Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Hudson Yards District (HY)

File generated by https://zr.planning.nyc.gov on 11/20/2023

Chapter 3 - Special Hudson Yards District (HY)

93-00 - GENERAL PURPOSES

LAST AMENDED
4/14/2010

The "Special Hudson Yards District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;

(b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;

(c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;

(d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;

(e) to preserve the low- and medium-scale residential character of the Hell's Kitchen area;

(f) to provide a transition between the Hudson Yards District and the Clinton community to the north;

(g) to provide a transition between the Hudson Yards District and the Garment Center to the east;

(h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;

(i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;

(j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;

(k) to provide a transition between the Hudson Yards District and the Hudson River to the west;

(l) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations;

(m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues; and

(n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

93-01 - Definitions

LAST AMENDED

ERY Culture, Festival and Exhibit Facility

An "ERY Culture, Festival and Exhibit Facility" is a #use#, operated by a not-for-profit entity, that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, crafts, fashion and design, or any similar artistic activity. No trade shows shall be permitted unless they are related to one of such activities. Any #building# in which an #ERY Culture, Festival and Exhibit Facility# is located may include a moveable portion that may be extended and retracted to cover all or a portion of the Culture Facility Plaza described in Section 93-71, paragraph (j).

ERY High Line

For the purpose of this Chapter, the #ERY High Line# shall refer to the portion of the #High Line# between the western #street line# of Tenth Avenue and the western #street line# of Eleventh Avenue north of West 30th Street.

High Line

For the purpose of this Chapter, the "High Line" shall refer to the elevated rail line structure located between Gansevoort Street and West 34th Street in the north-south direction, and between Washington Street and Twelfth Avenue in the east-west direction.

High Line bed

The "High Line bed" is the highest level of the horizontal surface (platform) of the elevated rail line structure of the #High Line#.

High Line Landscape Improvement Deposit

For the purpose of this Chapter, the "High Line Landscape Improvement Deposit" shall be in the amount of $18,214,507 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of $23,200,228, as adjusted by changes in the construction cost index published by the Engineering News-Record (ENR) for New York City, commencing as of January 2012. Payment of the #High Line Landscape Improvement Deposit# shall be in the form of cash or other form of immediately available funds. The #High Line Landscape Improvement Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the improvement for public use of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

High Line Maintenance Funding

For the purpose of this Chapter, #High Line Maintenance Funding# shall mean funding sufficient for the maintenance and ordinary repair of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in an amount acceptable to the City, as adjusted on an annual basis.

High Line Rehabilitation Deposit

For the purpose of this Chapter, the #High Line Rehabilitation Deposit# shall be in the amount of $9,580,763 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of $12,203,234, as adjusted by changes in the construction cost index published by the ENR for New York City commencing as of January, 2012. Payment of the #High Line Rehabilitation Deposit# shall be in the form of cash or other form of immediately available funds if plans and specifications for rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed as of the time the #High Line Rehabilitation Deposit# is required, and if such plans and specifications have not been substantially completed at the time the #High Line Rehabilitation Deposit# is required, in the form of cash or a cash equivalent, such as a letter of credit, in a form acceptable to the City. The #High Line Rehabilitation Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

Hudson Yards District Improvement Fund

The "Hudson Yards District Improvement Fund" (the "Fund") shall be an account of the Hudson Yards Infrastructure Corporation (the "Corporation"). The Fund shall be owned for all purposes by the Corporation and may be used for any corporate purpose of the Corporation, including its pledge, assignment or sale in furtherance of any financing by the Corporation in support of district improvements in the #Hudson Yards Redevelopment Area#. The Corporation, as owner for all purposes of the Fund, will manage the Fund in furtherance of the purposes of the Corporation.

Hudson Yards Redevelopment Area

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, Subdistrict A-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

Phase 2 Hudson Boulevard and Park

The "Phase 2 Hudson Boulevard and Park" is the area within the #Special Hudson Yards District# bounded on the north by the center line of West 39th Street, on the east by the eastern boundary of the park located between West 38th and West 39th Streets and the eastern #street line# of Hudson Boulevard East, on the south by the center line of West 36th Street, and on the west by the western #street line# of Hudson Boulevard West and the western boundary of the park located between West 38th and West 39th Streets, as shown on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter.

Tenth Avenue Spur

For the purpose of this Chapter, the #Tenth Avenue Spur# shall refer to the portion of the #High Line# above the intersection of Tenth Avenue and West 30th Street.

93-02 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

93-03 - District Plan and Maps

LAST AMENDED
4/29/2014

The regulations of this Chapter are designed to implement the #Special Hudson Yards District# Plan.

The District Plan includes the following six maps in Appendix A of this Chapter:

Map 1 Special Hudson Yards District, Subdistricts and Subareas

Map 2 Mandatory Ground Floor Retail

Map 3 Mandatory Street Wall Requirements

Map 4 Mandatory Sidewalk Widenings

Map 5 Transit Facilities

Map 6 Sites Where Special Parking Regulations Apply

Subdistrict Plans include the following five maps in Appendix B of this Chapter:

Map 1 Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan

Map 2 Subdistrict F: Site Plan

Map 3 Subdistrict F: Public Access Area Plan

Map 4 Subdistrict F: Mandatory Ground Floor Requirements

Map 5 Subdistrict F: Mandatory Street Wall Requirements

The Maps are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

93-04 - Subdistricts and Subareas

LAST AMENDED
4/29/2014

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

Large-Scale Plan Subdistrict A

Farley Corridor Subdistrict B

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Eleventh Avenue Subdistrict G

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Hudson Yards District#. Within certain subdistricts, subareas are established, as follows:

Within the Large-Scale Plan Subdistrict A:

Eastern Rail Yard Subarea A1

Four Corners Subarea A2

Subarea A3

Subarea A4

Subarea A5

Within Farley Corridor Subdistrict B:

Western Blocks Subarea B1

Central Blocks Subarea B2

Farley Post Office Subarea B3

Pennsylvania Station Subarea B4

Within Hell's Kitchen Subdistrict D:

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

Within these subareas, certain special regulations apply which do not apply within the remainder of the subdistrict.

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter. Additional requirements for specific subdistricts, or portions thereof, are outlined in Appendix B of this Chapter.

93-05 - Applicability of District Regulations

LAST AMENDED
1/19/2005

93-051 - Applicability of Article I, Chapter 1

LAST AMENDED
3/28/2012

Within the #Hudson Yards Redevelopment Area#, Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on January 19, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than January 19, 2006.

93-052 - Applicability of Article I, Chapter 3

LAST AMENDED
5/8/2013

#Public parking lots# authorized prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistricts F and G.

The following provisions of Article I, Chapter 3, governing #automated parking facilities#, as defined in Section 13-02, automobile rental establishments, commercial vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

(a) for #automated parking facilities#, the provisions of Section 13-101 (Calculating parking spaces in automated parking facilities), paragraph (b) of Section 13-25 (Reservoir Spaces), and paragraph (b) of Section 13-27 (Minimum and Maximum Size of Parking Facilities);

(b) for automobile rental establishments, the provisions of Section 13-15 (Permitted Parking for Automobile Rental Establishments), paragraph (b) of Section 13-221 (Enclosure and screening requirements), Section 13-241 (Location of curb cuts), paragraph (b) of Section 13-242 (Maximum width of curb cuts), paragraph (c) of Section 13-25, and paragraph (c) of Section 13-27;

(c) for commercial vehicle parking, the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles); and

(d) for off-street loading berths, the provisions of Section 13-30, inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80, inclusive.

93-053 - Applicability of Article VII, Chapter 3

LAST AMENDED
1/19/2005

The following special permits by the Board of Standards and Appeals shall not be applicable:

Section 73-16 (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 93-18 (Authorization for Electrical Utility Substations)

Section 73-62 (Modification of Bulk Regulations for Buildings Containing Residences)

Section 73-63 (Enlargement of Non-residential Buildings)

Section 73-64 (Modifications for Community Facility Uses).

93-054 - Applicability of Article VII, Chapter 4

LAST AMENDED
4/14/2010

(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 93-18 (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 (Large-scale General Development) shall be inapplicable in the Large-scale Plan Subdistrict A

Section 74-831 (Court houses)

Section 74-841 (Development in certain Commercial Districts)

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

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas)

Section 74-95 (Modifications of Housing Quality Special Permits).

(b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# and #public parking garages# granted prior to April 14, 2010.

Section 74-79 (Transfer of Development Rights From Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B, such section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4). Furthermore, the maximum amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark #building# may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea B4 to 19.5.

Section 74-82 (Through Block Arcades) shall apply to any #development# or #enlargement# for which a #through block arcade# would not otherwise be permitted pursuant to this Chapter, except that no #floor area# bonus shall be permitted.

93-055 - Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park

LAST AMENDED
9/4/2008

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public parks# located between West 35th Street, Hudson Boulevard East, West 33rd Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard West for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public park# located between West 39th Street, Tenth Avenue, West 38th Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard East and West, as applicable, for the purposes of applying all #use# and #bulk# regulations of this Resolution.

93-06 - Declaration of Restrictions in Subdistrict F

LAST AMENDED
12/21/2009

No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless a declaration of restrictions, in substantially the form reviewed by the City Planning Commission pursuant to CEQR No. 09DCP007M and referenced in and made an exhibit to the findings of the Commission pursuant to 6 NYCRR Section 617.11 in connection with

its adoption of the regulations of this Chapter and as modified by the City Council, applicable to Subdistrict F (as such declaration may be revised prior to filing and recordation in accordance with the provisions thereof applicable to amendments made subsequent to filing and recordation), shall have been filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against all property interests in Subdistrict F proposed for #development# or #enlargement# pursuant to this Chapter.

93-10 - USE REGULATIONS

LAST AMENDED
5/31/2012

The #use# regulations of the underlying districts are modified as set forth in this Section, inclusive.

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Sections 93-71 (Public Access Areas in the Eastern Rail Yard Subarea A1) and 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

93-101 - ERY Culture, Festival and Exhibit Facility

LAST AMENDED
7/24/2013

For purposes of this Chapter, all references to #community facility#, #community facility use# or #uses# in Use Groups 3 or 4 in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an #ERY Culture, Festival and Exhibit Facility#.

93-11 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
1/19/2005

The provisions for the use of air space over railroad or transit right-of-ways or yards set forth in Sections 22-41, 32-44 and 42-462 shall not apply. In lieu thereof, all #developments# or #enlargements# within such air space shall comply with the provisions of this Chapter.

93-12 - Special Residential Use Regulations

LAST AMENDED
1/19/2005

93-121 - Restrictions on residential use

LAST AMENDED
1/19/2005

No #residential use# shall be permitted within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

93-122 - Certification for residential use in Subdistricts A, B and E

LAST AMENDED

Within the Large-Scale Plan Subdistrict A, Subareas B1 and B2 of the Farley Corridor Subdistrict B, and the South of Port Authority Subdistrict E, #residential use# shall be permitted only upon certification of the Chairperson of the City Planning Commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in Section 93-21 (Floor Area Regulations in the Large-Scale Plan Subdistrict A) or 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F), as applicable, and that for #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, a certification pursuant to Section 93-34 (Distribution of Floor Area in the Large-Scale Plan Subdistrict A) has been made.

However, special regulations shall apply to #zoning lots# with phased development, as follows:

(a) except as provided in paragraph (c) of this Section, for #zoning lots# with less than 69,000 square feet of #lot area#, the Chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of #commercial# #floor area# to #residential# #floor area#, in #buildings# in each phase, is no smaller than the ratio of the minimum amount of #commercial# #floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot# as specified in Section 93-21 or 93-22, as applicable;

(b) for #zoning lots# with at least 69,000 square feet of #lot area#, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in Section 93-21 or 93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of #commercial# #floor area# on each such portion, and that, upon full development of such #zoning lot#, the ratio of #commercial# #floor area# to #residential# #floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor# #area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot#, as specified in Section 93-21 or 93-22, as applicable; and

(c) for #zoning lots# with at least 55,000 square feet but less than 69,000 square feet of #lot area# within Subarea A3 of the Large-Scale Plan Subdistrict A, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in paragraph (a) of Section 93-21, upon certification that a plan has been submitted whereby one or more regularly shaped portions of the #zoning lot# with a minimum area of 35,000 square feet are reserved for future development, and that, upon full development of such #zoning lot#, the ratio of #commercial# #floor area# to #residential# #floor area# shall be no smaller than the ratio of the minimum amount of #commercial# #floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot#, as specified in Section 93-21.

All #developments# or #enlargements# so certified shall be permitted only in accordance with the provisions of this Chapter.

93-123 - Location of residential use within buildings

LAST AMENDED
2/2/2011

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #story# occupied in whole or in part by #dwelling units#. However, such #commercial# #uses# may be located over such a #story# occupied by #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

93-124 - Restrictions on conversions of residential use

LAST AMENDED
2/2/2011

In #Commercial Districts# mapped within R8A Districts, a #residential use# existing on December 21, 2005, within a #story# that has a floor level within five feet of #curb level#, may not be #converted# to a #commercial use#.

93-13 - Special Commercial Use Regulations

LAST AMENDED
1/19/2005

93-131 - Certification for office use

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

(a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:

(1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-154 (Inclusionary Housing) or 96-25 (Floor Area Bonus for New Theater Use); or

(2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-154, 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25, and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

(b) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes Use Group 6B offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:

(1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-154, 93-30, inclusive, or 96-25; or

(2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-154, 93-30, inclusive, or 96-25, and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

However, if such #developments# or #enlargements# fail to comply with the provisions of Section 11-331 with respect to completion of foundations within one year of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new Chairperson's certification pursuant to this Section.

(c) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-154, 93-30, inclusive, or 96-25, such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

However, no such authorization shall be required for #developments# or #enlargements# utilizing the Inclusionary Housing Program within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, or in the 42nd Street Perimeter Area of the #Special Clinton District#, where the total #floor area ratio# for such #developments# or #enlargements# does not exceed 12.0.

93-132 - Authorization for office use

LAST AMENDED
12/21/2009

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

Where the amount of Use Group 6B office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to Sections 23-154 (Inclusionary Housing), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

(a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;

(b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and

(c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

93-133 - Vehicle storage establishments

LAST AMENDED10/21/2021

Within Subdistrict G, Use Group 16C commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps shall be permitted as-of-right. The #floor area# of a #building# shall not include floor space used for public utility vehicle storage provided in any #story# located not more than 56 feet above #curb level#.

93-14 - Ground Floor Level Requirements

LAST AMENDED
5/29/2019

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply in Subdistrict G and along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

(a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building's# #street# frontage, as indicated on Map 2.

#Uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial# #uses# permitted by the underlying district, not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:

(1) for #building# walls facing the outdoor plaza described in Section 93-71, paragraph (b): the through block connection described in Section 93-71, paragraph (d), and the connection to the public plaza described in Section 93-71, paragraph (e);

(2) for #building# walls facing the through block connection described in Section 93-71, paragraph (d): the outdoor plaza described in Section 93-71, paragraph (b);

(3) for #building# walls facing the connection to the #public plaza# described in Section 93-71, paragraph (e): the outdoor plaza described in Section 93-71, paragraph (b) and the public plaza described in Section 93-71, paragraph (c); or

(4) a combination of retail #uses# and public access areas so as to satisfy such depth requirement for retail continuity.

The length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section 37-33 (Maximum Width of Certain Uses), except within the Eastern Rail Yard Subarea A1, where the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less, and within the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, for a #development# occupying a full #block# with frontage on Hudson Boulevard East and Tenth Avenue and having two million or more square feet of #floor area#, the width of lobbies located on the Hudson Boulevard East #street# frontage or the Tenth Avenue #street# frontage may occupy up to 70 feet of the #building# wall width of the #building# located on each such frontage.

(b) Retail continuity along designated streets in Subdistrict F

Map 4 (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's# #street# frontage, as indicated for each location on Map 4.

(1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

(2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section, the following #community facility uses# from Use Groups 3 and 4 as well as the following #commercial# #use# from Use Group 6B shall be permitted within a #story# that has a floor level within five feet of #curb level# for frontages along designated #streets#, as shown on Map 4, other than Eleventh Avenue.

From Use Group 3:

Art galleries, non-commercial

Libraries

Museums

Nursery, kindergarten, elementary or secondary #schools# (with no living or sleeping accommodations)

From Use Group 4:

Ambulatory diagnostic and treatment health care facilities

Community centers

Houses of worship

Recreation centers, non-commercial

From Use Group 6B:

Veterinary medicine, limited to small animals.

A minimum of 70 percent of the #aggregate width of street wall# shall be occupied by #uses# permitted in this Section. A minimum of 50 percent of the #street# frontage of a #building# shall be allocated exclusively to #uses# listed in paragraph (a) and Use Group 3 #uses# listed in this paragraph, (b)(2). In addition, a maximum of 20 percent of the #street# frontage of a #building# shall be permitted to provide the Use Group 4 and 6B #uses# listed in this paragraph, (b)(2). However, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

The remaining portion of the #street wall# may be occupied by #uses# listed in this Section, or by lobby space, mechanical space or entrances to #accessory# parking garages, provided that:

(i) the maximum width of a single lobby frontage shall comply with the provisions for Type 2 lobbies set forth in Section 37-33. A maximum of two such lobbies shall be permitted along a single #street wall# frontage, provided that the minimum distance between such lobbies shall not be less than 120 feet; and

(ii) the maximum width of a #street wall# occupied by an entrance to #accessory# parking spaces shall not exceed 35 feet.

(c) Transparency requirements along designated streets in Subdistricts A, B, C, D, E and F

For any #development# or ground floor #enlargement# fronting on #streets# designated on Map 2 in Appendix A of this Chapter, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.

Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section, shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, the Hudson Boulevard #street wall# of such #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this Section to be met upon demolition of the #buildings# within such #street# bed or #public park# and, within six months of such demolition, such glazing requirements shall be complied with.

(d) Non-transparent walls within Subdistrict F

Within Subdistrict F, any non-transparent area of a new or existing wall with a width in excess of 40 feet and a height in excess of five feet fronting upon a public sidewalk or publicly accessible open space shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be required to a height of 15 feet above the level of the public sidewalk or publicly accessible open space, or the height of the wall, whichever is less.

93-141 - Certification to modify ground floor level requirements in Subdistrict F

LAST AMENDED
12/21/2009

Within Subdistrict F, the Chairperson of the City Planning Commission may modify the ground floor level requirements of paragraphs (b), (c) and (d) of Section 93-14 (Ground Floor Level Requirements), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is the minimum necessary to accommodate the ventilation requirements of the below-grade rail operations. Any application for such change shall include a mechanical plan that conveys the extent of the needs and required modifications, as well as a letter from the Metropolitan Transportation Authority describing the needs for such modifications.

93-15 - Public Parking Facilities

LAST AMENDED
2/2/2011

In C2-5, C2-8 and C6 Districts, the provisions of Sections 32-17 (Use Group 8) and 32-21 (Use Group 12) with respect to #public parking garages# and #public parking lots# are inapplicable and are superseded by the provisions of Section 93-80 (OFF-STREET PARKING REGULATIONS).

93-16 - Modification of Sign Regulations

LAST AMENDED
4/14/2010

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Within the Pennsylvania Station Subarea B4, the provisions of Section 93-161 (Special permit for signs within the Pennsylvania Station Subarea) shall apply. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

(1) #Flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required pursuant to Section 93-71.

(2) For #signs# facing Tenth Avenue, or on a portion of a #building# within 100 feet of Tenth Avenue, in addition to #signs# permitted under the underlying #sign# regulations:

(i) up to four #signs# may exceed the maximum height limitations of the underlying #sign# regulations, provided that no such #sign# exceeds 95 feet in height; and

(ii) up to five #signs# may be located without regard to the maximum #surface area# limitations of the underlying #sign# regulations, provided that:

(a) the aggregate #surface area# of such #signs# does not exceed 4,400 square feet; and

(b) each such #sign# shall have a maximum #surface area# of 650 square feet, except for one #sign# that may have a maximum #surface area# of 1,800 square feet.

Any #sign# which exceeds the maximum height permitted by the underlying sign regulations shall direct attention to no more than one business conducted on the #zoning lot# and no such #signs# shall be #flashing signs#. Additionally, no more than two of the additional #signs# permitted under this paragraph (a)(2), if located below the maximum height permitted by the underlying #sign# regulations, shall be #flashing signs#.

Erection of one or both of the additional #flashing signs# permitted under this paragraph (a)(2) shall be conditioned upon and subject to additional limitations upon flashing effects for all #flashing signs# located on a #building# wall facing Tenth Avenue or on a #building# wall within 100 feet of Tenth Avenue, as prescribed by the City Planning Commission pursuant to a restrictive declaration. Recordation of such restrictive declaration in the Office of the Register and compliance with the terms thereof with respect to any previously erected #flashing signs# permitted under the underlying #sign# regulations shall be a precondition to the issuance of permits by the Commissioner of Buildings for an additional #flashing sign# permitted under this paragraph.

(3) Along the #ERY High Line#, the #sign# regulations as set forth in Section 93-16, paragraph (b)(1), shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

(4) For an #ERY Culture, Festival and Exhibit Facility#, the total #surface area# of all permitted #signs# and banners shall be as set forth in this paragraph, (a)(4). The maximum aggregate #surface area# of all #signs# shall not exceed 2,700 square feet. #Signs#, other than banners, facing the outdoor plaza, as described in Section 93-71,

paragraph (b), shall not exceed a maximum aggregate #surface area# of 200 square feet; #signs# facing the connection to the High Line, as described in Section 93-71, paragraph (f), shall not exceed a maximum aggregate #surface area# of 200 square feet; and #signs# facing West 30th Street shall not exceed a maximum aggregate #surface area# of 1,700 square feet. A maximum of 600 square feet of #signs# in the form of banners are permitted facing or within the outdoor plaza. No #sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section 93-71, paragraph (j) and no #signs# facing West 30th Street shall be located at a height above the #High Line#. Banners located within the outdoor plaza may be installed on one or two poles located not less than 13 feet from an #ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any #sign# that exceeds 300 square feet of #surface area# shall be non-#illuminated# or a #sign with indirect illumination#.

(b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 2 (Subdistrict F: Site Plan) in Appendix B shall be considered a separate #zoning lot#.

(1) Along the #High Line#

The #sign# regulations of the underlying districts shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory# #signs# located within the #High Line# frontage may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

(i) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;

(ii) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;

(iii) be integrated with the design of the #High Line# open space; and

(iv) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

(2) Other locations

Within Subdistrict F, the underlying #sign# regulations shall apply for #signs# located beyond 50 feet of the #High Line#, and for portions of #signs# located entirely below the level of the #High Line bed# along West 30th Street. However, #flashing signs# shall not be permitted in Subdistrict F, except along frontages within 200 feet of the intersection of the West 33rd Street and Eleventh Avenue #street lines#.

93-161 - Special permit for signs within the Pennsylvania Station Subarea

LAST AMENDED3/22/2016

For an arena permitted pursuant to Section 74-41 within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections 32-63 (Permitted Advertising Signs) to allow advertising #signs#,

32-64 (Surface Area and Illumination Provisions) to allow increased #surface area# along specified #streets# and 32-65 (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows:

(a) Conditions

(1) no #sign# shall extend to a height greater than 85 feet above #curb level# ;

(2) all #signs# located below a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 550 square feet on the West 31st Street frontage of Subarea B4, 250 square feet on the West 33rd Street frontage of Subarea B4 and 850 square feet on the Eighth Avenue frontage of Subarea B4; and

(3) all #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each #corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

(b) The Commission shall find that the location and placement of such #signs# is appropriate in the relationship to #buildings# and #uses# on the #zoning lot# and to adjacent open areas, and would be compatible with the character of the arena site, including its use as an entryway to Pennsylvania Station, and of the surrounding area.

For purposes of calculating the height of any #sign# permitted pursuant to this Section, #curb level# shall be defined as 30.755 feet above Manhattan datum.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on the number, size and location of arena #signs# permitted pursuant to the district regulations.

93-17 - Non-conforming Uses in Large-Scale Plan Subdistrict A

LAST AMENDED
4/29/2014

In the Large-Scale Plan Subdistrict A, for a period of not more than 10 years after January 19, 2005, existing automobile repair establishments listed in Use Group 16 of Section 32-25 that were conforming prior to January 19, 2005, may be #enlarged#, provided that the #floor area ratio# of any such establishment, including any #enlargement# pursuant to this Section, does not exceed 5.0.

93-18 - Authorization for Electrical Utility Substations

LAST AMENDED
1/19/2005

Electrical utility substations shall be allowed in the #Special Hudson Yards District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission which shall be issued upon finding, with respect to a proposed site, that:

(a) to the extent reasonably permitted by the operational needs of the substation, the architectural and landscaping treatment of such #use# will blend harmoniously with the abutting area; and

(b) if the site proposed for such #use# is Subareas D4 or D5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, that there are difficulties in locating such #use# in other Subdistricts of the #Special Hudson Yards District#.

The Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section which are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substations shall comply therewith.

93-20 - FLOOR AREA REGULATIONS

LAST AMENDED
2/2/2011

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

93-21 - Floor Area Regulations in the Large-Scale Plan Subdistrict A

LAST AMENDED
7/24/2013

In the Large-Scale Plan Subdistrict A, the #floor area# provisions of this Section shall apply.

(a) Subareas A2 through A5

In Subareas A2 through A5, the basic maximum permitted #floor area ratio# shall be as specified in Row A in the table in this Section. Such #floor area ratio# may be increased to the maximum amount specified in Row B in the table, pursuant to Section 93-31 (District Improvement Fund Bonus) or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections 93-32 or 93-33. For #zoning lots# that have maximized their permitted #floor area# through such #floor area# bonus or transfer provisions, the permitted #floor area# may be further increased to the maximum amount specified in Row C in the table through the distribution of #floor area# from the Eastern Rail Yard Subarea A1, pursuant to Section 93-34. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio#, as follows, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E):

(1) 18.0 or more in Subareas A2 and A3

(2) 15.6 or more in Subarea A4

(3) 14.0 or more in Subarea A5.

MAXIMUM PERMITTED FLOOR AREA RATIO WITHIN SUBAREAS A2 THROUGH A5

	Subarea A2	Subarea A3	Subarea A4	Subarea A5

ROW A Basic maximum #floor area ratio# (FAR)	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF
ROW B Maximum FAR through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.4 R 2.0 CF	18.0 total 18.0 C 4.0 R 2.0 CF
ROW C Maximum FAR through distribution pursuant to Section 93-34	33.0 total 33.0 C 6.0 R 2.0 CF	24.0 total 24.0 C 6.0 R 2.0 CF	21.6 total 21.6 C 6.0 R 2.0 CF	20.0 total 20.0 C 6.0 R 2.0 CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Eastern Rail Yard Subarea A1

The Eastern Rail Yard Subarea A1 shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for #commercial# #use# shall be 19.0, the maximum #floor area ratio# for #residential use# shall be 3.0, and the maximum #floor area ratio# for #community facility use# shall be 2.0. In order to promote a superior site plan, the amount of #floor area# permitted in the subarea shall be limited, and unused #floor area# may be distributed as follows:

(1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial# #use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located below the elevation of the Culture Shed Plaza described in Section 93-71, paragraph (j), within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or within a portion of a #building# that contains #residential use# and is not designed to house such moveable portion, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an

#ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility#, except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building#, or portion of a #building#, containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential# or #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

(2) Unused #floor area# may be distributed to #zoning lots# in Subareas A2 through A5 pursuant to Section 93-34, provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yard Subarea A1 multiplied by 10.0. Furthermore, the total #floor area# distributed to Subarea A2 shall not exceed 3,238,000 square feet.

(c) #Phase 2 Hudson Boulevard and Park#

For #zoning lots# or portions of #zoning lots# in the #Phase 2 Hudson Boulevard and Park#, the provisions of Section 93-32 (Floor Area Regulations in the Phase 2 Hudson Boulevard and Park) and 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park) shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on an "adjacent lot" pursuant to Section 74-79 (Transfer of Development Rights From Landmark Sites), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

93-22 - Floor Area Regulations in Subdistricts B, C, D, E, F and G

LAST AMENDED
2/2/2011

(a) Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in the table in this Section. The basic maximum #floor area ratios# for non-#residential buildings# are set forth in Row A, and the basic maximum #floor area ratios# for #buildings# containing #residences# are set forth in Row B. Such basic maximum #floor area ratios# may be increased to the amount specified in Row C only pursuant to Section 93-31 (District Improvement Fund Bonus) or as otherwise specified in Sections 93-221 through 93-224.

For a #zoning lot# with more than one #building#, the basic maximum #floor area ratios# set forth in Row A shall apply, provided that any #building# that is #developed# or #enlarged# after January 19, 2005, is wholly non-#residential#. If a #building# containing #residences# is #developed# or #enlarged# on such a #zoning lot# after January 19, 2005, the basic maximum #floor area ratios# set forth in Row B shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on an "adjacent lot" pursuant to Section 74-79 (Transfer of Development Rights From Landmark Sites), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

Maximum Permitted Floor Area Ratio within Subdistricts B through E

	Farley Corridor Subdistrict B				34th St Corridor Sub district C	Hell's Kitchen Subdistrict D			South of Port Auth. Sub district E
Subarea	Western Blocks	Central Blocks	Farley Post Office	Penn. Stn.		Subarea D1	Subarea D2	Subarea D3	
ROW A Basic maximum FAR for non-#residential buildings#	10.0 total 10.0 C 2.0 CF	12.0 total 12.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 10.0 CF	7.5 total 2.0 C 7.5 CF	7.5 total 2.0 C 7.5 CF	7.5 total 6.0 C 7.5 CF	10.0 total 10.0 C 2.0 CF
ROW B Basic maximum FAR for #buildings# containing #residences#	NA	NA	10.0 total 10.0 C 6.0 R 2.0 CF	NA	6.5 total 6.5 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	7.5 total 6.0 C 7.5 R 7.5 CF	NA

ROW C Maximum FAR through special #floor area# increases pursuant to Section 93-30, inclusive, Inclusionary Housing Section 93-23, inclusive, or Section 74-79, inclusive, as applicable.	21.6 total 21.6 C 6.0 R 2.0 CF	19.0 total 19.0 C 4.0 R 2.0 CF	NA	19.5 total 19.5 C 2.0 CF	13.0 total 13.0 C 12.0 R 12.0 CF	15.0 total 3.0 C 12.0 R 12.0CF	13.0 total 3.0 C 12.0 R 12.0CF	12.0 total 7.5 R 7.2 C 12.0CF	18.0 total 18.0 C 3.0 R 2.0 CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Subdistrict F

In Subdistrict F, the #floor area ratio# provisions of Section 93-225 (Floor area regulations in Subdistrict F) shall apply.

(c) Subdistrict G

In Subdistrict G, the #floor area ratio# provisions of Section 93-226 (Floor area regulations in Subdistrict G) shall apply.

93-221 - Maximum floor area ratio in the Farley Corridor Subdistrict B

LAST AMENDED
4/29/2014

(a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E).

(b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122.

(c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted.

(d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4) and Section 74-79 (Transfer of Development Rights From Landmark Sites), as modified by paragraph (b) of Section 93-054 (Applicability of Article VII, Chapter 4).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

93-222 - Maximum floor area ratio in the 34th Street Corridor Subdistrict C

LAST AMENDED
10/7/2021

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections 93-31 (District Improvement Fund Bonus) and 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), as follows:

(a) the #residential# #floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section 23-154, as modified by Section 93-23; and

(b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

93-223 - Maximum floor area ratio in Hell's Kitchen Subdistrict D

LAST AMENDED
2/2/2011

(a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential

buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section 23-154 (Inclusionary Housing), as modified by Section 93-23, as follows:

The #residential# #floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section 23-154, as modified by Section 93-23.Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Sections 93-31 or 93-32.

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the #community facility# #floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

(b) Subarea D3

In Subarea D3, the basic maximum #floor area ratio# may be increased only pursuant to Section 93-31.

(c) Subareas D4 and D5

In Subareas D4 and D5, the underlying #floor area ratio# regulations shall apply.

(d) Authorization for transfer of #floor area# for public facilities

For any #zoning lot# located partially in Subarea D2 and partially in Subarea D4, where such #zoning lot# is occupied by a #development# or #enlargement# that includes a public facility, the City Planning Commission may authorize modifications to the #street wall# requirements of Subarea D4 and authorize modifications to the provisions of Section 77-22 (Floor Area Ratio) in order to allow the transfer of #floor area# from that portion of the #zoning lot# located in Subarea D4 to that portion located in Subarea D2, provided the #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #floor area ratio# for the #zoning lot# as specified in Section 77-22. In order to authorize such modifications, the Commission shall find that:

(1) such public facility provides a necessary service to the surrounding area;

(2) such transfer of #floor area# is necessary in order for the #development# or #enlargement# to achieve an adequate separation of #uses# on the #zoning lot#; and

(3) such transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# to the detriment of occupants of #buildings# on the #block# or surrounding #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the public facility to the local community and the City as a whole.

(e) Authorization for transfer of floor area for public open areas

For #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches or Dyer Avenue, the Commission may authorize the distribution of #floor area# across such district

boundaries pursuant to Section 93-543 (Authorization for the provision of public open areas).

93-224 - Maximum floor area ratio in the South of Port Authority Subdistrict E

LAST AMENDED
10/7/2021

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased #developments# in Section 93-122 (Certification for residential use in Subdistricts A, B and E).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved, prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

93-225 - Floor area regulations in Subdistrict F

LAST AMENDED
2/2/2011

In Subdistrict F, the maximum #floor area ratio# for #residential#, #community facility# and #commercial uses# on a #zoning lot# shall be as follows:

(a) the maximum #floor area ratio# for #residential uses# shall be 8.0;

(b) the maximum #floor area ratio# for #community facility uses# shall be 2.0. However, any floor space occupied by a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#;

(c) the maximum #floor area ratio# for #commercial# #uses# shall be 8.0; and

(d) the total maximum #floor area ratio# in the subdistrict shall be 10.0, except as modified pursuant to Section 93-23 (Modifications of Inclusionary Housing Program).

93-226 - Floor area regulations in Subdistrict G

LAST AMENDED10/21/2021

In Subdistrict G, the basic maximum permitted #floor area ratio# for #residential#, #community facility#, and #commercial# #uses# on a #zoning lot# shall be as follows:

(a) the maximum #floor area ratio# for #residential uses# shall be 12.0, pursuant to Section 23-154 (Inclusionary Housing);

(b) the maximum #floor area ratio# for #community facility uses# shall be 12.0;

(c) the maximum #floor area ratio# for #commercial# #uses# shall be 12.0; and

(d) the total maximum #floor area ratio# shall be 24.0.

93-23 - Modifications of Inclusionary Housing Program

LAST AMENDED
12/20/2018

Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Subdistrict A-2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Sections 23-154 and 23-90 shall only be applicable in Subdistrict F as modified by Section 93-233 (Floor area increase for affordable housing in Subdistrict F).

93-231 - Definitions

LAST AMENDED
7/29/2009

For the purposes of this Chapter, matter in italics is defined in Section 12-10 or 23-911 (General definitions), inclusive.

93-232 - Floor area increase in Subdistricts B, C, D and E, and Special Garment Center District Subdistrict A-2

LAST AMENDED
12/20/2018

Within Subdistricts B, C, D and E, and Subdistrict A-2 of the #Special Garment Center District#, the provisions of Section 23-154 (Inclusionary Housing) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F) or 121-41 (Maximum Permitted Floor Area Within Subdistrict A-2), the maximum permitted #residential# #floor area ratio# on a #zoning lot# with #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:

(a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:

(1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#; or

(2) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential# #floor area# on the #zoning lot#; or

(3) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#.

(b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:

(1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the

#zoning lot#; or

(2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential# #floor area# on the #zoning lot#; or

(3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#.

For the purposes of this Section, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

93-233 - Floor area increase for affordable housing in Subdistrict F

LAST AMENDED
10/9/2013

The #floor area# of any #building# containing #residences# in Subdistrict F may be increased by up to five percent, and such increase may be in excess of the maximum #floor area ratio# of 8.0 for #residential use#, and the total maximum #floor area ratio# of 10.0, provided that:

(a) at least 20 percent of the #residential# units in such #building#, inclusive of any #floor area# increase permitted by this Section, shall be occupied by #low income households#, as defined in Section 23-911 (General definitions);

(b) such #building# shall comply with the provisions of:

(1) Section 23-953 (Additional requirements for compensated developments and MIH developments);

(2) Section 23-96 (Requirements for Generating Sites or MIH Sites), paragraphs (b) through (i); and;

(3) Section 23-961 (Additional requirements for rental affordable housing), paragraphs (a) through (d); and

(c) the sum of all #floor area# increases permitted pursuant to this Section does not exceed 0.4 times the total #lot area# of Subdistrict F.

93-30 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED
1/19/2005

93-31 - District Improvement Fund Bonus

LAST AMENDED
12/20/2018

In Subdistrict A-2 of the #Special Garment Center District# and in the #Special Hudson Yards District#, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such

non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such bonused #floor area#, provided that, prior to issuance of such permit, the Chairperson has notified the Commissioner of Buildings in writing of the receipt by the Department of City Planning of either:

(a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program); or

(b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section 23-154, as modified by Section 93-23.

Copies of letters received from applicants pursuant to paragraph (a) of this Section shall be forwarded by the Department of City Planning to the Community Board and local City Council member, and maintained on file and be available for public inspection at such Department.

The contribution amount shall be $100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

The Commission may promulgate rules regarding the administration of this Section, and the Commission may also, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if, in its judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter and the purposes of the #Special Garment Center District#. The Commission may make such an adjustment by rule, not more than once a year.

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

(1) Such rule shall be effective for not more than two years; and

(2) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

For the #conversion# to #dwelling units# of non-#residential# #floor area#, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to the provisions of this Section.

93-32 - Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

LAST AMENDED
6/7/2018

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section 93-051 (Applicability of Article I, Chapter 1), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section.

For the purposes of this Section, a "granting site" shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a "receiving site" shall mean a #zoning lot#, or portion thereof, within Subareas A2 through A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell's Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

(a) Transfer of floor area by certification

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# of a receiving site to be increased up to the maximum amount specified in Section 93-21 or 93-22, as applicable, through the transfer of #floor area# from a granting site, provided that:

(1) the maximum amount of #floor area# transferred from a granting site shall not exceed the #floor area ratio# permitted on the granting site, as listed below, less any existing #floor area# to remain on the granting site:

District	Maximum #floor area ratio#
C2-8	7.5
C6-2	6.02
C6-4	10.0
M1-5	5.0

(2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;

(3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as

applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section; and

(4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the Inclusionary Housing Program pursuant to Section 23-154, as modified by Section 93-23.

An application filed with the Chairperson for the transfer of #floor area# pursuant to this paragraph (a) shall be made jointly by the owners of the granting site and receiving site, and shall include a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

Notices of restrictions shall be filed by the owners of the granting site and receiving site in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site which incorporates #floor area# transferred pursuant to this paragraph (a).

(b) Authorization for contribution-in-kind

The City Planning Commission may authorize a contribution-in-kind to the #Hudson Yards District Improvement Fund# for a receiving site, provided that:

(1) the conditions for transferring #floor area# set forth in paragraph (a) of this Section have been met as of the date of the authorization or will be met in accordance with agreements or instruments entered into pursuant to paragraph (b)(3) of this Section;

(2) the granting site will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City; and

(3) the applicant, or an affiliate of such applicant, has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# or #street# pursuant to an agreed-upon construction schedule. The construction schedule may be adjusted from time to time in accordance with the provisions of such agreement or instruments and shall include progress milestones, including the date by which the improvements will be 50 percent complete, and a date by which the improvements will be substantially complete and usable by the public. In the event that the conditions for transferring #floor area# set forth in paragraph (a) of this Section have not been completed as of the date of this authorization, such agreement or instruments shall also provide that such conditions will be met, to the extent applicable, pursuant to an agreed-upon schedule.

In order to grant such authorization, the Commission shall find that the #public park# or #street# has been designed in accordance with the approved plan for the Hudson Boulevard and Park, or as an appropriate interim design, in consultation with the Department of Parks and Recreation or Department of Transportation.

The Commission shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall divide this reasonable cost by the contribution amount per square foot of the District Improvement Bonus, as determined pursuant to Section 93-31, and in effect on the date of authorization of the contribution-in-kind pursuant to this paragraph (b), in order to determine the amount of increased #floor area# generated by the contribution-in-kind. In making such determination, the Commission may consult with an appraiser or engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the receiving site, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section 93-31.

The owner of the receiving site shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this paragraph (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement# nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson. A restrictive declaration in a form acceptable to the Chairperson shall be recorded against the receiving site in the Office of the Register of the City of New York in order to implement such restrictions.

An application filed with the Chairperson for the contribution-in-kind pursuant to this paragraph (b) shall be made jointly by the owners or contract vendees of the granting site and receiving site and shall, in all instances, include the party responsible either directly or through its affiliate, for the improvement of the granting site as a #public park# or #street# pursuant to the agreement or instruments entered into pursuant to paragraph (b)(3) of this Section.

Receipt of executed copies of the agreement or instruments required pursuant to paragraph (b)(3) of this Section, and of copies of the recorded restrictive declaration, shall be a precondition to the issuance of a building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site that incorporates a #floor area# bonus granted pursuant to this paragraph (b).

In no event shall a building permit for a #development# or #enlargement# utilizing a #floor area# increase pursuant to this paragraph (b) be granted for the receiving site until the Chairperson provides notice to the Commissioner of Buildings that the applicant, or affiliate responsible for the improvement of the granting site, has provided acceptable evidence of site control for purposes of construction of the improvement.

93-33 - Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park

LAST AMENDED
2/2/2011

Where all of the #lot area# within the following parcels, as they existed on January 19, 2005, that is also within the #Phase 2 Hudson Boulevard and Park#, has been conveyed to the City pursuant to the provisions of Section 93-32, the owner of the residual portion of one of these parcels may convey to the City such residual portion, with all development rights appurtenant thereto, provided that all certificates of occupancy have been surrendered and all structures on such parcel have been demolished:

Block 708, Lots 20 and 46

Block 709, Lot 17

Block 710, Lot 20.

When such conveyance is made, the Chairperson of the City Planning Commission may certify that such owner is entitled to an increase in #floor area# on any receiving site as specified in Section 93-32, in lieu of a permitted #floor area# increase in exchange for contributions to the #Hudson Yards District Improvement Fund#. The amount of increase certified shall not exceed the #lot area# of the residual portion times the #floor area ratio# of the applicable zoning district, as specified in Section 93-32, paragraph (a)(1).

The maximum amount of #floor area# increase on a receiving site shall be based on an amount not to exceed the #floor area ratio# increase permitted on a #zoning lot# through such contribution pursuant to Sections 93-21 or 93-22, as applicable. In the event the certified permissible #floor area# increase is greater than that permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# increases on receiving sites pursuant to this Section.

Once certified by the Chairperson, the entitlement to an increase in #floor area# pursuant to this Section shall be the property of the former owner of the residual property conveyed to the City, and such owner may assign, sell or otherwise transfer such entitlement without restriction.

Where certification is made pursuant to this Section, the site plan and #floor area# calculations for the receiving site, together with the notice of restrictions upon further development of the receiving site, included in the application submitted pursuant to Section 93-32, shall set forth the increase in #floor area# for such receiving site certified hereunder.

93-34 - Distribution of Floor Area in the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

In order to promote a superior site plan in the Eastern Rail Yard Subarea A1 of the Large-Scale Plan Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, the distribution of #floor area# from the Eastern Rail Yard Subarea A1 to #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A. Such distribution shall only be permitted for receiving sites that have maximized their permitted #floor area# through contributions to the #Hudson Yards District Improvement Fund#, pursuant to Section 93-31, or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park#, pursuant to Sections 93-32 or 93-33. For the purposes of this Section, a “receiving site” shall mean a #zoning lot# within Subareas A2 through A5 to which #floor area# from the Eastern Rail

Yard Subarea A1 has been distributed.

(a) Distribution of #floor area# by certification

The Chairperson of the Commission shall allow, by certification, a distribution of #floor area# from the Eastern Rail Yard Subarea A1 to a receiving site provided that:

(1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea A1, as set forth in paragraph (b)(2) of Section 93-21;

(2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea A1 by the amount of #floor area# distributed; and

(3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a #zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea A1, as specified in Row C of the table in Section 93-21.

(b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the development rights of the Eastern Rail Yard Subarea A1 and the receiving site and shall include:

(1) a site plan and #floor area# zoning calculations for the receiving site; and

(2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea A1.

Such notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, on the receiving site. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such distributed #floor area#.

93-35 - Special Permit for Transit Bonus in Pennsylvania Station Subarea B4

LAST AMENDED
1/19/2005

In the Pennsylvania Station Subarea B4, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a commensurate #floor area# increase for #commercial# #use# above a #floor area ratio# of 10.0 to a maximum #floor area ratio# of 19.5.

(a) The following conditions shall apply:

(1) the applicant shall submit a plan acceptable to the Commission identifying that portion of the #development# or #enlargement# utilizing such increased #floor area#;

(2) all transit facility improvements shall comply with applicable design standards or the current guidelines of the Metropolitan Transit Authority, New Jersey Transit, or Amtrak, as applicable;

(3) the applicant shall submit schematic or concept plans for all proposed improvements to the applicable transportation agency and the Commission, and any further documentation deemed necessary by the reviewing agencies;

(4) the Commission shall receive a letter from the applicable transportation agency stating the drawings and other documents submitted by the applicant have been determined to be of sufficient scope and detail to fix and describe the size and character of the transit improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate; and

(5) the owner shall sign a legally enforceable instrument in a form acceptable to the reviewing agencies containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, pursuant to an agreed-upon construction schedule. Such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Chairperson of the Commission and the applicable transportation agencies.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the applicable transportation agencies have certified that the transit facility improvement is substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the transit improvement has been finally completed in accordance with the approved plans and such final completion has been certified by the applicable transportation agencies.

(b) In order to grant such special permit, the Commission shall find that:

(1) the transit improvements significantly enhance the surface and subsurface pedestrian circulation network into and around the #development# or #enlargement# and to and from public transit facilities;

(2) the streetscape, the site design and the location of #building# entrances for the #development# or #enlargement# contribute to the overall improvement of pedestrian circulation within the #Special Hudson Yards District# and minimize congestion on surrounding streets; and

(3) the increased #floor area# will not unduly increase the #bulk# of the #development# or #enlargement#, density of population or intensity of #use# to the detriment of the occupants of #buildings# in the surrounding area.

In determining the amount of #floor area# bonus, the Commission shall consider the extent to which the transit improvements address each of the above findings.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# or #enlargement# and to minimize adverse effects on the character of the surrounding area.

93-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED

In the #Special Hudson Yards District#, height and setback regulations shall be as set forth in this Section, inclusive.

93-41 - Rooftop Regulations

LAST AMENDED
5/31/2012

(a) Subdistricts A, B, C, D, E and G

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E and G, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(b) Subdistrict F

In Subdistrict F, the provisions of paragraph (f) of Section 33-42 shall apply, except that for towers above a height of 350 feet, rooftop mechanical structures shall comply with the tower top articulation provisions set forth in Section 93-569.

93-42 - Height and Setback in Subdistricts A, B, C, D, E, F and G

LAST AMENDED
2/2/2011

In Subareas D4 and D5 of the Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply as set forth in Section 93-542, as modified by Section 93-41 (Rooftop Regulations).

In Subdistricts A, B and C, Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and paragraphs (a) through (d) of this Section shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (SPECIAL HEIGHT,SETBACK AND YARD REGULATIONS). The height of all #buildings or other structures# shall be measured from #curb level#.

In Subdistrict F, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the underlying height and setback regulations and paragraphs (b) through (d) of this Section shall not apply. In lieu thereof, Section 93-57 (Special Height and Setback Regulations in Subdistrict G) shall apply.

(a) Maximum base heights

The maximum height of a #building or other structure# before setback shall be 150 feet along a #wide street# and along a #narrow street# within 100 feet of its intersection with a #wide street#, and 90 feet along a #narrow street# beyond 100 feet of its intersection with a #wide street#. For #corner lots# with #wide street# frontage and more than 100 feet of #narrow street# frontage, the maximum #building# height before setback along the #narrow street# may, as an alternative, be the weighted average of 150 feet for the first 100 feet from the corner, and 90 feet for the remainder of the #narrow street# frontage. Such allowable maximum heights before required setbacks are hereinafter referred to as "maximum base heights."

(b) Required setbacks

For #buildings# that contain only #residential use# above the applicable maximum base height, the required minimum setback for portions of such #buildings# that exceed such maximum base height shall be 10 feet from a #wide street# and 15 feet from a #narrow street#.

For #buildings or other structures# that contain #commercial# or #community facility use# above the applicable maximum base height, the required minimum setback for portions of #buildings or other structures# that exceed such maximum base height shall be 15 feet from a #wide street# and 20 feet from a #narrow street#.

(c) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet are hereinafter referred to as "towers."

(1) Towers containing #residences# shall occupy, in the aggregate, a minimum of 30 percent of the #lot area# of the #zoning lot#, except that this requirement shall not apply to the highest 40 feet of such tower or towers. Furthermore, towers containing #residences# shall occupy not more than 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

(2) Towers that contain only #commercial# or #community facility use#, or a combination thereof, shall occupy not more than 60 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 30,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percentage of #Lot Coverage#
20,500 or less	70
20,501 to 21,500	69
21,501 to 22,500	68
22,501 to 23,500	67
23,501 to 24,500	66
24,501 to 25,500	65
25,501 to 26,500	64
26,501 to 27,500	63
27,501 to 28,500	62
28,501 to 29,999	61

(d) Length of #building# wall

The maximum length of any #story# located above a height of 500 feet shall not exceed 250 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 500 feet. No side of such rectangle shall exceed a width of 250 feet.

93-50 - SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS

LAST AMENDED
6/29/2010

In Subdistricts A, B and C, and Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E, F

and G) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, and minimum and maximum base heights, as shown on Map 3 (Mandatory Street Wall Requirements) of Appendix A of this Chapter. Such modifications also include depths of required setbacks, maximum length of #building# walls for towers, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

(a) Recesses

Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Above a height of 60 feet for #buildings# fronting upon 34th Street in Subdistrict C or above a height of 50 feet for #buildings# fronting upon Tenth Avenue in Subdistricts C and D, and up to any specified minimum base height, recesses are permitted provided that the aggregate length of such recesses does not exceed 30 percent of the length of the required #street wall# at any level, and the depth of such recesses does not exceed five feet. No limitations on recesses shall apply above any specified minimum base height or to any portion of a #zoning lot# where #street walls# are not required.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except where corner articulation rules apply.

(b) Sidewalk Widenings

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 in Appendix A of this Chapter. Where sidewalk widening lines are specified, such lines shall be parallel to and five or 10 feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widenings) in Appendix A.

In Subdistrict F, the provisions of Section 93-41 (Rooftop Regulations) and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the provisions of Sections 93-57 (Special Height and Setback Regulations in Subdistrict G) and 93-58 (Special Permit for Modification of Height and Setback Regulations) shall apply.

93-51 - Special Height and Setback Regulations in the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

93-511 - Tower lot coverage

LAST AMENDED2/2/2011

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply within the Large-Scale Plan Subdistrict A.

93-512 - Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

(a) Hudson Boulevard

For the purposes of this paragraph (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of #buildings# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 120 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow# #street lines# for a distance of 100 feet from its intersection with Hudson Boulevard. Above a height of 120 feet, a setback at least 25 feet in depth is required from the Hudson Boulevard #street line#, and setbacks from intersecting #narrow streets# shall comply with the provisions of paragraph (b) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E and F).

Alternatively, for #zoning lots# that occupy the entire Hudson Boulevard #block# front, the Hudson Boulevard #street wall# may rise above a height of 120 feet without setback at the Hudson Boulevard sidewalk widening line, provided that:

(1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;

(2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet; and

(3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(b) Tenth Avenue

The #street wall# of #buildings# shall be located within 10 feet of the Tenth Avenue #street line# and extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and where no portion of the #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above a height of 150 feet without setback, provided:

(1) the aggregate width of such #street wall# does not exceed 100 feet;

(2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet; and

(3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(c) Midblocks

For all #zoning lots# with frontage along the northerly #street lines# of West 35th through West 40th Streets, the #street

wall# of any #building# shall be located on and extend along at least 50 percent of the length of the sidewalk widening line of the #zoning lot# and shall rise without setback to a minimum base height of 60 feet and a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, the #street wall# of a #building# may rise without setback at the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 100 feet or 50 percent of the width of such northerly #street line# frontage of the #zoning lot#, whichever is less, and provided all other portions of the #building# that exceed a height of 120 feet comply with the setback provisions of Section 93-42. The provisions of this paragraph shall not apply within 100 feet of Eleventh Avenue. However, any #zoning lot# partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this paragraph (c) to the entire West 35th, West 36th, West 37th, West 38th, West 39th or West 40th Street #street# frontage of the #zoning lot#.

For all #zoning lots# with frontage along the southerly #street lines# of West 36th through West 41st Streets, the #street wall# of any #building# shall not exceed a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(d) Rear setback

No #yard# requirements shall apply to any #commercial building# or commercial portion of a #building#. However, above a height of 120 feet, no portion of such #building# shall be nearer to a #rear lot line# than 20 feet.

93-513 - Four Corners Subarea A2

LAST AMENDED
2/2/2011

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that the maximum base height shall be 150 feet.

(b) West 34th Street

The #street wall# of any #building# shall be located on the West 34th Street sidewalk widening line and extend along at least 70 percent of the West 34th Street frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. For portions of #buildings# exceeding a height of 150 feet, a setback of 20 feet from the #street line# of West 34th Street shall be required. However, a #street wall# may rise without setback along the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 50 percent of the width of the West 34th Street frontage of the #zoning lot# and provided all other portions of the #building# that exceed a height of 150 feet are set back at least 20 feet from the #street line# of West 34th Street.

(c) Tenth Avenue

The regulations set forth in paragraph (b) of Section 93-512 shall apply.

(d) Rear setback

The provisions of paragraph (d) of Section 93-512 shall apply.

93-514 - Eastern Rail Yard Subarea A1

(a) Location of #buildings#

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

(1) east of the southerly prolongaton 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;

(3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:

(i) such area contains only #uses# in Use Groups 3 and 4; or

(ii) where such area includes #residential use#, such #residential use# shall be located only in a #building#, or portion of a #building#, located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in Use Groups 3, 4, 6A and 6C. In addition, #uses# in Use Group 3 or 4 may be located in a #building# separate from any #building# containing #residential use#, provided that any such separate #building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.

(4) for any #building# located at or above the elevation of the #High Line bed# which faces the #ERY High Line#, the #street wall# shall not be located closer than five feet to the edge of the #ERY High Line# and such five foot separation shall remain unobstructed, from the level of the #High Line bed# adjacent to such #building# to the sky. Notwithstanding the foregoing, for any #building# located partly within 335 feet of the Tenth Avenue #street line#, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the #High Line bed# at a height of 60 feet or more measured from the #High Line bed#, provided such portion has a maximum width of 200 feet along the West 30th Street #street line# and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street #street line# supporting such portion of the #building# may be located within five feet of the southern edge of the #ERY High Line#, and such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the #High Line bed#. A maximum of 30 percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the level of the #High Line bed# to a height of 25 feet above the level of the #High Line bed#.

(b) Height and setback

No setbacks shall be required for any #building# wall facing Eleventh Avenue, West 30th Street or West 33rd 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 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.

(c) Length of #building# walls

The provisions of paragraph (d) of Section 93-42 limiting the length of #building# walls above a height of 500 feet shall not apply.

93-52 - Special Height and Setback Regulations in the Farley Corridor Subdistrict B

LAST AMENDED
2/2/2011

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply within the Farley Corridor Subdistrict B.

93-521 - 450 West 33rd Street

LAST AMENDED
2/2/2011

The provisions of this Section shall apply within an area bounded by Tenth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building# shall exceed a height of 150 feet within 10 feet of West 33rd Street, 15 feet of Tenth Avenue and 20 feet of West 31st Street, except as provided below:

(a) along West 31st Street, a #building# may rise without setback provided no part of such #building# is within 15 feet of West 31st Street; and

(b) along West 33rd Street, a #building# may rise without setback, provided that the #aggregate width of street walls# above a height of 150 feet and within 10 feet of the West 33rd Street #street line# does not exceed 50 percent of the length of the West 33rd Street frontage of the #zoning lot#.

However, if more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, the reconstructed #buildings# shall not exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#.

93-522 - Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

The provisions of this Section shall apply within the area bounded by Ninth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building or other structure# shall exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#. However, on a #narrow street#, a #building# may rise without setback provided no part of such #building# is within 15 feet of the #narrow street line#.

No #rear yard# or #rear yard equivalent# regulations shall apply to any #building# #developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

93-523 - Pennsylvania Station Subarea B4

LAST AMENDED
2/2/2011

Along Eighth Avenue, #street walls# shall be provided as follows:

(a) A #street wall# shall be provided for the mandatory public space required pursuant to paragraph (a) of Section 93-74. Such #street wall# shall extend for at least 100 feet along the Eighth Avenue sidewalk widening line and rise without setback to a minimum height of 60 feet. No portion of such #street wall# shall exceed a height of 150 feet within 15 feet of the Eighth Avenue #street line#. However, such #street wall# may encroach upon the mandatory sidewalk widening provided the height of such #street wall# within the sidewalk widening does not exceed 90 feet.

(b) In addition to the #street wall# required pursuant to paragraph (a) of this Section, #street walls# shall be provided along at least 35 percent of the Eighth Avenue frontage of the #zoning lot#. Such #street walls# shall be located within 10 feet of the Eighth Avenue #street line# and rise without setback to a minimum height of 90 feet and a maximum height of 150 feet, except that no setbacks shall be required where such #street walls# are located 10 feet from the Eighth Avenue #street line#.

(c) No #street walls# shall be located further than 10 feet from the Eighth Avenue #street line# unless they front upon a public plaza provided pursuant to paragraph (c) of Section 93-74. Along West 31st and West 33rd Streets, any portion of a #street wall# that exceeds a height of 150 feet shall be set back at least 15 feet from the West 31st and West 33rd Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31st or West 33rd Street #street line#, such #building# may rise without setback along such #street#.

93-53 - Special Height and Setback Regulations in the 34

LAST AMENDED
2/2/2011

(a) 34th Street

For #zoning lots# with frontage on 34th Street, the #street wall# of a #building# shall be located on and extend along the entire West 34th Street #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#. Such #street walls# shall rise without setback to a minimum base height of 120 feet and a maximum base height of 150 feet. For #corner lots#, these provisions shall also apply along any intersecting #street line# for a minimum distance of 50 feet and a maximum distance of 100 feet from its intersection with West 34th Street. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-541 shall apply.

(c) Midblocks between Eighth Avenue and Ninth Avenue

For #zoning lots# with frontage on West 33rd Street or West 35th Street beyond 100 feet of Eighth Avenue and Ninth Avenue, the #street wall# of any #building# shall be located on and extend along the entire West 33rd Street or West 35th Street frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an

adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

93-54 - Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

LAST AMENDED
1/19/2005

93-541 - Height and setback in Subareas D1 and D2

LAST AMENDED
2/2/2011

(a) Tenth Avenue

(1) For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, and for #zoning lots# that occupy the entire Tenth Avenue #block# front where existing #buildings# containing #residences# will remain, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines. Such #street wall# shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet, except that such minimum base height requirement shall not apply to any existing #buildings# containing #residences# to remain. Where such #zoning lots# also front upon a #narrow street#, these provisions shall apply along such #narrow street# frontage for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(2) For #zoning lots# that occupy the entire Tenth Avenue #block# front, and where no existing #buildings# fronting upon Tenth Avenue will remain, the #street wall# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue.

Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, the Tenth Avenue #street wall# may rise above 150 feet without setback, provided that:

(i) the aggregate width of such #street wall# does not exceed 100 feet;

(ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet;

(iii) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42; and

(iv) all portions of the Tenth Avenue #street wall# that do not exceed a height of 90 feet are located 10 feet

from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section 93-50. Above a height of 90 feet, up to a height of 150 feet, any #street wall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

(b) Hudson Boulevard

The regulations set forth in paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that wherever a setback from the Hudson Boulevard #street line# is required to be at least 25 feet deep, such setback depth may be reduced to 15 feet.

(c) Midblocks between Tenth Avenue and Hudson Boulevard

The regulations set forth in paragraph (c) of Section 93-512 shall apply.

(d) Length of #building# wall

The maximum length of any #story# located above a height of 150 feet that faces north or south shall not exceed 100 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 150 feet. Any side of such rectangle from which perpendicular lines may be drawn to the nearest #narrow# #street line# shall not exceed 100 feet.

(e) Tower #lot coverage#

Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section 93-42 shall not apply to the highest 80 feet of at least half of the number of such towers.

93-542 - Height and setback in Subareas D4 and D5

LAST AMENDED
2/26/2015

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

(a) the rooftop regulations set forth in Section 93-41 shall apply;

(b) within the C2-5 District of Subarea D4, #commercial# #uses# shall be limited to two #stories# or a height of 30 feet, whichever is less;

(c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation; and

(d) the regulations set forth in paragraph (d) of Section 23-692 (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting# #building# without regard to the width of the #street# onto which such #building# fronts.

93-543 - Authorization for the provision of public open areas

LAST AMENDED
2/2/2011

For #zoning lots# that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas

For #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 37-727 (Hours of access). Furthermore, such open areas shall comply with the requirements for #public plazas# set forth in Sections 37-744 (Litter receptacles), 37-75 (Signs), 37-77 (Maintenance) and paragraph (a) of Section 37-78 (Compliance).

All plans for publicly accessible 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 certification of the publicly accessible open areas and setting further such provisions as necessary to ensure compliance with the requirements of this Section. Such filing and recording of the instrument, together with the grant of all necessary approvals by the Port Authority, 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.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# subject to the provisions of this Section until the Chairperson of the Commission certifies to the Department of Buildings that the public access area is substantially complete and that the public access area is 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 of the Commission certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access area.

93-55 - Special Height and Setback Regulations in the South of Port Authority Subdistrict E

LAST AMENDED
4/30/2012

(a) #Zoning lots# with Eighth Avenue frontage

For #zoning lots# with frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the Eighth Avenue sidewalk widening line and, where applicable, on the West 39th Street and West 40th Street #street lines#, and extend along the entire #street# frontage of the #zoning lot#. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. The #street wall# of any #building# may rise to a height less than 90 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is

located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 90 feet.

Above a height of 120 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Street, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance, except as provided below:

(1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-64, as applicable, may penetrate the #sky exposure plane#;

(2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621, may penetrate the #sky exposure plane#.

(b) #Zoning lots# without Eighth Avenue frontage

For #zoning lots# without frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street walls# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

93-56 - Special Height and Setback Regulations in Subdistrict F

LAST AMENDED
4/29/2014

The height and setback regulations set forth in this Section, inclusive, shall apply to specific development sites identified as Sites 1 through 6 on Map 2 (Subdistrict F: Site Plan) in Appendix B. All #buildings or other structures# #developed# or #enlarged# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widenings) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93-61.

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces, private streets and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open

spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

For the purposes of applying height and setback regulations, the term "#buildings#" shall include #buildings or other structures#.

93-561 - General rules for Subdistrict F

LAST AMENDED
4/29/2014

The following regulations shall apply to all #buildings# within Sites 1 through 6:

(a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 3. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent to a #building#, to the sky, except as permitted:

(1) for that portion of a #building# on Site 5 located above a height of 50 feet as measured from the #High Line bed#, pursuant to Section 93-567 (Site 5);

(2) for that portion of a #building# on Site 6 located below the #High Line#, pursuant to Section 93-568 (Site 6); and

(3) pursuant to paragraph (d) of Section 93-756 (General requirements for the High Line).

(b) Measurement of #building# heights

(1) Measurement of #building# base and transition heights

For portions of a #building# that front upon a publicly accessible sidewalk, the maximum #building# base height and, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the public sidewalk that such #street wall# fronts upon. For portions of a #building# that front upon publicly accessible open spaces in which no sidewalks are provided adjacent to a #street wall#, the maximum #building# base height or, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the final grade of the open space that such #street wall# fronts upon. However, the following #street wall# heights shall be measured from the #High Line bed#:

(i) on Site 6, the portion of a #street wall# above the #High Line bed# facing the #High Line# beyond 60 feet

of Eleventh Avenue; and

(ii) on Site 6, along the Southwest Open Space within 60 feet of the #High Line#.

(2) Measurement of tower heights

The height of a tower shall be measured from the highest level of the public sidewalk or finished grade located nearest such tower, to the ceiling of the highest #story# of the tower where #floor area# occupies more than 75 percent of the gross area of such #story#. However, on Site 5, the height of the tower shall be measured from the #High Line bed#.

Where minimum height differences are required between towers, such heights, for each tower, shall be measured from the Manhattan Datum, which is 2.75 feet above sea level.

(c) Towers

Criteria for towers on Sites 1 through 6 are set forth in this Section, inclusive. The minimum distance between all such towers shall be 60 feet.

93-562 - Street wall regulations for certain streets

LAST AMENDED
4/29/2014

The locations of all #street walls# identified in this Section are shown on Map 5 (Subdistrict F: Mandatory Street Wall Requirements) in Appendix B.

(a) Applicability

The provisions of this Section shall apply to:

(1) All #street walls# of #buildings# on Site 1 that front along:

(i) the West 32nd Street Extension;

(ii) the Western Open Space within 60 feet of the West 32nd Street Extension; and

(iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.

(2) All #street walls# of #buildings# on Site 2 that front along:

(i) Eleventh Avenue south of the Northeast Plaza;

(ii) the West 32nd Street Extension; and

(iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.

(3) All #street walls# of a #building# on Site 4 that front along:

(i) Eleventh Avenue;

(ii) the West 32nd Street Extension within 50 feet of Eleventh Avenue; and

(iii) the West 31st Street Extension within 50 feet of Eleventh Avenue.

(4) All #street walls# of a #building# on Site 6 that front along:

(i) Eleventh Avenue five feet north of the #High Line#;

(ii) the West 31st Street Extension;

(iii) the #High Line#, completely above the #High Line bed#;

(iv) the Southwest Open Space within 60 feet of the #High Line#; and

(v) the Southwest Open Space within 60 feet of the West 31st Street Extension.

(b) #Street wall# location

All #street walls# identified in paragraph (a) of this Section shall be located on the #street line#.

All such #street walls# shall extend along the entire #street# frontage of the site or the required portion identified in paragraph (a). However, such #street wall# location rules may be modified in accordance with the recess provisions of paragraph (c) of this Section.

(c) Recesses

(1) Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances;

(2) To allow for corner articulation, the required #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines;

(3) To ensure variation in the required #street wall#, a #building# shall provide recesses or ground floor level setbacks in accordance with the following provisions:

(i) A minimum of 20 percent of the #aggregate width of street walls# shall provide a minimum recess of three feet from the #street wall# above the level of the second #story#. However, for the portion of Site 6 that fronts along the #High Line#, such recess shall be provided above the level of the first #story#. However, no portion of such recess shall be located within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.

(ii) A maximum of 30 percent, or 50 percent for Site 4, of the #aggregate width of street walls# may provide a recess of up to 15 feet at any level, which may extend to the height of the #building# base and may allow for portions of towers to rise without setback from the ground floor level. However, no such setbacks shall be permitted within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.

93-563 - Site 1

LAST AMENDED
2/2/2011

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 1.

(a) #Building# base

(1) Facing West 33rd Street

The #street wall# of the #building# facing West 33rd Street may rise without setback to a maximum base height of 120 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph, (a)(2), shall apply to #street walls# facing the West 32nd Street Extension, the Western Open Space and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum base height of 60 feet and a maximum base height of 90 feet.

(3) Facing the Western Open Space

The provisions of this paragraph, (a)(3), shall apply to #street walls# facing the Western Open Space beyond 60 feet of its intersection with the West 32nd Street Extension. The #street wall# of the #building# may rise without setback to a maximum base height of 90 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(b) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (a) of this Section shall be set back in accordance with the provisions of this paragraph (b), except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the tower provisions of paragraph (c) of this Section.

Portions of a transition height facing West 33rd Street shall be set back from the West 33rd Street #street line# a minimum of 20 feet. Portions of a transition height facing the Western Open Space that exceed the maximum base height shall be set back from the #street wall# of a #building# facing the Western Open Space a minimum of 30 feet. However, in both cases, no such setback shall be required within 150 feet of Twelfth Avenue.

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to one-half the height of the #street wall# of the #building# base facing the Western Open Space. Such a transition height shall not exceed a maximum height of 135 feet.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum transition height shall be considered a "tower" and shall comply with the provisions of this paragraph (c).

(1) Required setbacks

All towers, or portions of a transition height located beneath a tower, shall be set back at least 15 feet from the #street line# of West 33rd Street and from the #street walls# of the #building# facing the West 32nd Street Extension, except that the depth of such setback distance may include the depth of any permitted recesses. However, no setbacks shall be required within 150 feet of Twelfth Avenue, along the Western Open Space or

along the Midblock Connection to allow portions of towers that comply with the provisions of paragraphs (c)(2) and (c)(3) of this Section to rise without setback.

(2) Maximum floor plate

If more than one tower is provided on Site 1, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(3) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 110 feet and the north-south dimension shall not exceed a length of 160 feet. Where more than one tower is located on Site 1, each tower shall comply independently with such maximum dimensions.

If more than one tower is located on Site 1, the height of the easternmost tower shall be a minimum of 100 feet greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-564 - Site 2

LAST AMENDED
2/2/2011

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 2.

(a) #Building# base

(1) Facing Eleventh Avenue

The provisions of this paragraph (a)(1) shall apply to #street walls# facing Eleventh Avenue (exclusive of #street walls# facing the Northeast Plaza, which need not set back), and the West 32nd Street Extension within 60 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 120 feet and a maximum height of 150 feet. Above a height of 150 feet, all portions of such #building# shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. These #building# base provisions may apply along the West 32nd Street Extension #street line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph (a)(2) shall apply to #street walls# facing the West 32nd Street Extension beyond 60 feet of Eleventh Avenue (or beyond 100 feet if the optional #building# base provisions of paragraph (a)(1) of this Section are applied along the West 32nd Street Extension), and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of such #buildings# facing the West 32nd Street Extension shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Midblock

Connection within 60 feet of the West 32nd Street Extension need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (b) of this Section to rise without setback.

(3) Facing West 33rd Street

#Street walls# facing West 33rd Street (exclusive of the Northeast Plaza) may rise without setback to a maximum base height of 150 feet. Above a height of 150 feet, setbacks shall be required as follows:

(i) portions of a #building# facing West 33rd Street within 150 feet of the Eleventh Avenue #street line# shall provide a 15 foot setback from the #street line# of West 33rd Street;

(ii) portions of a #building# beyond 150 feet of Eleventh Avenue that do not exceed an #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be permitted to rise without setback; and

(iii) portions of a #building# located beyond 150 feet of Eleventh Avenue that exceed the #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be set back a minimum of 15 feet from the #street line# of West 33rd Street.

All portions of a #building# that exceed a height of 150 feet shall comply with the tower provisions of paragraph (b) of this Section.

(b) Towers

All #stories# of a #building# located partially or wholly above a height of 150 feet shall be considered a tower and shall comply with the provisions of this paragraph, (b). Not more than one tower shall be allowed on Site 2.

(1) Maximum floor plate

The gross area of any tower #story# shall not exceed 40,000 square feet.

(2) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 250 feet.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-565 - Site 3

LAST AMENDED
4/29/2014

The regulations of this Section shall apply to all #buildings# within Site 3.

All #stories# of a #building# located wholly or partially above the highest level of the adjoining public sidewalk or finished grade on Site 3 shall be considered a tower and shall comply with the provisions of this Section. Not more than one tower shall be permitted on Site 3.

(a) Ground floor

A maximum of 6,000 square feet of the ground floor shall be permitted to provide #residential uses#. The remaining portion of the ground floor shall provide an area that is accessible to the surrounding publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F). Such space may provide ground floor #uses# pursuant to Section 93-14 (Ground Floor Level Requirements), or may be considered part of the Central Open Space and comply with the regulations set forth in Section 93-75.

If such remaining ground floor level space provides ground floor #uses# pursuant to the requirements of paragraph (b)(2) of Section 93-14, such #uses# shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

If such remaining ground floor level space is considered part of the Central Open Space, such space may be open or enclosed. An open space provided pursuant to this paragraph (a) shall have a clear height of at least 40 feet measured from the level of an adjoining finished grade or sidewalk. An enclosed publicly accessible space provided pursuant to this paragraph (a) shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

(b) Maximum floor plate

The gross area of any #story# of a tower on Site 3 shall not exceed 12,000 square feet.

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower within Site 3 shall be a minimum of 100 feet taller than the tower height of Site 5.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-566 - Site 4

LAST AMENDED
4/29/2014

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 4.

(a) Street wall location along West 31st and West 32nd Street Extensions

Any portion of a #street wall# facing the West 32nd Street Extension within 100 feet of Eleventh Avenue shall be set back at least 15 feet from the West 32nd Street Extension #street line#, which shall coincide with the northern edge of the Site 4 boundary. Any portion of a #street wall# facing the West 32nd Street Extension that extends beyond 100 feet of Eleventh Avenue, as measured along the West 32nd Street Extension #street line#, shall be set back at least 30 feet from the West 32nd Street Extension #street line#. Any portion of a #street wall# facing the West 31st Street Extension

that extends beyond 100 feet of Eleventh Avenue, as measured along the West 31st Street Extension #street line#, shall be set back at least 15 feet from the West 31st Street Extension #street line#.

(b) #Building# base facing Eleventh Avenue

The provisions of this paragraph (b) shall apply to #street walls# below a height of 120 feet facing Eleventh Avenue and the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of a #building# facing Eleventh Avenue shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (c) of this Section to rise without setback.

All portions of a #building# that exceed the maximum base height of 120 feet shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum base height of 120 feet shall be considered a tower and shall comply with the provisions of this paragraph (c). Not more than one tower shall be permitted on Site 4.

(1) Maximum floor plate

The gross area of any such #story# shall not exceed 12,000 square feet.

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower on Site 4 shall be a minimum of 100 feet taller than any tower located on Site 3.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-567 - Site 5

LAST AMENDED
4/29/2014

All #stories# of a #building# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall comply with the provisions of this Section.

On Site 5, a #building# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) Maximum floor plate

The gross area of any #story# within that portion of a #building or other structure# located east of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 5,000 square feet.

The aggregate gross area of any portion of a #building or other structure# located west of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 700 square feet, and the maximum aggregate horizontal dimension of such portions, individually measured in their longest dimension, shall not exceed 30 feet.

The gross area of any #story# within that portion of a tower located above a height of 50 feet above the #High Line bed# shall not exceed 12,000 square feet.

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building# is located so that it has portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

The maximum height of a tower on Site 5 shall be 350 feet.

93-568 - Site 6

LAST AMENDED
4/29/2014

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 6.

(a) Height and setback regulations

(1) #Street wall# beneath the #High Line#

The provisions of this paragraph (a) shall apply to #street walls# on Site 6 beneath the #High Line# that face West 30th Street, Eleventh Avenue and the Southwest Open Space.

All such #street walls# shall extend along the entire #street# frontage of the site, except that along West 30th Street, the #street wall# shall be no closer to the northerly #street line# of West 30th Street than the northerly edge of the southern row of structural columns of the #High Line#, and along the Southwest Open Space and Eleventh Avenue, the #street wall# shall extend to a point five feet north of the #High Line#. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances.

All such #street walls# shall rise without setback to a maximum height of the underside of the #High Line bed#.

(2) #Building# base

(i) Facing Eleventh Avenue and the West 31st Street Extension, north of the #High Line#

The provisions of this paragraph (a)(2)(i) shall apply north of the #High Line# to #street walls# facing Eleventh Avenue, the West 31st Street Extension, portions of #street walls# facing the #High Line# within 60 feet of Eleventh Avenue, and portions of #street walls# facing the Southwest Open Space within 60 feet of the West 31st Street Extension. Such #street walls# shall rise without setback to a minimum height of 60 feet and a maximum height of 90 feet. Above a height of 90 feet, all portions of a tower, or portions of a transition height located beneath a tower facing Eleventh Avenue, the #High Line# and the West 31st Street Extension, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the West 31st Street Extension need not set back above the maximum base height to allow portions of towers, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4) of this Section, respectively, to rise without setback. These #building# base provisions may apply along the #High Line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(ii) Facing West 30th Street, north of the #High Line#

The provisions of this paragraph (a)(2)(ii) shall apply to #street walls# above the #High Line bed#, facing the #High Line# beyond 60 feet of Eleventh Avenue, and to those portions of #street walls# facing the Southwest Open Space that are within 60 feet of the #High Line#. Such #street walls# shall rise without setback to a minimum height of 50 feet as measured above the level of the #High Line bed#, and a maximum height of 60 feet as measured above the level of the #High Line bed#. Above a height of 60 feet, all portions of a tower, or portions of a transition height located beneath a tower facing the #High Line#, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the #High Line# need not set back above the maximum base height to allow portions of a tower, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4), respectively, to rise without setback.

All portions of a #building# that exceed the maximum base height of 90 feet shall comply with the tower provisions of paragraph (a)(4), with the exception of a #building# which provides a transition height in accordance with the provisions of paragraph (a)(3).

(3) Transition height

If the outermost walls of all #stories# of any tower provided in accordance with the tower provisions of paragraph (a)(4) are individually inscribed within a rectangle where the east-west dimension does not exceed a length of 110 feet, a transition height may be provided above the #building# base in accordance with the provisions of this paragraph (a)(3).

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to two-thirds of the height of the #street wall# of the #building# base facing the West 31st Street Extension. Such a transition height shall not exceed a maximum height of 150 feet, as measured above the West 31st Street Extension #street

line#.

All portions of a transition height shall be set back 30 feet from the #street wall# of the #building# base along the West 31st Street Extension and the #High Line#, except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the #building# base provisions of paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (a)(4).

(4) Towers

All #stories# of a #building# located partially or wholly above a height of 90 feet, or 150 feet if a transition height is provided in accordance with the provisions of paragraph (a)(3), shall be considered a tower and shall comply with the provisions of this paragraph (a)(4).

(i) Maximum floorplate

If more than one tower is provided on Site 6, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(ii) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 160 feet and the north-south dimension shall not exceed a length of 110 feet. Where more than one tower is located on Site 6, each tower shall comply independently with such maximum dimensions.

The #aggregate width of street walls# of all #stories# of a tower facing the West 31st Street Extension or the #High Line# shall not exceed 220 feet within 40 feet of the #street wall# of the #building# base.

If more than one tower is provided on Site 6, such towers shall either be equal in height, or the easternmost tower shall have a height greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

(1) the Chairperson is in receipt of a letter from the School Construction Authority that describes the need for the additional area;

(2) the site and landscape plans for the Southwest Open Space have been approved by the Chairperson, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F);

(3) no portion of a tower located on Site 6 extends beyond 395 feet west of the Eleventh Avenue #street line#; and

(4) any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# shall affect

southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

93-569 - Tower top articulation

LAST AMENDED
12/21/2009

All towers that exceed a height of 350 feet shall provide articulation in accordance with this Section.

For the purposes of this Section, a minimum of the uppermost 15 percent of the height of a #building or other structure#, including all rooftop mechanical structures and their required enclosures pursuant to the regulations of paragraph (b) of Section 93-41 (Rooftop Regulations), shall henceforth be referred to as the "Tower Top Zone". However, chimneys, antennae or decorative spires shall not be considered part of the Tower Top Zone, provided no such structures contain #floor area#.

The height of such #building or other structure# shall be measured from the highest level of the public sidewalk or finished grade located nearest such #building or other structure#.

The Tower Top Zone shall contain an "Upper Zone" and a "Lower Zone." The Lower Zone shall be a minimum of 50 percent of the height of the Tower Top Zone and shall contain tower #stories#. The Upper Zone shall contain the highest tower #story# where #floor area# occupies more than 75 percent of the gross area of such #story#, and any enclosed rooftop mechanical equipment.

For the purposes of this Section, each tower of a #building or other structure# shall be comprised of four separate tower top elevation views that shall be used to measure compliance with the regulations of this Section. Each elevation view shall have an angle of 90 degrees from another such view.

Each tower top shall provide the following forms of articulation:

(a) Change in the #building or other structure# profile

(1) Constructing the profile change boundary

To comply with the provisions of this paragraph (a)(1), a rectilinear boundary within the Tower Top Zone shall be created in each elevation view to determine the required amount of profile change. In order to construct such boundary, two datum lines shall first be drawn in each elevation view. Such datum lines shall begin at the average outermost edges of those portions of tower floor plates above a height of 350 feet containing #floor area# below the Tower Top Zone, and shall extend upward for the entirety of the height of the #building or other structure#. The rectilinear profile change boundary shall include the portion of these two datum lines within the Tower Top Zone, as well as their intersection with two datum lines indicating the uppermost elevation and the lowermost elevation of the Tower Top Zone. In addition, a datum line shall indicate the boundary between the Upper and Lower Zone, creating a boundary for both the Upper Zone and Lower Zone.

(2) Required profile change

A minimum of 10 percent of the area of the profile change boundary within the Lower Zone shall remain open to the sky in each required elevation view. Such profile change shall begin upward at the lowermost datum line of the Tower Top Zone. In addition, a minimum of 20 percent of the area of the profile change boundary within the Upper Zone shall remain open to the sky in each required elevation view.

However, for portions of a #building or other structure# providing enclosed rooftop mechanical equipment

within the Upper Zone, the width (as viewed in elevation) of the lowermost portion of enclosed rooftop mechanical space at that point in elevation which coincides with the uppermost portion of the highest tower #story# shall in no event be reduced beyond 50 percent of the width of such highest tower #story#. Upwards of such a point in elevation, no restriction on maximum width reduction for enclosed rooftop mechanical spaces shall apply.

(b) Change in the #building or other structure# #lot coverage#

For portions of a #building or other structure# within the Lower Zone, the average #lot coverage # for all tower #stories# within such zone shall not exceed 80 percent of the #lot coverage# of the tower #story# with the largest #lot coverage# below the Tower Top Zone and above a height of 350 feet.

(c) Material continuity

A minimum of 10 percent of the surface area of the exterior portion of the facade of the #building or other structure# within the Tower Top Zone, as viewed in elevation, shall be composed of a single material. Such material shall be continuously visible (in each elevation view) from the lowermost datum line of the Tower Top Zone to the uppermost datum line of the Tower Top Zone. However, within each #story# of the Lower Zone, a break in the vertical continuity of the material shall be permitted, provided that the vertical break does not exceed 12 inches.

93-57 - Special Height and Setback Regulations in Subdistrict G

LAST AMENDED
2/2/2011

(a) Required setbacks

The required minimum setback for portions of #buildings or other structures# that exceed the maximum base height specified in paragraph (a) of Section 93-42 shall be 10 feet from a #wide street# and 15 feet from a #narrow street#. However, the required minimum setback along West 39th Street shall be five feet.

(b) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet shall be considered a “tower.”

(1) Towers shall occupy a minimum of 20 percent of the #lot area# of the #zoning lot#, except that this requirement shall not apply to the highest 40 feet of such tower or towers.

(2) Towers containing #residences# shall occupy a maximum of 40 percent of the #lot area#.

(3) The aggregate #lot area# of all towers, including #residential# and non-#residential# towers, shall not exceed 65 percent of the #lot area#.

93-58 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED10/21/2021

Within the #Special Hudson Yards District#, except within C1-7A Districts, or C2-5 Districts mapped within R8A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning

Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, provided the Commission finds that:

(a) such modifications will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;

(b) where the #development# or #enlargement# is subject to the requirements of Sections 93-60 (MANDATORY IMPROVEMENTS), inclusive, or 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES), inclusive, such modifications will not impair the quality of such public access areas on the #zoning lot#;

(c) such modifications are consistent with the goal of the special district to provide flexibility of architectural design and encourage more attractive building forms; and

(d) such modifications will result in a #development# or #enlargement# that enhances the streetscape and will be compatible with development in the surrounding area.

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

93-59 - Special Yard Regulations in Subdistrict G

LAST AMENDED10/21/2021

No rear yard equivalent shall be required in Subdistrict G.

93-60 - MANDATORY IMPROVEMENTS

LAST AMENDED
1/19/2005

93-61 - Sidewalk Widenings

LAST AMENDED
1/19/2005

Map 4 (Mandatory Sidewalk Widenings) in Appendix A of this Chapter specifies locations of mandatory sidewalk widenings. The depth of such sidewalk widenings shall be as indicated on Map 4 in Appendix A and shall be measured perpendicular to the #street line#. All sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

93-62 - Street Tree Planting

LAST AMENDED
5/29/2019

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, trees shall also be provided along the #street# edge of the mandatory sidewalk widenings along West 34th Street. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks

and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

93-63 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

In C2-8 and C6-4 Districts, except within Subdistrict G, all #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 37-50. 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.

Pedestrian circulation space shall not be required if any of the following conditions exist:

(a) The #zoning lot# is entirely occupied by a #building# of no more than one #story# in height.

(b) The #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage.

(c) The #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length.

(d) The #zoning lot# is required to provide public access pursuant to Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES).

93-64 - Major Building Entrances

LAST AMENDED
2/2/2011

Any #development# or #enlargement# with a #commercial# #floor area ratio# of 5.0 or greater and located on a #zoning lot# with frontage upon Hudson Boulevard shall provide a major entranceway to the #commercial# portion of the #building# on Hudson Boulevard.

Any #development# or #enlargement# containing #residences# located on #zoning lots# with frontage upon Tenth Avenue north of West 33rd Street shall provide a major entrance to the #residential# portion of the #building# on or within 100 feet of Tenth Avenue.

The #street wall# of any #building# facing east towards Ninth Avenue south of West 33rd Street shall contain either a major #building# entrance or have at least 70 percent of its ground floor frontage occupied by retail #uses#.

93-65 - Transit Facilities

LAST AMENDED
10/27/2010

(a) Any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue shall provide an easement for public access to the subway mezzanine or station as illustrated on Map 5 (Transit Facilities) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with, and with the approval of, the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, 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 such certification. 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.

Floor space within any required transit easement shall be excluded from the definition of #floor area#, and 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. 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#.

(b) For the locations listed in this paragraph, (b), floor space devoted to subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station, which are established pursuant to an easement or other agreement, shall be excluded from the definition of #floor area# in Section 12-10:.

(1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #public park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5.

(2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5.

(3) The tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of the #Special Clinton District#.

(4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of the #Special West Chelsea District#.

Any transit easement or other agreement for such subway-related #use# 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.

93-66 - Open Area Requirements in the Large-Scale Plan Subdistrict A

LAST AMENDED
10/17/2007

In Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

(a) Where such open areas are sidewalk widenings required pursuant to Section 93-61, or where a sidewalk widening is not

required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a distance of 10 feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond 10 feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) of this Section, as applicable.

(b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet, shall be paved or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.

(c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet, shall be paved and contain landscaping. Paved areas shall not be more than 2 feet, 6 inches above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.

(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 Section 37-726 (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.

93-70 - PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

LAST AMENDED
4/29/2014

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

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 all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, the requirements set forth in paragraph (h) of Section 93-71, shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-722 shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as 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 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.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732, respectively.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is 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# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in paragraph (h) of Section 93-71, and Section 93-732. Issuance of a temporary or permanent certificate of occupancy for any #building#, or portion of a #building#, not occupied by an #ERY Culture, Festival and Exhibit Facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (j) of Section 93-71 is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility# but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

93-71 - Public Access Areas in the Eastern Rail Yard Subarea A1

LAST AMENDED
7/24/2013

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and paragraphs (h) and (j), of this Section. For purposes of determining compliance with such 55 percent and 40 percent requirements, the Culture Facility Plaza, any portion of the connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f), and any portion of the connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public, as follows:

(1) unenclosed public access areas shall be accessible between the hours of 6:00 a.m. and 1:00 a.m., except that any portions of the outdoor plaza, as described in paragraph (b) of this Section, designed and constructed for purposes of vehicular use, shall be accessible at all times, except as necessary to perform maintenance and repairs or address hazardous or emergency conditions;

(2) enclosed portions of the through block connection and connection to the public plaza, described in paragraphs (d) and (e) of this Section, shall be accessible to the public between the hours of 8:00 a.m. and 10:00 p.m.; and

(3) upon completion of the Tenth Avenue bridge, described in paragraph (g) of this Section, access between the bridge and the outdoor plaza shall be provided by means of the through block connection between the hours of 6:00 a.m. and 1:00 a.m.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage erected at conspicuous locations. Such signs shall include the statement "Open to the Public," followed by the hours of operation specified in this paragraph (a). The public space signage for the Culture Facility Plaza may include additional information, consistent with the provisions of paragraph (j) of this Section.

(b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the "outdoor plaza"), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to 10 percent of the area of such outdoor plaza may be covered by a #building or other structure#

In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section 93-71), provided that any such #building#:

(1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;

(2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;

(3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;

(4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;

(5) is located such that the maximum east-west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east-west dimension shall increase at a rate of one foot in the east-west dimension for every four feet in the north-south dimension from such line, up to a maximum east-west dimension of 60 feet; and

(6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building#, or portion of a #building#, located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing #uses# in Use Group 3 or 4 or an #ERY Culture, Festival and Exhibit Facility#.

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a “public plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street. Such public plaza shall be open to the sky except that such space may be covered by the #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514, paragraph (a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more

than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726, paragraph (a), as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities:

(1) no less than 120 linear feet of fixed seating;

(2) no less than 12 moveable tables and 48 moveable chairs; and

(3) no less than four trees or multi-stemmed equivalents measuring at least four inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities:

(i) artwork;

(ii) water features; or

(iii) food service located in a retail space directly accessible from the public plaza.

The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 70 percent of the length of all #building# walls, other than the #building# walls of any facility operated by the Long Island Rail Road, or its successor, facing each side of the public plaza. In addition, at least 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Groups 6A and 6C or the connection to the public plaza described in paragraph (e) of this Section.

(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet and any enclosed portion shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of Section 93-14, paragraph (a), then such through block connection may: (i) have a minimum width of 24 feet; and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

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 the through block connection (or, if enclosed, the interior walls facing the through block connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the through block connection, and a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the

through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. 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 (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. For any portions that are enclosed, the minimum clear height shall be 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to the public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the "connection") shall be provided that has a minimum width, measured parallel to the High Line, of 60 feet and is located east of the Culture Facility Plaza. For a width of 60 feet measured parallel to the High Line, the clear height of the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 50 percent of the length of all #building# walls facing the connection.

(g) Tenth Avenue bridge

A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section 93-72 (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until the 450 West 33rd Street through block connection has been completed. Such bridge may be open or enclosed, have a minimum clear width of 30 feet and, if enclosed, have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the center line of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section 93-72.

(h) #ERY High Line# and #Tenth Avenue Spur#

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly accessible open area.

(1) In order to meet the public access area requirements of Section 93-71, paragraph (a), and this paragraph (h), the following shall be provided for the #ERY High Line#, and shall, if the owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:

(i) Payment of the #High Line Rehabilitation Deposit#; or subject to entry into construction-related agreements with the City or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms thereof. If the owner has elected to perform the rehabilitation work, then all such work shall be completed in accordance with plans and specifications prepared by or on behalf of the City;

(ii) Payment of the #High Line Landscape Improvement Deposit#;

(iii) Provision of #High Line Maintenance Funding#;

(iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the City.

Such requirements shall be set forth in agreements or instruments in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by the owner, and mortgagees and parties in interest of the owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City of New York, indexed against the property, shall be a precondition to the Chairperson's certification to the Department of Buildings for a building permit under Section 93-70. 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.

(2) No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph (h).

(3) No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (i) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with paragraph (h)(1)(i) of this Section, have been executed and delivered; and (ii) the #High Line Landscape Improvement Deposit# has been made.

(4) No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (i) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been completed in accordance with the construction documents and instruments; (ii) the initial installment of #High Line Maintenance Funding# has been delivered, provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public; and (iii) the easement agreement described in paragraph (h)(1)(iv) of this Section, is in effect for the #ERY High Line#. The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section 93-70 shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

(5) Nothing herein shall be construed to affect any obligation of the owner to make the #High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, by March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms

of such agreements.

(6) Use by the City of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for phased development pursuant to Section 93-70 granted before May 31, 2012

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45-day period, a new application for certification pursuant to Section 93-70 and Section 93-71, paragraph (h), shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as public access areas associated with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section 93-70 granted before May 31, 2012, shall not affect the validity of any permit issued by the Department of Buildings prior to the expiration of such 45-day period, provided the new application under Section 93-70 and Section 93-71, paragraph (h), is made within such 45-day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after May 31, 2012, the preconditions to issuance of a crane permit set forth in Section 93-71, paragraph (h), shall be prerequisites for the grant of any new certification for phased development made under this paragraph (i).

(j) Culture Facility Plaza

A publicly accessible space located east of and #abutting# the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. Outdoor installations for such events, including seating, shall be restricted to the Culture Facility Plaza. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come, first served, or timed basis, shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 a.m. and 1:00 a.m. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a #building# that is not used for an #ERY Culture, Festival and Exhibit Facility# shall have any obligation to comply with the requirements of paragraph (a), or this paragraph (j), of this Section related to the Culture Facility Plaza.

93-72 - Public Access Areas at 450 West 33rd Street

LAST AMENDED
4/29/2014

For the purposes of this Section 93-72, inclusive, 450 West 33rd Street shall be considered the area bounded by the eastern

#street line# of Tenth Avenue, the northern #street line# of West 31st Street, a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 1 and 15, existing on April 29, 2014. Any #development# or #enlargement# in such area shall provide public access areas in accordance with the provisions of this Section. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit. All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(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 Dyer Avenue Platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard). 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 #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

An #enlargement# that does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Dyer Avenue Platform

A permanent easement shall be provided along the eastern edge of 450 West 33rd Street, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter, for the purposes of constructing the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73. Such easement shall have a minimum width of 33 feet. Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided

connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73, as shown on Map 1 in Appendix B. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue Platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of 10 feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area (hereinafter referred to as the "Tenth Avenue podium") shall be provided at the corner of Tenth Avenue and West 31st Street, as shown on Map 1 in Appendix B. The Tenth Avenue podium shall have a minimum area of 1,800 square feet, be located at the same elevation as the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street #building#.

93-721 - Design and maintenance requirements for public access areas at 450 West 33rd Street

LAST AMENDED
8/9/2017

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 shall comply with the following applicable design standards:

(1) at least two litter receptacles in such public access areas shall be provided;

(2) the public access areas at 450 West 33rd Street shall provide the following public signage system:

(i) One entry plaque shall be provided in each of the following locations:

(a) the Dyer Avenue access point to the West 31st Street Passageway;

(b) the Tenth Avenue Podium access point to the West 31st Street Passageway; and

(c) the #street# level entrance to the Tenth Avenue Podium.

(ii) Each entry plaque is subject to the signage standards as set forth in paragraphs (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).

(iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located

within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas at 450 West 33rd Street that such plaque is provided in connection with, 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 that portion of the public access areas at 450 West 33rd Street.

(iv) A minimum of two information plaques, constructed from the same permanent materials as the entry plaque, or combined with one or more of the required entry plaques, shall be provided within the public access areas. Information plaques shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) The information plaque is subject to the signage standards as set forth in paragraphs (b)(1) through (b)(6) of Section 37-751, except that paragraph (b)(3) shall be modified to read, "in lettering three-eighths of an inch in height, the words: 'This public access area contains:'" followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

(3) the minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);

(4) no gates, fences or other barriers shall be permitted within such public access areas; and

(5) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, 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.

93-722 - Certification for public access areas at 450 West 33rd Street

LAST AMENDED
4/29/2014

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), no temporary or permanent certificate of occupancy shall be issued by the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31st Street Passageway and the Tenth Avenue Podium, required pursuant to paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street), respectively, to be substantially complete and open to and useable by the public.

93-73 - Public Access Areas on the Ninth Avenue Rail Yard

LAST AMENDED
8/9/2017

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on April 29, 2014. Any #development# in such area shall provide public access areas in accordance with the provisions of Section 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61. The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the "entry plaza"), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

(i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);

(ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;

(iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and

(v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the "central plaza"), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 478 feet west of and parallel to the western #street line# of Ninth Avenue, a line 167 feet north of and parallel to the northern #street line# of West 31st Street beyond 40 feet of the western street line of Ninth Avenue, a line 40 west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street within 40 feet of the western street line of Ninth Avenue, as shown on Map 1 in Appendix B of this Chapter. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension of 100 feet as measured from the #building# walls of the #buildings# facing onto the central plaza of. The central plaza shall be open to the sky, except:

(i) for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section; and

(ii) within a line 115 feet west of and parallel to the western #street line# of Ninth Avenue, a #building# may cantilever over the central plaza and required circulation paths located therein, provided such cantilever extends no greater than 10 feet over such central plaza.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7,500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided, of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space may be used for events not exceeding a maximum area of 4,500 square feet, except as set forth below for summer public events and winter public events. When the event space is not being used for an event (general public events, summer public events, winter public events and private events), it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables

and, between April 1 and November 15, a minimum of two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section. When the event space is being used for an event (general public events, summer public events, winter public events and private events), the additional tables, chairs and moveable food carts may be removed.

(a) General Public Events

At all times of the year, the event space may be used to host general public events which are open and accessible to the general public and free of admission. During such public events, the event space may contain associated temporary structures and seating.

(b) Summer Public Events

For not more than 75 days between April 1 and November 15, the event space may be used for summer public events which are open and accessible to the general public and free of admission charge, where the temporary structures and seating associated with such summer public events may extend beyond 4,500 square feet, provided that the total area used for such summer public events does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue.

(c) Winter Public Events

Between November 15 and April 1, an ice skating rink, together with associated temporary structures, may extend beyond 4,500 square feet, provided that the total area used for the ice skating rink together with associated temporary structures does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue. The ice skating rink shall be open and accessible to the general public, but a fee for use of the ice skating rink may be charged, provided the combined total admission and equipment rental fees do not exceed the highest of such combined fees charged at any one rink operating in a #public park#.

(d) Private Events

The City Planning Commission may allow the closing of the event space for up to 12 private events per year pursuant to a restrictive declaration acceptable to the City and recorded in the Office of the City Register for New York County and indexed against the property.

For all events specified in this Section, temporary structures or seating associated with such an event (general public events, summer public events, winter public events and private events) permitted by this paragraph may be installed in the event space, provided the circulation paths required in paragraph (b)(2)(iv) of this Section remain unobstructed at all times.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

(a) pedestrian circulation paths with an aggregate width of not less than 30 feet shall be provided;

(b) at least two of the required circulation paths with a minimum clear width of 12 feet shall be located within 20 feet of the facade of each #building# facing the central plaza;

(c) in addition to the circulation paths required by paragraph (b)(2)(iv)(a) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(b) of this Section;

(d) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and

(e) clear paths, with a total minimum aggregate width of 20 feet, shall be located at the boundary between the entry plaza, required pursuant to paragraph (a) of this Section, and the central plaza, required by paragraph (b) of this Section, and at the boundary between the art plaza, required pursuant to paragraph (c) of this Section, and the central plaza, required by paragraph (a) of this Section, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza, respectively, and that all clear paths counted toward the aggregate minimum width required by this paragraph shall be a minimum of 7 feet, 6 inches in clear width, and be located no further than 12 feet apart from one another.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14. Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion, and any seating associated with a #use# in the pavilion, shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100

percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(c) Art Plaza

(1) Location and minimum dimensions

A publicly accessible space open to the sky (hereinafter referred to as the "art plaza") shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street, as shown on Map 1 in Appendix B. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(2) Required amenities

The art plaza shall contain the following features and amenities:

(i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);

(ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;

(iii) a minimum of 45 linear feet of seating;

(iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and

(v) the transparency requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and minimum dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the "Dyer Avenue Platform"), as shown on Map 1 in Appendix B. The Dyer Avenue Platform shall include the easement area described in paragraph (b) of Section 93-72 and shall directly connect with the central plaza and the West 31st Street connector required by paragraphs (b) and (e) of this Section, respectively. The Dyer Avenue Platform shall have a minimum east-west dimension of 53 feet and a minimum north-south dimension of 455 feet. However, such minimum east-west dimension may be reduced to accommodate an extension of such existing egress stair in order to adjoin the level of the platform, or to accommodate up to 15 inches of additional exterior wall thickness added to the eastern face of the existing

#building# at 450 West 33rd Street. Except for any portion of the Dyer Avenue Platform which on April 29, 2014, was covered by the #building# located at 450 West 33rd Street and the existing egress stairs on the eastern face on such #building#, or the permitted additions thereto, respectively, the Dyer Avenue Platform shall be open to the sky.

(2) Required amenities

The Dyer Avenue Platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue Platform located within the easement provided pursuant to paragraph (b) of Section 93-72 (Public Access Areas at 450 West 33rd Street):

(i) a minimum of 16 trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of 12 trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;

(ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street;

(iv) the glazing requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue Platform; and

(v) at least two pedestrian circulation paths with a minimum clear path of eight feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue Platform, from West 31st Street to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue Platform shall be considered a part of the Dyer Avenue Platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and minimum dimensions

A publicly accessible connection (hereinafter referred to as the "West 31st Street connector") shall be provided between the Dyer Avenue Platform required pursuant to paragraph (e) of this Section and West 31st Street, as shown on Map 1 in Appendix B. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue Platform and shall have a minimum area of 450 square feet.

(2) Required amenities

The West 31st Street connector shall be directly accessible from West 31st Street by a staircase with a minimum width of eight feet and by an elevator.

(f) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such passage.

93-731 - Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
8/9/2017

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73, shall comply with the applicable design reference standards set forth in paragraph (a) and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

(1) seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;

(2) where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section 37-742;

(3) steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);

(4) kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73. Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73;

(5) the public access areas on the Ninth Avenue Rail Yard shall provide the following public signage system:

(i) One entry plaque in each of the following locations:

(a) entry to the Entry Plaza from West 33rd Street;

(b) entry to the Central Plaza from Ninth Avenue;

(c) entry to the Art Plaza from West 31st Street;

(d) sidewalk level entry to the West 31st Street Connector; and

(e) entry to the Dyer Avenue Platform from West 33rd Street.

(ii) Each entry plaque is subject to the signage standards as set forth in paragraph (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).

(iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16

inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas on the Ninth Avenue Rail Yard that such plaque is provided in connection with, 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 that portion of the public access areas on the Ninth Avenue Rail Yard.

(iv) A minimum of one information plaque, constructed from the same permanent materials as the entry plaques, or combined with one or more of the required entry plaques, shall be provided within the Art Plaza, the Entry Plaza, the Central Plaza and Dyer Avenue. The information plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) Each information plaque is subject to the signage requirements as set forth in paragraphs (b)(1) through (b)(6) of Section 37-751 except that paragraph (b)(3) shall be modified to read, "in lettering three-eighths of an inch in height, the words: 'This public access area contains:'" followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

(6) where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions);

(7) the aggregate number of litter receptacles in such public access areas shall be 21;

(8) no gates, fences or other barriers shall be permitted within such public access areas except that protective bollards provided in connection with the development of the Ninth Avenue Rail Yard may be located within the required public access areas; and

(9) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, 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.

93-732 - Certification for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

No certification for the phased development of public access areas on the Ninth Avenue Rail Yard shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the Ninth Avenue Rail Yard, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction of a #building# located on the southeast corner of the Ninth Avenue Rail Yard and that in connection with the construction of a #building# on the southwest corner of the Ninth Avenue Rail Yard, the West 31st Street connector required by paragraph (e) of Section 93-73, and a 20-foot wide paved area along the eastern edge of Dyer

Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the public access area, or portions thereof, and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73.

Plans for the public access areas 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 Office of the City Register of the City of New York for New York County 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.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# 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 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# 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 plans for public access area, or portions thereof associated with such phase.

No temporary certificate of occupancy from the Department of Buildings may be issued for a #building#, or portion thereof, where the total amount of #floor area# that has been #developed# or #enlarged# on the Ninth Avenue Rail Yard exceeds 3,204,000 square feet until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section 93-72 and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 have been substantially completed and are open and usable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion provided that:

(a) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the West 31st Street passageway required by paragraph (c) of Section 93-72 was at any time subject to a lease with an expiration date of December 31, 2019, and was not able to obtain control of the areas subject to such lease on or before December 31, 2017;

(b) a letter of credit has been posted in accordance with City requirements, and such letter of credit:

(1) is in an amount equal to 200 percent of the estimated cost to construct the public access area and the elevator at 450 West 33rd Street, required by paragraphs (c) and (d) of Section 93-72, respectively, as set forth in a cost estimate prepared by a professional engineer. Such cost estimate shall be based upon construction documents prepared by a registered architect and submitted with the application for certification pursuant to this Section, and shall be subject to review and acceptance by the City; and

(2) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the public by December 31, 2022;

(c) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area and elevator required by paragraphs (c) and (d) of Section 93-72, respectively, if they are not completed by the owner by December 31, 2022; and

(d) in addition to the foregoing, such letter of credit shall be maintained from the date of certification for temporary certificates of occupancy, pursuant to this Section, until the Chairperson of the City Planning Commission certifies to

the Commissioner of Buildings that the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 have been substantially completed and are open and usable by the public, or until same have been substantially completed by the City. The Chairperson may, no more frequently than annually, require the submission of an updated or new letter of credit in an amount that reflects changes in costs over time, and such updated or new letter of credit shall be subject to the requirements and procedures of paragraph (b) of this Section, until such letter of credit is released based upon substantial completion.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-734 (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# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with a phase of #development#, 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# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that such public access area, or portions thereof, are open and useable by the public.

93-733 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
4/29/2014

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED
4/29/2014

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that the area designated for public access will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer amenities and other features required pursuant to Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), 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 site plan approval pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard) 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 plan shall be implemented.

93-74 - Public Access Areas in Pennsylvania Station Subarea B4

LAST AMENDED

2/2/2011

The provisions of this Section shall apply to any #development# in the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

(a) Public space

A publicly accessible enclosed space with a minimum area of 32,500 square feet shall be provided. Such space shall have at least 100 feet of frontage along the Eighth Avenue #street line#, and have a minimum clear height of 60 feet. The length of such space shall not exceed four times its narrowest width. Up to one-half of such space may be below- grade but shall be visually connected to the at-grade space. Furthermore, such below-grade space shall be connected to the at-grade space by escalators on at least two sides. The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to least 70 percent of the length of all #building# walls facing each side of such space. Such space shall provide direct access to the through block connection required pursuant to paragraph (b) of this Section, adjacent #building# lobbies and transit facilities.

(b) Through block connection

A through block connection shall be provided linking West 31st Street and West 33rd Street, at least 300 feet from Eighth Avenue and with direct access to the public space required pursuant to paragraph (a) of this Section. Such through block connection shall have a minimum clear width of 20 feet and may be open or enclosed. If enclosed, such through block connection shall have a minimum clear height of 30 feet.

(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 provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.

(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 37-53. 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 a plaza is provided at such corner in accordance with paragraph (c) of this Section.

93-75 - Publicly Accessible Open Spaces 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.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces.

General requirements for each publicly accessible open space are set forth within this Section. Design requirements for each publicly accessible open space are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible open space is set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

All publicly accessible open spaces listed in this Section shall be accessible to the public from the hours of 6:00 a.m. to 1:00 a.m. with the exception of the #High Line# and the Northeast Plaza. The Northeast Plaza shall provide hours of access pursuant to Section 37-727.

93-751 - General requirements for the Western Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Western Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that amenities that are provided in accordance with this Section and Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Western Open Space.

(a) General purpose

The Western Open Space is intended to serve the following purposes:

(1) to provide a major open space that joins the northern portion of the #High Line# open space network on its west to the open space networks leading to the Hudson Park and Boulevard on its east;

(2) to provide a large open lawn area overlooking the Hudson River for public use and enjoyment; and

(3) to provide transition areas that offer shade, supplemental space between the open lawn and surrounding #building# and connections between surrounding publicly accessible open spaces.

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

The Western Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre. Any lawn area located within 40 feet of a #building# wall on Sites 1 or 5 shall not contribute towards this one acre requirement. The required lawn area shall be comprised of the following amenities:

(i) a continuous lawn area shall be provided over a minimum of 75 percent of the required one acre. Such area shall have a maximum slope of three degrees and unobstructed visual access toward the Hudson River; and

(ii) a transitional lawn area may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area need not be continuous, and shall have a maximum slope of 15 degrees. Trees and other

plantings shall be permitted in such area.

(2) #High Line# connection

Access to the #High Line# shall be provided along a minimum of 75 feet and a maximum of 150 feet of #High Line# frontage length. Such frontage need not be continuous, however, in order to qualify as unobstructed access that contributes to the minimum 75 foot requirement set forth in this paragraph (c)(2), a minimum frontage width of five feet is required. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756 (General requirements for the High Line).

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the Allee of the West 32nd Street Extension, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B, to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Permanent structures such as food or information kiosks, pavilions or public restrooms may be placed within the supplemental area, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet, and such structures shall be exempt from the definition of #floor area#.

(d) Transparency

For portions of #buildings# on Site 1 and Site 5 fronting upon the Western Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted transparent material.

(e) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 32nd Street Extension shall be permitted to encroach upon the supplemental area of the Western Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Western Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-752 - General requirements for the Central Open Space

A publicly accessible open space, (henceforth referred to as the "Central Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that portions of a #building# on Site 3 and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Central Open Space.

(a) General purpose

The Central Open Space is intended to serve the following purposes:

(1) to serve as a neighborhood open space;

(2) to provide amenities for area residents, workers and the general public; and

(3) to provide areas that offer varied programs, supplemental spaces between amenities and surrounding #buildings# and connections between surrounding publicly accessible open spaces.

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Central Open Space shall have a minimum dimension in the north-south direction as measured from the southerly #street line# of the West 32nd Street Extension to the northerly #street line# of the West 31st Street Extension of 175 feet. In addition, the minimum dimension of the Central Open Space in the north-south direction between the northern boundary of Site 3 and the southerly #street line# of the West 32nd Street Extension shall be 55 feet.

The Central Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of the Connector to the westerly #street line# of Eleventh Avenue of 545 feet. In addition, the minimum dimension of the open space in the east-west direction between the eastern boundary of Site 3 and the western boundary of Site 4 shall be 265 feet.

Within 350 feet of the Eleventh Avenue #street line#, the maximum height of the finished grade of the Central Open Space shall be 45 feet above the Manhattan Datum, which is 2.75 feet above sea level. Beyond 350 feet of Eleventh Avenue, the maximum height of the finished grade shall be 47 feet above the Manhattan Datum.

(c) Core elements

The Central Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum aggregate area of 10,000 square feet and a maximum slope of three degrees. Such area need not be continuous. Any lawn area located within 12 feet of a #building# wall on Sites 3 or 4 shall not contribute towards such minimum gross area.

(2) Playground

A playground shall be provided with a minimum area of 10,000 square feet.

(3) Supplemental area

Any space in the Central Open Space other than the required lawn area set forth in paragraph (c)(1) of this Section or the required playground space set forth in paragraph (c)(2) of this Section, shall be designated as supplemental area and shall comply with the requirements set forth in this Section.

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 1,500 square feet of the supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. Such pedestrian access shall link the West 31st and West 32nd Street Extensions and be no closer than 150 feet to one another at any point.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Within 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 7.5 degrees, or a maximum height of two feet. Beyond 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 15 degrees.

(d) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms may be placed within the Central Open Space, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet and such structures shall be exempt from the definition of #floor area#.

(e) Transparency

For portions of #buildings# in Site 4 fronting upon the Central Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted, transparent material.

(f) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 31st Street Extension shall be permitted to encroach upon the supplemental area of the Central Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Central Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-753 - General requirements for the Southwest Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Southwest Open Space"), shall be provided in Subdistrict F. Such accessible open space shall be open to the sky, except that portions of a #building or other structure# on Site 5, the #High Line# and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Southwest Open Space.

(a) General purpose

The Southwest Open Space is intended to serve the following purposes:

(1) to serve as an inviting pedestrian gateway to the Western Rail Yard from open space networks along the Hudson River;

(2) to provide pedestrian amenities and connections between surrounding public spaces both on and adjacent to the Western Rail Yard; and

(3) to offer a unique open space experience for pedestrians through the negotiation of the area's grade changes.

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Southwest Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of Twelfth Avenue to the western boundary of Site 6 of 400 feet. However, if the length of Site 6 is extended to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6), the minimum dimension of the Southwest Open Space shall be 360 feet.

The Southwest Open Space shall have a minimum dimension in the north-south direction as measured from the northerly #street line# of West 30th Street to the southern boundary of the Western Open Space of 180 feet and a maximum dimension of 200 feet.

(c) Core elements

The Southwest Open Space shall have the following core elements. For the purpose of determining the amount of an amenity to provide in relation to the area of the Southwest Open Space, the area of the Southwest Open Space shall exclude the area occupied by a #building or other structure# on Site 5 and the #High Line#.

A minimum of 50 percent of the area of the Southwest Open Space shall be landscaped with soft ground cover, and the remaining 50 percent of the Southwest Open Space may be paved. At least one tree shall be provided for every 1,500 square feet of Southwest Open Space.

An unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the West 31st Street Extension. If such pedestrian access contains 'switchbacks,' comprised of a series of ascending pedestrian ways, the minimum distance between midpoints of each way, as measured, in plan, from the northerly edge of one way to the southerly edge of the next ascending way shall be 15 feet.

A second unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the #High Line bed# or with an elevator located adjacent to the #High Line# that provides public access to the #High Line bed#. Such access need not be opened to the public until the #High Line# is reconstructed as public

open space in accordance with the provisions of Section 93-756.

A minimum of one linear foot of seating shall be provided for every 75 square feet of soft ground cover provided within the Southwest Open Space. At least 50 percent of such required seating shall provide seatbacks.

Permanent structures, such as food or information kiosks, pavilions or public restrooms shall be permitted within the Southwest Open Space, provided the height of such structures does not exceed 20 feet. The maximum area #lot coverage# that all such permanent structures may occupy shall be 1,000 square feet, provided that such structures are located entirely west of the #High Line#. Such permanent structures shall be exempt from the definition of #floor area#.

(d) Permitted encroachments from private streets

The terminus of the West 31st Street Extension shall be permitted to encroach upon the Southwest Open Space, provided that the site and landscape plans for the West 31st Street Extension are approved in conjunction with the Southwest Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-754 - General requirements for the Northeast Plaza

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Northeast Plaza"), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be provided in accordance with the standards for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

93-755 - General requirements for the Midblock Connection

LAST AMENDED
4/29/2014

A pedestrian way, (henceforth referred to as the "Midblock Connection"), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) General purpose

The Midblock Connection is intended to serve the following purposes:

(1) to provide pedestrian access between West 33rd Street and the Western Rail Yard Subdistrict F; and

(2) to provide amenities similar to a through block public plaza.

(b) Location and dimensions

The entirety of the Midblock Connection shall be located between 335 feet and 455 feet west of the westerly Eleventh Avenue #street line#.

The minimum width of the Midblock Connection, measured in the east-west direction, shall be 60 feet.

(c) Core elements

The Midblock Connection shall provide the following core elements:

(1) A minimum of one unimpeded pedestrian access, with a minimum width of 12 feet, shall be provided to connect the West 32nd Street Extension with West 33rd Street;

(2) A minimum of one linear foot of seating shall be provided for every 75 square feet of the Midblock Connection. A minimum of 50 percent of the required seating shall provide seatbacks; and

(3) A minimum of 20 percent of the gross area of the Midblock Connection shall be landscaped with soft ground cover, and shall provide a minimum of one tree per every 1,500 square feet.

93-756 - General requirements for the High Line

LAST AMENDED
2/2/2011

For the portion of the #High Line# that is located within the boundary of Subdistrict F, the following provisions shall apply.

(a) General purpose

The #High Line# is intended to serve the following purposes:

(1) to serve as a continuation of the #High Line# public open space to the east and to the south of West 30th Street;

(2) to offer a pedestrian and passive open space experience similar to the #High Line# open space south of West 30th Street, through planting, materials and amenities, while taking into account the nature and character of the Western Rail Yard Subdistrict F; and

(3) to allow for connections to other public areas on the Western Rail Yard Subdistrict F.

(b) Permitted #uses#

Any permitted change of #use# for the #High Line# shall be made pursuant to the provisions of Section 93-10 (USE REGULATIONS).

(c) Core elements

The #High Line# open space shall provide amenities including, but not limited to, planting, seating and lighting designed to complement and be integrated with portions of the #High Line# south of West 30th Street in a manner that provides both visual and pedestrian continuity along the #High Line# open space network. The #High Line# open space shall not be subject to the design criteria for public access areas in Subdistrict F set forth in Section 93-77.

The site and landscape plans for the #High Line# approved pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) shall make provision for access points to and from the #High Line# open space, including the public access provided in the Southwest Open Space pursuant to Section 93-753 (General requirements for the Southwest Open Space) and, subject to agreement, shall include support facilities necessary for the operation, maintenance and public enjoyment of the #High Line# open space located in Subdistrict F, or at other locations north of West 30th Street.

(d) Certification to modify requirements adjacent to the #High Line#

The Chairperson of the City Planning Commission may modify certain regulations on adjacent development sites 1 through 6, provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary in order to provide access to the #High Line# open space or to accommodate facilities for the #High Line# open space, and that such change is compatible with the character of developed portions of the #High Line# south of West 30th Street.

The following regulations may be modified:

(1) The ground floor level requirements set forth in Section 93-14 (Ground Floor Level Requirements), where applicable;

(2) The unobstructed five foot separation between the #High Line# and a #street wall# on Sites 1, 5 and 6 required pursuant to paragraph (a) of Section 93-561 (General rules for Subdistrict F) in order to accommodate a pedestrian access way, open to the sky, between the #High Line# and such development sites. However, the required five foot #street wall# separation from the edge of the #High Line# shall not be modified;

(3) The #street wall# requirements for Site 6 set forth in Section 93-562 (Street wall regulations for certain streets), only as necessary to accommodate pedestrian access onto the #High Line#;

(4) The general requirements for the Western Open Space and the Southwest Open Space set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F); and

(5) The general requirements for the 30th Street Corridor set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

Any application for such change shall be included in the application for the site and landscape plans submitted pursuant to the provisions of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) for the #High Line# open space.

93-76 - Publicly Accessible Private Streets and Pedestrian Ways 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.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

General requirements for each publicly accessible private street and pedestrian way are set forth within this Section. Design requirements for each publicly accessible private street and pedestrian way are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible private street and pedestrian way are set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Publicly accessible private streets and pedestrian ways listed in this Section shall be accessible to the public at all times.

93-761 - General requirements for the West 32nd Street Extension

LAST AMENDED
4/29/2014

A private street, (henceforth referred to as the "West 32nd Street Extension"), shall be provided south of and parallel to West 33rd Street.

(a) General purpose

The West 32nd Street Extension is intended to serve the following purposes:

(1) to serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;

(2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts;

(3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B; and

(4) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 3 in Appendix B, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

(c) Core elements

The West 32nd Street Extension shall provide the following core elements:

(1) Streets and sidewalk requirements

The West 32nd Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

(i) a road bed, paved with asphalt, with a minimum width pursuant to the requirements set forth by the Fire Department;

(ii) a 20 foot minimum sidewalk along its entire northern curb; and

(iii) a 25 foot minimum sidewalk along its entire southern curb.

(2) Planting and seating requirements for the southern sidewalk and the Allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 3 in Appendix B. No #building or other structure# shall be permitted within 15 feet of the southern edge of the Allee.

The Allee shall provide a minimum of one linear foot of seating for every 75 square feet of the Allee. A minimum of 50 percent of the required seating shall provide seatbacks.

(3) Planting requirements for the northern sidewalk

One tree shall be planted for every 25 feet of curb length of the West 32nd Street Extension along its northern curb between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Along the northern sidewalk, trees shall be planted within five feet of the curb.

(4) Curb cuts

No curb cuts shall be permitted along the West 32nd Street Extension, except for access to the Connector if required by the Fire Department.

93-762 - General requirements for the West 31st Street Extension

LAST AMENDED
4/29/2014

A private street, (henceforth referred to as the "West 31st Street Extension"), shall be provided north of and parallel to West 30th Street.

(a) General purpose

The West 31st Street Extension is intended to serve the following purposes:

(1) to serve as a publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;

(2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts; and

(3) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/or paragraph (f) of Section 93-752 (General requirements for the Central Open Space), as

applicable.

(c) Core Elements

The West 31st Street Extension shall provide the following core elements:

(1) Street and sidewalk requirements

The West 31st Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

(i) a road bed, paved with asphalt, with a minimum width pursuant to requirements set forth by the Fire Department;

(ii) a 15 foot minimum sidewalk along its entire northern curb; and

(iii) a 20 foot minimum sidewalk along its entire southern curb.

(2) Planting requirements for sidewalks

One tree shall be planted for every 25 feet of curb length of the West 31st Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street between Eleventh Avenue and the Connector.

(3) Curb cuts

One curb cut shall be permitted along each side of the West 31st Street Extension. The maximum width of such curb cut shall be 30 feet. A third curb cut accessing the Connector shall be permitted if required by the Fire Department.

93-763 - General requirements for the West 30th Street Corridor

LAST AMENDED
4/29/2014

A pedestrian way (henceforth referred to as the "West 30th Street Corridor"), shall be provided along the northerly sidewalk of West 30th Street adjacent to the area below the #High Line#.

(a) General purpose

The West 30th Street Corridor is intended to serve the following purposes:

(1) to serve as a transition space between the #High Line# and the West 30th Street sidewalk;

(2) to allow for active frontages with publicly accessible spaces for establishments below the #High Line#; and

(3) to provide an overall streetscape design that complements and provides views of the #High Line# along West 30th Street.

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

In the north-south direction, the West 30th Street Corridor shall extend from the #street wall# of #buildings# beneath the #High Line# facing West 30th Street (which shall coincide with the northerly edge of the southern row of structural columns of the #High Line#) to the northerly #street line# of West 30th Street.

(c) Core elements

The West 30th Street Corridor shall have the following provisions for its core elements:

(1) a pedestrian access area at least 10 feet in width shall be provided along the entire length of the West 30th Street Corridor, linking Eleventh Avenue with the sidewalk adjacent to the Southwest Open Space. Such area shall be located a minimum of five feet beyond the northerly curb line of West 30th Street, and shall be free of obstructions;

(2) portions between the required pedestrian access area and the #High Line# may be paved or landscaped; and

(3) street trees shall be planted within five feet of the northern curb of West 30th Street. One tree shall be planted for every 25 feet of curb length. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of West 30th Street.

93-764 - General requirements for the Connector

LAST AMENDED
4/29/2014

A publicly accessible connection (henceforth referred to as the "Connector"), shall be provided between the West 32nd Street Extension and the West 31st Street Extension.

(a) General purpose

The Connector is intended to serve the following purposes:

(1) to serve as a connection between the West 32nd Street Extension and the West 31st Street Extension;

(2) to provide a space that complements the surrounding publicly accessible open spaces; and

(3) to provide an emergency egress connector pursuant to Fire Department standards.

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(c) Core elements

The Connector shall provide the following core elements:

(1) the Connector shall be constructed to minimum Fire Department standards for an emergency egress connection between the West 32nd Street Extension and the West 31st Street Extension, including, but not limited to, the width and materials of paved area, and permitted obstructions within such area; and

(2) the Connector shall not be located within 15 feet of a #building#.

93-77 - Design Criteria for Public Access Areas in Subdistrict F

LAST AMENDED
4/30/2012

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

(a) Design criteria

Where private streets, pedestrian ways and publicly accessible open spaces, with the exception of the #High Line#, provide elements listed in this Section, such elements shall comply with the applicable minimum design standards, set forth in paragraph (a) of this Section, as a minimum design standard.

(1) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741, inclusive.

(2) Planting and trees

Where planting areas are provided, they shall meet the planting bed requirements and irrigation requirements of Section 37-742 (Planting and trees).

Where trees are provided, they shall meet the applicable minimum tree caliper standards, soil requirements and irrigation standards set forth in Section 37-742, except that within the Western Open Space, the Central Open Space and the Southwest Open Space, the soil requirements for tree planting shall not apply. In lieu thereof, all trees in the Central and Western Open Spaces shall be planted in areas with soil depth of at least five feet. In the Southwest Open Space, all trees shall be planted in continuous planted areas that have a minimum depth of five feet and a minimum area of 500 square feet of soil.

(3) Paving

Paving, exclusive of the required asphalt paving of the West 31st and West 32nd Street Extension roadbeds, shall meet the minimum standards set forth in Section 37-718.

(4) Steps

Steps shall meet the minimum dimensional standards set forth in Section 37-725.

(5) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

(6) Standards of accessibility for persons with disabilities

All publicly accessible open spaces, private streets and pedestrian ways shall be designed pursuant to the standards of accessibility for persons with disabilities set forth in Section 37-728.

(7) Lighting and electrical power

All publicly accessible open spaces, private streets and pedestrian ways shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743.

(8) Litter receptacles

All publicly accessible open spaces, private streets and pedestrian ways shall provide litter receptacles pursuant to the standards set forth in Section 37-744.

(9) Bicycle parking

Bicycle racks sufficient to accommodate at least 25 bicycle parking spaces shall be provided in the Southwest Open Space, bicycle racks sufficient to accommodate at least 30 bicycle parking spaces shall be provided in the Central Open Space and bicycle racks sufficient to accommodate at least 33 bicycle parking spaces shall be provided in the Western Open Space. Such racks shall be located adjacent to a paved circulation path within the open space or in public sidewalks adjacent to the open space.

(10) Playgrounds and additional amenities

Where playgrounds and additional amenities are provided in publicly accessible open spaces, such amenities shall be designed pursuant to the standards set forth in Section 37-748.

(11) Signs

All open spaces within the publicly accessible open spaces shall provide open space signage pursuant to the standards set forth in Section 37-751.

(12) Canopies, awnings, marquees and sun control devices

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).

(13) Gates and fences

Gates, fences or other barriers shall be permitted at the perimeter of any playgrounds, tot lots or dog runs provided as part of a publicly accessible open space or pedestrian way. Additional gates, fences or other barriers shall be permitted in the Midblock Connection, the Southwest Open Space and the #High Line# only as approved as part of the site and landscape plans submitted pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Such gates, fences or other barriers shall have a maximum height of 48 inches, as measured from the adjoining grade level, and shall be at least 70 percent open. However, where gates, fences or other barriers are mounted on a solid curb, such minimum transparency shall not include the surface area of the curb, provided that the height

of such curb does not exceed six inches.

Chain link fencing or barbed or razor wire shall not be permitted.

(14) Public restrooms

At least one public restroom shall be provided to serve either the Central Open Space or the Western Open Space, whichever is developed first pursuant to the provisions of Section 93-78. Such public restroom shall provide separate restroom spaces for each gender, and may be located in either the publicly accessible open space or within the ground floor of any adjacent #building#.

(b) Maintenance

The owner of each of Sites 1 through 6 in Subdistrict F shall be responsible for the maintenance of all publicly accessible open spaces, private streets and pedestrian ways, 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 within the portion of the Subdistrict associated with such site in the phased development provided in the site and landscape plans required pursuant to Section 93-78. Notwithstanding the foregoing, maintenance of the #High Line# shall be governed by such agreements as are entered into with respect thereto.

(c) Interim #use#

Open #uses# listed in Use Group 4B, with the exception of cemeteries and golf courses, shall be permitted as interim #uses# within the designated boundary of any public access area described in Sections 93-75 or 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) with the exception of the #High Line# open space, or within the designated boundary of any development site described in Section 93-56 (Special Height and Setback Regulations in Subdistrict F). Such interim #uses# may be #developed# prior to the approval of the site and landscape plans for the public access area in which it is located, and may continue until such time as development commences on such public access area pursuant to the approved site and landscape plans. Any such interim #uses# shall be open to and usable by the public, and may include temporary structures, provided that all associated #floor area# is appurtenant to the interim #use#.

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.

93-80 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
5/8/2013

In Subdistricts A, B, C, D and E, the regulations governing permitted #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall not apply, except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistricts F and G, the regulations of Article I, Chapter 3, shall apply.

93-81 - Definitions

LAST AMENDED
12/20/2018

Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District# and Subdistrict A-2 of the #Special Garment Center District#

Hudson Yards development parking supply

The “Hudson Yards development parking supply” shall be the aggregate number of off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking lots# and #public parking garages# in the #Hudson Yards parking regulations applicability area#:

(a) that have been constructed, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010, to the extent that such spaces satisfy the ratios of Section 93-821;

(b) that have been constructed, pursuant to a City Planning Commission special permit approved subsequent to January 19, 2005, and before April 14, 2010;

(c) for which the Chairperson has issued a certification, pursuant to Section 93-821, paragraph (e); and

(d) that have been approved by Board of Standards and Appeals variance, pursuant to Section 72-21 , to the extent that such spaces satisfy the ratios of Section 93-821.

However, all off-street parking on Site 1, as shown on the map of the Special 42nd Street Perimeter Area in Appendix A of the #Special Clinton District# (Article IX, Chapter 6), shall be counted toward the #Hudson Yards development parking supply#.

For purposes of this definition, "constructed" shall include any off-street parking spaces in #accessory# or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were completed on April 14, 2010, under construction on such date with the right to continue construction pursuant to Section 11-331 or granted a City Planning Commission special permit after January 19, 2005, where such permit had not lapsed as of April 14, 2010.

Public parking

"Public parking" shall be off-street parking that is open to the public during the business day for hourly, daily or other time-defined rental of parking spaces, for which a fee is charged.

Reservoir deficit

The "reservoir deficit" shall be the amount by which the #reservoir surplus# is less than zero.

Reservoir parking supply

The "reservoir parking supply" shall be the sum of:

(a) all off-street parking spaces lawfully operating as of May 27, 2009, in the #Hudson Yards parking regulations applicability area# as #public parking#; and

(b) any off-street parking spaces for which a valid building permit had been issued, as of May 27, 2009, and which have been constructed before April 14, 2010.

However, any off-street parking space that satisfies the definition of the #Hudson Yards development parking supply# in this Section shall not be counted as part of the #reservoir parking supply#.

For purposes of this definition, "constructed" shall include any off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were either completed on April 14, 2010, or under construction on such date with the right to continue construction pursuant to Section 11-331.

Reservoir surplus

The initial #reservoir surplus# shall be 3,600 off-street parking spaces. The "reservoir surplus" shall be increased by:

(a) the aggregate number of off-street parking spaces in the #reservoir parking supply# for which a building permit has been issued, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010;

(b) the number of off-street parking spaces in the #Hudson Yards parking regulations applicability area# above the ratios permitted in Section 93-821, either certified by the Chairperson pursuant to Section 93-822, paragraph (c), or by City Planning Commission special permit, pursuant to Section 93-823; and

(c) the number of off-street parking spaces lawfully added in the #Hudson Yards parking regulations applicability area#, other than those permitted pursuant to Section 93-80, inclusive, except for any increase by Board of Standards and Appeals variance that is counted as part of the #Hudson Yards development parking supply#;

The #reservoir surplus# shall be decreased by:

(a) the aggregate number of parking spaces counted at any time in the #reservoir parking supply#, that subsequently are:

(1) reduced through modification or discontinuance of the applicable Department of Consumer Affairs license or certificate of occupancy or otherwise cease operation permanently; or

(2) not constructed in accordance with the applicable building permit, as reflected in a modification of such building permit or the issuance of a certificate of occupancy for a reduced number of spaces; or

(b) the issuance of a certificate of occupancy for a #development# or #enlargement# providing a smaller number of spaces than allowed, pursuant to Section 93-821, to the extent of the difference between the number of #accessory# off-street parking spaces allowed, and the number provided. However, this paragraph shall not apply to Sites 2, 3, 4 and 5, as shown on Map 6 of Appendix A, and shall apply to no more than 200 #accessory# off-street parking spaces on Site 6 as shown on Map 6.

Substantial construction

"Substantial construction" shall mean the substantial enclosing and glazing of a new #building# or of the #enlarged# portion of an existing #building#.

93-82 - Permitted Parking

LAST AMENDED
4/14/2010

#Developments# or #enlargements# in the #Hudson Yards parking regulations applicability area# may provide #accessory# parking spaces in accordance with the provisions of this Section. The provisions of Sections 36-52 (Size, Location and Identification of Spaces) and 36-53 (Width of Curb Cuts and Location of Access to the Street) shall apply to all permitted #accessory# off-street parking spaces.

93-821 - Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

(a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.

(b) For Use Group 5 #transient hotels#, the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses) shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.

(c) For Use Group 6B offices, not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.

(d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph (d):

(1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;

(2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and

(3) in no event shall the total number of #accessory# off-street parking spaces for all #uses# exceed 1,000.

(e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:

(1) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(1)(i), (e)(1)(ii) and (e)(1)(iii), is less than or equal to 5,084 spaces:

(i) the #reservoir surplus# or zero;

(ii) the #Hudson Yards development parking supply#; and

(iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and

(2) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(2)(i), (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv), is less than or equal to 5,905 spaces:

(i) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;

(ii) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been

categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;

(iii) the #Hudson Yards development parking supply#; and

(iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.

(3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.

(4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-822 - Permitted parking when a reservoir deficit exists

LAST AMENDED
4/29/2014

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

(a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses).

(b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).

(c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:

(1) a #reservoir deficit# exists;

(2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and

(3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.

(d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-823 - Parking permitted by special permit

LAST AMENDED
5/8/2013

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, Use Group 6B offices to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, provided that:

(a) within the vicinity of the site, there are insufficient parking spaces available;

(b) the facility will not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement;

(c) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and

(d) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this condition.

In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 do not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

93-824 - Publication of data

LAST AMENDED
4/14/2010

The Department of City Planning shall make available, in a form easily accessed by the public, regularly updated calculations of the current #Hudson Yards development parking supply#, #reservoir parking supply#, spaces described in paragraphs (e)(2)(i) and (e)(2)(ii) of Section 93-821, and #reservoir surplus# or #reservoir deficit#, as applicable.

93-83 - Use and Location of Parking Facilities

LAST AMENDED
5/8/2013

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

(a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, all off-street parking spaces #accessory# to Use Group 5 #transient hotels# and Use Group 6B offices may be made available for public use. No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

(b) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:

(1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or

(2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor# #area#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

93-831 - Authorization for above-grade parking

LAST AMENDED
2/2/2011

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (b) of Section 93-83 (Use and Location of Parking Facilities) and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

(a) below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-way or other conditions that impose practical difficulties for the construction of below-grade parking facilities;

(b) the scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;

(c) the materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(d) the ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;

(e) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(f) for portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties; and

(g) the location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

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

93-84 - Curb Cut Restrictions

LAST AMENDED
4/14/2010

Along all avenues in the #Special Hudson Yards District#, and along Hudson Boulevard and West 34th Street, and along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, no driveway curb cuts for parking facilities or loading berths shall be permitted, except:

(a) for entrances or exits to a public parking garage located beneath Hudson Boulevard and the adjacent #public parks#; or

(b) where the Commissioner of Buildings determines there is no alternative means of access to required off-street parking spaces or required loading berths from other #streets# bounding the #zoning lot#. However, in no event shall curb cuts be permitted on or within 40 feet of Hudson Boulevard.

93-841 - Curb cut restrictions in the Large-Scale Plan Subdistrict A

LAST AMENDED
4/14/2010

In Subarea A2 of the Large-Scale Plan Subdistrict A, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

93-842 - Curb cut restrictions in the Farley Corridor Subdistrict B

LAST AMENDED
4/14/2010

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea B4, the maximum aggregate width of curb cuts on West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth Avenue, the maximum aggregate width of curb cuts shall be 90 feet.

93-85 - Authorization for Additional Curb Cuts

LAST AMENDED
4/14/2010

Along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed for required loading berths, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area. Loading berths shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot# and thereby permit a more efficient loading operation.

93-90 - HARASSMENT

LAST AMENDED
12/20/2018

(a) Definitions

(1) Anti-harassment area

"Anti-harassment area" shall mean the #Special Hudson Yards District# and Subdistrict A-2 of the #Special Garment Center District#.

(2) Application date

"Application date" shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(3) Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to this Section that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(4) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. A #cure compliance lot# may be a #cure requirement lot#.

(5) Cure requirement

Except as otherwise provided in paragraph (e) of this Section with respect to Subareas 4 and 5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, "cure requirement" shall mean #floor area# in an amount not less than the greater of:

(i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

(6) Cure requirement lot

"Cure requirement lot" shall mean:

(i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or

(ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required for the full or partial demolition or #material alteration# of a #multiple dwelling# located in the #anti-harassment area#, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(7) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(8) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

(i) which is a #transient hotel# and was a #transient hotel# on the #referral date#;

(ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and

(iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(9) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

(i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#, and

(ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(10) Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

(i) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(ii) the interruption or discontinuance of essential services which

(a) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#, and

(b) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;

(iii) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or

(iv) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

(11) Inquiry period

"Inquiry period" shall mean a period which:

(i) commences upon the later of the #referral date# or a date which is 15 years prior to the #application date#, and

(ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

(a) set such commencement date upon any date which is on or after the #referral date# and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section, and

(b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(12) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(13) Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# or other #building#, including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling# or other #building#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

(i) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#, or

(ii) a repair or replacement of existing elements of such #multiple dwelling# or other #building# without materially modifying such elements.

(14) Multiple dwelling

"Multiple dwelling" shall have the meaning set forth in the Multiple Dwelling Law.

(15) Referral date

"Referral date" shall mean June 21, 2004.

(16) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#,

(ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

(iii) contains such other terms as the Department of Housing Preservation and Development shall determine,

(iv) has been approved by the Department of Housing Preservation and Development,

(v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors,

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors, and

(vii) is perpetual in duration.

(17) Rooming unit

"Rooming unit" shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

(1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, the Department of Buildings shall not issue a permit for:

(i) the full or partial demolition of a #multiple dwelling# located in the #anti-harassment area#; or

(ii) the #material alteration# of a #multiple dwelling# located in the #anti-harassment area#.

(2) Any permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(i) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or

(ii) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

(3) The following structures shall be exempt from the provisions of this Section:

(i) any city-owned #multiple dwelling#;

(ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;

(iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(4) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(2) There shall be a rebuttable presumption that any of the acts or omissions described in paragraph (a)(10) of this Section occurring within the #inquiry period# were committed by or on behalf of the owner of such #multiple dwelling# and that such acts or omissions:

(i) were committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy, and

(ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

(3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:

(i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application,

(ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not limited to, costs for publication of any notices, and

(iii) establish the duration for which a #certification of no harassment# will remain effective, and

(iv) authorize the recission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such recission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.

(4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:

(i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#,

(ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or,

where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or

(iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

(5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.

(6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(11) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged harassment.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a

#material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.

(ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:

(a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and

(b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.

(iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where:

(a) the #cure requirement lot# is not the #cure compliance lot#; and

(b) the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#.

Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to the provisions of Section 23-90, as modified by the provisions of the #Special Hudson Yards District# and the #Special Garment Center District#; or

(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(e) Demolition in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D

Notwithstanding any provision of paragraph (a)(5) of this Section or paragraph (d) of this Section to the contrary, with regard to any #multiple dwelling# to be demolished in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, #cure requirement# shall mean #floor area# in an amount not less than the greater of:

(i) 40 percent of the total #residential# or #hotel# #floor area# of any #multiple dwelling# to be demolished in which #harassment# has occurred; or

(ii) 30 percent of the total #floor area# of any new #building# on the same #zoning lot# as the #multiple dwelling# to be demolished.

93-91 - Demolition

LAST AMENDED
12/20/2018

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Subdistrict A-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Subdistrict A-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential# #floor area# in such #multiple dwelling# by 20 percent or more, unless:

(a) such #multiple dwelling# is an unsafe #building# or an emergency exists such that demolition is required pursuant to the provisions of Title 28, Chapter 2, Articles 215 or 216 of the New York City Administrative Code; or

(b) the Commissioner of the Department of Housing Preservation and Development, after providing 60 days notice and opportunity to comment to the local Community Board, has certified:

(1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;

(2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally funded program; and

(3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section 93-90, paragraph (c), or has certified compliance with the cure provisions of Section 93-90, paragraph (d).

(c) the following structures shall be exempt from the provisions of this Section:

(1) any city-owned #multiple dwellings#;

(2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low- or moderate-income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(3) any #multiple dwelling# initially occupied for #residential# purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;

(4) any #exempt hotel#, as defined in Section 93-90;

(5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or

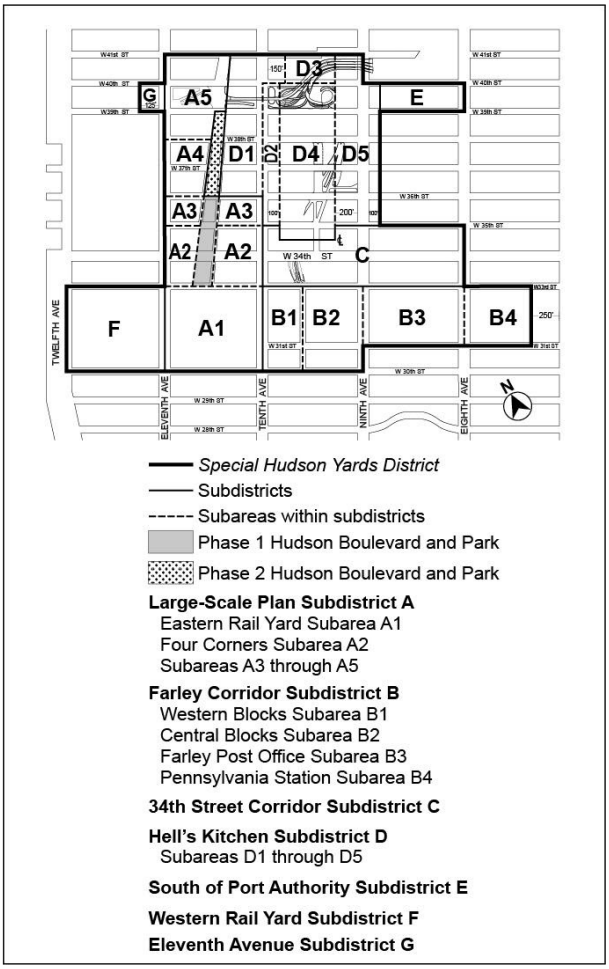
(6) any #exempt institutional residence#, as defined in Section 93-90.

Appendix A - Special Hudson Yards District

LAST AMENDED
4/29/2014

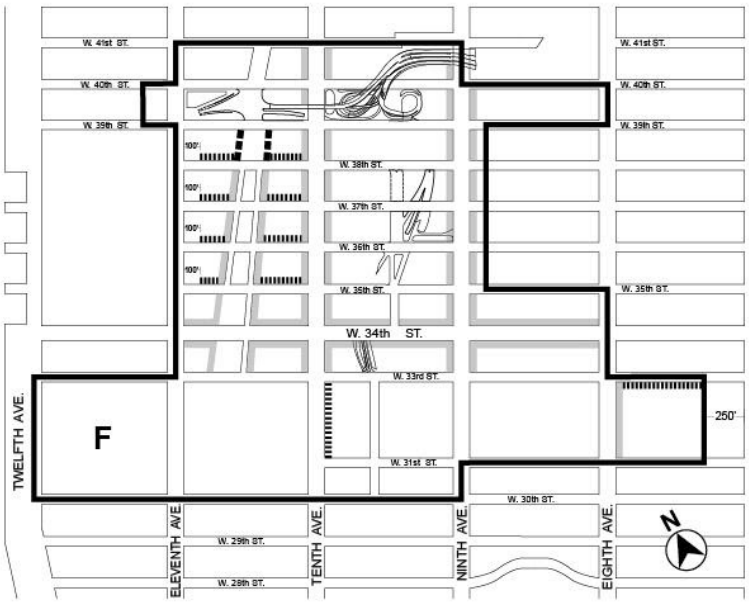
(10/21/21)

Map 1 — Special Hudson Yards District, Subdistricts and Subareas (93-A1)



(10/21/21)

Map 2 — Mandatory Ground Floor Retail (93-A2)



Special Hudson Yards District

100% Retail and Glazing Requirement

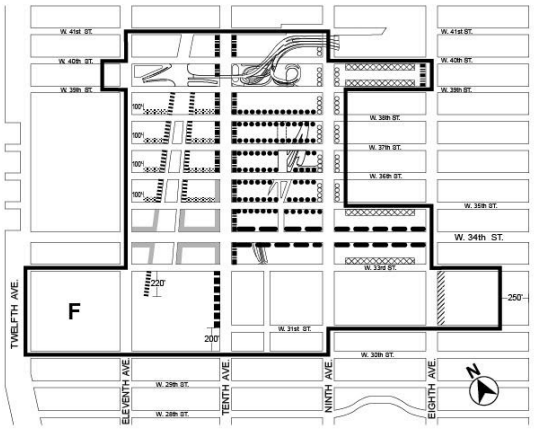
50% Retail and Glazing Requirement

Glazing Requirement Only

F Subdistrict F (See Appendix B, Map 4 for Mandatory Ground Floor Requirements)

(10/21/21)

Map 3 — Mandatory Street Wall Requirements (93-A3)



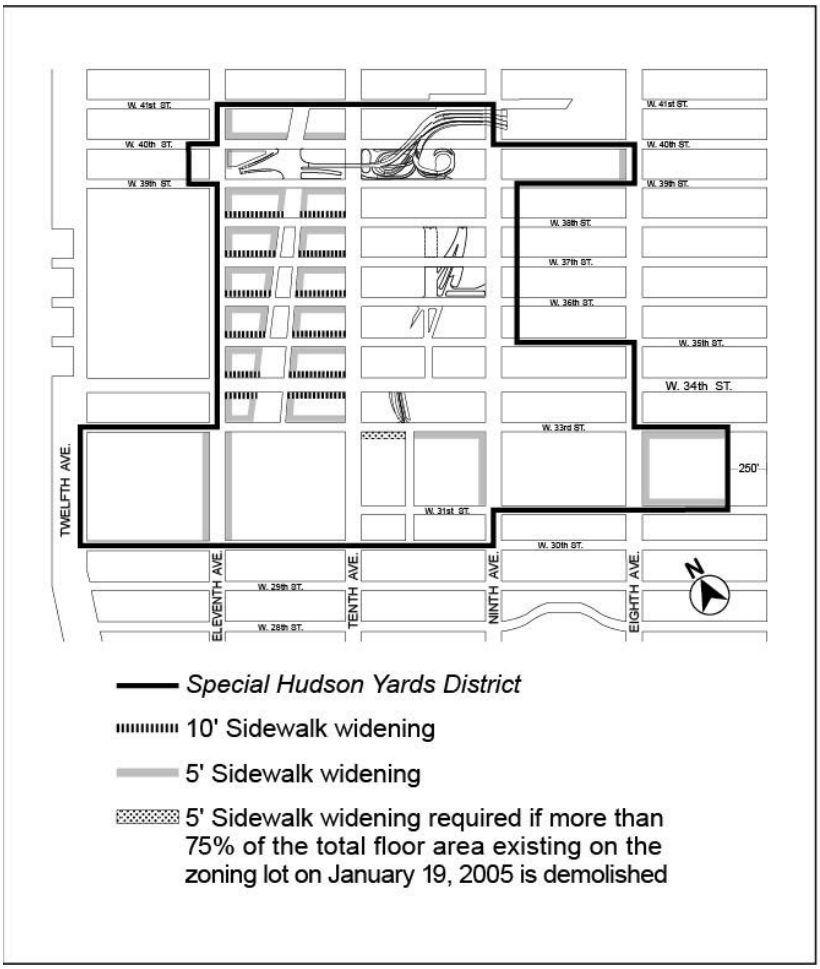
Special Hudson Yards District

	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
	60'	85'	100%
	60'	85'	None
	60'	120'	50%
	80'	90'	100%
	90'	120'	70%
	60'	150'	70%
	90'	120'	100%
	90'	150'	100%
	90'	150'	70%
	90'	150'	35%
	120'	150'	100%

F Subdistrict F (See Appendix B, Map 5 for Mandatory Street Wall Requirements)

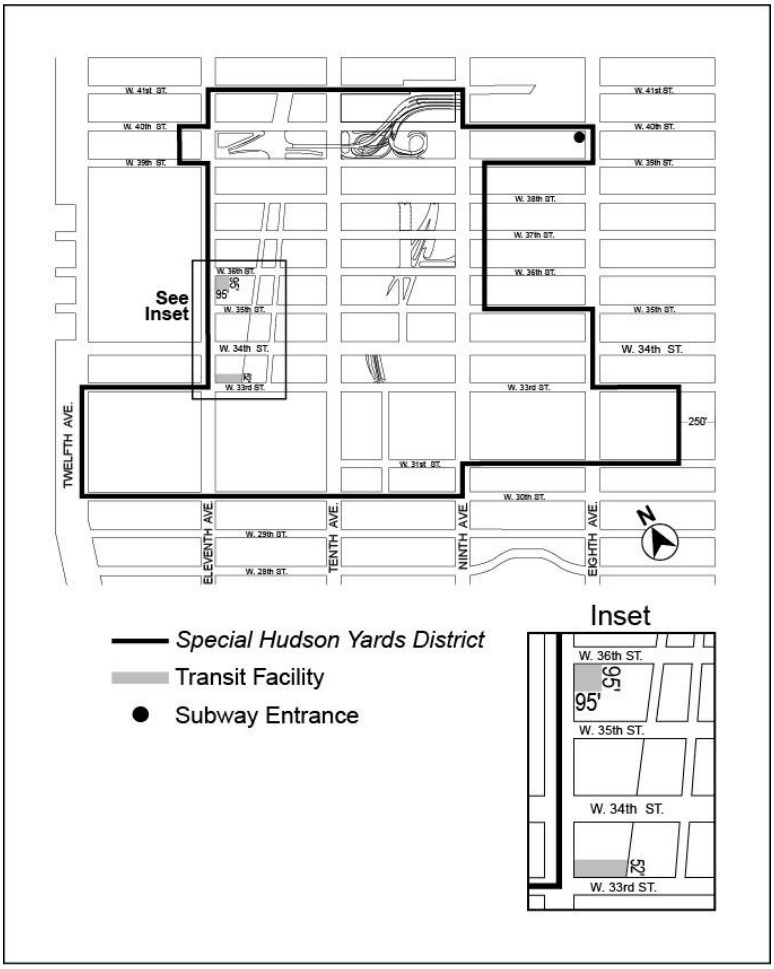
(10/21/21)

Map 4 — Mandatory Sidewalk Widenings (93-A4)



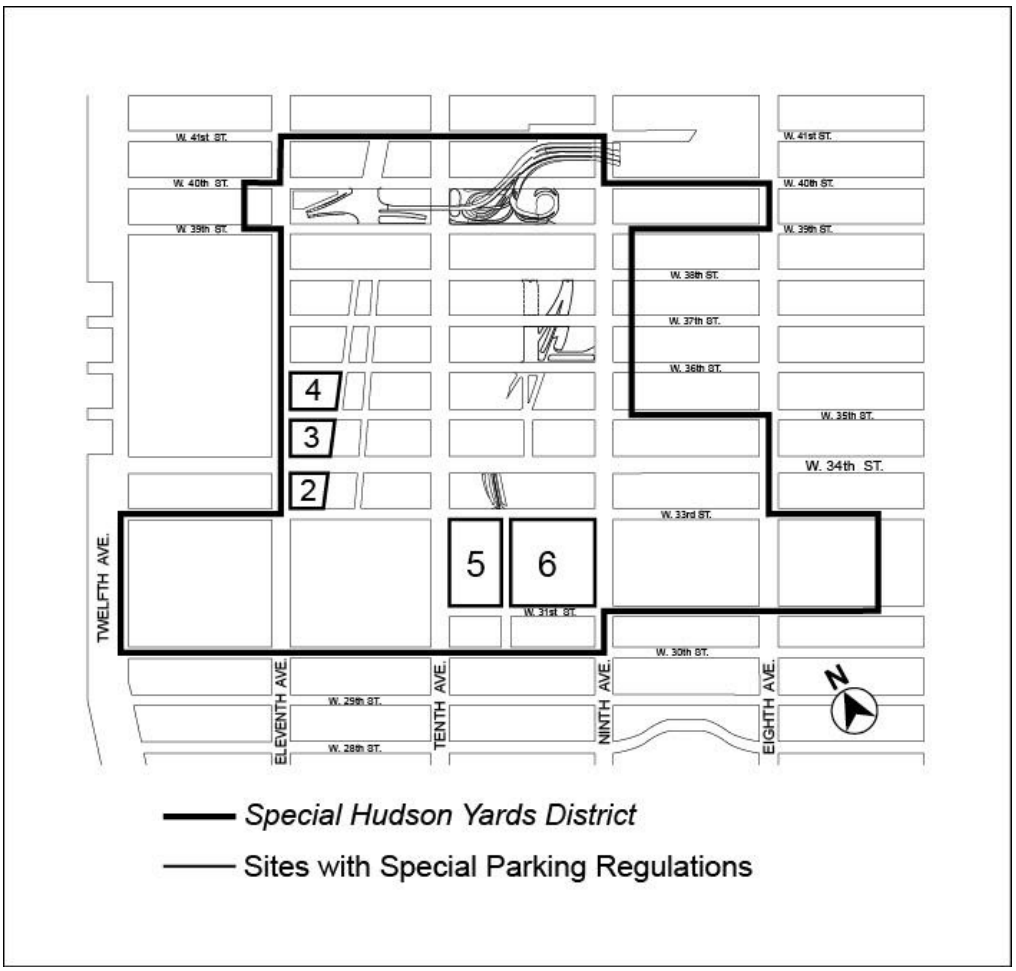
(10/21/21)

Map 5 — Transit Facilities (93-A5)



(10/21/21)

Map 6 — Sites Where Special Parking Regulations Apply (93-A6)

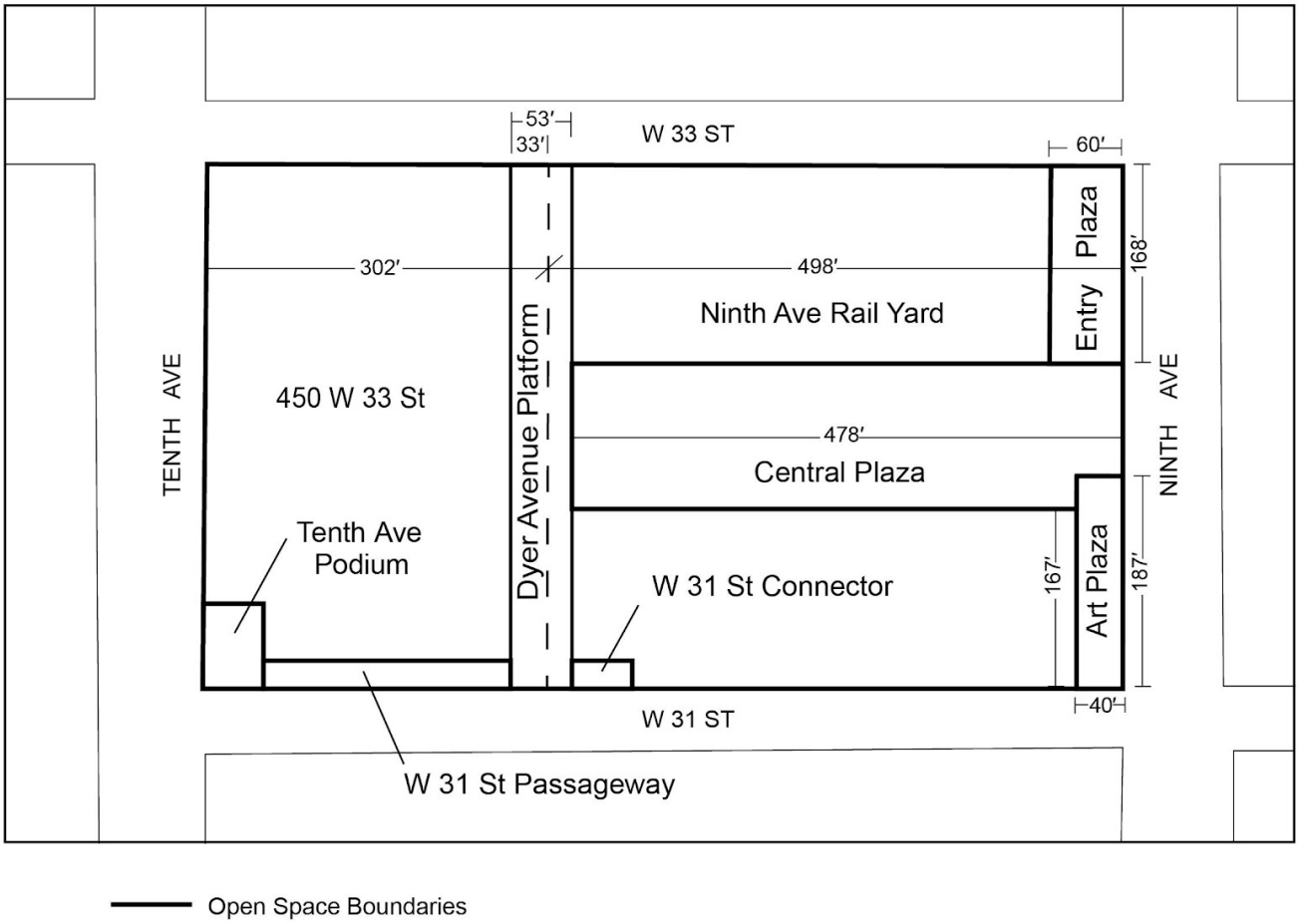


Appendix B - Special Hudson Yards Subdistricts Maps

LAST AMENDED
4/29/2014

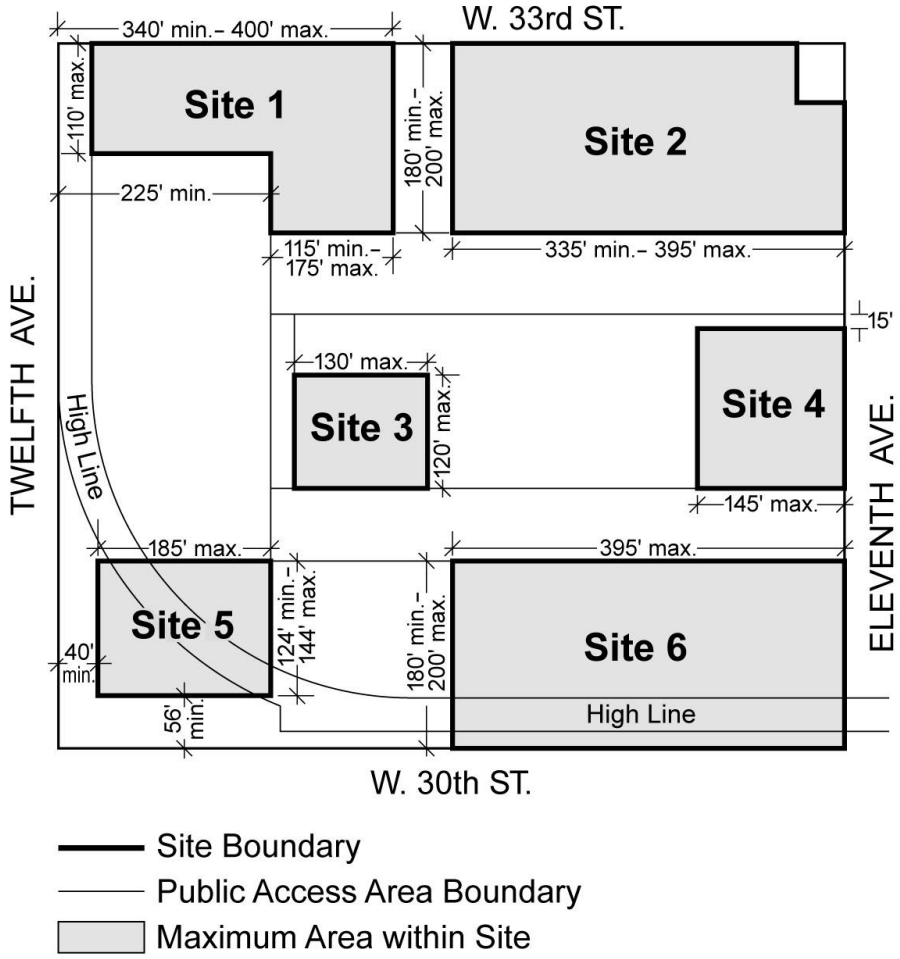
(8/9/17)

Map 1 — Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan (93-B1)



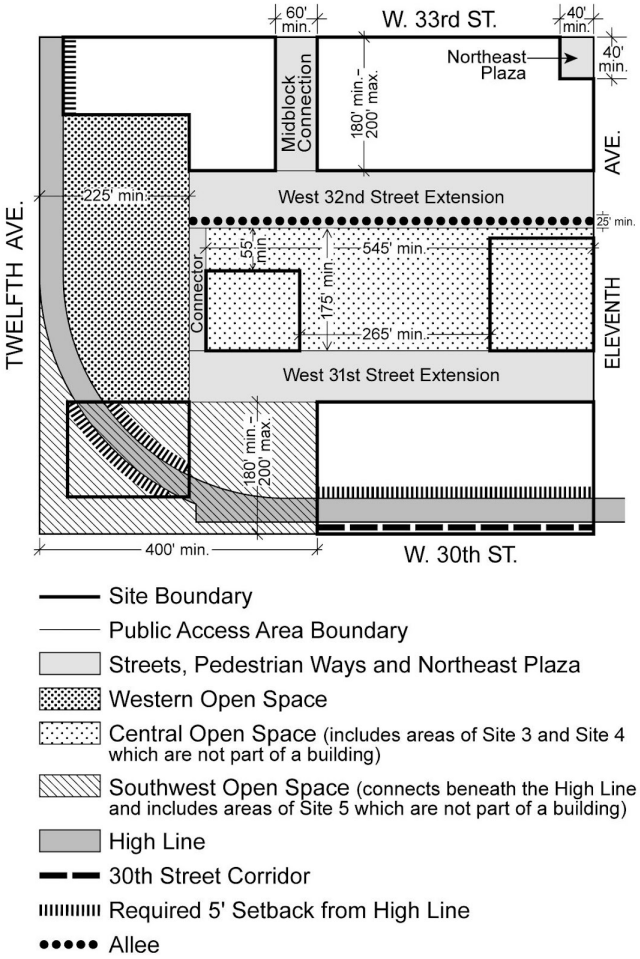
(4/29/14)

Map 2 — Subdistrict F: Site Plan (93-B2)



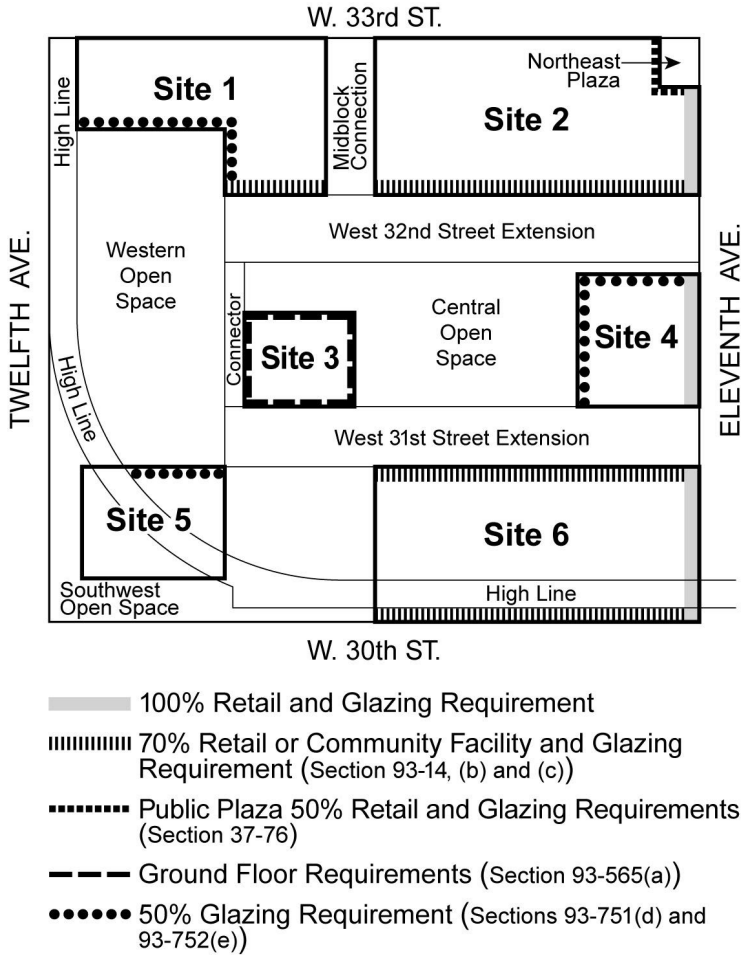
(4/29/14)

Map 3 — Subdistrict F: Public Access Area Plan (93-B3)



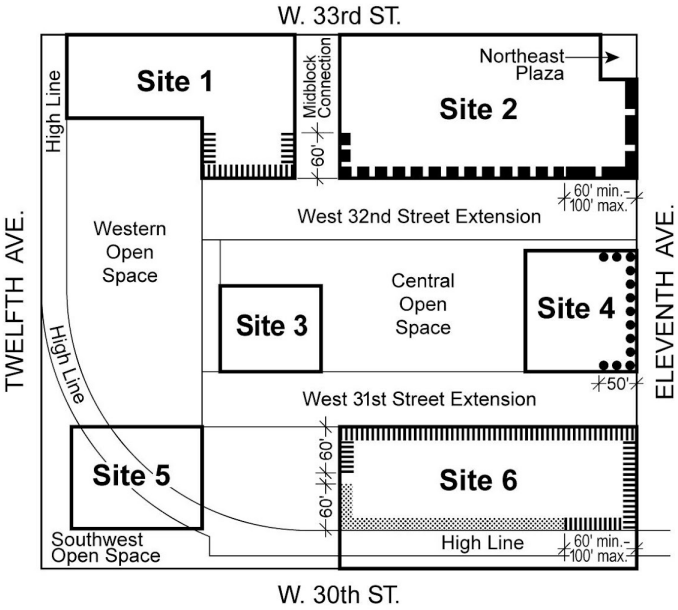
(4/29/14)

Map 4 — Subdistrict F: Mandatory Ground Floor Requirements (93-B4)



(4/29/14)

Map 5 — Subdistrict F: Mandatory Street Wall Requirements (93-B5)



	Minimum Base Height	Maximum Base Height	Percentage of frontage that must be occupied by a street wall	Percentage of street wall which must recess	Maximum percentage of street wall which may set back
	50'*	60'*	100%	20%	30%
	60'	90'	100%	20%	30%
	90'	120'	100%	20%	50%
	90'	120'	100%	20%	30%
	120'	150'	100%	20%	30%

*As measured above the High Line bed