \* \*

#### ~~37-01~~ 37-30

#### ~~Special Urban Design Guidelines—Streetscape~~ STREETSCAPE

#### ~~37-011~~ 37-31

#### ~~Applicability of Section 37-01~~

The regulations of Section ~~37-01~~ 37-30 through 37-37, inclusive, shall apply to any #residential development# or any #development# occupied by #predominantly residential use#, constructed after April 21, 1977, located on any #zoning lot# within C1-8, C1-9, C2-7 C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8

Districts, or C1 and C2 Districts mapped within R9 or R10 Districts. However, Section ~~37-01~~ 37-30 through 37-37, inclusive shall not apply within any Special Purpose District nor shall it apply to any #development# pursuant to the Quality Housing Program, except as otherwise set forth therein.

An application to the Department of Buildings for a permit respecting any new #development# shall include a plan and an elevation drawn to a scale of at least one sixteenth inch to a foot of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #signs#, other than #advertising signs#, #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

## **~~37-012~~ 37-32**

### **Definitions**

#### **Development**

For the purposes of Section ~~37-01~~, 37-30 through 37-37, inclusive, "development" includes construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# onto another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

#### **Predominantly residential use**

For the purposes of Section ~~37-01~~ 37-30 through 37-37, inclusive, a "predominantly residential use" means a #building# having a #residential floor area# in excess of 50 percent of the total #building floor area#.

#### **Contiguous block**

For the purposes of Section ~~37-01~~ 37-30 through 37-37, inclusive, a "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the new #development#.

#### **Contiguous lot**

For the purposes of Section ~~37-01~~ 37-30 through 37-37, inclusive, a "contiguous lot" is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.

## **~~37-013~~ 37-33**

### **Applicability of Article II**

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines - Streetscape) shall apply to any #residential development# or any #development# occupied by #predominantly residential use#, except as modified by the provisions of Sections ~~37-014 to 37-017~~ 37-34 to 37-37 inclusive, relating to Modifications to the Applicability of Article II, Chapter 6. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to #Commercial Districts#.



### **~~37-014~~ 37-34**

#### **Modifications to applicability of Article II, Chapter 6**

In C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6, applicable to #residential developments# or #developments# occupied by a #predominantly residential use# are modified by the provisions of Sections ~~37-015~~ 37-35 (Retail continuity), ~~37-016~~ 37-36 (Sign regulations) and ~~37-017~~ 37-37 (Street wall articulation).

### **~~37-015~~ 37-35**

#### **Retail e Continuity**

When the front building wall of a #development# is at least 50 feet in length and fronts upon a #wide street#, a minimum of 50 percent of such front building wall shall be occupied by #commercial uses#, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8, C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, #uses# which occupy such 50 percent of the front building wall shall be limited to those listed in Use Groups 6A, 6C and 6F, excluding banks and loan offices, except that in C4-6 Districts only, such #uses# may additionally include those listed in Use Groups 8A, 8B and 10A. All #uses# permitted by the underlying district regulations are permitted in the remaining 50 percent of the front building wall.

Such requirement of #commercial uses# for a minimum of 50 percent of the front building wall of a #development# may be waived, or additional #uses# permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that either an adequate supply of such #uses# already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional #uses# for a completed #building#, where #floor area# has been designated for occupancy for such #commercial uses#, establish that a good faith effort has been made to secure tenancy by such #uses#.

### **~~37-016~~ 37-36**

#### **Sign ~~r~~ Regulations**

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When an existing #development# on a #contiguous lot# or #contiguous block# contains #accessory business signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the new #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one

adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such modifications will enhance the design quality of the #street wall#.

### ~~37-017~~ 37-37

#### Street w Wall a Articulation

When any building wall of a #development# which is 5 feet or more in height adjoins a sidewalk, a #residential public plaza# or an #arcade#, at least 50 percent of the total surface area of such wall between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

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

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

### ~~37-02~~

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

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

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

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

- (b) ~~In the districts indicated, and in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plazas and Arcades), shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.~~

### **37-021**

#### **Modifications to applicability of Article II, Chapter 7**

In the districts in which this Chapter is applicable, the regulations of Article II, Chapter 7 (Special Urban Design Guidelines – Residential Plazas and Arcades), are modified by the provisions of Sections 37-022 (Retail frontage), 37-023 (Kiosks and open air cafes), 37-024 (Maintenance requirements), 37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas), and 37-06 (Nighttime Closing of Existing Public Open Areas). The purpose of these modifications is to make the regulations of Article II, Chapter 7, applicable to #Commercial Districts#.

### **37-022**

#### **Retail frontage**

Retail #uses# permitted by the applicable district regulations or as required by the provisions of Section 37-015 (Retail continuity) may front upon a #primary space#. Notwithstanding the provisions of Section 32-41 (Enclosure within Building), outdoor eating services may serve customers on #primary space# through open windows.

### **37-023**

#### **Kiosks and open air cafes**

Kiosks and open air cafes may be placed within a #primary space# or a #northern plaza# upon certification of the City Planning Commission pursuant to paragraph (c) of this Section. Such kiosks and open air cafes shall be considered amenities in addition to those amenities listed in Section 27-13 (Additional Amenities). All #primary spaces# shall provide at least two of the amenities listed in Section 27-13 or a kiosk or open air café as described in this Section, except that where a #primary space# is 4,000 square feet or less, it may not contain both a kiosk and an open air café.

#### **(a) Kiosks**

Where a kiosk is provided, it shall be no more than a one-story structure, which including roofed areas does not exceed 60 square feet in area, and predominantly of light materials such as glass, plastic, metal or fabric as approved by the Department of Buildings in accordance with the Building Code. The aggregate area occupied by kiosks in a #primary space# larger than 4,000 square feet shall not exceed 60 square feet or 1.5 percent of the #primary space#, whichever is greater, provided no one kiosk occupies an area of more than 100 square feet. A kiosk may be a free-standing structure or attached on only one side to a wall of the #development# or a #building# sharing the same #side lot line#. A kiosk may be occupied by #uses# such as news or magazine stands, takeout food stands, candy stands, flower stands or information booths. Any area occupied by a kiosk shall be excluded from the definition of #floor area#. Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), #uses# occupying kiosks may serve customers on #primary space# through open windows. In all cases, only #uses# permitted by the applicable district regulations may occupy #primary space#.

(b) Open-air cafes

Where an open-air café is provided, it shall be a permanently unenclosed eating or drinking place, as permitted by applicable district regulations, which may have waiter or table service. An open-air café shall occupy not more than 20 percent of the total area of the #primary space#, and shall be open to the sky except that it may have a temporary fabric roof, in conformance with the Building Code, or when located under a "pavilion" in a #northern plaza#. Only one open-air café is permitted per #zoning lot#. An open-air café shall be accessible from all sides where there is a boundary with the remainder of the #primary space#. No kitchen equipment shall be installed within an open-air café. An open-air café shall be excluded from the definition of #floor area#.

(c) Requirements for certification

Kiosks, as described in paragraph (a) of this Section, and open-air cafes as described in paragraph (b) of this Section, shall be permitted only upon certification of the City Planning Commission to the Commissioner of Buildings that such #uses#:

- (1) promote use and enjoyment of the #residential plaza#; and
- (2) are compatible with desirable #uses# in the surrounding area.

All applications for the placement of kiosks or open-air cafes within existing #residential plazas# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section. All such plans for kiosks or open-air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open-air café pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk or open-air café within the #residential plaza#. The recording information shall be included on the certificate of occupancy for any #building# or portion thereof on the #zoning lot# issued after the recording date.

The Commission shall furnish a copy of the application for such certification to the affected Community Board and the local Council Member at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such kiosk. The Commission shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for a period of two years, but upon application may be renewed for a similar period by the City Planning Commission.

### 37-024

#### Maintenance requirements

The maintenance requirements of this Section are in addition to the maintenance requirement set forth in Section 27-41 (Maintenance Requirements).

Furniture of open-air cafes and kiosks within #primary space# shall be confined within areas designated on

~~building plans as available for occupancy by such #uses#. Encroachment of such #primary space uses# outside an area so designated shall be a valid ground for complaint and removal.~~

~~Additional litter receptacles, beyond the amount required by Section 27-41, with a minimum capacity of two cubic feet for each 1,000 square feet of #primary space# area shall be provided in connection with outdoor eating, services or other #uses# permitted on the #primary space# of a #residential plaza#, which services or #uses# generate litter.~~

### **37-03 37-40**

#### **Off-Street Relocation or Renovation of a Subway Stair**

#### **OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR**

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-44, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section ~~37-07 37-50~~ (~~Requirements for Pedestrian Circulation Space~~ **REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE**) may be counted as pedestrian circulation space pursuant to Section ~~37-07 37-50~~.

Station	Line
8th Street	BMT-Broadway
23rd Street	BMT-Broadway
23rd Street	IRT-Lexington Ave.
28th Street	IRT-Lexington Ave.
33rd Street	IRT-Lexington Ave.
34th Street	IND-8th Avenue
59th Street	IRT-Lexington Ave.
Lexington Avenue-60th St.	BMT-Broadway

### **37-031 37-41**

#### **Standards for l Location, d Design and h Hours of p Public a Accessibility**

In addition to the standards set forth in the current station planning guidelines as issued by New York City Transit, the following standards shall also apply:

- (a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from, a public sidewalk or pedestrian circulation space as defined in Section ~~37-07~~ 37-50. Any such pedestrian circulation space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

The relocated or renovated entrance may be provided within a #building# but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted toward the #floor area# of the #enlargement# or #development#.

(b) Design standards

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

Where two or more existing stairway entrances are being relocated or renovated as part of the same #development# or #enlargement#, the new entrance or entrances shall have total stair widths equal to or greater than the sum of the stair widths of those existing stairway entrances, but in no case may any stair be less than eight feet in width.

The relocated entrance may be relocated within a ~~n #urban public plaza#~~, provided that the minimum width of each stair is ten feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a #sidewalk widening#. A relocated entrance within a ~~n #urban public plaza#~~ is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a ~~n #urban public plaza#~~.

For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with a ~~n #urban public plaza#~~ or an #arcade# in accordance with the provisions of Sections ~~27-60~~ 37-80 (ARCADES) or ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of five feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet, 6 inches from finished floor to finished ceiling, including all lighting fixtures and #signs#.

The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a relocated entrance may be constructed within the #street#.

(c) Hours of public accessibility

The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by New York City Transit.

**~~37-032~~ 37-42**

**Administrative procedure for a subway stair relocation or renovation**

For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section ~~37-07~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued, unless the following criteria are met:

- (a) for a relocated entrance, such plan includes a stair relocation plan and related documents that bind the developer to:
  - (1) construct the new stair entrance in accordance with such plan;
  - (2) demolish above-ground elements of the existing entrance;
  - (3) seal the existing entrance at the sidewalk level; and
  - (4) maintain the work performed on the relocated or renovated entrance; or
- (b) for a renovated entrance, such plan includes a renovation plan and related documents that bind the developer to:
  - (1) renovate the entrance in accordance with such plan; and
  - (2) maintain the work performed on the renovated entrance; and
- (c) such plan and related documents bear New York City Transit's approval; and
- (d) such plan is accompanied by a certified copy of an agreement, as recorded between New York City Transit and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York and is accompanied by the Register's receipt of recordation; and
- (e) no permanent certificate of occupancy shall be issued for any #development# or #enlargement# subject to the subway stair relocation requirement or counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section ~~37-07~~ 37-50, unless and until all of the work required under paragraphs (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings.

**~~37-033~~ 37-43**

**Modification of requirements for a relocated or renovated subway stair**

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Sections ~~37-01~~ ~~37-30~~ (~~Special Urban Design Guidelines—Streetscape~~ STREETSCAPE), ~~37-02~~ (~~Applicability of Article II, Chapter 7, to Residential Plazas and Arcades~~), and ~~37-03~~ ~~37-41~~ (Standards for location, design and hours of public accessibility) or ~~37-04~~ ~~37-70~~ (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification to these provisions.

### **~~37-03~~ ~~37-44~~**

#### **Waiver of requirements**

The provisions of Section ~~37-03~~ ~~37-40~~ (~~Off-Street Relocation or Renovation of a Subway Stair~~ OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) may be waived by joint certification of New York City Transit and the Chairperson of the City Planning Commission that major construction problems or operating design considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section ~~37-07~~ ~~37-50~~ (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.

### **~~37-04~~**

#### **Requirements for Urban Plazas**

*Section 37-04 has been deleted and moved to Appendix E*

### **~~37-05~~**

#### **Improvement of Existing Plazas or Plaza-Connected Open Areas**

In ~~#Commercial#~~ or ~~#Manufacturing Districts#~~, kiosks and open air cafes may be placed within the area of a ~~#plaza#~~ or ~~#plaza#~~ connected open area upon certification by the City Planning Commission to the Commissioner of Buildings that:

- (a) such ~~#use#~~ promotes public use and enjoyment of the ~~#plaza#~~ or ~~#plaza#~~ connected open area;
- (b) such ~~#use#~~ complements and stabilizes desirable ~~#uses#~~ in the surrounding area;
- (c) such ~~#use#~~ is proposed as part of a general improvement of the ~~#plaza#~~ or ~~#plaza#~~ connected open area where necessary, including as much landscaping and free public seating as is feasible;
- (d) such ~~#use#~~ complies with the requirements set forth in paragraph (g)(3) of Section ~~37-04~~ (~~Requirements for Urban Plazas~~); and
- (e) the owner of such ~~#use#~~ will maintain such ~~#use#~~ in accordance with the provisions for maintenance and penalties for violations of paragraphs (q) and (r) of Section ~~37-04~~.

All applications for the placement of kiosks or open air cafes within existing ~~#plazas#~~ or ~~#plaza#~~ connected



open areas filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section. All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air café pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk or open air café within the #plaza# or #plaza#-connected open area. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Commission shall furnish a copy of the application for certification to the affected Community Board and the local Council Member at the earliest possible stage and will give due consideration to their opinions as to the appropriateness of such a facility in the area. The Commission shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for a period of three years but, upon application, may be renewed for a similar period by the City Planning Commission.

### **37-06**

#### **Nighttime Closing of Existing Public Open Areas**

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of existing #plazas#, #plaza#-connected open areas, #residential plazas#, or #urban plazas#, hereinafter referred to as "public open areas," if the Commission finds that:

- (a) such closing is necessary for public safety and maintenance of the public open areas as documented by the applicant;
- (b) the layout and design of the public open areas will promote public use and free and easy pedestrian circulation throughout the space;
- (c) the enclosure or barrier that limits public access shall:
  - (1) be of a design that is integrated with the design of the public open areas in a manner that would promote the attractiveness of the space for public use and enjoyment;
  - (2) be either removable or designed to be unobtrusive during the hours of public access;
  - (3) not inhibit or diminish access to the public open area nor impede pedestrian circulation into, through, or along the frontage of the public open area, and not obstruct access during the hours of public access; and
  - (4) not obstruct visual access to any portion of the public open areas;
- (d) public access to the public open areas between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, or a schedule specified by the Commission, is assured by appropriate legal documents and that an additional entry plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the public open areas;

- (e) in the case of existing #plazas#:
- (1) the #plaza# is in full compliance with the provisions of Section 27-50 (PLAZA STANDARDS OF 1961);
  - (2) the #plaza#, where appropriate, has been improved in accordance with the standards set forth for #urban plazas# in Section 37-04, including, but not limited to, adequate lighting, landscaping, planting, trees, flower beds, pedestrian walkways, sitting areas, works of art, drinking fountains or reflecting pools, and with access for persons with disabilities;
  - (3) a program for continuing maintenance of the #plaza# has been established in accordance with the following requirements:
    - (i) In #Residence Districts#, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is in #residential# or #community facility use#, such maintenance shall be established pursuant to Sections 27-40 through 27-44, inclusive.
    - (ii) In C1 or C2 Districts, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #residential# or #community facility uses#, such maintenance shall be established pursuant to Sections 27-40 through 27-44, inclusive, and Section 37-025.
    - (iii) In C4, C5 or C6 Districts with a base #floor area ratio# of not more than 10.0, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #residential uses#, such maintenance shall be established pursuant to Sections 27-40 through 27-44, inclusive, and Section 37-025.
    - (iv) In #Commercial# or #Manufacturing Districts#, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #community facility#, #commercial# or #manufacturing uses#, such maintenance shall be established pursuant to Section 37-04;
- (f) in the case of existing #residential plazas# or #urban plazas#:
- (1) the #residential plaza# is in full compliance with the provisions of Section 27-00 through Section 27-40, inclusive, and the #urban plaza#, if #developed# prior to June 12, 1996, is in full compliance with plans certified by the Chairman of the City Planning Commission and, if #developed# after June 12, 1996, is in full compliance with the provisions of Section 37-04, inclusive;
  - (2) the maintenance program for the upkeep and protection of the public open areas set forth in the existing restrictive declaration, or any modification thereof, is still in full force and effect and is not being violated and that the bond required pursuant to Section 27-44 for #residential plazas# or Section 37-04 for #urban plazas# is in full force and in the amount specified in such Sections.

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

~~Section 37-023 for #residential plazas# or in Section 37-04, paragraph (g)(3), for #urban plazas# or #plazas#. In no event shall any public open area be reduced in size.~~

~~All applications for nighttime closings of public open areas filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, and the hours of the public open area's accessibility to the public. All such plans for public open areas, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the nighttime closing of any public open area. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.~~

~~The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.~~

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

~~The Commission shall retain the right to revoke the authorization at any time if it determines that the maintenance or manner of operation of the public open areas has been altered from that authorized.~~

### **37-07 37-50**

#### **Requirements for Pedestrian Circulation Space** **REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE**

\* \* \*

### **37-071 37-51**

#### **Amount of p Pedestrian e Circulation s Space**

\* \* \*

### **37-072 37-52**

#### **Types of p Pedestrian e Circulation s Space**

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, building entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #urban public plaza#.

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

PROVISION OF PEDESTRIAN CIRCULATION SPACE  
ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	x	x	x
Building entrance recess area	x	x	x
Corner arcade	x		
Corner circulation space	x		
Relocation or renovation of subway stair	x	x	x
Sidewalk widening	x	x	x
Subway station improvement	x	x	
Through #block# connection	x	x	
#Urban Public plaza#	x	x	x

Minimum design standards for each type of pedestrian circulation space and, where applicable, the maximum amount of each type of pedestrian circulation space that may be counted toward meeting the requirements of Section ~~37-071~~ 37-51 (Amount of pedestrian circulation space) are set forth in Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces).

\* \* \*

### ~~37-073~~ 37-53

#### Design s Standards for p Pedestrian e Circulation s Space

(a) Arcade

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and ~~27-60~~ 37-80 (ARCADES). In lieu thereof, the provisions of this Section shall apply.

\* \* \*

(1) Dimensions

\* \* \*

- (iii) On a #corner lot# fronting on a #narrow street#, an arcade is permitted only if it extends for the full length of the #street# frontage, with the exception of a driveway for a required loading berth located at the #side lot line# of the #zoning lot#, or if the arcade provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: a corner arcade, a #plaza# #publicly accessible open area#, an off-street rail mass transit access improvement, an intersecting sidewalk widening, an intersecting #street#, a relocated or renovated subway entrance, a through #block# connection, a through #block# galleria or an #urban plaza#.

- (iv) On a #wide street#, an arcade shall be permitted, provided that:

\* \* \*

- (b) in the case of a #building# that occupies less than the entire #street# frontage between intersecting #streets#, on a full blockfront #zoning lot#, unobstructed

pedestrian flow along the entire frontage is provided on the #zoning lot# by the arcade in combination with one or more of the following #open spaces# with which the arcade connects at one or both ends: a corner circulation space, a #plaza# #publicly accessible open area#, an intersecting sidewalk widening ~~or an #urban plaza#~~; or

- (c) in the case of a #building# whose #zoning lot# occupies less than the entire #street# frontage between intersecting #streets#, the arcade connects with an existing arcade of matching width and alignment, a #plaza# ~~or an #urban plaza#~~ #publicly accessible open area# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire blockfront is provided by the arcade in combination with such existing spaces.

\* \* \*

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and ~~27-60 37-80~~ (ARCADES). In lieu thereof, a corner arcade shall be a small covered space adjoining the intersection of two #streets# at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

\* \* \*

(e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section ~~37-03 37-40~~ (Off-Street Relocation or Renovation of a Subway Stair OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), one and a half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

\* \* \*

(f) Sidewalk widening

\* \* \*

(2) Permitted interruptions

\* \* \*

- (iii) if overlapped by a ~~n #urban public plaza#~~ #urban public plaza#, provided that the overlapping portion of such #urban public plaza# conforms to the design standard of a sidewalk widening;

\* \* \*

- (vi) by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, a through #block# galleria or a through #block ~~urban public plaza#~~ public plaza# at such a #side lot line#, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted toward meeting the pedestrian circulation space requirement, provided that

there shall be no change of grade within the area of the sidewalk widening.

\* \* \*

(h) Through #block# connection

\* \* \*

(1) Location

\* \* \*

- (ii) Where the #zoning lot# or a portion thereof is directly across a #street# from, and opposite to, an existing through #block# connection on an adjacent #block# and the existing connection is at least 150 feet from the intersection of two #streets#, the alignment of the new through #block# connection shall overlap with that of the existing connection. Such existing connection may also be a through #block# galleria, through #block ~~urban~~ public plaza# or any through #block# circulation area with a minimum width of 12 feet, which is located within a #building#.

\* \* \*

(i) ~~Urban~~ Public plaza

A maximum of 30 percent of the area of a ~~n #urban public plaza#~~ that faces a #street# intersection, or provides access to a major building entrance, may be counted toward meeting the pedestrian circulation space requirement.

A maximum of 3,000 square feet of a through #block ~~urban~~ public plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #~~urban~~ public plazas#, the first 10 feet of depth from the #street line# may be counted toward meeting the pedestrian circulation space requirement, provided that the #~~urban~~ public plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #~~urban~~ public plazas# shall comply with Section ~~37-04 (Requirements for Urban Plazas)~~ 37-70 (PUBLIC PLAZAS).

Any area of permitted overlap between pedestrian circulation spaces or other amenities shall be counted only once toward meeting the required amount of pedestrian circulation space. Unobstructed access shall be provided between overlapping spaces.

\* \* \*

### ~~37-074~~ 37-54

**Modification of ~~d~~ Design s Standards of ~~p~~ Pedestrian e Circulation s Space within e Existing ~~b~~ Buildings**

\* \* \*

### 37-60

**PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO (EFFECTIVE DATE)**

### **37-61**

#### **Design Standards**

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to (the applicable date of the amendment) are located in Appendix E.

### **37-62**

#### **Changes to Existing Publicly Accessible Open Areas**

#### **37-621**

##### **Elimination or reduction in size of non-bonused open area**

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza#, #residential plaza# or #urban plaza#, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

#### **37-622**

##### **Elimination or reduction in size of bonused open area**

No existing #plaza#, #residential plaza# or #urban plaza# shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

#### **37-623**

##### **Nighttime Closings**

The City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of Access).

#### **37-624**

##### **Kiosks and Open Air Cafes**

Kiosks and open air cafes may be placed within an existing #plaza#, #residential plaza# or #urban plaza# upon certification by the Chairperson of the City Planning Commission pursuant to Section 37-73 (Kiosks and Open Air Cafes).

#### **37-625**

##### **Design Changes**

Design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon

certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS).

## **37-70**

### **PUBLIC PLAZAS**

#Public plazas# are open areas on a #zoning lot# intended for public use and enjoyment. The standards contained within Sections 37-70 through 37-78, inclusive, are intended to serve the following specific purposes:

- (a) to serve a variety of users of the #public plaza# area;
- (b) to provide spaces for solitary users while at the same time providing opportunities for social interaction for small groups;
- (c) to provide safe spaces, with maximum visibility from the street and adjacent buildings and with multiple avenues for ingress and egress.

All #public plazas# shall comply with the provisions of Section 37-70 through 37-78, inclusive. These provisions may be modified pursuant to Section 74-91 (Modification of Public Plazas).

## **37-71**

### **Basic Design Criteria**

#### **37-711**

##### **Definitions**

Corner #public plaza#

A #public plaza# that is located on an intersection of two or more #streets#.

Through #block public plaza#

A #public plaza# or portion of a #public plaza# that is not a corner #public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

#### **37-712**

##### **Area dimensions**

A #public plaza# shall contain an area of not less than 2,000 square feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade# of the #development#.

Any non-bonus open area located adjacent to a #public plaza# must either:

- (a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least 6 feet in height; or



- (b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.

### **37-713**

#### **Locational restrictions**

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park#. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chair finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

### **37-714**

#### **Restrictions on orientation**

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 45 degrees of the direction indicated. To front on a #street#" means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

- (1) Where the major portion of a #public plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.
- (2) No major portion of a #public plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.
- (3) A corner #public plaza# must have its major portion, as defined in Section 37-715(b), front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

However, the orientation restrictions may be modified if the Chair finds that the orientation regulations would conflict with mandatory #streetwall# regulations or that the modifications would result in better access to light and air for the #public plaza#.

### **37-715**

#### **Requirements for major portions of public plazas**

The major portion of a #public plaza# is the largest area of the #public plaza# and the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from within all portions of the #public plaza# and from adjoining public spaces. Major portions shall occupy no less than 75% of the total #public plaza# area.

- (a) All contiguous #public plaza# areas on a #zoning lot# shall be considered as one #public plaza#.
- (b) The shape and dimensions of a #public plaza# shall be such that all points within the major portion shall be visible when viewed perpendicular from each adjacent #street#. Corner #public plazas# that front on two #streets# that do not meet at a 90 degree angle must be fully visible when viewed perpendicular

from one adjoining #street# and at least 50% of the #public plaza# must be visible when viewed perpendicular to the other adjoining #street#. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade. Points within #public plazas# that front on three intersecting streets shall be treated as two corner #public plazas#.

The major portion of a #public plaza# shall be at least 75 percent of the #public plaza's# total area, except that in the case of a through #block public plaza# as defined in Section 37-717, a line drawn within 25 feet of the midblock line shall divide the through #block public plaza# into two areas that must separately meet all requirements of the #public plaza# regulations. The major portion of the #public plaza# shall be subject to the proportional requirements set forth in paragraphs (c) and (d) of this Section.

- (c) The major portion of a #public plaza# shall have a minimum average width and depth of 40 feet. For #public plazas# that front on only one #street#, no more than 20% of the #public plaza# area may have a width of less than 40 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #public plaza# fronts.
- (d) For major portions of #public plazas#, the maximum width measured parallel to any one #street# shall not be greater than three times the average depth of the #public plaza# measured perpendicular to the #street line# or the average width measured parallel to any one #street# shall not be greater than three times the maximum depth of the #public plaza# measured perpendicular to the #street line#.

### **37-716**

#### **Requirements for minor portions of public plazas**

Minor portions of #public plazas# are secondary areas that allow for additional flexibility in the shape and configuration of a #public plaza#. Minor portions shall not occupy more than 25% of the total area of the #public plaza#. The width of a minor portion shall be measured parallel to the line separating the major and minor portions. The depth of a minor portion shall be measured perpendicular to the line separating the major and minor portions. The provisions of Sections 37-715 shall not apply to such minor portions and the following regulations shall apply:

- (a) The minor portion shall have a minimum average width and depth of 15 feet.
- (b) The minor portion must be directly adjacent to the major portion.
- (c) All points within the minor portion must be visible from within the major portion when viewed perpendicular to the line separating the major and minor portions
- (d) The minor portion must front directly on the same #street# as the major portion unless the minor portion has:
  - (1) a width to depth ratio of at least 3:1; and
  - (2) its longest dimension contiguous with the major portion.

### **37-717**

#### **Regulations for through block public plazas**

Through block #public plazas# shall be treated as two #public plazas# separated at a line drawn within 25 feet of the midblock line.

Where any #building# wall or walls adjoin a through #block public plaza# or through #block# portion of a #public plaza# and where such wall or walls exceed 120 feet aggregate length, a minimum 10 foot setback at a height between 60 and 90 feet is required for the full length of the building wall.

Through #block public plazas# shall contain a circulation path at least 10 feet in width, connecting the two #streets# on which the #public plaza# fronts, as specified in Section 37-723.

### **37-718**

#### **Paving**

The paving of the #public plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the #public plaza#.

### **37-720**

#### **Access and Circulation**

### **37-721**

#### **Sidewalk frontage**

To facilitate access to an #public plaza#, the area within 15 feet of a #street line# or sidewalk widening, along at least 50 percent of each aggregate #street# frontage of the major and minor portions shall be free of obstructions to public access to the #public plaza# from the adjacent sidewalk or sidewalk widening, except for those listed below. For corner #public plazas#, the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions, except for those listed below. Trees planted flush to grade, light stanchions, public space signage, trash receptacles, and railings for steps shall be considered permitted obstructions within the sidewalk frontage. Only areas with at least five feet of clear, unobstructed area when measured parallel to the street line shall be considered to be free of obstructions. For the remaining 50 percent of the frontage and within 15 feet of the #street line#, no walls or other obstructions, except for permitted obstructions described above and fixed and moveable seating and tables, shall be higher than 2 feet above the #curb level# of the #street line# in front of the #public plaza#.

### **37-722**

#### **Level of Plaza**

The level of a #public plaza#, inclusive of major and minor portions, shall not at any point be less than the average elevation of #curb level# of the nearest adjoining #street# nor more than two feet above the average #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#. However, a #public plaza# with an area of 10,000 square feet or more may additionally have a maximum of 20 percent of its area at an elevation more than two feet above, but not more than four feet above #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#, provided that such higher portion may not be located within 25 feet of any #street line#. #Public plazas# that front on #streets# with slopes greater than 2.5% along the frontage of the #public plaza# may not at any point be more than one

foot below the #curb level# of the adjoining #street#.

### **37-723**

#### **Circulation paths**

Circulation paths within #public plazas# shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the #public plaza# and shall, at a minimum, connect all #streets# on which the #public plaza# fronts and all major elements of the #public plaza#, including seating areas, building entrances, approved open air cafes and kiosks, and significant design features of the #public plaza#. A minimum of one such circulation path shall be provided of at least 8 feet clear width. Circulation paths shall extend to at least 80 percent of the depth of the major portion of the #public plaza#, measured perpendicular from each #street line#. Through #block public plazas# shall provide at least one circulation path with a minimum width of 10 feet connecting each #street# on which the #public plaza# fronts. Trees planted flush to grade, light stanchions, trash receptacles, and public space signage shall be considered permitted obstructions within circulation paths, however all such trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-752.

### **37-724**

#### **Subway entrances**

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk frontage).

### **37-725**

#### **Steps**

Any steps provided within the #public plaza# must have a minimum height of four inches and a maximum height of six inches. Steps must have a minimum tread of 17 inches, however steps with a height of five inches may have a minimum tread of 15 inches.

### **37-726**

#### **Permitted obstructions**

- (a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools, and waterfalls sculptures and other works of art; seating, including benches, seats, and moveable chairs; trees, planters, planting beds, lawns, and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings, canopies, or marquees; permitted freestanding signs; play equipment; permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed above shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721

(Sidewalk frontage).

(b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open-air cafe: 50 percent

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

For #public plazas# 10,000 square feet or more in area with a permitted open-air café: 60 percent

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

Trees planted flush-to-grade in accordance with the provisions of Section 37-752 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf, or grass areas intended for public access and seating shall not count as obstructions provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than 6 inches.

(c) Canopies, awnings, and marquees

Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee provided that it has a maximum area of 250 square feet, does not project into the #public plaza# more than 15 feet when measured perpendicular to the building façade, is located a minimum of 15 feet above the level of the #public plaza# adjacent to the building entrance, and does not contain vertical supports. Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining streets and the adjacent building.

However, canopies, awnings, and marquees associated with entrances to #residential buildings# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

(d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment, and building trash storage facilities

No garage entrances, driveways, parking spaces, passenger drop offs or loading berths shall be permitted within a #public plaza#. No building trash storage facilities are permitted within an #public plaza#, nor shall any #building# trash storage facility be accessed or serviced through the #public plaza#. If garage entrances, parking spaces, passenger drop-offs, driveways, loading berths or #building# trash storage facilities are located near or adjoin a #public plaza#, they shall be separated from it by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #public plaza#.

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on the building wall of the #development# fronting upon the #public plaza#, except that exhaust vents on the building wall that are more than 15 feet above the level of the adjacent #public plaza# shall be permitted. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially visually and audibly conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza# provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

### **37-727**

#### **Hours of Access**

All #public plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing pursuant to the provisions of this section.

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of an existing or new #publicly accessible open area# if the Commission finds that:

- (a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;
- (b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open areas as documented by the applicant;
- (c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;
- (d) any approved design element that limits public access, as specified below, shall not impede public circulation, visual or physical access within the #publicly accessible open area# or between the #publicly accessible open area# and other public areas during hours of public operation;
- (e) the design element that limits public access shall:
  - (1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;
  - (2) not exceed 5 feet in height;
  - (3) be fully removed from the #publicly accessible open area# during the hours of public access, however barriers not to exceed 3 feet 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;
  - (4) not involve stanchions or cabinets for barrier storage located with the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;

- (5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and
- (6) be substantially transparent;
- (f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section 37-751(c). However, if an open-air café or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air café or kiosk;
- (g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the standards set forth for #public plazas#;
- (h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section 37-77;

In order to promote increased public use of the public open areas, the Commission may require, or the applicant may request, additional improvements to the existing #publicly accessible open area#, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-73 (Kiosks and open air cafés). In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open area# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including but not limited to materials, dimensions, and configuration or any design element that limits public access, the storage location for the design element that limits public access during the hours of public operation of the #public plaza#, and the hours of the #publicly accessible open area's# accessibility to the public. All such plans for #publicly accessible open area#, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Commission, and the filing and recording of such instrument shall be a precondition for the nighttime closing of any #publicly accessible open area#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.

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

on the Commission's authorization, the Council shall be deemed to have approved such authorization.

### **37-728**

#### **Standards of accessibility for persons with disabilities**

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or is a new #development#.

### **37-73**

#### **Kiosks and Open Air Cafes**

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

#### **(a) Kiosks**

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the definition of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book, or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days if they are completely removed from the #publicly accessible open area# when not in operation and if the area previously occupied by the kiosk is returned to public use and such area is in compliance with the #public plaza# design standards.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

#### **(b) Open air cafes**

Where an open air café is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the total area of the #publicly accessible open area#. #Publicly accessible open area# less than 10 feet in width that are located between separate sections of the same open air café or between sections of an open air café and a kiosk that provides service for such café must be included in the calculation of the maximum aggregate area of the open air café. Open air



cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than 1/3 of any #street# frontage in a major portion of the #publicly accessible open area# and may not contain any required circulation paths. An open air café must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#. Fences, planters, fabric dividers or other barriers that separate open air café areas from the #public plaza# or sidewalk are prohibited. Open air cafes shall be located at the same elevation as the adjoining #public plaza# and sidewalk areas, except for platforms that shall not exceed six inches in height. All furnishings of an open air café, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air café is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may be used by the public without restriction. No kitchen equipment shall be installed within an open air café; however, kitchen equipment may be contained in a kiosk adjoining an open air café. An open air café qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

The exterior corners of the border of the space to be occupied by an open air café shall be marked on the ground by a line painted with white latex traffic and zone marking paint. The line shall be one inch wide and three inches in length on each side of the café border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the café corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

(c) Certification

Kiosks and open air cafes that comply with the provisions of this Section may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- (3) such #use# is provided in accordance with the requirements set forth in this Section;
- (4) the owners of such #use# will maintain such #use# in accordance with the provisions of Section 37-77 (Maintenance);
- (5) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (6) for kiosks and open air cafés located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;
- (7) a #sign# shall be provided in public view within the café area indicating the days and hours of

operation of such café.

(d) Process

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

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

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes within a #publicly accessible open area# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section including the layout and number of tables chairs, restaurant equipment, and heating lamps as well as the storage location for periods when the kiosk or open air café is closed. Where a kiosk or open air café is to be located within an existing #publicly accessible open area#, each kiosk or open air café certification application must be accompanied by a compliance report in accordance with the requirements of section 37-78 (b), except that date of inspection shall be within 15 days of the date that the application is filed.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air café pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air café within the #publicly accessible open area#.

**37-74**  
**Amenities**

All #public plazas# shall provide the following amenities. All required amenities shall be considered permitted obstructions within the #public plaza#.

**37-741**  
**Seating**

Standards for seating within #public plazas# are intended to facilitate the provision of abundant, comfortable, and accessible seating throughout the #public plaza#, including, more specifically, as follows:

- (a) to provide a broad variety of seating types and configurations;

- (b) to accommodate individual users engaged in solitary activities as well as groups engaged in social activities;
- (c) to provide a comfortable and safe seating surface by providing smooth, even, and level surfaces with rounded edges;
- (d) to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps;
- (e) to provide ample opportunity for social seating as a basic seating type that consists of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction.

There shall be a minimum of one linear foot of seating for each 30 square feet of #public plaza# area.

A minimum of one linear foot of the required seating for every two linear feet of #street# frontage must be located within 15 feet of the #street line#. At least 50 percent of this seating shall have backs and at least 50 percent of the seats with backs shall face the #street#.

Seating requirements may be satisfied by the following seating types: moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps. All #public plazas# shall provide at least two different types of seating. #Public plazas# greater than 5,000 square feet in area shall provide at least three different types of seating. #Public plazas# greater than 10,000 square feet in area must provide moveable seating as one of the required seating types.

Not more than 50 percent of the linear seating capacity may be in movable seats that may be stored between the hours of sunset and sunrise, where the City Planning Commission has authorized a limitation on the hours of access pursuant to Section 37-727.

Devices or forms affixed or incorporated into planter ledges, steps, sills, or other horizontal surfaces that would otherwise be suitable for seating that are intended to prevent or inhibit seating (such as spikes, metal bars, or pointed, excessively rough, or deliberately uncomfortable materials or forms) shall be prohibited.

Deterrents to skateboards, rollerblades, and other wheeled devices are permitted on seating surfaces if they do not inhibit seating, maintain a minimum distance of five feet between deterrents, and are integrated into the seating surface at the time of manufacture or construction or should be constructed of materials that are consistent with the materials and finish quality of the seating surface.

The following standards shall be met for all required seating:

- (1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.
- (2) Seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (5) below, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.

- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.
- (4) Movable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.
- All moveable seats must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #public plaza# is open to the public, however moveable chairs may be removed during the nighttime hours of 9:00 pm to 7:00 am.
- (5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of required seating in the #public plaza#. Seating steps shall not include any steps intended for circulation and must have a height not less than 6 inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches, however such seating walls may have a height not to exceed 24 inches if they are located within 10 feet of an edge of the #public plaza#.
- (6) Seating in open air cafes shall not count towards meeting the seating requirement of this Section.
- (7) Seats that face walls must be a minimum of 6 feet from such wall.

## **37-742**

### **Planting and trees**

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

All #public plazas# shall also provide one of the following additional planting types: additional trees, planters, planting beds, or accessible lawns. Trees provided to satisfy this requirement shall be provided at the rate of one tree for every 2,000 square feet of #public plaza# area. Planters, planting beds, and accessible lawns provided to satisfy this requirement shall be provided at the rate of 150 square feet for every 1,000 square feet of #public plaza# area. Plantings contained in hanging containers shall not satisfy this planting requirement.

For all #public plazas#, at least 50 percent of the required #public plaza# trees shall be planted flush to grade. Trees planted flush to grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of two feet six inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical outlets or conduits shall not be located within the required porous area of any tree planted flush to grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. Each tree

shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches.

When planting beds are provided, they shall have a soil depth of at least eighteen inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above any adjacent walking surfaces. Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least 5 feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

All planted areas shall either be automatically irrigated or shall consist of species that do not require regular watering.

All planted areas located above subsurface structures such as cellars or garages shall have drainage systems to prevent collection and pooling of water within planted areas.

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

### **37-743**

#### **Lighting and electrical power**

#Public plazas# shall be illuminated to provide for safe use and enjoyment of all areas of the #public plaza#. Special attention should be provided in lighting steps and other changes in elevation and areas under tree canopies and permitted canopies within the #public plaza#.

#Public plazas# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas, including sidewalks directly adjacent to the #public plaza#, and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. All lighting sources used to satisfy this illumination requirement shall be located outdoors on the subject #zoning lot#. Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise, including #public plazas# that are authorized to close at night. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution, with light levels indicated at intervals of no more than every 20 square feet, shall be part of the required detailed design plans. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of a #public plaza#.

All lighting sources that illuminate the #public plaza# and are mounted on or located within #buildings# adjacent to the #public plaza# shall be shielded from direct view. In addition, all lighting within the #public plaza# area shall be shielded to minimize any adverse effect on surrounding residential buildings.

### **37-744**

#### **Litter receptacles**

One litter receptacle shall be provided for every 1,500 square feet of #public plaza# area, up to a maximum of 6,000 square feet. Plazas greater than 6,000 square feet in area must provide an additional litter receptacle for every additional 2,000 square feet of #public plaza# area. #Public plazas# that contain open air cafes or kiosks providing food service shall provide one additional litter receptacle for each 1,500 square feet of #public plaza# area occupied by such outdoor eating area. All litter receptacles must have a volume capacity of at least 25 gallons and shall be located in visible and convenient locations. All top or side openings must have a minimum dimension of 12 inches. Litter receptacles shall be provided within 50 feet of required seating areas in the #public plaza#.

### **37-745**

#### **Bicycle parking**

All #public plazas# shall provide parking for at least two bicycles. #Public plazas# greater than 10,000 square feet in size must provide parking for at least four bicycles. Bike racks must be provided on the sidewalk directly adjacent to the #public plaza# in accordance with Department of Transportation standards, unless the Department of Transportation has determined that the sidewalk area adjacent to the #public plaza# cannot accommodate the required bicycle parking.

### **37-746**

#### **Drinking fountains**

A minimum of one drinking fountain shall be provided in all #public plazas#.

### **37-747**

#### **Public space signage**

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems)

### **37-748**

#### **Additional Amenities**

#Public plazas# between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and #public plazas# greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the #public plaza#.

(a) Artwork

Artwork that is provided as an additional amenity must integrate with the design of the #public plaza#. Artwork shall not interfere with public access, circulation, or visual openness within the #public plaza# or between the #public plaza# and adjoining public areas. Artwork may not incorporate addresses, text, or logos related to the adjacent #building# or tenants of such #building#.

(b) Moveable tables and chairs, as described in Section 37-741(4)

(c) Water feature (such as fountains, reflecting pools, waterfalls)

(d) Children's play area

Equipment provided as part of a children's play areas must be designed and constructed in accordance with applicable United States Consumer Products Safety Commission standards and best-practices, including installation of protective surfaces and barriers. All barriers surrounding play areas shall be designed to allow for the adequate supervision of children at play and shall in all cases be substantially transparent and no more than three feet six inches in height.

(e) Game tables and associated seating

(f) Food service, including:

- (1) Food service in a retail space directly accessible from the major portion of the public plaza
- (2) Open air café or kiosk, as described in Section 37-73.

#Public plazas# greater than 10,000 square feet in area and associated with a #commercial building# must include a food service as one of the three additional required amenities.

## **37-75**

### **Signs**

#### **37-751**

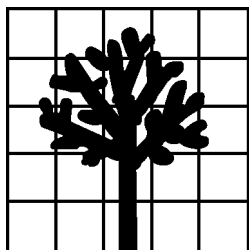
##### **Public space signage systems**

The following public space signage systems shall be required for all #public plazas#:

(a) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #public plaza#. On each street frontage occupied by the public plaza, a minimum of one entry plaque shall be provided for every 40 feet of linear street frontage occupied by the public plaza. The entry plaque shall contain:

- (1) a public space symbol which is 12 inches square in dimension and dark green or black in color with a highly contrasting background; has a grid and tree-shaped symbol as shown; the symbol shall match exactly the symbol provided in the digital file at the Department of City Planning website ( <http://www.nyc.gov/pops> )



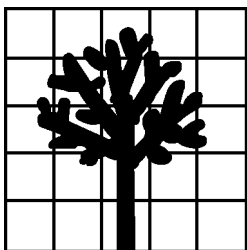
- (2) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located immediately adjacent to the public space symbol; and
- (3) Lettering at least one inch in height stating the words "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section 37-727, shall contain the words "Open to the public;" followed by the approved hours of operation; and
- (4) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

(b) Information plaque

An information plaque, constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided, Information plaques shall be located within five feet of a sidewalk and shall have all required lettering located above a height of three feet. The information plaque shall consist of:

- (1) if provided on a separate plaque from a required entry plaque, a public space symbol which is at least 6 inches square in dimension and dark green or black in color; has a highly contrasting background; has a grid and tree-shaped symbol as shown; the symbol shall match exactly the symbol provided in the digital file at the Department of City Planning website ([<http://www.nyc.gov/pops>](http://www.nyc.gov/pops))



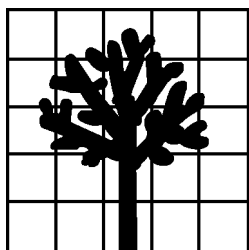


- (2) if provided on a separate plaque from a required entry plaque, contain the words, in lettering one-half inch in height, "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section 37-727, shall contain the words, in lettering one-half inch in height, "Open to the public:" followed by the approved hours of operation;
- (3) in lettering three-eighths of an inch in height, the words "This public plaza contains:" followed by the total linear feet of seating, the type and quantity of trees, the number of bike racks, the number of drinking fountains, and the number of any additional required amenities such as movable seating;
- (4) in lettering three-eighths of an inch in height, the name of the current owner of the building and the name, address, phone number, and email address of the person designated to maintain the #public plaza#;
- (5) the statement, in lettering three-eighths of an inch in height, "Complaints or Questions: Call 311 and reference the #public plaza# at [insert building address]; and
- (6) the statement, "This public plaza is accessible to persons with disabilities."

(c) Hours of access plaque

On each #street# frontage occupied by the #public plaza# and where the City Planning Commission has authorized a limitation on the hours of access for a #public plaza#, pursuant to the provisions of Section 37-727, a minimum of one hours of access plaque shall be provided for every 40 linear feet of approved barrier that limits public access. The hours of access plaque shall be located on the barrier that limits public access to the #public plaza# and shall consist of:

- (1) a public space symbol which is 2 inches square in dimension and dark green or black in color with a highly contrasting background; has a grid and tree-shaped symbol as shown below; the symbol shall match exactly the symbol provided in the digital file at the Department of City Planning website (<<http://www.nyc.gov/pops>>)



- (2) the statement: “Open to the Public:” followed by the approved hours of operation.

All required public space signage shall be fully opaque, non reflective and constructed of permanent, highly durable materials such as steel or stone.

All lettering provided on required public space signage shall be in a clear, bold, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of ¾”, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

### **37-752**

#### **Prohibition signs**

To ensure a safe and comfortable environment for all #public plaza# users, a maximum of one prohibition or “Rule of Conduct” sign may be located within the #public plaza#. Such #sign# shall not exceed one foot square in dimension, may not be freestanding, and shall contain no lettering greater than ¾ inch in height.

Such #sign# shall not prohibit behaviors that are consistent with the normal public use of the #public plaza# such as lingering, eating, drinking of non-alcoholic beverages, or gathering in small groups. No behaviors, actions, or items may be listed on such sign that are otherwise illegal or prohibited by municipal, state, or federal laws.

### **37-753**

#### **Accessory signs**

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).

#Signs accessory# to the #building# or tenants of retail spaces fronting on the #public plaza# are permitted within the #public plaza# area provided that:

- (a) no more than three such #signs# are provided within the #public plaza#, but in no event shall more than one of these #signs# be freestanding, as described below; and
- (b) all such #signs# shall be non-illuminated; and
- (c) such #signs# shall contain only the #building# or establishment name and address; and
- (d) any #signs# affixed to the #building# walls may not exceed two feet square in size; and
- (e) any freestanding #signs# shall not exceed two feet in horizontal dimension and, if associated with a #building# used for office uses, may contain the names of principal #building# tenants in addition to the content permitted, as described above, and shall also contain the public space symbol as described in Section 37-751 and the words “Open to Public” in lettering at least two inches in height; and

- (f) any #sign# located on permitted canopies or awnings within the #public plaza# shall contain only the #building# or establishment name and must not exceed a height of one foot.

### **37-76**

#### **Mandatory allocation of frontages for permitted #uses#**

At least 50 percent of the total frontage of building walls of the #development# fronting on an #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by building lobbies and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations but not including uses in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11, and 12D or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the retail establishment and #public plaza#. Such retail spaces shall have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#.

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

Principal entrances to #buildings# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a #building# entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the #development's building# walls on the major and minor portions of the #public plaza#, whichever is less, but in no case shall #building# entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

The building frontage on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be planted to a minimum height of 15 feet above the #public plaza#.

### **37-77**

#### **Maintenance**

- (a) The building owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the confinement of permitted obstructions, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#.
- (b) Kiosks and open air cafes #developed# in accordance with the provisions of Section 37-73 shall be confined within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted.
- (c) Performance bond

Prior to obtaining any certificate of occupancy from the Department of Buildings, the #building#

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

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

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

The value of the bond or City securities if tendered prior to January 1, 1998, shall be at a rate of \$750 per required tree, \$100 per movable chair and \$200 per 1,000 square feet of #urban plaza# for litter removal as set forth in this Section.

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

## **37-78** **Compliance**

### **(a) Building permits**

No foundation permit shall be issued by the Department of Buildings for any #development# that includes a #public plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Section 37-70. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #public plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to demonstrate compliance with the provisions of Section 37-70.

All plans for #public plazas# shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form

satisfactory to the Chairperson, providing notice of the certification of the #public plaza# pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. No temporary or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, may be #developed# in accordance with the regulations in effect on the date of such certification.

**(b) Periodic Compliance Reporting**

No later than June 30 of each year, beginning in the third calendar year following the calendar year in which certification was made and at three year intervals thereafter, the Director of the Department of City Planning and the affected Community Board shall be provided with a report regarding compliance of the #public plaza# with the regulations of Section 37-70, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered architect, landscape architect, or professional engineer, in a format acceptable to the Chairperson and shall include, without limitation:

- (1) a copy of the original #public plaza# certification letter, and if applicable, any approval letter pertaining to any other authorization or certification pursuant to this chapter;
- (2) a statement that the #public plaza# has been inspected by such registered architect, landscape architect or professional engineer and that the #public plaza# is in full compliance with the regulations under which the #public plaza# was approved as well as the approved plans pertaining to such #public plaza# and, if applicable, the requirements of any other authorization or certification pursuant to this chapter, or non-compliance with such regulations and plans;
- (3) an inventory list of amenities required under the regulations under which the #public plaza# was approved and the approved plans pertaining to such #public plaza#, and, if applicable, the requirements of any other authorization or certification pursuant to Section 37-70, together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;
- (4) photographs documenting the condition of the #public plaza# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

Compliance reporting pursuant to this paragraph (b) shall be a condition of all certifications granted pursuant to Section 37-70.

(c) Compliance Reports at Time of Application

In any application for a new certification or authorization for a #public plaza#, where such #public plaza# was the subject of a previously granted certification or authorization granted pursuant to Section 37-70, the applicant shall provide a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #public plaza# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

- (1) such report shows non-compliance with the regulations under which the #public plaza# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #public plaza#; or
- (2) the #public plaza# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the #public plaza#, which plan shall set forth the means by which future compliance will be ensured.

(d) Failure to Comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section 37-70 or with approved plans related thereto shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

(e) Special Regulations for an #urban plaza# in the #Special Lower Manhattan District#

In addition, the Chairperson of the City Planning Commission may certify any #urban plaza# that is the subject of application N070416ZCM, filed in conjunction with application C070415ZSM, and such #urban plaza# may be #developed# in accordance with the regulations of Section 37-04, inclusive, in effect on April 23, 2007, as modified by the special regulations for such #urban plaza# as set forth in Article IX, Chapter 1 (Special Lower Manhattan District) and in the following provisions:

- (1) #Floor area# bonus for an #urban plaza# in the #Special Lower Manhattan District#

A #floor area# bonus for such #urban plaza#, pursuant to Section 91-22, may be permitted for a #development# or #enlargement# located within 50 feet of the #street line# of a #street# subject to the regulations for #street wall# continuity Type 2B.

- (2) #Street wall# regulations for an #urban plaza# in the #Special Lower Manhattan District#

The #street wall# regulations for #street wall# continuity “Type 2” in the #Special Lower Manhattan District# shall be superseded by #street wall# continuity Types 2A and 2B as indicated on Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3) in Appendix A of Article IX,

Chapter 1.

**37-80**

**ARCADES**

The provisions of this Section shall apply to all #developments# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15 or 33-14.

An #arcade# shall be #developed# as a continuous covered space extending along a #street line#, or #publicly accessible open area#. An #arcade# shall be open for its entire length to the #street line#, or #publicly accessible open area#, except for building columns, and unobstructed to a height of not less than 12 feet, and either:

- (a) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the or #publicly accessible open area# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #publicly accessible open area# on which it fronts, whichever is the lesser distance; or
- (b) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

Such an #arcade# shall not at any point be above the level of the #street#, or #publicly accessible open area# that it adjoins, whichever is higher. Any portion of an #arcade# occupied by building columns shall be considered to be part of the area of the #arcade# for the purposes of computing a #floor area# bonus.

No off-street parking spaces, passenger drop offs, driveways or off-street loading berths are permitted anywhere within an #arcade# or within 10 feet of any bonusable portion thereof. By certification, the Commission may permit such activity in the immediate vicinity of an #arcade# provided such activity will not adversely affect the functioning of the #arcade#. In no event shall such vehicular areas be eligible for an #arcade# bonus.

#Arcades# shall be accessible to the public at all times.

\* \* \*

**Article IV**

**Chapter 3: Bulk Regulations**

\* \* \*

**43-12**

**Maximum Floor Area Ratio**

M1 M2 M3

In all districts, as indicated, for any #building# on any #zoning lot#, the maximum #floor area ratio# shall not

exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

Section 43-121	(Expansion of existing manufacturing buildings)
Section 43-122	(Maximum floor area ratio for community facility buildings)
Section 43-13	(Floor Area Bonus for <u>Urban Public</u> Plazas)

\* \* \*

### 43-13 Floor Area Bonus for Urban Public Plazas

#### M1-6

In the district indicated, for each square foot of #urban public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70 (PUBLIC PLAZAS), the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

\* \* \*

### 43-15 Existing Public Amenities for which Floor Area Bonuses Have Been Received

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

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

- (b) Kiosks and open air cafes

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

- (c) Nighttime closing of existing #plazas#, #plaza#-connected open areas and #urban plazas# #publicly accessible open areas#

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

- (d) Elimination or reduction of existing public amenities



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

\* \* \*

## 43-44

### Alternate Front Setbacks

M1 M2 M3

In all districts, as indicated, if an open area is provided along the full length of the ~~#front lot line#~~ with the minimum depth set forth in the following table, the provisions of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the ~~#front lot line#~~. However, in such instances, except as otherwise provided in this Section or in Sections 43-42 (Permitted Obstructions) or 43-45 (Tower Regulations), no ~~#building or other structure#~~ shall penetrate the alternate ~~#sky exposure plane#~~ set forth in the following table. The ~~#sky exposure plane#~~ shall be measured from a point above the ~~#street line#~~.

In an M1-6 District, if the open area provided under the terms of this Section is a ~~n #urban public plaza#~~, such open area may be counted toward the bonus provided for an ~~#urban public plaza#~~, pursuant to Section 43-13 (Floor Area Bonus for ~~Urban Public~~ Plazas).

\* \* \*

## Article VII

### Chapter 4: Special Permits by the City Planning Commission

\* \* \*

## 74-721

### Height and setback and yard regulations

\* \* \*

- (c) (3) In lieu of condition (c)(2), the ~~#development#~~ or ~~#enlargement#~~ may provide, in the same or an adjoining ~~#block#~~ of such ~~#development#~~ or ~~#enlargement#~~, compensatory "off-site public open space." For the purposes of this paragraph, (c)(3), the term "adjoining block" shall mean a ~~#block#~~ that is contiguous to the development ~~#block#~~ but for its separation by a ~~#street#~~ or ~~#street#~~ intersection. The area of such off-site public open space shall be at least 4,000 square feet, or 15 percent of the ~~#lot area#~~ of a ~~#zoning lot#~~ containing the ~~#development#~~, whichever is more, and a width of at least 40 feet at any point.

Such public open areas shall have a southern exposure, and adjoin a public sidewalk and be ~~#developed#~~ pursuant to the provisions of Section 37-04 ~~37-70~~ (Requirements for Urban Plazas PUBLIC PLAZAS). A plan for the development and maintenance of such off-site public space shall be approved by the Commission. The off-site public area shall be kept open to the general

public in accordance with a time schedule specified by the Commission. In no event shall such off-site public open space be eligible for #floor area# or bonus computation in connection with this or any other #development# or #enlargement#.

For such #developments#, the Commission may also modify the applicable regulations of Sections 32-51 (Limitations on Business Entrances, Show Windows or Signs) and 36-683 (Restrictions on location of berths near Residence Districts) where adjoining frontage within a distance of 75 feet on the same side of the #street# is occupied by a #community facility# or ground floor #commercial use#, provided that such modification is part of an overall design for #show windows#, signage and entrances or off-street loading berths developed in conjunction with a public amenity such as a ~~n~~ #urban public plaza#, #through block arcade# or #covered pedestrian space#, and will not alter the essential character of the immediate neighborhood.

\* \* \*

#### 74-747

##### Previously granted special permits

Any #development# or #enlargement# granted a special permit by the City Planning Commission under previous Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990, may be started or continued pursuant to that special permit.

The Commission may administratively, upon application, allow modifications of the special permit granted under previous Section 74-74 (Commercial Development Extending into More than One Block) before February 22, 1990.

In no event may the Commission grant a modification of a special permit approved prior to February 22, 1990, that would require additional #bulk# distribution among #zoning lots# or modification of the height and #lot coverage# limitations previously established. Any modifications exceeding the limitations set forth herein shall be subject to the provisions of the new Section 74-74 (General Large-Scale Development).

No existing ~~#plaza#, #residential plaza#, #urban plaza#~~ #publicly accessible open area# or other public amenity for which a #floor area# bonus or any increase in tower coverage above 40 percent of the #lot area# of the #zoning lot# has been received under previous Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990, shall be eliminated or reduced in size except by special permit of the Commission pursuant to a finding that a proposed change will provide a greater public benefit in the light of the public amenity's purpose.

Any #sign# shown on a site plan incorporated as part of a special permit of the City Planning Commission under the provisions of Section 74-74 (General Large-Scale Development) prior to February 27, 2001, may be erected and maintained in accordance with such special permit.

\* \* \*

#### 74-761

##### Elevated plazas

In C5-5 or C6-9 Districts, the City Planning Commission may permit ~~#urban plazas#~~ at levels consistent with existing or contemplated public pedestrian circulation to be more than five feet above the ~~#curb level#~~ of the nearest adjoining ~~#street#~~, provided that the following findings are made:

- (a) that the ~~#urban plaza#~~ by itself or together with a ~~#plaza#~~ adjacent and accessible to it, has an area of not less than 8,000 square feet with a minimum dimension of 80 feet; and
- (b) that easy access to the ~~#urban plaza#~~ level is provided from the ~~#street#~~ level below.

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

The Commission shall require, when appropriate, that the design of the ~~#building#~~ and its open areas are suitably related to ~~#developments#~~ existing or planned in adjacent areas.

## **74-762**

### **Sunken plazas**

In C6-1A Districts, the City Planning Commission may permit a portion of the ~~#urban plaza#~~ area to be depressed more than 10 feet below the ~~#curb level#~~ of the nearest adjoining ~~#street#~~ to provide access of light and air and direct pedestrian access by stairs or escalators from an adjoining ~~#street#~~, ~~#arcade#~~, ~~#plaza#~~, ~~#through block arcade#~~, ~~#plaza#~~ connected open space, ~~#court#~~ or ~~½ #yard#~~ to a subway station, mezzanine or concourse. The ~~#urban plaza#~~ bonus may be increased from 6 square feet to 10 square feet of ~~#floor area#~~ for every one square foot of such depressed ~~#urban plaza#~~ area. Such stairs or escalators above the depressed level of the ~~#urban plaza#~~ are permissible obstructions, provided that they:

- (a) do not occupy in the aggregate more than 15 percent of the ~~#urban plaza#~~ area; and
- (b) are kept open to the general public during normal working hours.

Not more than 50 percent of the ~~#urban plaza#~~ area shall be depressed.

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

The Commission shall require, when appropriate, that the design of the ~~#building#~~ and its open areas are suitably related to ~~#developments#~~ existing or planned in adjacent areas.

## **74-763**

### **Elimination or reduction in size of bonused public amenities**

In all districts, the City Planning Commission may, by special permit, allow the elimination or reduction in size

of any existing ~~#plaza#~~, ~~#plaza#-connected open area~~, ~~#residential plaza#~~, ~~#urban plaza#~~, #publicly accessible open area#, ~~#arcade#~~ or other public amenity, open or enclosed, for which a ~~#floor area#~~ bonus has been utilized, provided that such reduction or elimination shall not create a ~~#floor area#~~ non-compliance on the ~~#zoning lot#~~.

In granting such special permit, the Commission shall find that:

- (a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the ~~#zoning lot#~~ that shall provide equal or increased public benefit; and
- (b) for #publicly accessible open areas#, any remaining bonused open area will comply to the maximum extent feasible with the standards of ~~#urban public plazas#~~ as set forth in Section ~~37-04~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS).

However, the Commission may waive the provisions of paragraph (b) if it finds that such standards for #public plazas# would compromise the design integrity of the #publicly accessible open area# or would result in the loss of significant design elements or character that are integral components of the #publicly accessible open area's# design.

The Commission may prescribe additional conditions to enhance the relationship of public open areas or other amenities and the ~~#development#~~ to the surrounding areas.

\* \* \*

## 74-79

### Transfer of Development Rights from Landmark Sites

In all districts except R1, R2, R3, R4 or R5 Districts or C1 or C2 Districts mapped within such districts, for new ~~#developments#~~ or ~~#enlargements#~~, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark ~~#buildings or other structures#~~, may permit the maximum permitted ~~#floor area#~~ on such adjacent lot to be increased on the basis of such transfer of development rights, may permit, in the case of ~~#residential developments#~~ or ~~#enlargements#~~, the minimum required ~~#open space#~~ or the density requirements to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in ~~#residential plazas# or #urban public plaza#~~, ~~#arcade#~~ and ~~#yard#~~ regulations, for the purpose of providing a harmonious architectural relationship between the ~~#development#~~ or ~~#enlargement#~~ and the landmark ~~#building or other structure#~~.

Where a ~~#zoning lot#~~ occupied by a landmark ~~#building or other structure#~~ is located in a ~~#Residence District#~~, the Commission may modify the applicable regulation of primary business entrances, ~~#show windows#~~, ~~#signs#~~ and entrances and exits to ~~#accessory#~~ off-street loading berths on the "adjacent lot" in a ~~#Commercial District#~~ provided that such modifications will not adversely affect the harmonious relationship between the ~~#building#~~ on the "adjacent lot" and landmark ~~#building or other structure#~~.

For the purposes of this Section, the term "adjacent lot" shall mean a lot that is contiguous to the lot occupied by the landmark ~~#building or other structure#~~ or one that is across a ~~#street#~~ and opposite to the lot occupied by the landmark ~~#building or other structure#~~, or, in the case of a ~~#corner lot#~~, one that fronts on the same ~~#street#~~ intersection as the lot occupied by the landmark ~~#building or other structure#~~. It shall also mean, in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, a lot contiguous or one that is across a ~~#street#~~ and

opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS)).

A "landmark #building or other structure#" shall include any structure designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments, and bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, any structures within historic districts, statues, monuments or bridges.

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for application), 74-792 (Conditions and limitations), and 74-793 (Transfer instruments and notice of restrictions).

\* \* \*

## 74-792

### Conditions and limitations

- (a) For the purposes of this Section, except in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the basic maximum allowable #floor area# for a #zoning lot# occupied by a landmark shall be the maximum #floor area# allowed by the applicable district regulations on maximum #floor area ratio# or minimum required #open space ratio# and shall not include any additional #floor area# allowed for ~~#residential plazas# or #urban public plazas#~~, #arcades# or any other form of bonus whether by right or special permit.
- (b) The maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark building shall be computed in the following manner:
  - (1) the maximum allowable #floor area# that could be built for #buildings# other than #community facility buildings# under existing district regulations on the same #zoning lot# if it were undeveloped;
  - (2) less the total #floor area# of all #buildings# on the landmark lot;
  - (3) the figure computed from paragraphs (a) and (b) of this Section, inclusive, shall be the maximum amount that may be transferred to any one or number of adjacent lots; and
  - (4) development rights to unbuilt but allowable #floor area# may be transferred from one or any number of #zoning lots# occupied by a landmark building to one or any number of #zoning lots# adjacent to the landmark lot so as to increase the basic maximum allowable #floor area# that may be #developed# on such adjacent #zoning lots#. For each such adjacent #zoning lot#, the increase in #floor area# allowed under the provisions of this Section shall in no event exceed the basic maximum #floor area# allowable on such adjacent #zoning lot# by more than 20 percent.
- (c) When adjacent lots are located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts and are to be #developed# with #commercial buildings#, the following conditions and limitations shall apply:

- (1) the maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark building shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on said landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
- (2) for each such adjacent #zoning lot#, the increase in #floor area# allowed by the transfer of development rights under this Section shall be over and above the maximum #floor area# allowed by the applicable district regulations; and
- (3) the City Planning Commission may require, where appropriate, that the design of the #development# include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, #urban public plazas# and #arcades#.

\* \* \*

## 74-82

### Through Block Arcades

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 Districts, the City Planning Commission may permit #through block arcades# to be located in #commercial buildings# or #mixed buildings#. For each square foot of #through block arcade# located in C4-7, C5-2, C5-4, C6-1, C6-2, C6-3, C6-4, C6-5 and C6-8 Districts, a bonus of three feet of #floor area# may be permitted and for each square foot of #through block arcade# located in C5-3, C5-5, C6-1A, C6-6, C6-7 and C6-9 Districts, a bonus of six feet of #floor area# may be permitted. #Through block arcades# may be located on a #zoning lot# in conjunction with a #plaza# #publicly accessible open area# or an #arcade# but in no event shall the total #floor area# permitted on that #zoning lot# exceed the amount set forth in Section 33-12 (Maximum Floor Area Ratio) by more than 20 percent.

\* \* \*

## 74-844

### Preservation of community facility uses within certain developments containing public open areas

- (d) the #development# provides a minimum of 25 percent of the #lot area# of the #zoning lot# as public open area at #curb level#. Where site conditions preclude open area at #curb level#, such open area shall at no point be more than 3 feet below #curb level# or 6 feet above #curb level# of the #street# providing primary access to such area. The public open area shall be unobstructed from its lowest level to the sky except as set forth in this Section, directly accessible to the public from an adjoining #street# and, if feasible, be located on the southerly side of the #zoning lot#. Entrance to such public open area shall be clearly visible from the #street#. The said area shall be developed with lighting, landscaping including planting of shrubs and trees, pedestrian ways and seating areas in accordance with plans approved by the Commission and shall be maintained in accordance with a maintenance program approved by the Commission. Building columns or similar elements may be permitted, but the aggregate area of such elements may not exceed two percent of the total public area. Driveways, off-street parking spaces and loading berths are not permitted within the public open area.

A portion of the open area shall be developed as a park area concentrated in one location and having a

minimum dimension of 45 feet and a minimum area of 4,500 square feet. The park area shall be accessible to the public from 9:00 a.m. to 9:00 p.m. each day from May 1 to September 30 and from 9:00 a.m. to 6:00 p.m. each day from October 1 to April 30, and such hours shall be posted on a sign that is plainly visible from the sidewalk adjoining the principal entrance to the park. In addition to the 4,500 square feet of park area, in meeting the 25 percent public open area requirements of this Section, the #development# may provide a non-bonusable ~~#residential~~ public plaza#, #arcade# or sidewalk continuation area; and

- (e) that any #bulk# modifications granted will result in satisfactory site planning and satisfactory urban design relationships of #buildings# within the #development# to adjacent #streets# and surrounding #developments#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. The #zoning lot# containing such #development# shall be subject to all the regulations applicable to a C1-9 District subject to the provisions of any special purpose district within which the #zoning lot# is located, except that the maximum permitted #floor area ratio# shall be 11.0. The #floor area# bonus provision for ~~#residential~~ public plazas# or #arcades# shall not apply. The #accessory# off-street parking requirements of Section 36-332 shall be 20 percent.

\* \* \*

## 74-871

### Floor area bonus for covered pedestrian space

For a #commercial# or #community facility development# or #mixed building#, for each square foot of #covered pedestrian space# provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum floor area ratio) may be increased as set forth in the following table:

#### PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

Basic (in square feet)	Maximum (in square feet)	District
11	14	C5-3 C5-5 C6-6 C6-7 C6-9
8	11	C4-7 C5-2 C5-4 C6-4 C6-5 C6-8

In no event shall the resulting #floor area ratio# exceed the amount set forth in Section 33-12 by more than 20 percent. Any #floor area# bonus earned by providing a #covered pedestrian space# may be applied to increase the #residential bulk# of a #mixed building# provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Any portion of the #covered pedestrian space# that is within ten feet of a #street line# or #lot line# and that is extended along such #street line# or #lot line# on either side of an entrance to it from an adjoining #street#, #arcade#, #plaza#, ~~#residential plaza~~#, ~~#urban plaza~~#, publicly accessible open area#, #court#, #yard# or other #covered pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

\* \* \*

## 74-872

### Design requirements for covered pedestrian spaces

In order to qualify for a #floor area# bonus, a #covered pedestrian space# shall be directly accessible to the public from the adjoining #street#, #arcade#, #through block arcade#, #plaza#, #residential plaza#, #urban plaza#, #publicly accessible open area#, #court#, #yard#, #pedestrian mall# or other #covered pedestrian space# which is a part of the public pedestrian circulation system, and shall:

- (a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;
- (b) have a height of at least 30 feet;
- (c) have appropriate #uses# permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the #covered pedestrian space# which do not abut #lot lines# or #street lines#. At least 50 percent of such frontage shall be developed with individual #uses# each of which has a frontage not exceeding 25 feet and the frontage of any other single #use# may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type #uses# occupy any portion of the frontage of the #covered pedestrian space#. Access to other #uses# within a #building# may be provided from the #covered pedestrian space# if such #uses# are not located at the same #story# as the pedestrian space;
- (d) be adequately illuminated, utilizing natural daylight wherever possible; and
- (e) be suitably maintained and kept open to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

Obstructions such as awnings, canopies, pedestrian bridges, escalators, stairs, balconies or other architectural elements above the floor level of the #covered pedestrian space# are prohibited unless it can be clearly demonstrated that they will enhance design or pedestrian circulation. In any event, horizontal projection of balconies into any #covered pedestrian space# shall not exceed five feet.

Planting, landscaping, ornamental fountains, statuary, outdoor furniture, kiosks, works of art, light wells and other features may be permitted in a portion of the pedestrian space, but not to the extent of impeding pedestrian movement.

Columns or similar elements may be permitted within a #covered pedestrian space#, but the aggregate area of such elements may not exceed two percent of the total pedestrian space. The clear span along the main path of pedestrian traffic shall not be less than the figure indicated for minimum dimensions of pedestrian space in paragraph (a) of this Section. However, when two or more pedestrian paths are provided, the minimum clear span widths of such paths may be reduced by five feet.

Where multiple access to the #covered pedestrian space# is provided from an #arcade#, the minimum clear spacing between columns at the face of the #building# may be reduced to 18 feet, provided the height of the #arcade# is not less than 30 feet.



A portion of the #covered pedestrian space# shall be developed as public sitting areas with appropriate facilities such as cafes or other public seating arrangements.

Entrances to lobbies may be permitted along the boundary of a #covered pedestrian space#. The #floor area# of an entrance lobby shall not be considered as part of the #covered pedestrian space#. Where a #zoning lot# is bounded by more than one #street#, or by the combination of #streets#, #plazas# #publicly accessible open area#, or other public rights-of-way, the #covered pedestrian space# will provide a connection between at least two such areas.

\* \* \*

## 74-91

### Modification of Urban Public Plazas

In C5-3, C5-5, C6-6, C6-7 and C6-9 ~~all D districts and in C5-4 Districts on #zoning lots# of more than 200,000 square feet~~, the City Planning Commission may permit modification of the provisions of Section 37-04 ~~37-70~~ (Requirements for Urban Plazas PUBLIC PLAZAS) affecting the eligibility of #urban public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-15 (Maximum Floor Area Ratio in R10 Districts), 24-14 or 33-14 33-13 (Floor Area Bonus for a ~~n~~ Urban Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #urban public plaza# will be assured by the proposed layout and design and that the #development# as a whole will produce a good superior urban design relationship with surrounding #buildings# and #open spaces#.

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

\* \* \*

## 74-96

### Special Urban Design Guidelines – Residential Plaza Modifications

In R10, C1-9, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within an R10 District, the City Planning Commission may permit modifications of the provisions of Article II, Chapter 7 (Special Urban Design Guidelines – Residential Plazas and Arcades) and Section 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), provided that such modifications shall not include any modifications of Section 24-14 (Floor Area Bonus for a Residential Plaza) for the bonus #floor area# of six square feet for each square foot of #residential plaza#. Such modifications shall be conditioned upon the Commission finding that the #residential plaza's# usefulness and attractiveness will be assured by the proposed layout and design and that the #development# as a whole will produce a superior relationship with surrounding #buildings# than that achieved through these urban design guidelines.

In R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating February 9, 1994, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the

~~#building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.~~

\* \* \*

## Article VII

### Chapter 7: Special Provisions for Zoning Lots Divided by District Boundaries

\* \* \*

#### 77-22

##### Floor Area Ratio

The maximum #floor area ratio# permitted on each portion of such #zoning lot# for the applicable type of #building# or #buildings# on such #zoning lot# shall be determined under the applicable regulations of the Chapters indicated:

District	Type of #Use#	Article	Chapter
#Residence#	#Residential#	II	3
#Residence#	#Community Facility#	II	4
#Commercial#	#Commercial#	III	3
#Commercial#	#Community Facility#	III	3
#Commercial#	#Residential#	III	4
#Commercial#	Mixed (#Residential# with #Commercial# or with #Community Facility#)	III	5
#Manufacturing#	#Manufacturing#	IV	3
#Manufacturing#	#Commercial#	IV	3
#Manufacturing#	#Community Facility#	IV	3

Each such #floor area ratio# shall be multiplied by the percentage of the #zoning lot# to which such #floor area ratio# applies. The sum of the products thus obtained shall be the adjusted maximum #floor area ratio# applicable to such #zoning lot#.

In applying this provision, the #floor area# bonus permitted for ~~#residential plazas#, #urban plazas#~~ #publicly accessible open areas# or #arcades# under the applicable regulations of this Resolution, shall apply only to such ~~#residential plazas#, #urban plazas#, #publicly accessible open area#~~, #arcades# or portions thereof, as are located in a district in which such bonus is granted.

\* \* \*

#### 77-23

##### Open Space Ratio

The #open space# required for the #building# or #buildings# on such #zoning lot# shall be computed separately for each portion of the #zoning lot# under the applicable regulations of the Chapters indicated below. The total #open space# provided on the #zoning lot# shall not be less than the sum of such required #open space# so

computed.

For portions of the #zoning lot# located in districts that have required #open space ratios#, the required #open space# for each such portion is computed by multiplying the #lot area# of that portion, by the maximum #floor area ratio# permitted for the applicable type of #building# or #buildings#, by the minimum #open space ratio# required at that #floor area ratio#, divided by 100.

For portions of the #zoning lot# located in districts that do not have a required #open space ratio#, no #open space# shall be required but any required #yards#, or #plaza# #publicly accessible open area# provided, for which a #floor area# or #lot area# bonus is taken, shall be in addition to the amount of #open space# required on the remaining portion of the #zoning lot#. No open area may be counted twice in fulfilling these requirements.

\* \* \*

## Article VII

### Chapter 8: Special Regulations Applying to Large-Scale Residential Developments

\* \* \*

#### 78-31

#### Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks

\* \* \*

- (e) In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for ~~#residential~~ public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

\* \* \*

## Article VII

### Chapter 9: Special Regulations Applying to Large-Scale Community Facility Developments

\* \* \*

#### 79-21

#### General Provisions

When a #large-scale community facility development# includes two or more #zoning lots# which are contiguous or would be contiguous but for their separation by a #street#, the City Planning Commission may, in appropriate cases, upon application, authorize the permitted #floor area#, #lot coverage#, #dwelling units# or #rooming units#, or the required #open space# for all #zoning lots# within the #development#, to be distributed without regard for #zoning lot lines#, may modify the minimum required distance between #residential buildings# as set forth in Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT), provided such reduction does not exceed 15 percent of that required by Section 23-71, may authorize the location of #buildings# without regard for #front yard# or height

and setback regulation which would otherwise apply along portions of #streets# wholly within the #development#, and, further, may authorize the location of #community facility buildings# without regard to #side# or #rear yard# regulations which would otherwise apply along portions of #lot lines# abutting other #zoning lots# within the #development#.

As a condition of granting such authorizations, in each case the Commission shall make the following special findings:

- (a) that such distribution or location will permit better site planning and will thus benefit both the residents, occupants, or users of the #development# and the City as a whole;
- (b) that such distribution or location will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; and
- (c) that such distribution or location will not affect adversely any other #zoning lots# outside the #development# by restricting access to light and air or by creating traffic congestion.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for ~~#residential~~ public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing ~~#plaza#~~, ~~#plaza#-connected open area~~, ~~#residential plaza#~~ #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations ~~antedating~~ prior to February 9, 1994, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

\* \* \*

## Article VIII - Special Purpose Districts

### Chapter 1 Special Midtown District

10/31/01

Table of Contents - Special Midtown District

GENERAL PURPOSES .....	81-00
Definitions .....	81-01
General Provisions .....	81-02
District Plan .....	81-03
Subdistricts .....	81-04
Applicability of Certain Amendments.....	81-05
Applicability of Article VII Provisions .....	81-06

USE REGULATIONS .....	81-10
Modifications of Use Regulations in Subdistricts .....	81-11
Special Retail Continuity Requirements .....	81-12
Special Permit Use Modifications .....	81-13
Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict .....	81-14
BULK REGULATIONS .....	81-20
Floor Area Ratio Regulations .....	81-21
As-of-Right Floor Area Bonuses.....	81-22
Floor Area Bonus for <u>Urban Public</u> Plazas .....	81-23

\* \* \*

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

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

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

Means for Achiev-ing Permit- ted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	Outside the Grand Central Subdistrict					Grand Central Subdi	
	C5P	C6-4 M1-6	C6-5 4.5 C6-5.5 C6-6.5	C5-2.5 C6	C6-7T	C5-3 C6- 6 C6-7	C5-2.5 C5-3 C6-6
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0	12.0	15.0
B. Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Urban Public plaza# (Section 81-23)	---	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	---	1.0 <sup>2</sup>	---	---
C. Maximum Total FAR with As-of-Right Incentives							

	8.0	11.0 <sup>1,2,8</sup>	13.0 <sup>1,3</sup>	14.0	16.0	12.0	15.0
D. Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)	---	2.0 <sup>1,7</sup>	2.4 <sup>1</sup>	---	3.0	2.4	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	8.0	12.0	14.4	14.0	18.0	14.4	18.0
F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)	---	2.0	---	---	3.0	---	---
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:	---	12.0	---	---	18.0	---	---
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict: Development rights (FAR) of a "granting site" (Section 81-744)	---	10.0	12.0	14.0	15.0	---	---
Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))	---	2.0	2.4	2.8	3.0	---	---
Inclusionary Housing (Sections 23-90 and 81-22)	---	2.0 <sup>4</sup>	---	---	---	---	---
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict	---	12.0	14.4	16.8	18.0	---	---
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))	---	2.4	---	---	---	---	---
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	---	14.4	14.4	16.8	18.0	---	---
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" (Section 81-745)	---	4.4	2.4	2.8	3.0	---	---
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	8.0	14.4	14.4	16.8	18.0	---	---
N. Maximum FAR of Lots Involving Landmarks:							
Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)	8.0	10.0	12.0	14.0	15.0	12.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	8.0	10.0	13.0 <sup>5</sup>	14.0	16.0	12.0	15.0
Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:							
(a) an "adjacent lot" (Section 74-79)	1.6	2.0	2.4	No Limit	No Limit	2.4	No Limit
(b) a "receiving lot" (Section 81-634)	---	---	---	---	---	1.0	1.0
(c) a "receiving lot" (Section 81-635)	---	---	---	---	---	9.6	6.6

O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

9.6	14.4	14.4	No Limit	No Limit	21.6	No <sup>6</sup> Limit
-----	------	------	----------	----------	------	--------------------------

- <sup>1</sup> Not available for #zoning lots# located wholly within Theater Subdistrict Core
- <sup>2</sup> Not available within the Eighth Avenue Corridor
- <sup>3</sup> Not available within 100 feet of a #wide street# in C5-2.5 Districts
- <sup>4</sup> Applicable only within that portion of the Theater Subdistrict also located within the Special Clinton District
- <sup>5</sup> 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- <sup>6</sup> Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict
- <sup>7</sup> Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- <sup>8</sup> 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34<sup>th</sup> Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

\* \* \*

## 81-22

### As-of-Right Floor Area Bonuses

As-of-right #floor area# bonuses are not permitted in the #Special Midtown District#, except in accordance with the provisions of the following Section:

Section 81-23 (Floor Area Bonus for Urban Public Plazas).

In addition, the provisions of Section 23-90 (INCLUSIONARY HOUSING) shall be applicable in that portion of the #Special Midtown District# which is also within the #Special Clinton District#, pursuant to Section 81-023 (Applicability of the Special Clinton District regulations).

Any floor area bonus granted by certification for through #block# gallerias prior to August 6, 1998, shall remain in effect, provided however that such certification shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within four years from the effective date of such certification.

## 81-23

### Floor Area Bonus for Urban Public Plazas

Within the #Special Midtown District#, for each square foot of #urban public plaza# provided on a #zoning lot#, the basic maximum #floor area# permitted on that #zoning lot# under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

This Section shall be applicable in all underlying districts throughout the #Special Midtown District#, except that:

- (a) there shall be no #floor area# bonus for a n #urban public plaza# on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) no #development# or #enlargement# on a #zoning lot# shall receive a bonus for a n #urban public plaza# that is within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) no #development# or #enlargement# on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), shall receive a bonus for a n #urban public plaza#; and
- (d) there shall be no #floor area# bonus for a n #urban public plaza# on #zoning lots# in the Grand Central Subdistrict.

All #urban public plazas# provided within the #Special Midtown District# shall comply with the requirements for #urban public plazas# set forth in Section 37-04 37-70 (Requirements for Urban Plazas PUBLIC PLAZAS).

A major portion of a n #urban public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #urban public plaza# also conforms to the design standards of Section 37-07 37-50 (Requirements for Pedestrian Circulation Space REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a n #urban public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-04, paragraph (d) 37-71.5.

## 81-231

### Existing plazas or other public amenities

- (a) Elimination or reduction in size of existing #plazas# #publicly accessible open area# or other public amenities

No existing #plaza# #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size



of existing bonused public amenities).

(b) Kiosks and open air cafes

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

(c) Nighttime closing of existing ~~#plazas#, #plaza#-connected open areas and #residential plazas#~~ #publicly accessible open area#

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

(d) Special provisions for certain ~~#covered pedestrian spaces#~~

Where a portion of an existing ~~#covered pedestrian space#~~ was designated by a special authorization of the City Planning Commission prior to May 13, 1982, to be used for off-street loading after business hours, the Commission may, by special permit, after public notice and hearing, and subject to City Council action, allow relocation of the loading facilities and modifications relating to the loading berth requirements, provided that such modifications will result in substantial improvement of the pedestrian circulation system and amenities within the existing ~~#covered pedestrian space#~~ without adversely affecting the operation of off-street loading facilities.

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

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

## 81-232

### Special provisions for zoning lots divided by district boundaries

Where a ~~n #urban public plaza#~~ is located on a ~~#zoning lot#~~ divided by a district boundary, the #floor area# bonus for such ~~#urban public plaza#~~ may be credited to either portion of the ~~#zoning lot#~~ regardless of the ~~#urban public plaza's#~~ location or the date when the ~~#zoning lot#~~ was created, provided that the amount of such bonus permitted on either portion of the ~~#zoning lot#~~ shall not exceed the maximum amount that would be permitted on such portion if it were a separate ~~#zoning lot#~~ and subject to all other applicable provisions of Article VII, Chapter 7.

\* \* \*

## 81-413

### Provisions for persons with disabilities

All mandatory district plan elements required by the provisions of Section 81-45 (Pedestrian Circulation Space) shall conform with applicable laws pertaining to access for persons with disabilities. ~~be accessible to persons with disabilities, meeting the standards set forth in Section 37-728 37-04 (Requirements for Urban Plazas), paragraph (m).~~

\* \* \*

## 81-42

### Retail Continuity along Designated Streets

\* \* \*

- (c) one or more of the following pedestrian circulation spaces subject to the #street wall# continuity requirements of Section 81-43 (Street Wall Continuity Along Designated Streets):
- (1) relocated subway stairs provided in accordance with Sections ~~37-03~~ 37-40 (OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) and 81-46 (Off-Street Relocation or Renovation of a Subway Stair);
  - (2) through #block# connections provided in accordance with paragraph (h) of Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces); and

\* \* \*

## 81-43

### Street Wall Continuity Along Designated Streets

\* \* \*

No arcades, sidewalk widenings or ~~#urban public plazas#~~ shall be permitted on Fifth Avenue, 34th Street, 42nd Street or 57th Street frontages. Between 42nd and 56th Street, no arcades or ~~#urban public plazas#~~ shall be permitted on Eighth Avenue. Between 43rd and 50th Streets, no arcades or ~~#urban public plazas#~~ shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and #signs#, any area between the Seventh Avenue or Broadway #street line# and any required #street wall# below the height of the first required setback, including permitted recesses, shall be open from #curb level# to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including #street# trees. On the remaining #streets# designated for #street wall# continuity, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted toward the recess allowances.

\* \* \*

## 81-45

### Pedestrian Circulation Space

Within the #Special Midtown District#, all new #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation

space in accordance with the provisions of Section ~~37-07~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), as modified by the provisions of this Section.

The requirements for pedestrian circulation space may be met by providing one or more of the following types of spaces: arcade, building entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through ~~#block#~~ connection or ~~#urban public plaza#~~.

In addition to the types of pedestrian circulation spaces listed in Section ~~37-07~~ 37-50, the following may be counted toward meeting the minimum pedestrian circulation space requirement:

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

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

- (1) the ~~#zoning lot#~~ is entirely occupied by a ~~#building#~~ of no more than one ~~#story#~~ in height;
- (2) the ~~#zoning lot#~~ is an ~~#interior lot#~~ fronting on a ~~#wide street#~~ with less than 80 feet of ~~#street#~~ frontage;
- (3) the ~~#zoning lot#~~ is an ~~#interior#~~ or ~~#through lot#~~ fronting only on a ~~#street#~~ or ~~#streets#~~ where arcades, sidewalk widenings or ~~#urban public plazas#~~ are prohibited;
- (4) the ~~#zoning lot#~~ is an ~~#interior lot#~~ fronting on either 34th Street, 42nd Street, 57th Street or Fifth Avenue, with another interior frontage of lesser length on any other ~~#street#~~; or
- (5) the ~~#zoning lot#~~ is a ~~#through lot#~~ with both ~~#street#~~ frontages less than 25 feet in length.

New ~~#developments#~~ or ~~#enlargements#~~ on a ~~#zoning lot#~~ having a full ~~#block#~~ frontage on a ~~#wide street#~~ other than Fifth Avenue, 34th Street, 42nd Street or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on that ~~#street#~~. In the case of a ~~#zoning lot#~~ having two full ~~#block#~~ frontages on ~~#wide streets#~~, this minimum amount may be allocated on either one or both ~~#wide streets#~~; where each ~~#street#~~ bounding a ~~#zoning lot#~~ with at least one full ~~#block#~~ frontage is a ~~#wide street#~~, the minimum amount may be allowed on one or more of those ~~#wide streets#~~.

Where pedestrian circulation space is provided along Seventh Avenue or Broadway between 43rd and 50th Streets, ~~#signs#~~ and marquees shall be permitted as exceptions to the requirements relating to permitted obstructions in Section ~~37-07~~ 37-50.

\* \* \*

## 81-46 Off-Street Relocation or Renovation of a Subway Stair

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section ~~37-03~~ 37-40 (~~Off-Street Relocation or Renovation of a Subway Stair~~ OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section ~~37-07~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE).

## 81-47

### Major Building Entrances

In order to limit pedestrian traffic congestion on #zoning lots# with at least 20,000 square feet of #lot area#, the following restrictions apply to #developments# described in paragraphs (a) and (b) of this Section, except as provided in paragraph (c) in this Section. For the purposes of this Section, the major entrance to a #building# shall be that entrance to the main lobby of the #building# which has the greatest aggregate width of clear openings for access.

- (a) When the #zoning lot# contains a ~~n~~ #urban public plaza# or an open though #block# connection located entirely outside of the #building#, the major entrance to the #building# shall open on the #urban public plaza# or the open through #block# connection.
- (b) Where there is no #urban public plaza# or open through #block# connection on the #zoning lot#, the following restrictions on major entrances shall apply to #corner lots# or #block# front lots:

\* \* \*

## 81-48

### Off-street Improvement of Access to Rail Mass Transit Facility

An off-street rail mass transit access improvement shall provide a new point of unobstructed off-street public access to a rail mass transit station or facility. It shall immediately adjoin, and be accessible without any obstruction from an arcade, a building entrance recess area, a corner arcade, a corner circulation space, a public sidewalk, a sidewalk widening or a ~~n~~ #urban public plaza#, each of which shall have a minimum horizontal dimension equal to the width of the rail mass transit access improvement. The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors. The area it occupies within a #building# shall not be counted toward the #floor area# of the #development# or #enlargement#.

The Chairperson of the City Planning Commission may certify that an off-street rail mass transit access improvement satisfies the requirements of Section 81-45 (Pedestrian Circulation Space), provided that such improvement is approved by the entity which operates the mass transit station or facility and meets the following standards:

- (a) Dimensions

An off-street mass transit access improvement shall have a minimum clear, unobstructed width of not less than 15 feet and a minimum clear, unobstructed height from finished floor to finished ceiling of not

less than eight feet.

(b) Obstructions

An off-street mass transit access improvement shall be free of obstructions except for building columns and shall provide a continuous, unobstructed path at least 15 feet wide connecting the public sidewalk, pedestrian circulation space or ~~#urban public plaza#~~ with the rail mass transit station or facility.

\* \* \*

**81-542**

**Retention of floor area bonus for plazas or other public spaces**

For the #zoning lot# bounded by West 34th Street, Seventh Avenue, West 33rd Street and Eighth Avenue, which contains at least 7,000 square feet of existing ~~#plaza#~~ #publicly accessible open area# or other bonused public amenity in the Penn Center Subdistrict, the maximum allowed #floor area# bonus for all existing ~~#plaza#~~ #publicly accessible open area# or other public amenities on the #zoning lot# may be retained at the amount allowed prior to October 31, 2001, subject to all other provisions of this Resolution, notwithstanding inclusion of such #zoning lot# within the #Special Midtown District#.

\* \* \*

**81-61**

**General Provisions**

In order to preserve and protect the character of the Grand Central Subdistrict, as well as to expand and enhance the Subdistrict's extensive pedestrian network, special regulations are set forth governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network.

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT) are applicable only in the Grand Central Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

As stated in Section 81-212, transfer of development rights from landmark sites may be allowed pursuant to Section 81-63.

The provisions of Section 81-23 (Floor Area Bonus for ~~Urban~~ Public Plazas) are inapplicable to any #development# or #enlargement# located within the Grand Central Subdistrict.

\* \* \*

**81-623**

**Building lobby entrance requirements**

Building lobby entrances for #developments# or #enlargements# shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has

frontage on more than two #streets#, building entrances shall be required only on two #street# frontages. Each required building entrance shall lead directly to the building lobby.

Required building entrances on opposite #street# frontages shall be connected directly to the building lobby by providing a through #block# connection in accordance with paragraph (h) of Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

Each required building entrance shall include a building entrance recess area, as defined in paragraph (b) of Section ~~37-073~~ 37-53, except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the length of a building entrance recess area shall not be greater than 40 feet parallel to the #street line# and there may be only one building entrance recess area on each such #street# frontage.

\* \* \*

## 81-731

### Special regulations for signs, transparency, banners and canopies

Within that area of the Theater Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along #wide street# frontages. Within the Theater Subdistrict Core the following provisions also apply along #narrow street# frontages.

- (a) At least 50 percent of the #street wall# surface of a #development# shall be glazed at the ground floor level with clear, untinted, transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.

For the purpose of the glazing requirements, the building's #street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less, and shall exclude any area of #street wall# occupied by #accessory# off-street loading berths or #accessory# off-street parking required under provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS). For the purposes of this Section, clear, unobstructed openings in the surface of a #street wall# provided for a stairway entrance into a subway relocated onto a #zoning lot# in accordance with the requirements of Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair) or a through #block# connection provided in accordance with the requirements of paragraph (h) of Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces) shall be treated as transparent glazed surfaces.

\* \* \*

## 81-84

### Mandatory Regulations and Prohibitions

The following requirements listed in this Section shall apply to all #developments#, #enlargements#, #extensions#, or changes of #use# within the Subdistrict:

- (a) Pedestrian access to #uses#

No access from the Fifth Avenue #street line# or within 50 feet of the Fifth Avenue #street line# shall be permitted to lobbies for office, #residential# or hotel #uses# or to any new #use# not listed in Use Group F, except when the #zoning lot# is inaccessible from any other #street#, in which case the total amount of frontage occupied by lobby space or entrance space for such #uses# shall not exceed 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less.

No #urban public plaza#, or any part thereof, shall be permitted on or within 50 feet of the Fifth Avenue #street line#.

\* \* \*

## Article VIII - Special Purpose Districts

### Chapter 2

#### Special Lincoln Square District

\* \* \*

#### 82-12

##### Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Sections ~~37-032~~ 37-42 (Standards for relocation, design and hours of public accessibility) and ~~37-033~~ 37-43 (Administrative procedure for a subway stair relocation).

\* \* \*

#### 82-70

##### EXISTING PLAZAS PUBLICLY ACCESSIBLE OPEN AREAS OR OTHER PUBLIC AMENITIES

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

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

\* \* \*

## Article IX - Special Purpose Districts

## Chapter 1

### Special Lower Manhattan District

\* \* \*

#### 91-212

##### Floor area increase in a C6-4 District

In a C6-4 District, the #residential floor area# of a #building# may exceed 10.0 in accordance with the provisions of Sections 23-90 (INCLUSIONARY HOUSING) or ~~91-241~~ 91-231 (Floor area bonus for ~~urban~~ public plazas), provided that the maximum #residential floor area ratio# shall not exceed 12.0.

\* \* \*

#### 91-22

##### Floor Area Regulations for Non-Residential and Mixed Buildings

\* \* \*

#### MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS

##### BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core Subdistrict					Hist Core coric & Comm Core					South Street Seaport Subdistrict a waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4	C5-5						C2-8	C4-6	C6- 2A	C5-3	C6-9
Basic maximum FAR	6.02 <sup>1</sup> 6.5 <sup>3</sup>	10 <sup>2,3,4</sup> 2,3	10 <sup>4</sup> 15	2.0 <sup>2</sup> 6.5 <sup>3</sup>	10 <sup>4</sup> 15 2,3						2.0 <sup>2</sup> 3. 10 <sup>4</sup>	3.4 <sup>2,3</sup>	6.0 <sup>2</sup> 6.02 <sup>4</sup> 6.5 <sup>3</sup>	10 <sup>4</sup> 15 2,3	15
Maximum as- of-right #floor area# bonus for # <del>urban</del> <u>public</u> plazas#	NA	2	3	NA	NA						NA	NA	NA	NA	NA

\* \* \*

#### 91-231

##### Floor area bonus for ~~urban~~ public plazas



The maximum permitted #floor area# on a #zoning lot# may be increased in accordance with the following regulations, provided that a ~~n~~ #urban public plaza#, which shall meet the requirements of Section ~~37-04~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS), is included in the #development# or #enlargement#.

- (a) A #floor area# bonus for a ~~n~~ #urban public plaza# shall not be permitted for any #development# or #enlargement# located within:
- (1) the Historic and Commercial Core;
  - (2) the South Street Seaport Subdistrict; or
  - (3) 50 feet of a #street line# of a designated #street# on which:
    - (i) retail continuity is required pursuant to Section 91-41 (Regulations for Designated Retail Streets); or
    - (ii) #street wall# continuity is required pursuant to the regulations for Type 1 or Type 2 #street walls# pursuant to Section 91-31 (Street Wall Regulations).
- (b) For each square foot of a ~~n~~ #urban public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Regulations for Non-Residential and Mixed Buildings) may be increased, in C6-4 Districts, by six square feet to a maximum #floor area# ratio of 12.0, and, in C5-3, C5-5 and C6-9 Districts, by ten square feet to a maximum #floor area# ratio of 18.0.
- (c) When a ~~n~~ #urban public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the ~~#urban public plaza#~~ or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

\* \* \*

## 91-31 Street Wall Regulations

\* \* \*

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

- (2) the ~~#outer court#~~ regulations of Article II, Chapter 4, for all other portions of ~~#buildings#~~; or
- (3) the requirements of Section ~~37-07~~ 37-50 (Requirements for pedestrian circulation space REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) where such areas are pedestrian circulation spaces.

\* \* \*

## 91-32

### Setback Regulations

\* \* \*

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

\* \* \*

## 91-42

### Pedestrian Circulation Space

Within the boundaries of the ~~#Special Lower Manhattan District#~~, all new ~~#developments#~~ or ~~#enlargements#~~ on ~~#zoning lots#~~ of at least 5,000 square feet that contain more than 70,000 square feet of new ~~#floor area#~~ shall provide pedestrian circulation space in accordance with the provisions of Section ~~37-07~~ 37-50 (Requirements for Pedestrian Circulation Space REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE).

\* \* \*

## 91-43

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

Where a ~~#development#~~ or ~~#enlargement#~~ is constructed on a ~~#zoning lot#~~ that contains at least 5,000 square feet of ~~#lot area#~~ and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the ~~#street#~~ onto the ~~#zoning lot#~~. The new entrance or entrances shall be provided in accordance with the provisions of Section ~~37-03~~ 37-40 (Off-Street Relocation or Renovation of a Subway Stair OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section ~~37-07~~ 37-50 (Requirements for Pedestrian Circulation Space REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE).

\* \* \*

## 91-62

### Definitions

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

#### Development rights

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

\* \* \*

### Article IX - Special Purpose Districts

#### Chapter 3

#### Special Hudson Yards District

\* \* \*

#### 93-054

#### Applicability of Chapter 4 of Article VII

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

Section 74-61 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-19 (Authorization for Electrical Utility Substations)

Section 74-68 (Development Within or Over a Right-of-Way or Yards)

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-Scale Development) shall be inapplicable in the Large-Scale Plan Subdistrict A

Section 74-83 (Court Houses)

Section 74-841 (Developments in certain Commercial Districts)

Section 74-852 (Height and setback regulations for developments on lots divided by district boundaries)

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modification of ~~Urban~~ Public Plazas)

\* \* \*

### 93-514

#### Eastern Rail Yards Subarea A1

(a) Location of buildings

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) for #buildings# containing only uses in Use Group 3 or 4, the footprint of such #buildings# at the level of the outdoor plaza required pursuant to paragraph (b) of Section 93-71 shall be west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 250 feet of West 30th Street.

(b) Height and setback

No setbacks shall be required for any building wall facing Eleventh Avenue, West 30<sup>th</sup> Street or West 33<sup>rd</sup> Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot# not occupied by the ~~urban~~ public plaza required pursuant to Section 93-71. Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

\* \* \*

### 93-543

#### Authorization for the provision of public open areas

For #developments# or #enlargements# on #zoning lots# that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches or Dyer Avenue, the City Planning Commission may authorize height and setback modifications within C2-5 Districts mapped within R8A Districts and the distribution of #floor area# without regard to district boundaries, provided the Commission finds that:

- (a) such publicly accessible open area provides an appropriate amenity to the surrounding area;
- (b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting;
- (c) modifications to the height and setback regulations of C2-5 Districts mapped within R8A Districts result in a #building# that does not exceed a height of 180 feet and is compatible with the scale and character of the surrounding area; and
- (d) all necessary approvals have been granted by the Port Authority, or adequate provision has been made for the receipt of such approvals prior to the issuance of any building permit.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section 37-06 37-727. Furthermore, such open areas shall comply with the requirements for #urban public plazas# set forth in ~~paragraphs (o) (Public space signage system), (p) (Signs), (q) (Maintenance) and (r) (Penalties for violations) of Section 37-04~~ Sections 37-744 (Litter receptacles), 37-75 (Signs), 37-78 (Maintenance) and paragraph (a) of Section 37-78 (Compliance).

\* \* \*

### 93-63

#### Pedestrian Circulation Space

In C2-8 and C6-4 Districts, all new #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

\* \* \*

### 93-66

#### Open Area Requirements in the Large-Scale Plan Subdistrict A

\* \* \*

- (d) Open areas described in paragraphs (b) and (c) of this Section may be occupied by features, equipment and appurtenances normally found in #public parks# and playgrounds, as listed in ~~paragraph (g) of Section 37-04 37-726~~ (~~Requirements for Urban Plazas~~ Permitted Obstructions). In addition, gates or fences shall be permitted for open areas described in paragraph (c) of this Section, provided such gates are fully open during business hours, such gates or fences are not higher than five feet, and are a minimum of 65 percent open to permit visibility of the open area. No parking areas shall be permitted in any open area. Driveways in any open area shall lead directly to an enclosed parking or loading

facility, except that portes-cocheres are allowed in any open area on #zoning lots# with at least 80,000 square feet of #lot area#. Building trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the #street# or any public access area. All paved areas shall be accessible to the public during business hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than 2 feet, 6 inches above the level of any adjacent paved area.

\* \* \*

## 93-71

### Public Access Areas in the Eastern Rail Yards Subarea A1

\* \* \*

#### (c) Urban Public plaza

A publicly accessible space, (hereinafter referred to as a n “urban public plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such urban public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street, and be #developed# to the standards of a n #urban public plaza# set forth in Section 37-04 37-70 (Requirements for Urban Plazas PUBLIC PLAZAS). Such urban public plaza shall be open to the sky except that such space may be covered by the existing or reconstructed High Line structure.

\* \* \*

#### (e) Connection to urban public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the urban public plaza. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection. The minimum clear width of such public way shall be 20 feet. If enclosed, the minimum clear height shall be 30 feet.

\* \* \*

## 93-72

### Public Access Areas at 450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Tenth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit.

#### (a) Through block connection

A publicly-accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required

pursuant to paragraph (g) in Section 93-71 with the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of this Section. Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a building wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #urban public plazas# set forth in paragraphs (g) through (q) of Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76, and 37-77 37-04.

\* \* \*

## 93-731

### Special requirements for zoning lots with floor area ratios greater than 10

\* \* \*

#### (a) Covered Pedestrian Space

\* \* \*

Notwithstanding the provisions of this paragraph, (a), up to 40 percent of the area required to be #developed# as a covered pedestrian space pursuant to this paragraph, (a), may be open, provided such open area fronts upon Ninth Avenue and is directly accessible to the plaza required pursuant to paragraph (c) of this Section. Such open area shall be #developed# in accordance with the standards of a #urban public plaza# set forth in Section 37-04 37-70.

In the event that such covered pedestrian space is not provided pursuant to this paragraph, (a), concurrently with a #development# or #enlargement# north of such covered pedestrian space, both shall be designed to allow for compliance with the provisions of this Section upon completion.

\* \* \*

#### (c) Plaza

A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space or open area required pursuant to paragraph (a) of this Section. Such plaza shall be ~~developed~~ to the standards of a ~~n~~ urban public plaza set forth in Section ~~37-04~~ 37-70.

\* \* \*

## 93-74

### Public Access Areas in Pennsylvania Station Subarea B4

\* \* \*

#### (c) Plaza

A publicly-accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be ~~developed~~ to the standards of a ~~n~~ urban public plaza set forth in Section ~~37-04~~ 37-70.

#### (d) Corner Circulation Space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section ~~37-073~~ 37-53. Such spaces shall count towards meeting the pedestrian circulation space requirements of Section 93-63. However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if such corner is ~~developed~~ with a plaza in accordance with paragraph (c) of this Section.

\* \* \*

## Article IX - Special Purpose Districts

### Chapter 5

#### Special Transit Land Use District

\* \* \*

## 95-032

### Location of transit easements

The transit easement volume may be located within a ~~building~~, in open areas, including ~~residential plazas~~, urban public plazas, or in areas covered by projected overhangs of a ~~building~~. At least one vertical face of the easement volume shall be at a ~~front lot line~~. The easement volume shall be located on the ~~zoning lot~~ as close as possible to the ~~street~~ containing the transit line.

\* \* \*



## 95-05

### Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators or elevators.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #~~residential plaza#~~ or an #urban public plaza# in the districts that allow such #public plaza# bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section 95-053, shall be considered permitted obstructions within required #yards#, #open space# or in a #~~residential plaza#~~ or #urban public plaza# area.

## 95-051

### Development of transit access facilities

All access facilities, including any light wells or sky lights required within a transit easement volume, shall be constructed and maintained by the Transit Authority except for any building columns, footings or any other permitted obstructions allowed therein.

The subway entrance within the transit easement volume and any adjoining #~~residential plaza#~~ or #urban public plaza# shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such entrance is not located at the #street line#, it shall be visually prominent and directly accessible from a #street# by a paved pedestrian walk at least 20 feet in width and at the same elevation as the adjoining sidewalk. Such privately-owned pedestrian walk shall be maintained by the owner. In order to provide natural light to the subway mezzanine level, at least 10 percent of the transit easement area at #curb level# shall be provided with light wells and skylights.

## 95-052

### Special access facilities for persons with disabilities

Special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

Such special elevators shall be designed by the New York City Transit Authority in consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #development# and adjoining #~~residential plaza#~~ or #urban public plaza# area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

## 95-053

### Weather protection

The stairs or escalators providing pedestrian access to the subway mezzanine, which are not covered at the entrance level, shall be weather protected by the #building# or portion thereof including an overhang, or by a roofed area provided by the owner of the #zoning lot# in accordance with the New York City Transit Authority requirements. Such overhang or roofed area shall cover either or both the stairway and the escalator which are uncovered at the ground level. Any overhang or roofed area shall be sufficient to cover the access facilities within the easement volume and may not otherwise obstruct the ~~#residential plaza#~~ or #urban public plaza#.

When the subway entrance is within an open ~~#residential plaza#~~ or ~~#urban public plaza#~~ area, a roof area shall be provided with either a glazed or translucent material for at least 50 percent of its surface area. The roofed area shall be no more than 15 feet above #curb level# and shall blend harmoniously with the development on the #zoning lot# and any surrounding ~~#residential plaza#~~ or #urban public plaza# or open area.

## 95-054

### Permitted uses and other constructions

Areas within the easement volume not used for circulation purposes may be developed only with newsstands, cigar stands, flower stands or similar stands, in accordance with the New York City Transit Authority specifications, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted #uses# be located within 10 feet of a pedestrian entrance to the subway at #curb level#.

In addition, any portion of the transit easement volume at #curb level# not to be covered for weather protection, may contain trees, benches or any obstructions permitted in a ~~#residential plaza#~~ or #urban public plaza# area. However, such elements shall not interfere with the pedestrian movement.

\* \* \*

## 95-06

### Temporary Use of the Easement Area

Any easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes.

Temporary #use# of the transit easement volume above #curb level# in a ~~#residential plaza#~~, #urban public plaza# or #open space# area shall be limited to #use# as a landscaped open area that may contain obstructions permitted in a ~~#residential plaza#~~ or #urban public plaza#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior

to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

\* \* \*

## 95-11

### Miscellaneous Provisions

The pavement on a public sidewalk fronting a #development# within the #Special Transit Land Use District# shall be consistent in color and material with all pavements located within the transit easement volume and in any adjoining ~~#residential plaza# or #urban plaza~~ #public plaza#.

\* \* \*

## Article IX - Special Purpose Districts

### Chapter 6

#### Special Clinton District

\* \* \*

## 96-21

### Special Regulations for 42<sup>nd</sup> Street Perimeter Area

\* \* \*

#### (e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section ~~37-07~~ 37-50 (Requirements for Pedestrian Circulation Space) REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

\* \* \*

## Article IX - Special Purpose Districts

### Chapter 8

#### Special West Chelsea District

\* \* \*

## 98-18

### Parking Regulations in Subarea H

\* \* \*

- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such

public # plaza # but is in no case less than four feet below #curb level#; and

\* \* \*

## 98-53

### Required Open Areas on the East Side of the High Line

\* \* \*

#### (b) Permitted obstruction

Only the following shall be permitted to obstruct a required open area:

- (1) any #High Line# access structure providing pedestrian access to the #High Line# by stairway or elevator;
- (2) those items listed in ~~paragraph (g)(1)~~ Section 37-726(a) (Permitted obstructions) ~~of Section 37-04 (Requirements for Urban Plazas)~~; and

\* \* \*

## 98-62

### High Line Access Easement Regulations

\* \* \*

#### (d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted #use# shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of ~~paragraphs (g)(1), (g)(2) and (g)(3)~~ (Permitted obstructions) of Sections 37-726 (Permitted obstructions) and 37-73 (Kiosks and Open Air Cafes) ~~37-04 (Requirements for Urban Plazas)~~, except that in the case of open air cafes and kiosks, ~~the provisions of paragraph (g)(3) shall be modified as follows: a certification shall not be required pursuant to paragraphs (g)(5) and (g)(6).~~

\* \* \*

## Appendix D

### Special Regulations for Zoning Lots utilizing the High Line Improvement bonus in Subarea H

\* \* \*

#### (b) Requirements for Issuance of Certificates of Occupancy under paragraph (b) of Section 98-25:

\* \* \*

- (2) At-Grade Plaza Work under paragraph (b)(3) of Section 98-25:

\* \* \*

- (vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary below-grade work (including related infrastructure work necessary to support the #High Line#), and at-grade improvements pursuant to the standards set forth in Sections 37-04, paragraphs (g) through (n) 37-718, 37-726, 37-728, 37-741, 37-742, 37-743 and 37-76 of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section 37-04, paragraph (g), 37-726 for the Alternate At-Grade Plaza Work, shall not count towards #lot coverage#.

\* \* \*

## Article X Special Purpose Districts

### Chapter 1 Special Downtown Brooklyn District

\* \* \*

#### 101-30 SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

\* \* \*

##### (b) Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:

##### (1) ~~Urban~~ Public plaza prohibition

No ~~#urban public~~ plazas shall be permitted within Area B of Map 7.

\* \* \*

#### 101-44 Off-Street Relocation or Renovation of a Subway Stair

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the

existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section ~~37-03~~ 37-40 (~~Off-Street Relocation or Renovation of a Subway Stair~~ OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E of this Chapter.

\* \* \*

## **Article X - Special Purpose Districts**

### **Chapter 7**

#### **Special South Richmond Development District**

\* \* \*

#### **107-44**

##### **Maximum Floor Area Ratio for Community Facility Uses**

The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and ~~33-16~~ 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

\* \* \*

## **Article XI - Special Purpose Districts**

### **Chapter 7**

#### **Special Long Island City Mixed Use District**

\* \* \*

#### **117-421**

##### **Special bulk regulations**

\* \* \*

- (b) The following provisions shall not apply within the Court Square Subdistrict:

Section ~~33-14~~ 33-13 (Floor Area Bonus for a ~~n-Urban~~ Public Plaza)

Section ~~33-15~~ 33-14 (Floor Area Bonus for Arcades)

Section 33-26 (Minimum Required Rear Yards)

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

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

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

Section 34-23 (Modification of Yard Regulations).

\* \* \*

**117-441**

**Standards and procedures for mandatory subway improvements**

\* \* \*

(b) Procedure

\* \* \*

- (6) Where a #development# or #enlargement# is located on a #zoning lot# which fronts on a sidewalk containing a sidewalk entrance or entrances into a subway and such #zoning lot# contains 5,000 square feet or more of #lot area#, such #development# or #enlargement# shall relocate the stairway entrance or entrances to the subway onto the #zoning lot# in accordance with the provisions of Section ~~37-03~~ 37-40 (~~Off-Street Relocation or Renovation of a Subway Stair~~ OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), with the exception that, in addition to the waivers provided by Section ~~37-034~~ 37-44 (Waiver of requirements), the additional standards contained in Section ~~37-031~~ 37-41 (Standards for location, design and hours of public accessibility) may be waived upon a finding by the Metropolitan Transportation Authority that they are undesirable or unnecessary to ensure a good overall design.

\* \* \*

**117-524**

**Floor area bonus for a ~~residential plaza~~, urban public plaza or arcade**

Any #floor area# bonus for a ~~#residential plaza#~~, #urban public plaza# or #arcade# permitted under the regulations of the designated #Residence# or M1 District shall not apply in the Queens Plaza Subdistrict.

\* \* \*

**117-555**

**Mandatory sidewalk widening design requirements**

\* \* \*

(d) Permitted obstructions

The provisions of paragraphs ~~(g)(1), (g)(2), (g)(3), (g)(5) and (g)(6)~~ of Section ~~37-04~~ (~~Requirements for Urban Plazas~~) Sections 37-726 and 37-73 shall apply, except that in the case of kiosks, the provisions of paragraph ~~(g)(3)~~ Section 37-73 shall be modified as follows: the aggregate area occupied by such kiosks shall not exceed 60 square feet or 1.5 percent of the area occupied by the sidewalk widening.

- (e) Driveways, parking spaces, loading berths, exhaust vents and building trash storage facilities

The provisions of ~~paragraph (h)~~ of Section ~~37-04~~ 37-726(d) shall apply.

\* \* \*

- (g) Paving

The provisions of ~~paragraph (i)~~ of Section ~~37-04~~ 37-718 shall apply.

\* \* \*

- (i) Bicycle parking facilities

The provisions of Section ~~27-123~~ 37-745 shall apply.

- (j) Drinking fountains

The provisions of Section ~~27-124~~ 37-746 shall apply.

\* \* \*

- (l) Lighting

The provisions of ~~paragraph (n)~~ of Section ~~37-04~~ 37-743 shall apply, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

- (m) Sidewalk widening signs

The provisions of ~~paragraph (o)(2)~~ of Section ~~37-04~~ 37-751(b) shall apply.

- (n) Maintenance

The provisions of ~~paragraph (q)~~ of Sections ~~37-04~~ 37-744 and 37-77 shall apply.

\* \* \*

## 117-56

### Special Permit for Bulk Modifications on Blocks 86/72 and 403

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531(Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

- (a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no



fewer than 250 spaces shall be included on the #zoning lot#; and further provided the Commission finds that:

- (1) the public open area is designed so that it provides recreational opportunities for the community;
- (2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;
- (3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;
- (4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and
- (5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of ~~paragraph (e)~~ Sections 37-751 (Public space signage systems) and of ~~paragraph (g)~~ 37-77 (Maintenance) of Section 37-04 (Requirements for Urban Plazas) shall apply.

\* \* \*

## Article XI - Special Purpose Districts

### Chapter 8

#### Special Union Square District

\* \* \*

#### 118-12

##### Sign Regulations

On #street walls# fronting on 14th Street no #sign# may be located more than 25 feet above #curb level#.

#Signs# on #street walls# fronting on all other #streets# within the Special District shall be subject to the provisions of Section ~~37-016~~ 37-36 (Sign #Regulations).

#Flashing signs# are not permitted within the Special District.

\* \* \*

#### 118-60

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

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet which fronts on a portion of sidewalk containing a stairway entrance or entrances into the 14th Street/Union Square

Station, the #development# or #enlargement# shall be subject to the regulations of Section 37-03 37-40 (~~Off Street Relocation or Renovation of a Subway Stair~~ OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

\* \* \*

## Article XII - Special Purpose Districts

### Chapter 3

#### Special Mixed Use District

\* \* \*

#### 123-641

#### Floor area bonus for a ~~residential plaza~~, ~~urban~~ public plaza or arcade in connection with mixed use buildings

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

\* \* \*

## Appendix E

### Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to (effective date)

The following text has been relocated from Article II, Chapter 7 and Section 37-04 (Requirements for Urban Plazas). Appendix E is intended for reference purposes only and contains design requirements for #plazas#, #residential plazas# and #urban plazas# developed prior to (effective date).

## RESIDENTIAL PLAZA STANDARDS

### Article II

#### Chapter 7

#### Special Urban Design Guidelines - Residential Plazas and Arcades

4/21/77

#### 27-00

#### GENERAL PURPOSES

The purpose of this Chapter is to promote the development of an improved quality of residential plaza for the public.

8/27/98

## 27-01

### Applicability of this Chapter

The provisions of this Chapter shall apply to all #developments# constructed after April 21, 1977 containing a #residential plaza# or an #arcade# that qualifies for a #floor area# bonus under the following provisions:

Section 24-14 (Floor Area Bonus for a Residential Plaza)

Section 24-15 (Floor Area Bonus for an Arcade)

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

Section 35-35 (Floor Area Bonus for a Residential Plaza, Urban Plaza or Arcade in Connection with Mixed Buildings)

A #development# that contains a #residential plaza# and that has been granted a special permit by the City Planning Commission prior to February 9, 1994, may be started or continued pursuant to that special permit. However, this Chapter shall not apply within a Special Purpose District except where permitted within such Special Purpose District, nor shall it apply to any #development# pursuant to the Quality Housing Program, except as otherwise set forth therein.

After June 12, 1996, no foundation permit shall be issued by the Department of Buildings for any #development# that includes a #residential plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#, a site plan indicating the area and dimensions of the proposed #residential plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#, computations of proposed #floor area#, including bonus floor area#, and a detailed plan or plans demonstrating compliance with the provisions of this Section.

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

6/12/96

## 27-02

### Definitions

Words in *italics* are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

Northern plaza

A "northern plaza" is a primary space that has only northern exposure.

### Primary space

A "primary space" is the major portion of a #residential plaza# that abuts a #street#, and is accessible to the public for recreational use.

### Residual space

A "residual space" is the remaining portion of a #residential plaza# that is not a #primary space#. Such space may be used either for public recreation or as a landscaped visual amenity.

4/21/77

## 27-10

### PRIMARY SPACE

A #primary space# shall consist of at least 60 percent of the total area of a #residential plaza# and shall be directly accessible to the public from the public sidewalk.

#Zoning lots# having a maximum #lot area# of 20,000 square feet shall aggregate such #primary space# in one location.

For #zoning lots# having a #lot area# in excess of 20,000 square feet, such #primary space# may be located in more than one location on the #zoning lot# provided that the area of at least one #primary space# is not less than 4,000 square feet.

4/21/77

## 27-11

### Mandatory Requirements

4/21/77

## 27-111

### Size and proportions

For #zoning lots# having a #lot area# of 20,000 square feet or more, the minimum dimension of any #primary space# shall be 40 feet measured perpendicular to the perimeter of the #primary space#, except that where a #primary space# has only one #street# frontage, the minimum dimension shall be 50 feet.

For #zoning lots# having a #lot area# less than 20,000 square feet but not less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that where a #primary space# has only one #street# frontage or where the #primary space# links two #streets# which are parallel or within 45 degrees of being parallel to each other, the minimum dimensions shall be 40 feet.

For #zoning lots# having a #lot area# less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that there shall be no minimum dimensional requirements for #primary space# on #corner lots# having a #lot area# less than 12,500 square feet.

For the purpose of dimensional calculations only, a driveway or a vehicular accessway may be counted towards the minimum dimensional requirements of a #primary space#. However, in no case may such driveway or a vehicular accessway be bonused as part of a #residential plaza#. Such driveway or vehicular accessway may be located only alongside a #side lot line# or adjacent to the wall of the #building# of the #development#, and shall not interrupt the continuous area of the #primary space#.

For #zoning lots# having a #lot area# of 12,500 square feet or more, the depth of any #primary space# having only one #street# frontage shall not be greater than twice the width of the #primary space street# frontage. For #zoning lots# having a #lot area# less than 12,500 square feet, the depth of any #primary space# having only one #street# frontage shall not be greater than two and a half times the width of the #primary space street# frontage.

A #primary space# having only one #narrow street# frontage, and a #primary space# that links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be permitted only when one of the adjacent #buildings# on the #zoning lot# of the #development# or on a #zoning lot# sharing a common #side lot line# with the #zoning lot# of the #development# abutting the #primary space# is not more than 65 feet in height or five floors, whichever is less, before a 10 foot setback is provided. Such restrictions shall be waived for a #primary space# of more than 80 feet in width measured with or without adjoining #residual space#.

4/21/77

## 27-112

### Orientation

All #developments# shall provide southern exposure where possible to provide maximum sunlight in #primary space#. Other exposures are permitted only when southern exposure is not possible.

Following are the types of orientation of different #primary spaces# based upon the size and location of the #zoning lot#:

- (a) Southern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from south to west;
- (b) Eastern exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south;
- (c) Western exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from west to north;
- (d) Northern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from north to east or a #street line# less than 125 feet in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south or west to north.

In a #development# to which this Chapter applies:

The #primary space# of any #zoning lot# having a #street line# with southern exposure, as defined in this Section, shall abut that #street line#. The #primary space# of any #zoning lot# having a #street line# with eastern, and no southern, exposure, as defined, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with western, and no southern or eastern, exposure, as defined in this Section, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with northern, and no southern, eastern or western exposure, as defined in this Section, shall be #developed# as a #northern plaza# pursuant to Section 27-30 (NORTHERN PLAZA).

The orientation requirements may be waived or modified by the City Planning Commission provided the Commission certifies to the Commissioner of Buildings that due to the surrounding area and the site configuration, including the disposition of surrounding #buildings# which may cast a permanent shadow on the #plaza#, a modification will enhance the usability and design of the #primary space# and of the #building#.

4/21/77

## **27-113**

### **Access**

All #primary spaces# shall be accessible directly from an adjoining public sidewalk along at least 50 percent of the total #street# frontage. Driveways or vehicular accessways included as part of the minimum dimension calculated, may not be counted as providing access.

All #primary spaces# shall be accessible to the public at all times, except that for a #primary space# having only one #narrow street# frontage, or a #primary space# which links two #streets# that are parallel or are within 45 degrees of being parallel, access may be restricted between the hours of 8:00 p.m. or dark whichever is later and 8:00 a.m. Such access may be restricted by the use of horizontal railings and/or vertical bars of a maximum one and 2 inch thickness and lockable gates. The railings when placed along the perimeter of the #primary space# shall occupy not more than 50 percent of the #street# frontage of the #primary space#, and shall not be higher than 8 feet, 0 inches. Gates, when placed along the perimeter of the #primary space#, when open during hours of accessibility, shall allow access along at least 50 percent of the #street# frontage of the #primary space# or 40 feet, whichever is less, and shall not be higher than eight feet. Such gates shall remain unlocked between the hours of 8:00 a.m. and 8:00 p.m. or dark whichever is later. In order to allow maximum visibility from the public sidewalk, the bars of any horizontal railing and/or vertical bars and gate shall be at least five inches apart. Spikes, pointed railings or other sharp objects shall not be placed anywhere within the #primary space#, except that such railings as permitted above may be pointed. Enclosures designed without horizontal railings and/or vertical bars may be permitted provided the City Planning Commission certifies to the Commissioner of Buildings that such design will enhance the quality and visual access of the #primary space#.

4/21/77

## **27-114**

### **Access for the physically disabled**

The following standards shall apply to assure access for disabled persons into and within all #primary spaces#.

There shall be at least one path of travel to major portions of #primary space# which in area total at least 60 percent of the unobstructed #primary space# area, and a path to any building lobby accessible from the #primary space#. All paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.

Ramps shall be provided alongside any stairs or steps which provide access to or within #primary spaces#. Ramps shall have a minimum width of 3 feet, 0 inches, a slope of not greater than 1:12, a non-skid surface, and, for open-edged ramps, a two inch high safety curb. At each end of a ramp there shall be a level area, which may be public sidewalk, at least five feet long.

All stairs or ramps within such paths shall provide handrails. Handrails shall be 2 feet, 8 inches high, have a midrail not lower than 16 inches and not higher than 22 inches, and shall extend at least 18 inches beyond the stair or ramp ends.

Where stairs are used to affect changes of grade for such paths they shall have closed risers, no projecting nosings, a maximum riser height of seven and 2 inches, and a minimum tread width of 11 inches.

4/21/77

## **27-115**

### **Elevation**

All #primary spaces# shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A #primary space# fronting on one #street#, or a #primary space# which links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to Section 27-113 (Access), for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a #primary space# is 8,000 square feet or more, a maximum of 25 percent of its area may be located at an elevation more than three feet above or below the nearest adjoining sidewalk, which area however may not be located within a depth of 10 feet from the sidewalk, measured perpendicular to the #street line#.

When there is a grade change of at least three feet in 100 along the portion of #street# upon which a #primary space# of 4,000 square feet or more fronts, for a distance of at least 100 feet, the level of such #primary space# may be located at an elevation greater than three feet above or below the #curb level#, provided the City Planning Commission certifies to the Commissioner of Buildings that such elevation will enhance the usability and design while maintaining safety and visibility of the #primary space#.

Where an existing subway station entry is located on the sidewalk area abutting a #primary space#, the #primary space# shall be developed at the same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry. No obstruction shall be permitted within such portion of the #primary space#.

4/21/77

## **27-116**

### **Treatment of adjoining walls**

Any exposed blank walls of a #building# which is located at the #lot line# of an adjacent #zoning lot# and which abuts a #primary space# shall be:

- (a) covered with vines or similar planting; or
- (b) contain artwork or be treated so as to enhance the visual quality of the #primary space#.

Plants shall be planted in soil having a depth of not less than two feet, six inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the Certificate of Occupancy being issued for the #development#.

Whenever an adjoining wall, which is required to be treated in accordance with the provisions of this Section, is in separate ownership the owner of such adjoining wall if it is a party wall shall grant to the party required to treat the wall adjoining the #primary space#, a license to perform such treatment of the wall, however, the owner may in granting such license reserve the right to perform any work necessary for safety or maintenance of the wall.

4/21/77

## **27-117**

### **Lighting**

All #primary spaces# shall be illuminated at an overall minimum average level of not less than two horizontal foot candles during the hours of darkness.

To minimize the adverse effect on the surrounding #residential buildings#, such lighting shall be shielded.

4/21/77

## **27-118**

### **Paving**

The #primary space# shall be paved with unit pavers, such as bricks or quarry tiles, and/or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through



the use of dyes and/or exposed aggregates. All paving shall have non-skid surface when wet or dry.

4/21/77

## **27-12**

### **Mandatory Amenities**

All #primary spaces# shall provide amenities as set forth in this Section, which amenities shall be subject to the restrictions for total area occupied by amenities, as set forth in Section 27-14 (Optional Amenities).

4/21/77

## **27-121**

### **Seating**

All #primary spaces# shall provide a minimum of one linear foot of seating for each 30 square feet of the #primary space#. Such seating shall have a minimum depth of one foot four inches. Seating with backs at least one foot high shall have a minimum depth of one foot two inches. Seating two feet six inches or more in depth shall count as double provided there is access on both sides.

For the benefit of handicapped persons, a minimum of ten percent of the required seating shall have backs.

Seating higher than three feet or lower than one foot above the level of the adjacent walking surface shall not count towards meeting the seating requirements. Movable seating or chairs may be credited as two feet six inches of linear seating per chair. Movable seating shall not exceed 50 percent of the total required. Steps shall not count towards the seating requirements. The top of walls, including but not limited to those which bound planting beds, fountains or pools, may be counted as seating when they conform to the dimensional standards set forth herein.

12/15/77

## **27-122**

### **Tree planting**

All #primary spaces# shall provide a minimum of one tree per 1,000 square feet of #primary space# area.

Such trees shall be of four-inch caliper. Each tree shall be planted in at least 3.5 cubic yards of top soil per tree, with a depth of soil not less than three feet, six inches and be planted either with grating flush to grade or in a planting bed with a minimum continuous area of 75 square feet.

Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to December 15, 1977.

4/21/77

**27-123**

**Bicycle parking facilities**

All #primary spaces# shall provide bicycle parking facilities. There shall be facilities for parking two bicycles for every 1,000 square feet of #primary space#.

4/21/77

**27-124**

**Drinking fountains**

All #primary spaces# shall provide at least one drinking fountain.

4/21/77

**27-13**

**Additional Amenities**

In addition to the mandatory amenities required above, all #primary spaces# shall provide at least two of the amenities listed in this Section. These amenities are to be provided in addition to, and not in place of, those amenities required by Section 27-12 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section 27-14 (Optional Amenities).

A #primary space# shall provide at least two of the following amenities as set forth in Sections 27-131 through 27-137, inclusive.

4/21/77

**27-131**

**Tree planting**

A minimum of one tree per 2,000 square feet of #primary space# area.

4/21/77

**27-132**

**Planting**

Planters, including hanging planters, or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying a total area not less than 150 square feet for each 1,000 square feet of #primary space#. The area occupied by an individual planter that is permanent in nature, or a planting bed, shall be at least 30 square feet with a depth of soil of at least two feet.

Hanging planters shall be exempt from these minimum size and location provisions.

4/21/77

### **27-133**

#### **Grass and other ground cover**

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of #primary space#. Such grass or other ground cover shall be planted in a soil depth of at least two feet six inches.

4/21/77

### **27-134**

#### **Game tables**

Game tables and seating to accommodate 16 persons for the #primary space# for each #zoning lot#. The seating shall conform to the dimensional standards for seating as set forth in Section 27-121 (Seating).

4/21/77

### **27-135**

#### **Artwork**

A work of art, such as sculpture, for the #primary space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final certificate of occupancy is issued for the #development#.

4/21/77

### **27-136**

#### **Fountains and pools**

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for the #primary space# for each #zoning lot#.

4/21/77

## **27-137**

### **Play equipment**

One play apparatus or facility such as cross bars, climbers, swings, sandbox, paddle pool or similar play facility, for each 1,000 square feet of #primary space# area.

The play equipment or facilities shall not be located within 40 feet of any #wide street lot line#. All play equipment or facilities shall meet safety standards set forth by the Federal Consumer Products Safety Council.

When this amenity is chosen, the mandatory trees may be reduced to half the required amount as set forth for the #primary space# in Section 27-122 (Tree planting), for that #zoning lot#.

4/21/77

## **27-14**

### **Optional Amenities**

The #primary space# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheel chair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #primary space# area of the #residential plaza#.

The area occupied by such amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable, such as movable chairs, game tables, movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities.

Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

## **27-20**

### **RESIDUAL SPACE**

#Residual space# shall abut a public sidewalk or a #primary space# and shall be developed either as a landscaped visual amenity or as usable space for the general public in accordance with the provisions of this Section. Not more than 40 percent of the total area of #residential plaza# on a #zoning lot# shall be developed

as #residual space#.

All #residual spaces# shall conform to the standards set forth in Sections 27-115 (Elevation), 27-116 (Treatment of adjoining walls), 27-117 (Lighting), and 27-118 (Paving).

4/21/77

## **27-21**

### **Visual Residual Space**

The total area of the visual #residual space# shall be landscaped, except for the entrance paths to the #building# which paths may not occupy more than 30 percent of such visual #residual space#.

The visual #residual space# shall be landscaped with trees, planters or planting beds with flowers and shrubs, ivy, grass or similar ground cover, ornamental fountains, reflecting pools, artwork or other plants, sculpture or unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

The visual #residual space# may be enclosed with railings or fences for safety and maintenance. In order to allow maximum visibility from the public sidewalk the railings or fences shall not be higher than three feet above the visual #residual space# level or #curb level#, whichever is higher, and the bars of such railings and fences shall be at least five inches apart.

4/21/77

## **27-22**

### **Usable Residual Space**

The #residual space# when developed as usable #residual space# shall be accessible to the public and shall conform to the standards set forth in Section 27-113 (Access).

A usable #residual space# shall be located abutting a #street#. The total area occupied by amenities shall not exceed 50 percent of total usable #residual space# of the #residential plaza#.

All usable #residual space# shall provide seating in accordance with the provisions of Section 27-121 (Seating) or Section 27-321 (Seating) when the #zoning lot# provides a #northern plaza#. In addition, a usable #residual space# shall provide at least one of the amenities listed in Sections 27-221 through 27-225.

4/21/77

## **27-221**

### **Tree planting**

A minimum of one tree per 1,000 square feet of usable #residual space#. Such trees shall conform to the

standards set forth for caliper and soil in Section 27-122 (Tree planting).

4/21/77

**27-222**  
**Planting**

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy or other plants occupying a total area of not less than 150 square feet for 1,000 square feet of usable #residual space#. Such planter shall conform to the standards set forth for size and depth in Section 27-132 (Planting).

4/21/77

**27-223**  
**Grass and other ground cover**

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of usable #residual space#. Such grass or other ground cover shall be planted in a soil depth of at least one foot six inches.

4/21/77

**27-224**  
**Artwork**

A work of art such as sculpture for the usable #residual space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

**27-225**  
**Fountains and pools**

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet, for the usable #residual space# for each #zoning lot#.

4/21/77

**27-226**  
**Optional amenities**

The usable #residual space# may also include additional amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, drinking fountains which are operable by wheelchair users, and unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

4/21/77

## **27-30 NORTHERN PLAZA**

Any #primary space# which pursuant to Section 27-112 (Orientation) is a #northern plaza# shall comply with the requirements of this Section.

4/21/77

## **27-31 Mandatory Requirements**

All #northern plazas# shall conform to the mandatory requirements set forth for #primary space# in Section 27-11 (Mandatory Requirements).

4/21/77

## **27-32 Mandatory Amenities**

All provisions of Section 27-12 (Mandatory Amenities) shall be applicable to #northern plazas# except as modified by this Section.

4/21/77

## **27-321 Seating**

All #northern plazas# shall provide a minimum of one linear foot of seating for each 80 square feet of #northern plaza# area and conform to the standards set forth for seating in Section 27-121 (Seating).

4/21/77

## **27-322**

### **Planting**

All #northern plazas# shall conform to the provisions for planting as set forth in Section 27-132 (Planting). Those species which have the ability to flourish in shade are recommended in #northern plazas#.

4/21/77

## **27-33**

### **Additional Amenities**

In addition to the mandatory amenities required above, all #northern plazas# shall provide at least two of the amenities listed in this Section.

These amenities are to be provided in addition to, and not in place of, those amenities required by Section 27-32 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section 27-34 (Optional Amenities).

A #northern plaza# shall provide at least two of the following amenities.

4/21/77

## **27-331**

### **Planting**

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying an area not less than 150 square feet per 1,000 square feet of a #northern plaza#.

4/21/77

## **27-332**

### **Artwork**

A work of art such as sculpture, for each #northern plaza#. Such artwork or sculpture shall be subject to approval by the New York City Art Commission which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

## **27-333**

### **Fountains and pools**



An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for each #northern plaza#.

4/21/77

## 27-334

### Pavilions

A pavilion is a one #story# structure for the use of the public, constructed predominantly of transparent materials such as glass or plastic.

The clear height of the ceiling of the pavilion shall not be less than ten feet from the #northern plaza# level. However, when the pavilion occupies 60 percent or more of the #northern plaza# the clear height of the ceiling of the pavilion shall not be less than 12 feet from the #northern plaza# level. Not less than 50 percent of a pavilion roof shall be of transparent or translucent materials in conformance with the Building Code.

A pavilion shall be developed as an integral part of the #northern plaza# upon which it is located, in accordance with the standards set forth in Section 27-30 (NORTHERN PLAZA).

All amenities may be located inside or outside such pavilion.

A pavilion shall be either unenclosed along its sides and called "unenclosed pavilion" or be enclosed with walls and called "enclosed pavilion."

An unenclosed pavilion shall be accessible directly at all times from an adjoining public sidewalk or from the remaining portion of the #northern plaza# along at least 75 percent of the total linear frontage of its boundary with the public sidewalk and/or #northern plaza#. The perimeter of such pavilion shall have no walls. The interior of the pavilion shall be totally visible from the adjacent public sidewalk. Such pavilion may occupy the entire #northern plaza# area. For the purpose of calculating the area occupied by an amenity, an unenclosed pavilion shall not be considered as an amenity occupying an area.

The aggregate area occupied by an enclosed pavilion shall not exceed 20 percent of the total area of the #northern plaza# measured by exterior dimensions.

An enclosed pavilion shall be directly accessible to the public from at least 8 a.m. to 8 p.m. or until dark, whichever is later, through doors and openings occupying not less than 25 percent of the linear frontage with its total boundary with the #northern plaza# and/or public sidewalk. The interior of the pavilion shall be visible from the adjoining public sidewalk. Not less than 80 percent of the total surface area of the pavilion walls and doors shall be of non-colored transparent material. For the purpose of measurement an enclosed pavilion shall be considered as an amenity occupying an area. At no time shall the dimensions of the remaining portion of the #northern plaza# be less than the minimum required dimension for a #zoning lot# as set forth in Section 27-111 (Size and proportion).

In all cases the floor space of a pavilion shall be excluded from the definition of #floor area#.

4/21/77

## 27-34

### Optional Amenities

A #northern plaza# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheelchair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #northern plaza# area of the #residential plaza#.

The area occupied by amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable such as movable chairs, game tables or movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities. Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

## 27-40

### MAINTENANCE

To ensure that convenience, safety and enjoyment of the general public, all #residential plazas# shall conform to the following standards of maintenance.

4/21/77

## 27-41

### Maintenance Requirements

The building owner shall be responsible for the maintenance of the #residential plaza# including, but not limited to, the confinement of permitted amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjoining the #zoning lot#.

Litter receptacles shall be provided with a minimum capacity of two cubic feet for each 1,000 square feet of #primary space# of the #residential plaza#.

4/21/77

## 27-42

### Plaques

A plaque or other permanent sign shall be displayed on all #residential plazas# in a prominent location, visible

from the adjacent public sidewalk.

Such plaque or permanent sign shall have a surface area of not less than three nor more than six square feet, and shall contain the following statement: "This Plaza is open to the Public." It shall also contain the International Symbol of Access, the statement: "This plaza is accessible to the physically disabled," and the following information:

- (a) the type and quantity of mandatory amenities and additional amenities;
- (b) the name of the owner;
- (c) the name and address of whomever the owner has designated to maintain the #residential plaza#; and
- (d) in addition it shall contain the following statement:

"Complaints regarding this plaza may be addressed to the Department of City Planning or the Department of Buildings, the City of New York."

For a #primary space# of a #residential plaza# that is enclosed with railings and is entered through a gate pursuant to Section 27-113 (Access), the plaque shall be displayed at the entrance to such #primary space# and shall contain the hours during which the #primary space# is open.

4/21/77

## **27-43**

### **Vehicle, Refuse and Exhaust Prohibitions**

No parking spaces, passenger drop off, driveways, or loading berths are permitted as part of a #residential plaza#.

No building trash storage facilities are permitted as part of a #residential plaza#.

No exhaust vents are permitted as part of a #residential plaza#, except within visual #residual spaces#, nor are exhaust vents permitted on a building wall or the #development# fronting on such #residential plaza# unless such intakes and vents are more than ten feet six inches above the level of the #residential plaza# or #curb level#, or above the roof of a pavilion, whichever is higher.

4/21/77

## **27-44**

### **Performance Bonds**

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post to the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to insure the mandatory tree planting, movable seating, bicycle parking facilities, drinking fountain, plaque, and the litter-free maintenance of the #residential plaza#, including the replacement

of such trees, bicycle parking facilities and plaques and movable seating during the life of the #development#.

The value of the bond, City securities or fixed income securities, if rendered prior to January 1, 1980, shall be at a rate of \$400 per required tree, \$100 per movable chair, and \$100 per 1,000 square feet of #residential plaza# for litter removal as set forth in this Section.

In the event that the Department of City Planning receives a complaint, the Chairperson of the City Planning Commission shall investigate and make a determination whether there has been a failure in the required performance of the owner concerning the #residential plaza#, its amenities or maintenance. In the event of a failure in the required performance, the Chairperson shall notify the building owner in writing and shall stipulate the period of time in which the building owner has to correct the failure.

If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default of the required performance, and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond, City securities or fixed income securities that the building owner is required to post.

In the event that the City enforces the aforesaid obligation as provided for in this Section, the building owner shall, within 90 days of such enforcement, provide the City with an additional bond, City securities or fixed income securities in an amount not less than that which was expended to cure the default. In the event of a failure in furnishing additional bond or securities to replace the bond used up, the City may enforce the obligation by whatever means may be appropriate to the situation.

At five year intervals, after January 1, 1980, the City Planning Commission, with the approval of the City Council, shall establish new rates for the mandatory tree planting, movable seating and other amenities and litter-free maintenance of the #residential plaza#.

## **PLAZA STANDARDS**

6/12/96

### **27-50**

#### **PLAZA STANDARDS OF 1961**

A "plaza" shall be accessible to the public at all times, except as provided for in Section 37-06 (Nighttime Closing of Existing Public Open Areas), and shall be either:

- (a) along a #front lot line#, a continuous open area not less than 10 feet deep (measured perpendicular to the #front lot line#), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such #front lot line# or for a distance of at least 50 feet thereof, whichever is the lesser distance;
- (b) on a #through lot#, a continuous open area extending from #street# to #street# and not less than 40 feet in width, measured perpendicular to the nearest #side lot line#;
- (c) on a #corner lot#, an open area of not less than 500 square feet, that is bounded on two sides by the two intersecting #street lines# and has a minimum dimension of 10 feet; or

- (d) an open area of not less than 8,000 square feet, with a minimum dimension of 80 feet, that is bounded on one side by a #front lot line# or is connected to the #street# by means of an #arcade# or by an open area not less than 40 feet wide.

Except for an open area as set forth in paragraph (d) of this Section, no portion of such an open area that is bounded on all sides, except for one opening, by either building walls, or building walls and a #side lot line#, shall be considered part of the #plaza#, unless the opening of such portion is at least 50 feet in width.

A #plaza# shall not at any point be more than five feet above, nor more than 12 feet below, the #curb level# of the nearest adjoining #street#, and shall be unobstructed from its lowest level to the sky, except that arbors or trellises, awnings or canopies, railings not less than 50 percent open and not exceeding 3 feet, 8 inches in height, flag poles, open terraces or porches, steps, subway station entrances, ornamental fountains or statuary, or unenclosed balconies subject to the provisions of Section 23-13 or 24-165 (Balconies in R3 through R10 Districts), shall be considered permitted obstructions in #plazas#.

## **URBAN PLAZA STANDARDS**

4/25/01

### **37-04**

#### **Requirements for Urban Plazas**

All #urban plazas# shall comply with the provisions of this Section. These provisions may be modified pursuant to Sections 74-91 (Modification of Urban Plazas) and 81-23 (Floor Area Bonus for Urban Plazas).

- (a) Area dimensions

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

- (b) Locational restrictions

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

- (c) Restrictions on orientation

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

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-

facing" #street line# means a #street line# facing within 27 degrees of the direction indicated. "To front on a #street#" means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

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

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

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

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

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

(e) Regulations for through #block urban plazas#

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

(f) Circulation and access

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

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

The Commission shall furnish a copy of the application for such authorization to the affected Community Board and the local Council Member at the earliest possible stage and will give due consideration to their opinions as to the appropriateness of such obstructions. If the Community Board or local Council Member elects to comment on such application, it must be done within 45 days of such application.

- (2) The level of an #urban plaza# shall not at any point be more than three feet above or below the #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#; however, an #urban plaza# with an area of 10,000 square feet or more may additionally have a maximum of 15 percent of its area at an elevation more than three feet above or below, but not more than five feet above or below #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#.
- (3) Where there is a grade change of at least 2.25 feet in 100 feet along a portion of a #street#

fronted upon, for a distance of at least 75 feet, by an #urban plaza# with an area of 10,000 square feet or more, the level of such #urban plaza# may be at any elevation that is not more than five feet above or below the #curb level# of the nearest adjoining #street# in front of the #urban plaza#. Along the length of frontage not required for access, no wall higher than three feet above the level of the adjoining sidewalk may be constructed.

- (4) For areas of #urban plazas# not obstructed by permitted obstructions as set forth in paragraph (f)(1) of this Section, a circulation path shall be provided of at least five feet clear width. A major public path at least eight feet in width shall extend to at least 75 percent of the depth of the major portion of the #urban plaza#, measured from the #street line#.
- (5) Where an entry to a subway station exists in the sidewalk area of a #street# on which an #urban plaza# fronts and such entry is not replaced within the #urban plaza# itself, the #urban plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #urban plaza# area around a subway entry shall be free of all obstructions.
- (6) Where an entry to a subway station is provided within the #urban plaza# itself, stairs shall have a minimum width of 10 feet.
- (7) All #urban plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing in accordance with Section 37-06 or, within C6-4X Districts, for a #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#, where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:
  - (i) the enclosure or barrier that limits public access shall not obstruct access to the #urban plaza# or impede pedestrian circulation into, through or along the frontage of the #urban plaza# during hours of public access, and shall allow visibility of the #urban plaza# when the enclosure or barrier is in closed position;
  - (ii) public access to the #urban plaza# will be provided, at a minimum, between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, and that the hours of public access to the #urban plaza# shall be prominently displayed on a plaque affixed to the enclosure or barrier at each #street# frontage of the #urban plaza#; and
  - (iii) the #urban plaza# shall be illuminated at night in accordance with paragraph (n) of this Section.

All applications for such certification shall include detailed plans demonstrating compliance with the provisions of this paragraph, (f)(7), inclusive. The plans shall include, but not necessarily be limited to, a site plan and elevation showing location and dimensions of the proposed gates, fences or other enclosure devices, and signage indicating hours of public access to the #urban plaza#. All such plans, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of certification pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the restricted hours of public access of an #urban plaza#. The recording information shall be included on the certificate of



occupancy for any #building#, or portion thereof, on the #zoning lot#, issued after the recording date.

(g) Permitted obstructions

- (1) #Urban plazas# shall be unobstructed from their lowest level to the sky except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: fountains and reflecting pools; waterfalls; sculptures and other works of art; benches; seats; trees planted at grade or in planting beds; bushes and flowers in planters or in planting beds; arbors or trellises over public seating areas; litter receptacles; bicycle racks; outdoor furniture; lights and lighting stanchions; flag poles; public telephones; public toilets; temporary exhibitions; awnings or canopies over the entrances to retail stores fronting on the #urban plaza#; bollards; subway station entrances, which may include escalators; and drinking fountains. If drinking fountains are provided, at least one fountain shall be accessible to wheelchair users by being 30 inches high, hand-and-foot operated, and display the International Symbol of Access. In addition to the obstructions listed in this paragraph, #urban plazas# having an area of 10,000 square feet or more may include an open air amphitheater or an outdoor ice skating rink. However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (g)(2) of this Section.

- (2) Permitted obstructions may occupy a maximum percentage of the area of an #urban plaza#, as follows:

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

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

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

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

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

- (3) Kiosks and open air cafes may be placed within an #urban plaza# upon certification, pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of paragraph (g).

Where a kiosk is provided, it shall be a one-story structure, predominantly of light-colored materials, such as metal, glass, plastic or fabric as approved by the Department of Buildings in conformance with the Building Code, that, including roofed areas, does not occupy an area in excess of 150 square feet, except that where the #urban plaza# has an area of less than 5,000 square feet, the aggregate area of the kiosks shall not exceed 100 square feet measured by exterior dimensions. The aggregate area occupied by kiosks in an #urban plaza# larger than

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

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

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

- (4) Open air amphitheaters and open air ice skating rinks that charge admission may be placed within an #urban plaza# upon certification pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of this paragraph (Permitted obstructions).
- (5) Kiosks and open air cafes that comply with the provisions of paragraph (g)(3) of this Section, and open air amphitheaters or open air ice skating rinks that charge admission may be placed within the area of an #urban plaza# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:
  - (i) such #use# promotes public use and enjoyment of the #urban plaza#;
  - (ii) such #use# complements and stabilizes desirable #uses# in the surrounding area;
  - (iii) such #use# is provided in accordance with the requirements set forth in this Section; and
  - (iv) the owners of such #use# will maintain such #use# in accordance with the provisions of paragraph (q) (Maintenance) of this Section.

All applications for the placement of kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission within an #urban plaza# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section. All such plans for kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk, open air café, open air amphitheater or open air ice skating rink that charges admission, pursuant to this Section. Such

filing and recording of the instrument shall be a precondition for the placement of the kiosk, open air café, open air amphitheater or open air ice skating rink that charges admission within the #urban plaza#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

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

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

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

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

No driveways, parking spaces, passenger drop offs or loading berths shall be permitted within an #urban plaza#. No building trash storage facilities are permitted within an #urban plaza#, nor shall any building trash storage facility be accessed or serviced through the #urban plaza#. If parking spaces, passenger drop-offs, driveways, loading berths or building trash storage facilities are located near or adjoin an #urban plaza#, they shall be separated from it by a building wall or planted area sufficient to visually conceal these facilities and any vehicles therein from any point in the #urban plaza#.

No exhaust vents are permitted on any #urban plaza# or on the building wall of the #development# fronting upon the #urban plaza#, except where such vents on the building wall are more than 8 feet, 6 inches above the level of the #urban plaza#.

- (i) Seating

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

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

The following standards shall be met for all required seating:

- (1) Seating shall have a minimum depth of 16 inches; however, seating with backs shall have a

minimum depth of 14 inches and a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth shall count double, provided there is access to both sides.

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

(j) Planting and trees

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

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

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

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

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

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

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

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

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

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

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

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

(l) Paving

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

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

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

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

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

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

(n) Lighting and electrical power

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

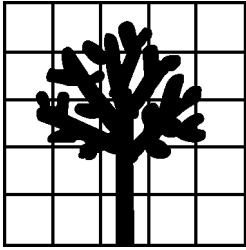
(o) Public space signage systems

The following public space signage systems shall be required for all #urban plazas#:

(1) Entry plaque

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

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



- (ii) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine inches of the public space symbol; and
- (iii) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post with its center five feet above the elevation of the nearest walkable pavement. It shall be in a position that clearly identifies the entry into the #urban plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #urban plaza#.

(2) Information plaque

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

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

(p) #Signs#

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

(q) Maintenance

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

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

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

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

The value of the bond or City securities if tendered prior to January 1, 1998, shall be at a rate of



\$750 per required tree, \$100 per movable chair and \$200 per 1,000 square feet of #urban plaza# for litter removal as set forth in this Section.

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

(r) Penalties for violations

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

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

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

\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 17, 2007, on file in this office.

.....  
City Clerk, Clerk of The Council