Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

74-80 - ADDITIONAL PERMITS

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74-80 - ADDITIONAL PERMITS

LAST AMENDED
6/6/2024

74-81 - Affordable Independent Residences for Seniors

LAST AMENDED
8/20/1970

The related #accessory# social and welfare facilities minimum requirement, as set forth in Section 12-10 (DEFINITIONS - Affordable Independent Residences for Seniors) may be reduced or waived in any #affordable independent residence for seniors# as to which the City Planning Commission makes the following findings:

(a) the proposed #affordable independent residence for seniors# is an addition to or #enlargement# or expansion of an existing #affordable independent residences for seniors# and is located on a #zoning lot# no portion of which is more than 1,500 feet from the existing #affordable independent residence for seniors#;

(b) both #affordable independent residences for seniors# will be owned, operated and maintained by the same sponsoring organization;

(c) the existing #affordable independent residence for seniors# contains related social and welfare facilities which will be used to adequately and conveniently service tenants of both the existing and proposed #affordable independent residence for seniors#

The Commission may prescribe appropriate conditions and safeguards to enhance the character and purposes of the project.

74-82 - Through Block Arcades

LAST AMENDED
2/2/2011

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

In the districts with an equivalent #residential# #floor area ratio# of 10, any #floor area# bonus earned by providing a #through block arcade# may be applied to increase the #residential# #floor area# of a #mixed building# provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Each application for a #through block arcade# must meet the following criteria:

(1) result in substantial improvement of pedestrian circulation; and

(2) provide appropriate secondary #commercial# frontage along the #through block arcade# such as small shops and restaurants.

Bridges, mezzanines and balconies which add interest and function to the #arcade# without unduly obstructing its light and air may be incorporated in the proposal.

Lighting, paving, #signs# and plantings shall be specified in the application.

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

74-83 - Public Service Establishments

LAST AMENDED
10/17/2019

74-831 - Court houses

LAST AMENDED
10/17/2019

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

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

74-832 - Borough-based jail system

LAST AMENDED
10/17/2019

For #zoning lots# that are the subject of a site selection for a borough-based jail system pursuant to application C 190333 PSY, the City Planning Commission may, by special permit, allow modifications to the applicable regulations governing #uses#, #bulk#, including permitted #floor area ratio#, the permitted capacities of #accessory# off-street parking facilities and #public parking garages#, and off-street loading regulations, to facilitate construction of the proposed facilities. In order to grant such special permit, the Commission shall find that:

(a) any #use# modifications will support the operation of the facility and will be compatible with the essential character of the surrounding area;

(b) ground floor #uses# will be located in a manner that is inviting to the public and will integrate the facility within the surrounding community;

(c) any increase in permitted #floor area ratio# will facilitate the development of the facility;

(d) any #bulk# modifications will improve the interior layout and functionality of the facility;

(e) such #bulk# modifications, including any increase in permitted #floor area ratio#, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area;

(f) any modifications to the provisions of #accessory# off-street parking and loading regulations will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and

(g) any modifications to the permitted capacity of #public parking garages#:

(1) will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and

(2) will provide adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 spaces, and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles.

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

74-84 - Developments With Existing Buildings

LAST AMENDED
5/22/1969

74-841 - Development in certain Commercial Districts

LAST AMENDED
10/14/1971

In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the City Planning Commission may permit a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block# to be #developed# to its maximum allowable #bulk# under applicable district regulations and any existing #buildings# to remain temporarily on that lot and may permit the #floor area# of any existing #buildings# to be excluded from computations determining such maximum allowable #floor area#, provided that each and every one of the following conditions are met:

(a) that existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;

(b) that all leases within the existing #buildings# must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing #buildings# or portion of such existing #buildings#;

(c) that the total #floor area# of all such existing #buildings# on the #zoning lot# is not greater than 20 percent of the maximum allowable #floor area# for that #zoning lot#;

(d) that demolition of all such existing #buildings# must commence within five years after the issuance of the special permit under this Section;

(e) that the portions of the #zoning lot# where existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan; and

(f) that, until such time as demolition of all such existing #buildings# and completion of the approved site plans, #floor area# equal in amount to that which was located in such existing #buildings#, must be left unfinished and vacant in the new #development#; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the #zoning lot# shall submit a copy of all leases on any #building# or portion of any #building# on the #zoning lot# together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing #buildings# or portions of #buildings# shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the #zoning lot# shall have prominently displayed on the front of all existing #buildings# a sign stating the date that the #building# is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the #zoning lot#, upon which new #development# is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

(1) cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time;

(2) ensure that all #floor area# which is to be vacant in the new #development# shall remain unfinished and vacant; and

(3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing #buildings#.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the #development# shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private #buildings or other structures#. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

74-842 - Staged development of public or publicly assisted housing projects

LAST AMENDED
10/14/1971

In all #Residence Districts# except R9 and R10 Districts, in C1 or C2 Districts mapped within all such #Residence Districts# except R9 and R10 Districts, or in C1-6, C1-7 or C2-6 Districts, for a staged #development# of public, or publicly assisted housing projects, the City Planning Commission may permit any existing occupied #building# to remain temporarily on a #zoning lot#, and may authorize the applicable #bulk# regulations of the underlying districts to apply to the entire #zoning lot# without regard to the existence of such temporary #building# if the following conditions are met:

(a) that the entire #zoning lot# of such #development# is owned by the applicant;

(b) that the development plan for the project, showing compliance with all provisions of this Resolution, has been approved by the Board of Estimate, or will be subject to Board of Estimate approval in conjunction with the application for a special permit under this Section;

(c) that the number of existing #dwelling units# temporarily retained on a #zoning lot# are no more than the number of new #dwelling units# approved for construction on such #zoning lot#;

(d) that no final certificate of occupancy shall be issued by the Department of Buildings for the new construction until all pre-existing #buildings# except those #buildings# which are to be retained in accordance with the approved

development plan are vacated, demolished and their sites are redeveloped in accordance with the approved project plan;

(e) that the #use# of this staged #development# process, rather than a method of #development# requiring compliance with this Resolution, is necessary to expedite the construction of new housing and to alleviate the City's relocation housing problems; and

(f) that the final #development# complies with all the applicable regulations of the underlying districts of the Zoning Regulation.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the #block# and of the surrounding area resulting from the temporary non-conformity with the Resolution permitted pursuant to this Section.

74-843 - Preservation of existing buildings within certain developments containing open areas

LAST AMENDED
2/2/2011

In R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-9 or C2-8 Districts, for any #development# on a #zoning lot# which was all within single ownership on or before May 31, 1973, which contained a portion of its #zoning lot# mapped within an R8 District on or before May 31, 1973, which is located within the boundaries of Community Board 8 in the Borough of Manhattan, and which preserves and maintains existing on-site #residential buildings#, the City Planning Commission may grant, upon application resulting from joint efforts of a developer and on-site tenants, and after Community Board 8 has reviewed the architectural plans, a #floor area# bonus for public open area and relocation housing as set forth in this Section, and modify height and setback, #yards#, #courts# and distance between #buildings# regulations. The provisions of this Section shall not apply in any special purpose district, unless permitted by such special purpose district.

As a condition for granting a special permit for such #development#, the Commission shall make the following findings:

(a) that the retention of existing #residential buildings# is essential to preserve the character of the neighborhood;

(b) that the existing #residential buildings# are suitable for rehabilitation;

(c) that no #residential# or #community facility building# existing prior to May 31, 1973, be demolished or residential tenants evicted, on a #narrow street#, if 50 percent or more of the #floor area# of such #building# is located beyond 125 feet from a #street# intersection;

(d) that the relocation practices followed by the developer on the entire #zoning lot# satisfy applicable governmental standards;

(e) that existing #buildings# or portions thereof contain #dwelling units# which will be available on a priority basis for occupancy by on-site tenants displaced by new construction or by rehabilitation after December 31, 1970, in accordance with an approved relocation, rehabilitation and continued maintenance program;

(f) that any outstanding eviction notices have been withdrawn;

(g) that on-site tenants have not been subject to harassment by intent or otherwise or where harassment has occurred, it has

ceased as of the date of the application for the special permit hereunder;

(h) that the #dwelling units# that are reserved for such relocation housing shall comply with an approved rent schedule;

(i) that an agreement between the tenants and developers on the relocation plan has been reached which is satisfactory to two-thirds of the tenants on-site on the date of application for special permit hereunder;

(j) that the #development# provides a minimum of 30 percent of the #lot area# of the #zoning lot# as public open area at #curb level#. Where site conditions preclude open area at #curb level#, such open area shall not at any point be more than five feet above nor more than eight feet below #curb level# of the #street# providing primary access to such area. The public open area shall be preferably on the southerly side of the lot unobstructed from its lowest level to the sky except as set forth in this Section, and directly accessible to the public from an adjoining #street#. Access to such public open area shall be clearly visible from the #street#. The said area shall contain lighting, landscaping, planting, pedestrian ways and sitting areas and be maintained in accordance with reasonable standards. #Building# columns or similar elements may be permitted but the aggregate area of such elements may not exceed two percent of the total public open area. Driveways, off-street parking spaces and loading berths and balconies are not permitted within the public open area:

(1) for a #development# within 600 feet of a #public park# or playground having a minimum area of one acre, the minimum dimension of the public open area shall be at least 30 feet; access to such public area shall be at least 25 feet wide at the #street line# and the clear width of the walkway for pedestrian traffic shall not be less than 20 feet. The public open area may include covered or arcaded areas, total area of which shall not exceed 20 percent of the required public open area. Such arcaded or covered areas shall have an average clear height of not less than 20 feet and a minimum clear height of 12 feet.

(2) for all other #development# pursuant to this Section, the minimum dimension of such public open area shall be 45 feet and have a minimum area of 4,500 square feet. The #development# shall also provide an #arcade# which #abuts# the #street line# along the short dimension of the #block# and extends along the full length of the #building# on such frontage. Such #arcades# and required setback areas which abut the #street line# along the short dimension of the #block# shall be included in meeting the 30 percent public open area requirements of this Section.

(k) that the finish of exterior walls of the existing #building# fronting on such public open area is compatible with the #development# and the public open area;

(l) that a roof area of #development# shall be landscaped for use by #residential# tenants and shall:

(1) be restricted to occupants of the #residential# portion and their guests for whom no admission or membership fees are charged;

(2) be directly accessible from a lobby or other public area served by the residential elevators;

(3) be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas; and

(4) contain not less than 2,500 square feet of continuous area open to the sky on a single level with a minimum dimension of not less than 40 feet.

(m) that the total #development# will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and surrounding developments;

(n) that the #development# will not have a negative environmental impact on the neighborhood or change the character of the neighborhood.

(o) that the basic #floor area ratio# for the #zoning lot# may be increased from 10.0 to 12.0 for complying with the provisions of this Section.

In determining the precise extent of the increase in the basic #floor area ratio# on a #zoning lot# from 10.0 to 12.0, the Commission shall, after consultation with Manhattan Community Board 8, balance the economic benefit received by the builder after deducting the cost of the following:

(1) the number of tenants relocated on and off site;

(2) the number of units and cost of on-site renovation; and

(3) the extent and period of years for which rent subsidies are provided over and above those required as relocation benefits under applicable governmental standards.

In no event shall a new #building# exceed 32 #stories# excluding the #basement# level.

No final certificate of occupancy shall be issued by the Department of Buildings for the new construction until the total #development# complies with the approved rehabilitation and relocation program.

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

74-844 - Preservation of community facility uses within certain developments containing public open areas

LAST AMENDED
2/2/2011

For any #development# on a #zoning lot# a portion of which, exceeding 50 percent, is located in an R9 District, in a C1 or C2 District mapped within an R9 District or in a C1-8 or C2-7 District, and the remaining portion of which is located in an R8 District, and which provides a new #community facility building# for an institution existing on the #zoning lot# prior to the #development# and which includes an open area for public use, the City Planning Commission may allow the zoning district regulations applicable to the #zoning lot# including, but not limited to, #bulk# and parking to be changed as set forth in this Section and may modify #yard#, height and setback, density and distance between #buildings# regulations in accordance with the provisions of this Section.

As a condition for granting a special permit for such #development#, the Commission shall find that:

(a) the provision of the new #community facility building# will result in the reinforcement or preservation of an existing church or house of worship, community center, #school#, library, museum, college or university which is essential to the character of the neighborhood and that such #community facility building# will be used only as a #community facility building#;

(b) such #community facility building# is free-standing and independent of any new #residential building# and contains floor space of at least 10,000 square feet and shall be located entirely on the R8 portion of the #zoning lot#; the height of the #community facility building# shall not exceed the greater of:

(1) a height of 20 feet greater than that of the nearest existing #building# in the adjacent R8 District; or

(2) 40 feet;

(c) the arrangement has been made for continuing maintenance of the #community facility building#;

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

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

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

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. The #zoning lot# containing such #development# shall be subject to all the regulations applicable to a C1-9 District subject to the provisions of any special purpose district within which the #zoning lot# is located, except that the maximum permitted #floor area ratio# shall be 11.0. The #floor area# bonus provision for #public plazas# or #arcades# shall not apply. The #accessory# off-street parking requirements of Section 36-33 shall be 20 percent.

At any level at which a #building# within the #development# penetrates an established #sky exposure plane#, such #building# shall not, in the aggregate, occupy more than 45 percent of the #lot area# of the #zoning lot#.

Notwithstanding any other provision of the Zoning Resolution, the #community facility# portion of the #development# may be conveyed by deed, lease or otherwise to the institution operating the #community facility building# and, for the purposes of this #development#, such conveyance shall be deemed not to alter the single #zoning lot# status of the #zoning lot# containing the total #development# authorized under this Section. In no event shall the #floor area# of the total #development#, including the #community facility# portion, exceed a #floor area ratio# of 11.0.

74-85 - Special Height and Setback Regulations

LAST AMENDED
8/14/1987

74-851 - Height and setback regulations for certain buildings containing residences

LAST AMENDED
2/2/2011

In R8, R9 and R10 Districts, and in C1-7, C1-8, C1-9, C2-7 and C2-8 Districts, the City Planning Commission may permit modifications of height and setback regulations for #developments# or #enlargements# containing #residences#, provided the

following findings are made:

(a) that the resulting site plan affords better placement of the #buildings# on the #zoning lot# with improved arrangement of #open space# and improved access of light and air for the #dwelling units#; and

(b) that the site is adjacent to or opposite a permanent space comprising an area of at least three acres such as a park, public place, waterfront, wharf property, wharves or docks, and that the resulting placement of the #buildings# will not unduly obstruct access of light and air in the #street# or on adjacent #zoning lots#.

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

However, the provisions of this Section shall not apply to #Quality Housing buildings#.

74-852 - Height and setback regulations for zoning lots divided by district boundaries

LAST AMENDED
2/2/2011

For a #zoning lot# divided by a boundary between an R8 District, or a #Commercial District# permitting an equivalent #residential# #floor area ratio#, and an R10 District, or a #Commercial District# permitting an equivalent #residential# #floor area ratio#, the City Planning Commission may permit modifications of the height and setback regulations for that portion of a #development# which fronts on a #wide street# and is located in the R8 or equivalent District, provided it finds that such modification will not unduly obstruct access of light and air to surrounding #streets# and properties.

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

74-86 - Certain Large Retail Establishments

LAST AMENDED
6/6/2024

In M1-5 or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

(a) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and

(b) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:

(1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;

(2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;

(3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;

(4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and

(5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

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

74-87 - Covered Pedestrian Space

LAST AMENDED
6/12/1996

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

In the districts indicated, the City Planning Commission may permit #floor area# bonuses for #covered pedestrian space# in accordance with the provisions of Sections 74-871 through 74-873, inclusive.

74-871 - Floor area bonus for covered pedestrian space

LAST AMENDED
2/2/2011

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

PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

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

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

Any portion of the #covered pedestrian space# that is within 10 feet of a #street line# or #lot line# and that is extended along such #street line# or #lot line# on either side of an entrance to it from an adjoining #street#, #arcade#, #publicly accessible open area#, #court#, #yard# or other #covered pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

The basic #floor area# bonus may be increased by providing one or more of the following additional amenities:

(a) An escalator, providing pedestrian access from sidewalk level to any floor level containing #uses# specified in paragraph (c) of Section 74-872 (Design requirements for covered pedestrian spaces). Such escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.

(b) Where the height over at least one-third of the #covered pedestrian space# in one location is increased by more than one #story# of the #building# above the required height, the basic #floor area# bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each such #story#. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such additional height shall not exceed the allowable maximum set forth in the table.

(c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or concourse is provided and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered pedestrian space# may be permitted over the amount specified in the table.

74-872 - Design requirements for covered pedestrian spaces

LAST AMENDED
12/19/2019

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

(a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;

(b) have a height of at least 30 feet;

(c) have appropriate #uses# permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the #covered pedestrian space# which do not abut #lot lines# or #street lines#. At least 50 percent of such frontage shall be comprised of individual #uses#, each of which has a frontage not exceeding 25 feet, and the frontage of any other single #use# may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type #uses# occupy any portion of the frontage of the #covered pedestrian space#. Access to other #uses# within a #building# may be provided from the #covered pedestrian space# if such #uses# are not located at the same #story# as the pedestrian space;

(d) be adequately illuminated, utilizing natural daylight wherever possible; and

(e) be suitably maintained and kept open to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

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

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

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

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

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

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

Where the space is heated or air-conditioned, the standards for heating, ventilating and air-conditioning shall be at least equal to that of the lobby.

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

An information plaque shall be provided that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York.

When a #through block arcade# provides public access to a #covered pedestrian space#, the opening at the point shall be at least 30 feet wide and 30 feet high. The two openings at the face of the #building# to the #through block arcade# shall be at least 20 feet wide and 30 feet high for a depth of 30 feet and shall be unobstructed except for stairs, ramps and escalators. If such space is air-conditioned, only one opening at the face of the #building# need comply with the partial enclosure requirements of the preceding paragraph.

A #covered pedestrian space# located at 12 feet or more below the sidewalk level shall provide direct subway or below grade pedestrian concourse access. For such #covered pedestrian spaces#, the entrance openings at the sidewalk level may be less than

30 feet in height, but not less than 15 feet, provided the entrance opening is unenclosed for its full height and is extended along the face of the #building# for the entire width of the #covered pedestrian space#.

74-873 - Findings for covered pedestrian spaces

LAST AMENDED
2/2/2011

As a condition for permitting such bonus #floor area#, the City Planning Commission shall find that:

(a) the proposed #covered pedestrian space# will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;

(b) the proposed #covered pedestrian space# is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;

(c) the public character of the proposed #covered pedestrian space# shall be obvious from the outside of the #building#;

(d) appropriate #commercial# #uses# including, but not limited to, small stores and cafes fronting on the #covered pedestrian space# are provided;

(e) the distribution of the #bulk# on the #zoning lot# permits satisfactory access of light and air to surrounding #streets# and properties; and

(f) the proposed connection to an underground subway station from a #covered pedestrian space# is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional #floor area ratio# bonus.

The Commission may permit modification of the entrance requirements for #covered pedestrian spaces#, provided that the Commission finds that the entrance is so designed as to ensure prominent public notice and promote public pedestrian circulation through such space.

74-88 - Modification of Height and Setback and Street Wall Regulations

LAST AMENDED
2/2/2011

Upon application, the City Planning Commission may permit the modification of height and setback and #street wall# regulations of Section 23-651 (Tower-on-a-base) and paragraph (a) of Section 35-64 (Special Tower Regulations for Mixed Buildings), except for the permitted tower coverage or the required #floor area# distribution below a height of 150 feet, and may permit modification of the requirements of paragraph (a)(1)(ii) of Section 24-54 (Tower Regulations), provided the Commission makes the following findings:

(a) that such modification will enhance the contextual relationship of the #development# or #enlargement# to nearby #buildings# and improve the overall scale, site design and architectural harmony among #buildings# in the neighborhood; and

(b) that such modification will not unduly obstruct access of light and air to the detriment of the occupants or users of the #buildings# in the #block# or nearby #blocks# or of people using the public #streets#.

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

74-89 - Bulk Modifications for Telephone Exchanges or Other Communication Equipment Structures

LAST AMENDED
2/2/2011

In C1 and C2 Districts when mapped in R6, R7, R8, R9 and R10 Districts, and in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C5-1, C6-1, C6-2, C6-3, C7, C8-2, C8-3, C8-4, M1-2, M1-3, M1-4, M1-5, M2 and M3 Districts, the City Planning Commission may permit modification of the #bulk# regulations for telephone exchanges or other communications equipment structures not existing on December 15, 1961, provided that the #zoning lot# has a minimum area of 40,000 square feet, a #floor area ratio# of no greater than 10.0 and that the following findings are made:

(a) that the growth of the utility service demand to be served by the facility requires the construction of a #building or other structure# that would exceed the allowable #bulk# permitted by the district regulations;

(b) that provisions of new or additional facilities at other locations would cause substantial duplication of plant and facilities;

(c) that the proposal is the minimum modification necessary to permit the additional facilities needed to serve the demand;

(d) that the design of the facility will not adversely affect the character of the neighborhood;

(e) that the existing #street# and public transportation system will not be adversely affected; and

(f) that, where appropriate and feasible in the judgment of the Commission, the applicant provides a public amenity for the benefit of the affected community.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.