



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

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

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- (f) that any outstanding eviction notices have been withdrawn;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