Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

93-78 - Site and Landscape Plans for Public Access Areas in Subdistrict F

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93-78 - Site and Landscape Plans for Public Access Areas in Subdistrict F

LAST AMENDED
4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

All publicly accessible open spaces, or portions thereof, listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways, or portions thereof, listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), shall comply with the following provisions:

(a) No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless the Chairperson of the City Planning Commission has certified to the Commissioner of Buildings that the site and landscape plans for the Subdistrict F public access area have been approved by the Chairperson pursuant to the provisions of this Section. Notwithstanding the foregoing, the Chairperson shall allow for the phased development of public access areas, or portions thereof, upon certification to the Commissioner of Buildings that site and landscape plans have been submitted that provide for the completion of public access areas in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

(b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include:

(1) a site plan indicating the area and dimensions of the public access area, or portions thereof, and the location of all proposed #buildings# in the phase subject to the application;

(2) a landscape plan, prepared by a registered landscape architect, for the public access area, or portions thereof, in the phase subject to the application; and

(3) a report to the Chairperson demonstrating:

(i) that the site and landscape plans have been presented by the applicant to the affected Community Board, City Council Member and Borough President and the Community Board, City Council Member and Borough President have had at least 60 days to review; and

(ii) that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered by the applicant, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall identify how the design has been modified.

(c) The Chairperson of the City Planning Commission shall approve the site and landscape plans within 45 days following filing, provided that the following provisions are met:

(1) the site and landscape plans provide for the improvement of the public access area, or portions thereof, which, taking into account relevant considerations relating to platform construction and engineering, are:

(i) of sufficient size to provide a valuable public amenity and promote site access for the benefit of residents and workers in the #buildings# in the phase to which they relate, as well as for the general public; and

(ii) appropriately sited and located in suitable proximity to the #building# locations in the phase to which they relate.

(2) the site and landscape plans are consistent with the general purposes and contain the core elements listed in Sections 93-75 and 93-76, inclusive;

(3) all elements in the site and landscape plans comply with the design criteria as set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F), or, in the case of the #High Line#, that the elements in the landscape plan comply with the criteria set forth in paragraph (c) of Section 93-756 (General requirements for the High Line);

(4) the site and landscape plans are consistent and appropriate in relation to any previously approved landscape plan for other phases and in relation to conceptual plans for future phases, as applicable;

(5) the level of public amenity provided in the landscape plan is equal to or better than the level of public amenity required in #public plazas# that are provided in accordance with the standards of Section 37-70 or, in the case of the #High Line#, than the level of public amenity provided on developed portions of the #High Line# south of West 30th Street. All public amenities that are provided in the landscape plan shall take into account the nature and character of the Subdistrict F public access areas; and

(6) a maintenance plan, including any necessary maintenance facilities for the public access area, or portions thereof, in the phase, has been established that will ensure compliance with the provisions of paragraph (b) of Section 93-77.

Approved site and landscape plans shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(d) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with the site and landscape plans, and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the site and landscape plans for the public access area, or portions thereof associated with such phase. Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-782 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within the phase until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any

portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with the phase previously improved pursuant to the temporary public access area plan, has been fully completed in accordance with the site and landscape plans therefor, and that the public access area, or portions thereof, are open to and useable by the public.

(e) Where a phase of development results in all development sites in Subdistrict F, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved, pursuant to paragraph (c) of this Section, at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

93-781 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
12/21/2009

The Chairperson of the City Planning Commission may modify the general requirements of the publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict

F), and private streets and pedestrian ways listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Western Rail Yard. In addition to the site and landscape plans required pursuant to Section 93-78, a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-782 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED
2/2/2011

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development# or #enlargement#, the application for the site and landscape plans may be accompanied by a request for approval of a temporary public access area plan for the public access area which may include fewer than all core elements required as part of a phase of #development# or #enlargement# of such public access area pursuant to paragraph (c)(2) of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as the site and landscape plans, pursuant to Section 93-78 and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site and landscape plans, including all core elements for such public access area, shall be implemented.