**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 145-41 - Special Approvals in Subdistrict A

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## 145-41 - Special Approvals in Subdistrict A

LAST AMENDED
8/15/2024

In Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, a #floor area# bonus where public realm improvements, pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), are provided on a single #zoning lot# or on two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or #street# intersection, and:

(a) has or will have an area of at least 1.5 acres; and

(b) has or will be #developed# or #enlarged# as a unit under single fee ownership or alternate ownership arrangements as set forth in the definition of #zoning lot#.

In conjunction with such #floor area# bonus, the Commission may authorize the modification of bulk regulations, other than #floor area ratio#, pursuant to Section 145-412 (Authorization for additional modifications in Subdistrict A).

## 145-411 - Certification for public realm improvements in Subdistrict A

LAST AMENDED
12/5/2024

In Subdistrict A, the Chairperson of the City Planning Commission shall allow a 20 percent increase in the maximum permitted #floor area ratio# on #zoning lots# pursuant to the provisions of Section

145-41 (Special Approvals in Subdistrict A), upon certification to the Commissioner of the Department of Buildings that public realm improvements comprising an Entry Open Space, Western Open Space, Pierce Avenue Extension and supplementary open spaces as designated on Map 3 (Subdistrict A Site Plan) in the Appendix to this Chapter, are provided, Such #floor area ratio# increase and public realm improvements shall be subject to the rules and limitations of paragraph (a), the general requirements of paragraphs (b) and (c), application requirements of paragraph (d), and additional requirements of paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other #bulk# modifications shall apply:

(1) where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) for #MIH developments#, the requirements of Article II, Chapter 7 (Additional Regulations and Administration in Residence Districts) shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) General requirements for publicly accessible open spaces

Publicly accessible open spaces shall include the Entry Open Space, Western Open Space and supplementary open spaces, as designated on Map 3 in the Appendix to this Chapter.

(1) Location and minimum dimensions

Publicly accessible open spaces shall be provided in the location designated on Map 3 in the Appendix. Such publicly accessible open spaces shall comprise:

(i) an Entry Open Space with a minimum area of at least 8,500 square feet and the minimum dimensions set forth on Map 3;

(ii) a Western Open Space with a minimum area of at least 10,000 square feet and the minimum dimensions set forth on Map 3; and

(iii) three supplementary open spaces with a minimum area of at least 4,800 square feet each, with minimum dimensions set forth on Map 3.

(2) Design requirements

All publicly accessible open spaces shall comply with the following design provisions:

(i) seating shall be provided in accordance with the requirements of Section 37-741 (Seating);

(ii) planting and trees shall be provided in accordance with the provisions of Section 37-742 (Planting and trees);

(iii) an average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required;

(iv) litter receptacles shall be provided in accordance with the standards of Section 37-744 (Litter receptacles);

(v) bicycle parking shall be provided in accordance with the standards of Section 37-745 (Bicycle parking);

(vi) drinking fountains shall be provided pursuant to the standards set forth in Section 37-746 (Drinking fountains);

(vii) additional amenities shall be provided and designed pursuant to the standards set forth in Section 37-748 (Additional amenities);

(viii) permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);

(ix) the provisions of Sections 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps); and

(x) entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems).

Notwithstanding the foregoing, up to 50% of two of the publicly accessible open spaces, as designated on Map 3, may consist of playground space designed and equipped in a manner consistent with New York City Department of Parks

and Recreation standards.

(3) Hours of public access

Such publicly accessible open spaces shall be accessible to the public each day from 6:00 a.m. to 10:00 p.m.

(c) General requirements for Pierce Avenue Extension

The Pierce Avenue Extension shall be publicly accessible and constructed in accordance with the Department of Transportation Design Streets Manual and approved by the New York City Department of Transportation.

(d) Application requirements

An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include the following materials:

(1) a site plan indicating the area and dimensions of the publicly accessible open space, or portions thereof, and the location of all proposed #developments# subject to the application;

(2) a landscape plan, prepared by a registered landscape architect, for the publicly accessible open spaces; and

(3) for #zoning lots# undergoing phased #development#, a phasing plan shall be submitted to implement the public realm improvements. Such phasing plan shall set forth the amount and location of public realm improvements that will be provided at the time

each phase is #developed#. The amount of improvements in any phase shall be proportionate to the #lot area# being #developed# in such phase, except where physical or programmatic constraints make it infeasible to provide such amount of improvements.

(e) Additional requirements

The owner(s) shall be responsible for the maintenance of the Pierce Avenue Extension and other required publicly accessible open spaces, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

At the time of certification, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the improvements required for the phase associated with such bonus #floor area# have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for

the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

## 145-412 - Authorization for additional modifications in Subdistrict A

LAST AMENDED
8/15/2024

In conjunction with an application pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), the City Planning Commission may, by authorization, allow the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within Subdistrict A to be distributed without regard for #zoning# lot lines. Additionally, the Commission may modify other #bulk# regulations, other than #floor area ratio#.

All such modifications shall be subject to the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section.

(a) Conditions and limitations

For #zoning lots# or portions thereof within 150 feet of Bronxdale Avenue, modifications to maximum permitted #building# height shall not apply.

For #zoning lots# or portions thereof beyond 150 feet of Bronxdale Avenue, the maximum permitted #building# height may be modified provided that such modification does not result in an increase that exceeds 13 percent of the maximum #building# height, as set forth in paragraph (b) of Section 145-23 (Height and Setback Regulations).

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

(1) such distribution of #floor area#, #lot coverage#, #dwelling units#, or #rooming units# will result in a better site plan, and will not:

(i) unduly increase the #bulk# of #buildings# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#; or

(ii) adversely affect any other #zoning lots# outside of the Subdistrict, by restricting access to light and air; and

(2) modifications to other #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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