Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Articles I-XIV and Appendices

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Article I - General Provisions

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Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

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Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

11-00 - TITLE

LAST AMENDED
12/15/1961

11-01 - Long Title

LAST AMENDED
12/15/1961

A Resolution regulating the height and bulk of buildings and other structures, regulating and determining the area of yards, courts and other open spaces, and the density of population, and regulating and restricting the location of trades and industries and the location of buildings designed for specific uses within the City of New York, and for such purposes dividing the City into districts.

11-02 - Short Title

LAST AMENDED
12/15/1961

This Resolution shall be known and may be cited as the Zoning Resolution of the City of New York.

11-10 - ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS

LAST AMENDED
12/15/1961

11-11 - Establishment of Control over Use and Bulk

LAST AMENDED
12/15/1961

11-111 - Applicability of this Resolution

LAST AMENDED
2/2/2011

In all districts, after December 15, 1961, any #zoning lot# or other tract of land, as applicable, and anything therein or thereupon, including any #development#, #enlargement#, #extension#, change of #use#, new or existing #use#, #conversion#, alteration, site alteration, relocation, reconstruction and any #building or other structure# shall be subject to the regulations of this Resolution; and shall continue to be subject to the provisions of this Resolution in effect at the time of such #development#, #enlargement#, establishment of or change of #use#, #conversion#, alteration, site alteration, relocation or reconstruction, unless such provisions are modified by an amendment of this Resolution applicable to #buildings or other structures# or #uses# existing at the time of such amendment.

Where an existing #use# or #building or other structure# is #non-conforming# or #non-complying#, the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) may apply.

11-12 - Establishment of Districts

LAST AMENDED
5/8/2013

11-121 - District names

LAST AMENDED
2/2/2011

Each zoning district is designated by a letter indicating the general land use classification – R for Residence, C for Commercial and M for Manufacturing – followed by one or two numbers and, sometimes, a letter suffix. In residence districts, generally, the higher the first number, the greater the density permitted and the larger the building. Parking requirements usually decrease as density increases. A second number, following a hyphen (such as R3-1 or R3-2), denotes variations in use, bulk or parking regulations among districts within a common density category. In commercial and manufacturing districts, the first number denotes the intensity of permitted uses; the higher the first number, generally, the broader the scope of uses that are permitted and the more significant the land use impact of such uses. The second number, following a hyphen, denotes differences in bulk or parking regulations within a common use category. The higher the second number, generally, the larger the building permitted and/or the lower the parking requirements. Letter suffixes have been added to the designations of certain districts (such as R10A) to indicate contextual counterparts that seek to maintain, enhance or establish new neighborhood characteristics or building scale.

11-122 - Districts established

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LAST AMENDED
3/22/2018

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

R1-1 Single-Family Detached Residence District

R1-2 Single-Family Detached Residence District

R1-2A Single-Family Detached Residence District

R2 Single-Family Detached Residence District

R2A Single-Family Detached Residence District

R2X Single-Family Detached Residence District

R3-1 Detached and Semi-Detached Residence District

R3-2 General Residence District

R3A Detached Residence District

R3X Detached Residence District

R4 General Residence District

R4-1 Detached and Semi-Detached Residence District

R4A Detached Residence District

R4B General Residence District

R5 General Residence District

R5A Detached Residence District

R5B General Residence District

R5D General Residence District

R6 General Residence District

R6A General Residence District

R6B General Residence District

R7-1 General Residence District

R7-2 General Residence District

R7-3 General Residence District

R7A General Residence District

R7B General Residence District

R7D General Residence District

R7X General Residence District

R8 General Residence District

R8A General Residence District

R8B General Residence District

R8X General Residence District

R9 General Residence District

R9-1 General Residence District

R9A General Residence District

R9D General Residence District

R9X General Residence District

R10 General Residence District

R10A General Residence District

R10H General Residence District

R10X General Residence District

Commercial Districts

C1-1 Local Retail District

C1-2 Local Retail District

C1-3 Local Retail District

C1-4 Local Retail District

C1-5 Local Retail District

C1-6 Local Retail District

C1-6A Local Retail District

C1-7 Local Retail District

C1-7A Local Retail District

C1-8 Local Retail District

C1-8A Local Retail District

C1-8X Local Retail District

C1-9 Local Retail District

C1-9A Local Retail District

C2-1 Local Service District

C2-2 Local Service District

C2-3 Local Service District

C2-4 Local Service District

C2-5 Local Service District

C2-6 Local Service District

C2-6A Local Service District

C2-7 Local Service District

C2-7A Local Service District

C2-7X Local Service District

C2-8 Local Service District

C2-8A Local Service District

C3 Waterfront Recreation District

C3A Waterfront Recreation District

C4-1 General Commercial District

C4-2 General Commercial District

C4-2A General Commercial District

C4-2F General Commercial District

C4-3 General Commercial District

C4-3A General Commercial District

C4-4 General Commercial District

C4-4A General Commercial District

C4-4D General Commercial District

C4-4L General Commercial District

C4-5 General Commercial District

C4-5A General Commercial District

C4-5D General Commercial District

C4-5X General Commercial District

C4-6 General Commercial District

C4-6A General Commercial District

C4-7 General Commercial District

C4-7A General Commercial District

C5-1 Restricted Central Commercial District

C5-1A Restricted Central Commercial District

C5-2 Restricted Central Commercial District

C5-2.5 Restricted Central Commercial District

C5-2A Restricted Central Commercial District

C5-3 Restricted Central Commercial District

C5-3.5 Restricted Central Commercial District

C5-4 Restricted Central Commercial District

C5-5 Restricted Central Commercial District

C5-P Restricted Central Commercial District

C6-1 General Central Commercial District

C6-1A General Central Commercial District

C6-1G General Central Commercial District

C6-2 General Central Commercial District

C6-2A General Central Commercial District

C6-2G General Central Commercial District

C6-2M General Central Commercial District

C6-3 General Central Commercial District

C6-3A General Central Commercial District

C6-3D General Central Commercial District

C6-3X General Central Commercial District

C6-4 General Central Commercial District

C6-4.5 Restricted Central Commercial District

C6-4A General Central Commercial District

C6-4M General Central Commercial District

C6-4X General Central Commercial District

C6-5 General Central Commercial District

C6-5.5 Restricted Central Commercial District

C6-6 General Central Commercial District

C6-6.5 Restricted Central Commercial District

C6-7 General Central Commercial District

C6-7.5 Restricted Central Commercial District

C6-7T Restricted Central Commercial District

C6-8 General Central Commercial District

C6-9 General Central Commercial District

C7 Commercial Amusement District

C8-1 General Service District

C8-2 General Service District

C8-3 General Service District

C8-4 General Service District

Manufacturing Districts

M1-1 Light Manufacturing District (High Performance)

M1-1D Light Manufacturing District (High Performance)

M1-2 Light Manufacturing District (High Performance)

M1-2D Light Manufacturing District (High Performance)

M1-3 Light Manufacturing District (High Performance)

M1-3D Light Manufacturing District (High Performance)

M1-4 Light Manufacturing District (High Performance)

M1-4D Light Manufacturing District (High Performance)

M1-5 Light Manufacturing District (High Performance)

M1-5B Light Manufacturing District (High Performance)

M1-5D Light Manufacturing District (High Performance)

M1-5M Light Manufacturing District (High Performance)

M1-6 Light Manufacturing District (High Performance)

M1-6D Light Manufacturing District (High Performance)

M1-6M Light Manufacturing District (High Performance)

M2-1 Medium Manufacturing District (Medium Performance)

M2-2 Medium Manufacturing District (Medium Performance)

M2-3 Medium Manufacturing District (Medium Performance)

M2-4 Medium Manufacturing District (Medium Performance)

M3-1 Heavy Manufacturing District (Low Performance)

M3-2 Heavy Manufacturing District (Low Performance)

Special Purpose Districts

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the #Special 125th Street District# is hereby established.

Establishment of the Special Battery Park City District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 4, the #Special Battery Park City District# is hereby established.

Establishment of the Special Bay Ridge District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 4, the #Special Bay Ridge District# is hereby established.

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special Brooklyn Navy Yard District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 4, the #Special Brooklyn Navy Yard District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special Coastal Risk District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 7, the #Special Coastal Risk District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 6, the #Special Coney Island Mixed Use District# is hereby established.

Establishment of the Special Downtown Brooklyn District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 1, the #Special Downtown Brooklyn District# is hereby established.

Establishment of the Special Downtown Far Rockaway District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 6, the #Special Downtown Far Rockaway District# is hereby established.

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

Establishment of the Special Flushing Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 7, the #Special Flushing Waterfront District# is hereby established.

Establishment of the Special Forest Hills District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Forest Hills District# is hereby established.

Establishment of the Special Garment Center District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 1, the #Special Garment Center District# is hereby established.

Establishment of the Special Governors Island District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 4, the #Special Governors Island District# is hereby established.

Establishment of the Special Gowanus Mixed Use District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 9, the #Special Gowanus Mixed Use District# is hereby established.

Establishment of the Special Grand Concourse Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 2, the #Special Grand Concourse Preservation District# is hereby established.

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

Establishment of the Special Hillsides Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillsides Preservation District# is hereby established.

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

Establishment of the Special Hudson Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 8, the #Special Hudson Square District# is hereby established.

Establishment of the Special Hudson Yards District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 3, the #Special Hudson Yards District# is hereby established.

Establishment of the Special Hunts Point District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special Hunts Point District# is hereby established.

Establishment of the Special Inwood District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 2, the #Special Inwood District# is hereby established.

Establishment of the Special Jerome Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 1, the #Special Jerome Corridor District# is hereby established.

Establishment of Special Limited Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 3, the #Special Limited Commercial District# is hereby established.

Establishment of Limited Height Districts

The following are hereby established as #Limited Height Districts# to which the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts) shall apply either directly or in other provisions of this Resolution, where they are incorporated by cross-reference:

LH-1 Limited Height District No. 1

LH-1A Limited Height District No. 1A

LH-2 Limited Height District No. 2

LH-3 Limited Height District No. 3

Establishment of the Special Lincoln Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 2, the #Special Lincoln Square District# is hereby established.

Establishment of the Special Little Italy District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 9, the #Special Little Italy District# is hereby established.

Establishment of the Special Long Island City Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 7, the #Special Long Island City Mixed Use District# is hereby established.

Establishment of the Special Lower Manhattan District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 1, the #Special Lower Manhattan District# is hereby established.

Establishment of the Special Madison Avenue Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 9, the #Special Madison Avenue Preservation District# is hereby established.

Establishment of the Special Manhattanville Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 4, the #Special Manhattanville Mixed Use District# is hereby established.

Establishment of the Special Midtown District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 1, the #Special Midtown

District# is hereby established.

Establishment of the Special Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 3, the #Special Mixed Use District# is hereby established.

Establishment of the Special Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

Establishment of the Special Park Improvement District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 2, the #Special Park Improvement District# is hereby established.

Establishment of the Special Planned Community Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 3, the #Special Planned Community Preservation District# is hereby established.

Establishment of the Special Scenic View District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 2, the #Special Scenic View District# is hereby established.

Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

Establishment of the Special SoHo-NoHo Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special SoHo-NoHo Mixed Use District# is hereby established.

Establishment of the Special South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

Establishment of the Special Southern Hunters Point District

In order to carry out the special purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

Establishment of the Special Southern Roosevelt Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 3, the #Special Southern Roosevelt Island District# is hereby established.

Establishment of the Special St. George District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 8, the #Special St. George District# is hereby established.

Establishment of the Special Stapleton Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 6, the #Special Stapleton Waterfront District# is hereby established.

Establishment of the Special Transit Land Use District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 5, a #Special Transit Land Use District# is hereby established.

Establishment of the Special Tribeca Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 1, the #Special Tribeca Mixed Use District# is hereby established.

Establishment of the Special Union Square District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 8, the #Special Union Square District# is hereby established.

Establishment of the Special United Nations Development District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 5, the #Special United Nations Development District# is hereby established.

Establishment of the Special West Chelsea District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 8, the #Special West Chelsea District# is hereby established.

Establishment of the Special Willets Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 4, the #Special Willets Point District# is hereby established.

11-123 - Special Purpose Districts

LAST AMENDED
2/2/2011

For the Special Purpose Districts listed in Section 11-122 (Districts established), each Special Purpose District appears on the #zoning maps# superimposed on other districts and its regulations supplement or modify those of the districts upon which it is superimposed.

11-13 - Public Parks

LAST AMENDED
12/10/2013

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks) and in paragraph (c) of Section 62-351 (Special floor area regulations). In the event that a #public park# or portion thereof is sold, transferred, exchanged or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefor has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 71-10 (PROCEDURE FOR AMENDMENTS).

11-14 - Incorporation of Maps

LAST AMENDED
12/15/1961

The location and boundaries of the districts established by this Resolution are shown upon the #zoning maps#, which are

hereby incorporated into the provisions of this Resolution. The said #zoning maps# in their entirety, including all amendments thereto, shall be as much a part of this Resolution as if fully set forth and described herein.

11-15 - Environmental Requirements

LAST AMENDED
3/28/2012

The designation (E) or an environmental restrictive declaration, where listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of this Resolution, indicate that environmental requirements pertaining to potential hazardous materials, noise or air quality impacts have been established in connection with an amendment of or an action pursuant to this Resolution for one or more tax lots. Such environmental requirements are set forth in the CEQR determination related to such amendment or action.

CEQR determinations are on file with the lead agency and the Mayor's Office of Environmental Coordination (MOEC). A listing of such CEQR determinations and their related environmental requirements is found within APPENDIX C of this Resolution. (E) designations and environmental restrictive declarations may only be removed from APPENDIX C or modified in accordance with the provisions of paragraph (d) of this Section.

In the case of a merger or subdivision of lots, any of which is subject to an (E) designation or environmental restrictive declaration, such (E) designation or environmental restrictive declaration shall be considered assigned to all portions of the merged or subdivided lots. The environmental requirements of such (E) designation or environmental restrictive declaration shall apply to the merged or subdivided lots, or portions thereof, as determined by the Office of Environmental Remediation (OER).

Tax lots with environmental requirements shall be subject to the following:

(a) Building permit conditions

Prior to issuing a building permit or temporary or final certificate of occupancy, for any action listed in paragraphs (a)(1), (a)(2) or (a)(3) of this Section, on a tax lot that has an (E) designation or an environmental restrictive declaration related to hazardous materials, noise or air quality, the Department of Buildings (DOB) shall be furnished with a notice issued by OER stating that OER does not object to the issuance of such building permit, or temporary or final certificate of occupancy, in accordance with the applicable rules of the City of New York (OER Notice).

(1) For hazardous materials

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#, any of which involves a #residential# or a #community facility use#; or

(iii) an #enlargement# or alteration of a #building# for any #use# that involves a disturbance of the soil;

(2) For air quality

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#; or

(iii) an alteration that involves ventilation or exhaust systems, including, but not limited to, stack relocation or vent replacement; or

(3) For noise

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#; or

(iii) an alteration that involves window or exterior wall relocation or replacement.

(b) Ongoing site management

In the event that a duly issued OER Notice indicates that a tax lot that has an (E) designation or an environmental restrictive declaration requires ongoing site management, OER may require that a declaration of covenants and restrictions governing the ongoing site management requirements be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's Office in the county where the lot is located.

As a condition to the issuance of a temporary or final certificate of occupancy or granting of permit sign-off, if no certificate of occupancy is required, DOB shall be provided with proof that the declaration of covenants and restrictions for ongoing site management has been duly recorded. The recording information for the ongoing site management declaration shall be referenced on the first certificate of occupancy to be issued after such declaration is recorded, as well as all subsequent certificates of occupancy, for as long as the declaration remains in effect.

(c) Modifications

Upon application to OER by the owner of the affected lot(s), OER may, with the consent of the lead agency, modify the environmental requirements set forth in a CEQR determination based upon new information, additional facts or updated standards, as applicable, provided that such modifications are equally protective.

(d) Completion of environmental requirements

(1) Removal of tax lots subject to an (E) designation or an environmental restrictive declaration from APPENDIX C

The Department of City Planning (DCP) shall administratively modify APPENDIX C after receiving a duly issued OER Notice, stating that the environmental requirements related to an (E) designation or contained in an environmental restrictive declaration related to potential hazardous materials, noise or air quality have been completed or otherwise no longer apply to a tax lot(s), because:

(i) no further testing, remediation or ongoing site management is required for hazardous materials contamination;

(ii) the noise-generating source has been permanently eliminated; or

(iii) the emissions source related to air quality has been permanently eliminated.

(2) Removal of an (E) designation from APPENDIX C

DCP shall administratively remove an (E) designation from APPENDIX C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements for all tax lots subject to the (E) designation have been completed.

(3) Cancellation of an environmental restrictive declaration and modification of APPENDIX C

DCP shall administratively remove an environmental restrictive declaration from APPENDIX C when, in

accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements contained in such environmental restrictive declaration have been completed for all tax lots and a Notice of Cancellation of the environmental restrictive declaration has been duly recorded against the subject tax lots in the Office of the City Register or, where applicable, in the County Clerk's Office in the county where the lots are located.

(4) Notification

DCP shall notify DOB, MOEC and OER when modifications to APPENDIX C are made.

(e) The provisions of this Section shall apply to all (E) designations and environmental restrictive declarations, notwithstanding the date such environmental requirements were established.

11-151 - Special requirements for properties in the Borough of Queens

LAST AMENDED
3/28/2012

(a) Block 9898, Lots 1 and 117, in the Borough of Queens, shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of the Zoning Resolution.

(b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (1) through (5) of this paragraph, (b).

(1) The regulations of an R4 District shall apply within an area bounded by Liberty Avenue, 170th Street, a line 100 feet southeasterly of Liberty Avenue, and a line 100 feet southwesterly of 168th Place.

(2) The regulations of a C8-1 District shall apply within an area bounded by Liberty Avenue, a line 100 feet southwesterly of 168th Place, a line 150 feet northwesterly of 104th Avenue, and Merrick Boulevard.

(3) The regulations of an M1-1 District shall apply within an area bounded by Liberty Avenue, Sutphin Boulevard, 105th Avenue, a line 50 feet southwesterly of 148th Street, a line 100 feet northwesterly of 105th Avenue, and a line 150 feet northeasterly of Sutphin Boulevard.

(4) The regulations of an R6 District with a C2-2 District overlay shall apply within an area bounded by 163rd Street, a line perpendicular to 163rd Street passing through a point distant 109.42 feet as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street, a line 86 feet northeasterly of 163rd Street, a line perpendicular to 163rd Street passing through a point 146.92 feet distant as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street.

(5) The regulations of a C8-1 District shall apply within an area bounded by Hillside Avenue, a line 388 feet westerly of 144th Street, a line 100 feet northwesterly of 88th Avenue, a line 100 feet northeasterly of 139th Street, a line 120 feet northwesterly of 88th Avenue, a line 60 feet northeasterly of 139th Street, a line 70 feet southeasterly of Hillside Avenue, and 139th Street; and within an area bounded by Queens Boulevard, Hillside Avenue, 139th Street, a line 100 feet southeasterly of Hillside Avenue, a line midblock between 139th Street and Queens Boulevard, a line perpendicular to Queens Boulevard passing through a point distant 140 feet as measured along the northeasterly #street line# of Queens Boulevard from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of Queens Boulevard.

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in paragraph (b) of this Section, the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

11-16 - Pierhead Lines, Bulkhead Lines and Marginal Streets

LAST AMENDED
10/25/1993

The pierhead and bulkhead lines shown on the #zoning maps# shall be the lines adopted by the United States Army Corps of Engineers, except where a New York City pierhead or bulkhead line is adopted, in which case the New York City line shall be the governing line for the purposes of this Resolution. In the event a provision of this Resolution refers to a pierhead or bulkhead line and no such line is shown on the #zoning map#, then the #shoreline# shall control.

Marginal streets, ways, places or wharves shown on the #zoning maps# shall not be deemed to be #streets# for the purposes of this Resolution, unless expressly stated otherwise.

11-20 - INTERPRETATION OF PROVISIONS

LAST AMENDED
12/15/1961

11-21 - Provisions Are Minimum Requirements

LAST AMENDED
12/15/1961

In interpreting and applying the provisions of this Resolution, such provisions shall be considered as the minimum requirements:

(a) to promote and protect public health, safety and general welfare, as set forth in the Preamble to this Resolution and in the statements of legislative intent for the respective districts and other regulations; and

(b) to provide a gradual remedy for existing conditions which are detrimental thereto.

11-22 - Application of Overlapping Regulations

LAST AMENDED
12/15/1961

Whenever any provision of this Resolution and any other provisions of law, whether set forth in this Resolution or in any other law, ordinance or resolution of any kind, impose overlapping or contradictory regulations over the #use# of land, or over the #use# or #bulk# of #buildings or other structures#, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

11-23 - Demolition and Replacement

LAST AMENDED
3/22/2016

The alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development# for the purposes of the following provisions. The provisions of this Section shall apply notwithstanding the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings). However, these provisions shall not apply where the #building# to be replaced is a #single-# or #two-family residence# utilizing the provisions of Article V.

Section 23-03 (Street Tree Planting in Residence Districts)

Section 23-04 (Planting Strips in Residence Districts)

Section 33-03 (Street Tree Planting in Commercial Districts)

Section 37-35 (Parking Wrap and Screening Requirements)

Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR)

Section 81-42 (Retail Continuity along Designated Streets)

Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair)

Section 81-72 (Use Regulations Modified)

Section 82-12 (Mandatory Off-Street Relocation of a Subway Stair)

Section 82-23 (Street Wall Transparency)

Section 91-12 (Uses on Designated Retail Streets)

Section 91-41 (Regulations for Designated Retail Streets)

Section 91-43 (Off-Street Relocation or Renovation of a Subway Stair)

Section 93-14 (Ground Floor Level Requirements)

Section 93-65 (Transit Facilities)

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

Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES)

Section 95-03 (Transit Easement)

Section 95-04 (Certification of Transit Easement Volume)

Section 95-08 (Special Use Regulations)

Section 97-12 (Arts and Entertainment Use Requirement)

Section 97-22 (Uses Not Permitted on the Ground Floor of Buildings)

Section 97-23 (Transparency Requirements)

Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue)

Section 98-53 (Required Open Areas on the East Side of the High Line)

Section 98-54 (Transparency Requirements on the East Side of the High Line)

Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS)

Section 101-11 (Special Ground Floor Use Regulations)

Section 101-12 (Transparency Requirements)

Section 101-43 (Off-street Relocation or Renovation of a Subway Stair)

Section 108-30 (MODIFICATION OF STREET TREE REQUIREMENTS)

Section 109-132 (Treatment of the ground level wall)

Section 109-21 (Use Regulations)

Section 109-33 (Special Front Wall Regulations)

Section 115-14 (Transparency Requirement in C4-5X and C6 Districts)

Section 116-12 (Mandatory Ground Floor Use and Frontage Requirements)

Section 116-13 (Transparency Requirements)

Section 117-31 (Special Use Regulations)

Section 117-42 (Special Bulk and Use Regulations in the Court Square Subdistrict)

Section 117-44 (Mandatory Subway Improvements)

Section 117-45 (Developer's Notice)

Section 117-513 (Transparency requirement)

Section 117-553 (Mandatory sidewalk widening)

Section 118-40 (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS)

Section 118-50 (OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT)

Section 119-112 (Tier I tree planting requirements)

Section 119-216 (Tier II tree planting requirements)

Section 122-50 (SPECIAL PROVISIONS FOR PLANTING STRIPS)

Section 124-30 (MANDATORY IMPROVEMENTS)

Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS)

Section 126-21 (Street Tree Planting)

11-25 - District Designations Appended with Suffixes

LAST AMENDED
6/29/1994

All regulations applicable to a district designation shall be applicable to such district designation appended with a suffix, except as otherwise set forth in express provisions of this Resolution. If a section lists an R4 District, therefore, the provisions of that section shall also apply to R4-1, R4A and R4B Districts, unless separate provisions for the districts with suffixes are listed within such section. Wherever a section lists only a district with a suffix, the provisions applicable to such district are different from the provisions of that district without a suffix. If a section lists only a C4-6A District, therefore, the provisions of that section are not applicable to a C4-6 District.

11-27 - Regulations Concerning Effective Date of Amendment and Alteration Permits

LAST AMENDED
6/29/1989

11-271 - Alteration permits filed for residential occupancy prior to May 18, 1981, in certain M1-6 Districts

LAST AMENDED
6/29/1989

In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

(a) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#; and

(b) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

11-272 - Alteration applications filed prior to effective date of amendment C821182 ZMM, rezoning the area between Canal Street, Baxter Street, White Street and Broadway

LAST AMENDED
6/29/1989

In the #Manufacturing District# located in the area between Canal Street, Baxter Street, Walker Street, Centre Street, White Street and Broadway, #residential use# shall not be permitted. However:

(a) all #dwelling units# for which an alteration application to permit such #use# was filed with the Department of Buildings prior to December 16, 1982, and a temporary or permanent certificate of occupancy is obtained not later than

December 16, 1984, shall be a permitted #use#; and

(b) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on August 31, 1982, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than August 31, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.

11-28 - Regulations Concerning Effective Date of Permits Issued Pursuant to BSA Variances

LAST AMENDED
6/29/1989

11-281 - Permits issued pursuant to variances granted prior to the effective date of amendment C880800 ZMM, removing the Special Yorkville-East 86th Street District

LAST AMENDED
6/29/1989

If, within the area affected by #zoning map# amendment C880800 ZMM, a variance to modify #bulk# regulations was granted prior to June 30, 1989, and a permit was issued in accordance with the terms of said variance within two years of the grant of said variance, construction pursuant to said permit may be continued.

11-30 - BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT

LAST AMENDED
12/5/1991

11-31 - General Provisions

LAST AMENDED
2/2/2011

For the purposes of Section 11-33, relating to Building Permits Issued before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply:

(a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met.

(b) The rights set forth in these Sections shall be retained only if all modifications, made in such plans after the effective date of any applicable amendment to this Resolution, do not create a new #non-compliance# or #non-conformity# or increase the degree of #non-compliance# or #non-conformity# with the provisions of this Resolution, as amended.

(c) For the purposes of this paragraph (c), #abutting buildings# on a single #zoning lot# shall be considered to be a single #building#. As used in Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment):

(1) "minor development" shall include:

(i) construction of any single #building# which will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution; or

(ii) construction of two or more #buildings# on a single #zoning lot# which under the provisions of any applicable amendment to this Resolution will be #non-conforming#; or

(iii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a #street# or #street# intersection; and

(a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and

(b) will be #non-conforming# under the provisions of any applicable amendment to this Resolution; or

(iv) a major #enlargement#, which is an #enlargement# requiring the installation of foundations and involving at least 50 percent of the total #floor area# of such #enlarged building#, and which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution. For the purposes of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment) only, a major #enlargement# shall also include any other #enlargement# adding at least 50,000 square feet to the #floor area# of an existing #building#, which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution.

(2) "major development" shall include:

(i) construction of two or more #buildings# on a single #zoning lot# which will be #non-complying# under the provisions of any applicable amendment to this Resolution; or

(ii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a #street# or #street# intersection; and

(a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and

(b) will be #non-complying# under the provisions of any applicable amendment to this Resolution.

(3) "Other construction" shall include:

(i) any #enlargement# other than a major #enlargement#; or

(ii) any #extension#, #conversion# or structural alteration; or

(iii) construction of any structure other than a #building#;

which will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution.

11-33 - Building Permits for Minor or Major Development or Other Construction Issued

Before Effective Date of Amendment

LAST AMENDED
12/5/1991

The provisions of this Section shall apply to minor developments, major developments or other construction authorized by building permits lawfully issued before the effective date of an applicable amendment of this Resolution except as specifically provided elsewhere in this Resolution.

11-331 - Right to construct if foundations completed

LAST AMENDED
2/2/2011

If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued, as set forth in paragraph (a) of Section 11-31, to a person with a possessory interest in a #zoning lot#, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that:

(a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or

(b) in the case of a major development, the foundations for at least one #building# had been completed prior to such effective date.

In the event that such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations.

11-332 - Extension of period to complete construction

LAST AMENDED
6/29/1994

(a) In the event that the construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy including a temporary certificate of occupancy, issued therefor within two years after the effective date of any applicable amendment, or for other construction if construction has not been completed on the effective date of any applicable amendment, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew such building permit for two terms of not more than two years each for a minor development or three terms of not more than two years each for a major development or one term of not more than three months for other construction. In granting such an extension, the Board shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit.

(b) However, in the event that construction has not been completed at the expiration of the extended terms specified in paragraph (a) of this Section, or in Sections 11-333 (Residential developments with building permits issued on or before June 30, 1989) or 11-334 (Building permits issued prior to June 29, 1994), such building permit may be renewed by the Board for terms of one year each upon the following findings:

(1) that the applicant has been prevented from completing such construction by hardship or circumstances beyond the applicant's control;

(2) that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable amendment to this Resolution; and

(3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the applicable amendment to this Resolution.

(c) The rights or obligations that accrue or are created by this Section shall commence on December 5, 1991.

(d) If judicial proceedings affecting the validity of the building permit have been instituted, the rights or obligations that accrue or are created by this Section shall commence upon the date of entry of the final order in such proceedings, including all appeals.

11-333 - Residential developments with building permits issued on or before June 30, 1989

LAST AMENDED
12/5/1991

If on or before June 30, 1989, the foundations of a #residential# major or minor development have been completed and permits issued pursuant to the requirements of Section 11-331 (Right to construct if foundations completed), and a certificate of occupancy has not been issued by June 30, 1991, construction may continue until June 30, 1995, for a minor development, or until June 30, 1997, for a major development, provided the Commissioner of Buildings determines that 30 percent of the #floor area# of the major or minor development was roofed and enclosed by walls by June 30, 1991. Applications to continue construction under this Section must be filed with the Commissioner of Buildings within 90 days of December 5, 1991. If the Commissioner of Buildings has granted the right to continue construction of a major or minor development pursuant to this Section, the Board of Standards and Appeals may not grant the right to continue construction pursuant to paragraph (a) of Section 11-332.

11-334 - Building permits issued prior to June 29, 1994

LAST AMENDED
6/29/1994

If, before June 29, 1994, a building permit has been lawfully issued, as set forth in paragraph (a) of Section 11-31, to a person with a possessory interest in a #zoning lot# authorizing construction, such construction may be started or continued for a period of one year pursuant to the regulations governing R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10A Districts or #Commercial Districts# with such #Residence District bulk# regulations, or in any other district in which such construction complies with the Quality Housing Program, prior to the adoption of N940257 ZRY - Quality Housing Follow-Up Text Amendments.

11-335 - Building permits for other construction in R1-2A and R2A Districts

LAST AMENDED
4/22/2009

In R1-2A Districts established on or after April 22, 2009, and R2A Districts established on or after December 20, 2006, if a

building permit for other construction has been lawfully issued prior to the dates establishing such districts, such construction may be continued, notwithstanding the provisions of paragraph (a) of Section 11-332 (Extension of period to complete construction), provided that the Department of Buildings determines that all of the requisite structural framing to perform the work authorized under the permit was completed on or before the date establishing the district. If the Commissioner of Buildings determines that such framing was not complete on such date, the provisions of paragraph (a) of Section 11-332 shall apply.

11-336 - Building permits issued before April 30, 2008

LAST AMENDED

In all districts other than R1, R2, R3, R4 or R5 Districts, if, before April 30, 2008, a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N080078 ZRY, pertaining to #yards# and N080081 ZRY, pertaining to #street# trees, shall not apply, provided that foundations have been completed in accordance with paragraphs (a) and (b) of Section 11-331 (Right to construct if foundations completed), as applicable, before April 30, 2009. The provisions of Section 11-332 (Extension of period to complete construction) shall not apply.

11-337 - Building permits issued and applications filed before April 22, 2009

LAST AMENDED
4/22/2009

If, before April 22, 2009, a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

If, on or before November 17, 2008, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been certified or referred to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

For hospitals, if, before April 22, 2009, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been filed to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

11-338 - Building permits issued before February 2, 2011

LAST AMENDED
2/2/2011

If a building permit has been lawfully issued on or before February 2, 2011, authorizing “other construction” as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), construction pursuant to such permit may continue pursuant to the regulations governing such construction prior to the adoption of N110090(A) ZRY (Key Terms Clarification zoning text amendment) until February 2, 2012.

However, this Section shall not apply to “other construction” subject to Sections 23-692 (Height limitations for narrow buildings or enlargements) or 109-124 (Height and setback regulations).

11-339 - Building permits issued in the flood zone

LAST AMENDED
5/12/2021

The provisions of this Section shall apply within #flood zones#. The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the New York City Building Code, or its successors, including those pertaining to expiration, reinstatement, revocation and suspension. Changes in #flood maps# shall be considered an amendment of the Zoning Resolution for the purposes of applying the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT).

(a) Construction approved pursuant to previous versions of #flood maps#

If, within one year prior to a change in the #flood maps# affecting a property, the Department of Buildings issued a building permit for construction on that property pursuant to the previous #flood maps#, the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas) shall be deemed modified so as to substitute the previous #flood maps# for the current #flood maps# and such construction may continue pursuant to such prior #flood maps# until two years after the date of adoption of the new #flood maps#. After this date, the vesting provisions of Section 11-30 shall apply.

(b) Provisions applying when Appendix A (Special Regulations for Neighborhood Recovery) of Article VI, Chapter 4 expires

This provision shall become effective only upon the expiration of Appendix A of Article VI, Chapter 4, adopted on July 23, 2015. If a building permit authorizing construction pursuant to Appendix A has been approved on or before the expiration of such Appendix, construction may continue up to two years after the expiration. After such date, the provisions of Section 11-30 shall apply.

11-34 - Additional Provisions for Extension of Period to Complete Construction

LAST AMENDED
5/29/2019

11-341 - Building applications filed before July 8, 2017

LAST AMENDED
5/29/2019

If, before July 8, 2017, an application has been filed with the Department of Buildings for a #development# on a #corner lot# with a #lot area# of less than 5,000 square feet, located in a C5-2 District in Community District 5 of the Borough of Manhattan, the provisions established in N 190230 ZRY pertaining to calculating #floor area# in a tower containing #residences# shall not apply in the portion of such #building# below a height of 130 feet above the #base plane#, provided that the aggregate height of any floor space on #stories# occupied predominantly by mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, does not exceed 80 feet.

11-40 - EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

LAST AMENDED
7/18/1995

11-41 - Exceptions, Variances or Permits Previously Authorized Pursuant to the 1916 Zoning Resolution

LAST AMENDED
7/18/1995

Whenever under the provisions of the 1916 Zoning Resolution as amended, either the Board of Standards and Appeals or the City Planning Commission with the approval of the Board of Estimate or the City Council, has authorized any #use# to locate in a district in which it is not permitted as-of-right by issuing a variance, exception or permit, such existing #use# established pursuant to such grant may be continued, changed, #extended#, #enlarged# or structurally altered only as provided in this Section or in Article VII, Chapter 3 or 4, provided that the #lot area# of the #zoning lot# occupied by such #use# is not increased.

11-411 - Renewals

LAST AMENDED
12/15/1961

Where no limitation as to duration of the #use# was imposed at the time of authorization, such #use# may be continued. Where such #use# was authorized subject to a term of years, such #use# may be continued until the expiration of the term, and thereafter, the agency which originally authorized such #use# may, in appropriate cases, extend the period of continuance for one or more terms of not more than 10 years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such #use# on the character of the neighborhood.

11-412 - Alterations, extensions or enlargements

LAST AMENDED
12/5/1991

Repairs or #incidental alterations# may be made and in appropriate cases the authorizing agency may permit structural alterations, #extensions# or #enlargements# limited to the #zoning lot# that was granted a variance, exception or permit prior to December 15, 1961. However, the #use# of any #building or other structure# shall not be #extended#, and the #building or other structure# shall not be #enlarged#, in excess of 50 percent of the #floor area# of such #building# (or size of such structure) occupied or utilized by the #use# on December 15, 1961, and, except as otherwise provided in Article VII, no structural alterations, #extensions# or #enlargements# shall be authorized for a new #non-conforming use# authorized under the provisions of Section 11-413 (Change of use).

11-413 - Change of use

LAST AMENDED
10/25/1967

Such #use# may be changed to a conforming #use# and in appropriate cases the authorizing agency may permit such #use# to be changed to another #non-conforming use# which would be permitted under the provisions applicable to #non-conforming uses# as set forth in Sections 52-31 to 52-36, inclusive, relating to Change of Non-Conforming Use, provided that the authorizing agency finds that such change of #use# will not impair the essential character or the future use or development of the surrounding area.

In permitting a change to another #non-conforming use#, such authorizing agency may impose appropriate conditions and safeguards to minimize any adverse effects upon the character of the surrounding area.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other Use Group. A change in ownership or occupancy shall not, by itself, constitute a change of #use#.

11-42 - Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution

LAST AMENDED
2/2/2011

(a) Except as otherwise provided in paragraphs (b), (c) or (d) of this Section, any authorization or special permit granted by the City Planning Commission under the provisions of the 1961 Zoning Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such special permit or authorization was granted, has not been completed within four years from the effective date of such permit or authorization. Substantial construction shall mean, in the case of a new #building# or #buildings#, the substantial construction of at least one #building#. For the purposes of this paragraph (a), #abutting buildings# on a single #zoning lot# shall be considered to be one #building#.

(b) Any authorization or special permit for a site that is part of an urban renewal area or other government-sponsored or government-assisted project shall automatically lapse within four years from the date of the applicant's possession of the site, or sites, or the effective date of an authorization or special permit, whichever is later; or

(c) Upon a showing that a longer time period for substantial construction is required for a phased construction program of a multi-#building# complex, the Commission may, at the time of granting an authorization or special permit, extend the period set forth in paragraph (a) of this Section to a period not to exceed 10 years; or

(d) In the event judicial proceedings have been instituted to review the decision to grant any authorization or special permit, the lapse period set forth in paragraph (a), (b) or (c) of this Section, whichever is applicable, shall commence upon the date of entry of the final order in such proceedings, including appeals.

11-43 - Renewal of Authorization or Special Permit

LAST AMENDED
7/18/1995

Any authorization or special permit granted by the City Planning Commission, except one granted with a 10 year lapse period, that would automatically lapse as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) may be renewed without public hearing, for two additional three-year terms, provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed. However, all special permits or authorizations granted by the Commission shall lapse after a total of 10 years from the date of their original granting if substantial construction has not taken place at such time. An application for a renewal of authorization or special permit shall be filed with the Commission before it lapses.

11-44 - Special Permits Granted Prior to August 12, 2004

LAST AMENDED
8/12/2004

Within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, any special permit granted by the City Planning Commission may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the #bulk# regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

11-45 - Authorizations or Permits in Lower Density Growth Management Areas

LAST AMENDED
8/12/2004

The provisions of this Section shall apply within #lower density growth management areas#.

(a) Notwithstanding the provisions of N040414ZRY, pertaining to #lower density growth management areas#, and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N040414ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to August 12, 2004:

(1) Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the Commission and, where applicable, the City Council, prior to August 12, 2004, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.

(2) Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:

(1) #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

(2) #Developments# within the #Special South Richmond Development District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

11-50 - SEPARABILITY

LAST AMENDED
11/16/1978

It is hereby declared to be the legislative intent that:

(a) if a court of competent jurisdiction finds any provisions of this Resolution to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Resolution shall continue to be separately and fully effective.

(b) if a court of competent jurisdiction finds the application of any provision or provisions of this Resolution to any #zoning lot#, #building or other structure#, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

11-60 - VIOLATIONS

LAST AMENDED
9/14/1989

11-61 - General Provisions

LAST AMENDED
9/14/1989

The owner, general agent, lessee or tenant of any #building or other structure# or tract of land in which a violation of this Resolution has been committed or shall exist; or the general agent, architect, builder or contractor; or any other person who commits, takes part or assists in any such violation or who maintains any #building or other structure# or tract of land in which any such violation shall exist, shall be guilty of a misdemeanor.

Any such person, having been served with an order to remove any such violation, who shall fail to comply with such order within 10 days after such service or who shall continue to violate any provision of this Resolution in the respect named in such order shall be guilty of a misdemeanor.

In addition to the foregoing remedies, the City may maintain an action for an injunction to restrain any violation of this Resolution.

11-62 - Failure to Comply with Special Permits, Variances, Authorizations or Certifications

LAST AMENDED
9/14/1989

Failure to comply with any conditions or restrictions in special permits, variances, authorizations or certifications granted under this Resolution shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for revocation of such special permit, variance, authorization or certification, and for all other applicable remedies.

In any application for modification, renewal or extension of a previously granted special permit, authorization or certification, or for modification or renewal of a previously granted variance, the applicant shall verify whether it has complied with each of the conditions and safeguards theretofore prescribed by the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable. In the event that the applicant has not complied with such conditions and safeguards, such #non-compliance# may constitute grounds for the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable, to disapprove the application for modification, renewal or

extension.

11-70 - EFFECTIVE DATE

LAST AMENDED
12/15/1961

This Resolution shall take effect one year after the date of its approval by the Board of Estimate.

After the date of approval by the Board of Estimate, applications for permits to build in accordance with the provisions of this Resolution may be filed with and approved by the Department of Buildings, provided that no building permit shall be lawfully issued under this Resolution until such effective date or thereafter.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Construction of Language and Definitions

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Construction of Language and Definitions

12-00 - RULES FOR CONSTRUCTION OF LANGUAGE

LAST AMENDED
12/15/1961

12-01 - Rules Applying to Text of Resolution

LAST AMENDED
2/2/2011

The following rules of construction apply to the text of this Resolution:

(a) The particular shall control the general.

(b) In case of any difference of meaning or implication between the text of this Resolution and any caption, illustration, summary table or illustrative table, the text shall control.

(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(e) A "building" or "structure" includes any part thereof. The terms #residential building#, #commercial building# and #community facility building# shall refer to an entire #building# used exclusively for such #use#.

(f) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", "or occupied for".

(g) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

(h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

(1) "and" indicates that all the connected items, conditions, provisions or events shall apply;

(2) "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination; and

(3) "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(i) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(j) References within a Section or cross-references to a Section numbered with four digits shall include all following Sections with numbers whose first four digits are identical with such Section number but references or cross-references to a Section numbered with five digits shall refer only to such specific five-digit Section. For Sections starting with 101-00, references within a Section or cross-references to a Section numbered with five digits shall include all following Sections with numbers whose first five digits are identical with such Section number but references or cross-references to a Section numbered with six digits shall refer only to such specific six-digit Section.

12-02 - Rules for Interpretation of District Designations

LAST AMENDED
2/2/2011

District designations, where applicable, are listed within a ruled bar below the number and title of each section.

When one or more district designations are listed in a section, the specific text of the paragraphs that follow applies to such district or districts.

When a section includes a table and one or more district designations are listed opposite a specific item or number in such table, the item or number applies specifically to that district or districts only.

When no district designations are listed for a specific section, the provisions of such section shall be construed to apply to all districts under consideration in the Article in which the section appears or, if specified, only to those districts referred to directly within the section itself. For this purpose, Article II applies to all Residence Districts, Article III applies to all Commercial Districts, and Article IV applies to all Manufacturing Districts. All other articles apply to all districts, unless otherwise provided.

12-10 - DEFINITIONS

†

LAST AMENDED
12/19/2017

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

above-grade mass transit station

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, an “above-grade mass transit station” shall refer to a ***mass transit station*** with a platform that is located entirely above five feet from ***curb level***.

abut, or abutting

General Definition
Last Amended 2/2/2011

“Abut” is to be in contact with or join at the edge or border. “Abutting” ***buildings*** are ***buildings*** that are in contact with one another on the same or another ***zoning lot***, except as subject to separations required for seismic load as set forth in the New York City Building Code. A ***building*** may also ***abut*** a ***lot line***. In addition, for ***buildings*** existing prior to February 2, 2011, such existing ***building*** shall be considered ***abutting*** if it is within six inches of a ***lot line*** or another ***building***.

access zone

Applicable to Article I - Chapter 3

FROM 13-02: For the purposes of this Chapter, an "access zone" shall refer to the portion of an ***accessory*** off-street parking facility, ***public parking garage*** or an automobile rental establishment, occupied by:

(a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated maneuvering space;

(b) vehicular elevators;

(c) required reservoir spaces;

(d) portions of required accessible pedestrian egress routes, including any associated ramps or elevators; or

(e) bicycle parking spaces.

accessory use, or accessory

General Definition
Last Amended 12/15/2021

An "accessory use":

(a) is a ***use*** conducted on the same ***zoning lot*** as the principal ***use*** to which it is related (whether located within the same or an ***accessory building or other structure***, or as an ***accessory use*** of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, ***accessory*** docks, off-street parking or off-street loading need not be located on the same ***zoning lot***; and

(b) is a ***use*** which is clearly incidental to, and customarily found in connection with, such principal ***use***; and

(c) is either in the same ownership as such principal ***use***, or is operated and maintained on the same ***zoning lot*** substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal ***use***.

When "accessory" is used in the text, it shall have the same meaning as ***accessory use***.

An ***accessory use*** includes:

(1) Living or sleeping accommodations for servants in connection with a ***use*** listed in Use Groups 1 and 2;

(2) Living or sleeping accommodations for caretakers in connection with any ***use*** listed in Use Groups 3 through 18 inclusive, provided that:

(i) no ***building*** contains more than one living or sleeping accommodation for caretakers;

(ii) no such living or sleeping accommodation shall exceed 1,200 square feet of ***floor area***;

(iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the ***building*** is located. A copy of such declaration shall be provided to the Department of Buildings;

(iv) in C6-2M, C6-4M, M1-5M, M1-6M and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any ***building*** which contains a ***residential use*** or a ***joint living-work quarters for artists***; and

(v) such living or sleeping accommodation shall not be considered a ***residential use*** or cause a ***building*** to be considered a ***mixed building***.

(3) Living or sleeping accommodations in connection with ***commercial*** or ***manufacturing uses***, including living or sleeping accommodations in connection with a studio listed in Use Group 9, provided that:

(i) no ***building*** contains more than two kitchens; and

(ii) no such living or sleeping accommodations are located in a C7, C8 or ***Manufacturing District***.

(4) Keeping of domestic animals, but not for sale or hire. A ***commercial*** stable or kennel is not an ***accessory use***.

(5) Swimming pools not located within a ***building*** listed in Use Group 1 or 2, provided that:

(i) the ***use*** of such pools shall be restricted to occupants of the principal ***use*** and guests for whom no admission or membership fees are charged;

(ii) if ***accessory*** to a ***use*** listed in Use Group 2, except if such ***use*** is a ***single-family*** or ***two-family residence***, the edge of the pool shall be located not less than 100 feet from any ***lot line***;

(iii) if ***accessory*** to a ***use*** listed in Use Group 1 or Use Group 2, which ***use*** is a ***single-family residence*** or ***two-family residence***, the edge of the pool shall be located not less than five feet from any ***lot line***, except that such minimum distance between the edge of the pool and any ***side lot line*** may be not less than three feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a six foot high continuous solid opaque fence along the ***side lot line*** adjacent to such pool. In the event that such pool is located between 50 and five feet from any ***rear lot line*** or ***side lot line***, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such ***rear lot line*** to such pool; and

(iv) illumination of such pools shall be limited to underwater lighting.

Swimming pool clubs are not ***accessory uses***.

(6) Domestic or agricultural storage in a barn, shed, tool room, or similar ***building or other structure***.

(7) ***Home occupations***.

(8) A newsstand primarily for the convenience of the occupants of a ***building***, which is located wholly within such ***building*** and has no exterior ***signs*** or displays.

(9) Incinerators.

(10) In connection with ***commercial*** or ***manufacturing uses***, the storage of goods normally carried in stock, used in, or produced by such ***uses***, unless the storage is expressly prohibited under the applicable district regulation. The ***floor area*** used for such ***accessory*** storage shall be included in the maximum ***floor area*** permitted for specified ***uses*** set forth in the Use Groups.

(11) Incidental repairs, unless expressly prohibited under the applicable district regulations. The ***floor area*** used for such ***accessory*** repairs shall be included in the maximum ***floor area*** permitted for specified ***uses*** set forth in the Use Groups.

(12) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a ***building or other structure*** on the same ***zoning lot***, or in connection with the regrading of a ***zoning lot***, but in the latter case, not below the legal ***street*** grade.

(13) ***Accessory*** off-street parking spaces, open or enclosed.

(14) ***Accessory*** off-street loading berths.

(15) ***Accessory signs***.

(16) ***Accessory*** radio or television towers.

(17) ***Accessory*** activities when conducted underground as part of the operation of railroad passenger terminals, such as switching, storage, maintenance or servicing of trains.

(18) ***Accessory*** sewage disposal plants, except such plants serving more than 50 ***dwelling units***.

(19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same ***zoning lot*** as, or on a ***zoning lot*** adjacent to, a ***zoning lot*** occupied by a fire or police station.

(20) Electric vehicle charging in connection with parking facilities.

(21) Solar energy systems.

accessory use, or accessory

Applicable from 117-50 to 117-57

FROM 117-503:

accessory use

In addition to those ***accessory uses*** listed in Section 12-10, for the purposes of this Section, an ***accessory use*** shall also include a ***dwelling unit*** in connection with any ***commercial***, ***manufacturing*** or ***community facility*** establishment permitted in the Queens Plaza Subdistrict of the ***Special Long Island City Mixed Use District***, pursuant to Section 117-51 (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

accessory use, or accessory

Applicable to Article XII - Chapter 3

FROM 123-11:

accessory use

In addition to those "accessory uses" listed in Section 12-10 (DEFINITIONS), for the purposes of this Chapter, an ***accessory use*** shall also include a ***dwelling unit*** in connection with any ***commercial***, ***manufacturing*** or ***community facility*** establishment permitted in ***Special Mixed Use Districts***, pursuant to Section 123-20 (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

adult establishment

General Definition
Last Amended 2/2/2011

(1) Adult Establishment: An "adult establishment" is a ***commercial*** establishment which is or includes an adult book store, adult eating or drinking establishment, adult theater, or other adult ***commercial*** establishment, or any combination thereof, as defined below:

(a) An adult book store is a book store that offers "printed or visual material" for sale or rent to customers where a "substantial portion" of its stock-in-trade of "printed or visual material" consists of "adult printed or visual material," defined as "printed or visual material" characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas";

(b) An adult eating or drinking establishment is an eating or drinking establishment which regularly features in any portion of such establishment any one or more of the following:

(1) live performances which are characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; or

(2) films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(3) employees who, as part of their employment, regularly expose to patrons "specified anatomical areas"; and

which is not customarily open to the general public during such features because it excludes or restricts minors.

(c) An adult theater is a ***commercial*** establishment which regularly features one or more of the following:

(1) films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(2) live performances characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; and

which is not customarily open to the general public during such features because it excludes or restricts minors.

An adult theater shall include ***commercial*** establishments where such materials or performances are viewed from one or more individual enclosures.

(d) An other adult ***commercial*** establishment is a facility -- other than an adult book store, adult eating or drinking establishment, adult theater, ***commercial*** studio, or business or trade school -- which features employees who as part of their employment, regularly expose to patrons "specified anatomical areas" and which is not customarily open to the general public during such features because it excludes or restricts minors.

(2) Defined Terms:

(a) For purposes of paragraph (1)(a), "printed or visual materials" are books, magazines, or other printed matter, including product packaging or wrapping, or photographs, films, motion pictures, video cassettes, slides or other visual matter;

(b) For purposes of paragraph (1)(a), (b) and (c), "specified sexual activities" are: (i) human genitals in a state of sexual stimulation or arousal; (ii) actual or simulated acts of human masturbation, sexual intercourse or sodomy; or (iii) fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.

(c) For purposes of paragraph (1)(a), (b), (c) and (d), "specified anatomical areas" are: (i) less than completely and opaquely concealed: (aa) human genitals, pubic region, (bb) human buttock, anus, or (cc) female breast below a point immediately above the top of the areola; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely concealed.

(d) For the purpose of determining under paragraph (1)(a) whether a "substantial portion" of a book store's stock-in-trade of "printed or visual" material consists of "adult printed or visual material", the following factors shall be considered: (i) the amount of stock of "adult printed or visual material" accessible to customers as compared to the total stock of "printed or visual material" accessible to customers in the establishment; and (ii) the amount of ***floor area*** and ***cellar*** space accessible to customers containing stock of "adult printed or visual material"; and (iii) the amount of ***floor area*** and ***cellar*** space accessible to customers containing stock of "adult printed or visual material" as compared to the amount of ***floor area*** and ***cellar*** space accessible to customers containing "printed or visual material" which is not "adult printed or visual material," provided that "printed or visual material" which is not "adult printed or visual material" (hereinafter for purposes of this paragraph "other printed or visual material") shall not be considered stock-in-trade for purposes of this paragraph where such store has one or more of the following features:

(aa) An interior configuration and layout which requires customers to pass through an area of the store with "adult printed or visual material" in order to access an area of the store with "other printed or visual material;"

(bb) One or more individual enclosures where adult movies or live performances are available for viewing by customers;

(cc) A method of operation which requires customer transactions with respect to "other printed or visual material" to be made in an area of the store which includes "adult printed or visual material;"

(dd) A method of operation under which "other printed or visual material" is offered for sale only and "adult printed or visual material" is offered for sale or rental;

(ee) A greater number of different titles of "adult printed or visual material" than the number of different titles of "other printed or visual material";

(ff) A method of operation which excludes or restricts minors from the store as a whole or from any section of the store with "other printed or visual material;"

(gg) A sign that advertises the availability of "adult printed or visual material" which is disproportionate in size relative to a sign that advertises the availability of "other printed or visual material," when compared with the proportions of "adult" and other "printed or visual materials" offered for sale or rent in the store, or the proportions of ***floor area*** or ***cellar*** space accessible to customers containing stock of "adult" and "other printed or visual materials";

(hh) A window display in which the number of products or area of display of "adult printed or visual material" is disproportionate in size relative to the number of products or area of display of "other printed or visual material," when compared with the proportions of adult and "other printed or visual materials" offered for sale or rent in the store, or the proportions of ***floor area*** or ***cellar*** space accessible to customers containing stock of "adult" and "other printed or visual materials";

(ii) Other features relating to configuration and layout or method of operation, as set forth in rules adopted by the Commissioner of Buildings, which the Commissioner has determined render the sale or rental of "adult printed or visual material" a substantial purpose of the business conducted in such store. Such rules shall provide for the scheduled implementation of the terms thereof to ***commercial*** establishments in existence as of October 31, 2001, as necessary.

(e) For the purposes of paragraph (1)(b), an "eating or drinking establishment" includes:

(i) any portion of a ***commercial*** establishment within which food or beverages are offered for purchase, or are available to or are consumed by customers or patrons; and

(ii) any portion of a ***commercial*** establishment from which a portion of a ***commercial*** establishment, described in paragraph (e)(i) of this Section, is accessible by customers or patrons.

advertising sign

General Definition

see ***sign, advertising***

affordable floor area

General Definition

FROM 23-911:

(a) Where all of the ***dwelling units***, ***rooming units*** and ***supportive housing units*** in a ***generating site*** or ***MIH site***, other than any ***super's unit***, are ***affordable housing units***, all of the ***residential floor area***, or ***community facility floor area*** for a ***supportive housing project***, in such ***generating site*** or ***MIH site*** is "affordable floor area."

(b) Where one or more of the ***dwelling units*** or ***rooming units*** in a ***generating site***, other than any ***super's unit***, are not ***affordable housing units***, the ***affordable floor area*** in such ***generating site*** is the sum of:

(1) all of the ***residential floor area*** within the perimeter walls of the ***affordable housing units*** in such ***generating site*** ; plus

(2) a figure determined by multiplying the ***residential floor area*** of the ***eligible common areas*** in such ***generating site*** by a fraction, the numerator of which is all of the ***residential floor area*** within the perimeter walls of the ***affordable housing units*** in such ***generating site*** and the denominator of which is the sum of the ***residential floor area*** within the perimeter walls of the ***affordable housing units*** in such ***generating site*** plus the ***residential floor area*** within the perimeter walls of the ***dwelling units*** or ***rooming units*** in such ***generating site***, other than any ***super's unit***, that are not ***affordable housing units***.

(c) Where one or more of the ***dwelling units*** or ***rooming units*** in an ***MIH site***, other than any ***super's unit***, are not ***affordable housing units***, the ***affordable floor area*** in such ***MIH site*** is the sum of:

(1) all of the ***residential floor area*** of the ***affordable housing units*** in such ***MIH site*** ; plus

(2) a figure determined by multiplying the ***residential floor area*** of the ***eligible common areas*** in such ***MIH site*** by a fraction, the numerator of which is all of the ***residential floor area*** of the ***affordable housing units*** in such ***MIH site*** and the denominator of which is the sum of the ***residential floor area*** of the ***affordable housing units*** in such ***MIH site*** plus the ***residential floor area*** of the ***dwelling units*** or ***rooming units*** in such ***MIH site***, other than any ***super's unit***, that are not ***affordable housing units***.

affordable independent residence for seniors

General Definition
Last Amended 3/22/2016

An "affordable independent residence for seniors" is a ***building*** or portion thereof, containing ***residences***, in which at least 90 percent of the ***dwelling units*** allocated to ***affordable independent residences for seniors*** are each occupied by at least one person who is 62 years of age or over; where, except for a ***super's unit***, all of the ***dwelling units*** allocated to ***affordable independent residences for seniors*** are ***income-restricted housing units*** for households with incomes at or below 80 percent of the ***income index*** and used for class A occupancy as defined in the New York State Multiple Dwelling Law. For the purposes of this definition, "super's unit" and "income index" shall be as defined in Section 23-911 (General definitions).

An ***affordable independent residence for seniors*** may consist of one or more ***buildings*** on the same or contiguous ***zoning lots***, or on lots which would be contiguous but for their separation by a ***street***, and shall contain related ***accessory*** social and welfare facilities primarily for residents, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, which may also be made available to the community. Floor space in an amount not less than four percent of the total ***floor area*** of such ***affordable independent residence for seniors*** shall be allocated to such ***accessory*** facilities. Such floor space may occupy ***floor area*** or ***cellar*** space, and may include indoor recreation space provided in accordance with Section 28-21 (Required Recreation Space) for ***Quality Housing buildings***. In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in ***residential buildings*** be attributed to the ***floor area*** of the ***accessory*** social and welfare facilities.

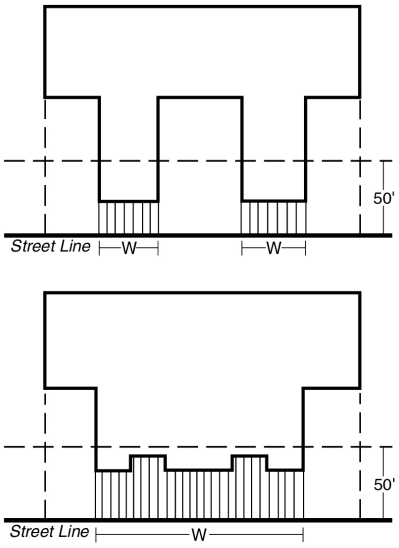
An ***affordable independent residence for seniors*** shall also include a ***building*** used, ***enlarged*** or ***developed*** prior to March 22, 2016, as a "non-profit residence for the elderly".

Any temporary or final certificate of occupancy issued after March 22, 2016, for a ***building*** or portion thereof to be used as an ***affordable independent residence for seniors*** shall state that such ***building*** or portion thereof shall be used as an ***affordable independent residence for seniors***, notwithstanding the fact that a legally binding restriction on household income for ***income-restricted housing units*** may have expired and shall state that such certificate of occupancy may be amended or superseded to reflect that the ***building*** or portion thereof may be used other than as an ***affordable independent residence for seniors*** only in accordance with the provisions of this Zoning Resolution.

aggregate width of street walls

General Definition
Last Amended 2/2/2011

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all ***street walls*** of a ***building*** that are within 50 feet of a ***street line***. The width of a ***street wall*** is the length of the ***street line*** from which, when viewed directly from above, lines perpendicular to the ***street line*** may be drawn to such ***street wall***.



W - The *aggregate width of street walls*

AGGREGATE WIDTH OF STREET WALLS

airport reference point (or points)

Applicable to Article VI - Chapter 1

The "airport reference point" (or "points") is a point (or points) within the boundaries of each major airport, as indicated on the ***flight obstruction area*** maps for each such major airport. The point or points applicable to each major airport are set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

airport referenced imaginary surfaces

Applicable to Article VI - Chapter 1

FROM 61-30: "Airport referenced imaginary surfaces" include the ***horizontal surface***, the ***conical surface***, the ***approach surfaces*** and the ***transitional surfaces***.

alterations, incidental or to alter incidentally

General Definition
Last Amended 12/15/1961

"Incidental alterations" are:

(a) Changes or replacements in the non-structural parts of a ***building or other structure***, without limitation to the following examples:

(1) alteration of interior partitions to improve livability in a ***non-conforming residential building***, provided that no additional ***dwelling units*** are created thereby;

(2) a minor addition on the exterior of a ***residential building***, such as an open porch;

(3) alteration of interior non-load-bearing partitions in all other types of ***buildings or other structures***;

(4) replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits; or

(b) Changes or replacements in the structural parts of a ***building or other structure***, limited to the following examples or others of similar character or extent:

(1) making windows or doors in exterior walls;

(2) replacement of ***building*** facades;

(3) strengthening the load-bearing capacity, in not more than 10 percent of the total ***floor area***, to permit the accommodation of a specialized unit of machinery or equipment. To "alter incidentally" is to make an ***incidental alteration***.

apartment hotel

General Definition

see ***hotel, apartment***

approach surfaces

Applicable to Article VI - Chapter 1

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended center line of any runway. Such ***approach surfaces***, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

(a) The plane of the inner section:

(1) begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway;

(2) extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 1,000 feet measured along the line described in paragraph (a)(1) of this Section, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in paragraph (a)(2) of this Section; and

(4) rises at a slope of one foot in height for every 50 feet of horizontal distance.

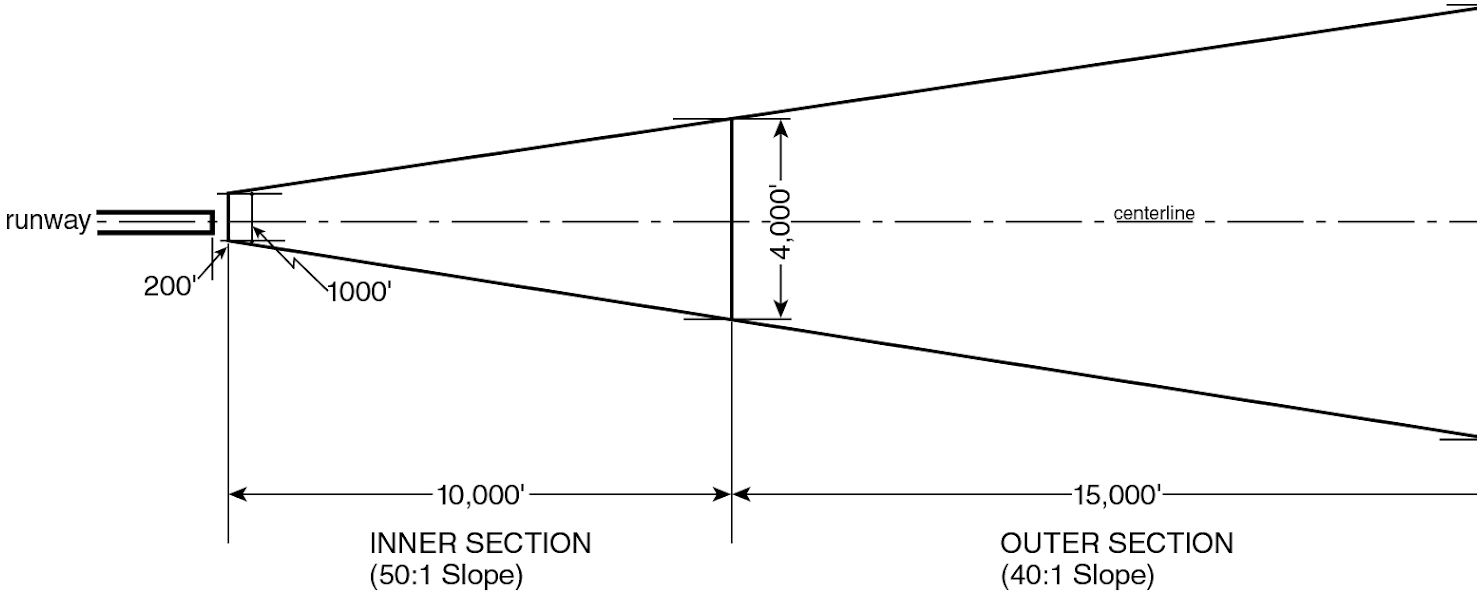
(b) The plane of the outer section:

(1) begins at the outer edge of the inner section;

(2) extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway center line) to a width of 8,500 feet at the outer edge of such outer section; and

(4) rises at a slope of one foot in height for every 40 feet of horizontal distance.



DESCRIPTION OF APPROACH SURFACE

arcade

General Definition
Last Amended 2/2/2011

An "arcade" is a continuous covered space fronting on and open to a ***street*** or ***publicly accessible open area***, provided in accordance with the provisions set forth in Section 37-80.

area of no disturbance

Applicable to Article X - Chapter 5

FROM 105-01:

area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: ***site alteration***, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, ***topsoil*** or any living vegetation, or construction of driveways, ***private roads***, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. ***Areas of no disturbance*** shall include ***steep slopes***, ***steep slope buffers*** and the ***critical root zone*** of each tree proposed for preservation.

area of no disturbance

Applicable to Article XI - Chapter 9

FROM 119-01:

area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: ***site alteration***, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, ***topsoil*** or any living vegetation, or construction of driveways, ***private roads***, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. ***Areas of no disturbance*** shall include ***steep slopes***, ***steep slope buffers*** and the ***critical root zone*** of each tree proposed for preservation.

Arterial

Applicable to Article X - Chapter 7

FROM 107-01:

Arterial

An "arterial" is a ***street*** designated as an ***arterial*** in Section 107-25 (Special Regulations Along Certain Streets or Railroads) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply. All such ***arterials*** are shown on the District Plan, Map 2 in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

artist

General Definition
Last Amended 4/27/1976

An "artist" is a person so certified by the New York City Department of Cultural Affairs.

at or below-grade mass transit station

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a ***mass transit station*** that is not an ***above-grade mass transit stations***.

attached (building)

General Definition
Last Amended 2/2/2011

A ***building*** shall be considered “attached” when it ***abuts*** two ***lot lines*** other than a ***street line***, or another ***building*** or ***buildings*** other than a ***semi-detached building***.

automated parking facility

Applicable to Article I - Chapter 3

FROM 13-02: For the purposes of this Chapter, an “automated parking facility” shall refer to an ***accessory*** off-street parking facility or ***public parking garage*** where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an ***automated parking facility***.

automated parking facility

Applicable to Article X - Chapter 1

An “automated parking facility” shall refer to an ***accessory*** off-street parking facility or ***public parking garage*** where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.

automotive service station

General Definition
Last Amended 2/2/2011

An "automotive service station" is a ***building or other structure*** or an open ***use*** on a ***zoning lot***, or portion thereof, used exclusively for the storage and sale of gasoline or other motor fuels and for any ***uses accessory*** thereto.

The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles with hand tools only, or the occasional washing of motor vehicles are permitted ***accessory uses***.

A ***public parking lot*** or ***public parking garage*** is not a permitted ***accessory use***.

average percent of slope

FROM 105-01:

average percent of slope

The "average percent of slope" of a ***zoning lot*** is the average slope of all portions of a ***zoning lot*** excluding ***steep slopes*** and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where: S - ***average percent of slope***

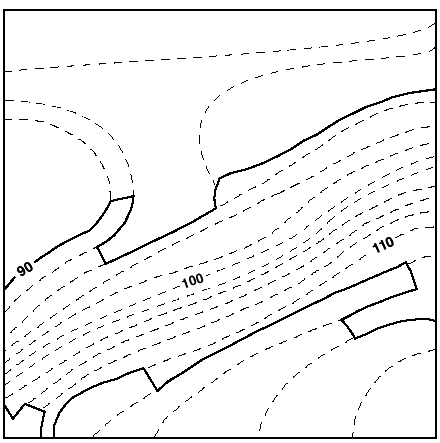
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of ***steep slope***

A - gross area in square feet of the ***zoning lot***, excluding those portions of the ***zoning lot*** having a slope of 25 percent or greater and meeting the definition of ***steep slope***. For a proposed ***site alteration*** on a tract of land not within a ***zoning lot***, the portion of such tract of land owned by the applicant shall be considered to be part of the ***zoning lot***

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

average percent of slope

Applicable to Article XI - Chapter 9

FROM 119-01:

average percent of slope

The "average percent of slope" of a ***zoning lot*** is the average slope of all portions of a ***zoning lot*** excluding ***steep slopes*** and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where: S - ***average percent of slope***

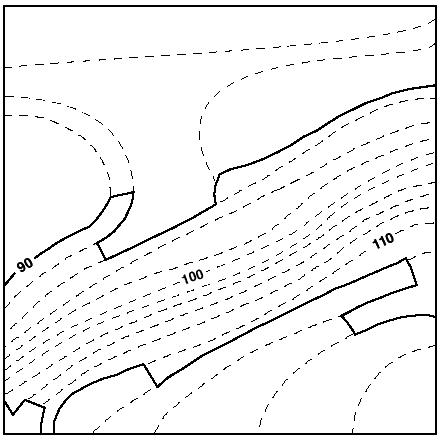
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of ***steep slope***

A - gross area in square feet of the ***zoning lot***, excluding those portions of the ***zoning lot*** having a slope of 25 percent or greater and meeting the definition of ***steep slope***. For a proposed ***site alteration*** on a tract of land not within a ***zoning lot***, the portion of such tract of land owned by the applicant shall be considered to be part of the ***zoning lot***

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Barge Basin

Applicable to Article XIV - Chapter 4
Last Amended 12/15/2021

Barge Basin shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

base plane

General Definition
Last Amended 5/12/2012

The "base plane" is a plane from which the height of a ***building or other structure*** is measured as specified in certain Sections. For ***buildings***, portions of ***buildings*** with ***street walls*** at least 15 feet in width, or ***building segments*** within 100 feet of a ***street line***, the level of the ***base plane*** is any level between ***curb level*** and ***street wall line level***. Beyond 100 feet of a ***street line***, the level of the ***base plane*** is the average elevation of the final grade adjoining the ***building*** or ***building segment***, determined in the manner prescribed by the New York City Building Code for adjoining grade elevation. For the purposes of this definition, ***abutting buildings*** on a single ***zoning lot*** may be considered a single ***building***. In addition, the following regulations shall apply:

(a) Within 100 feet of a ***street line***:

(1) The level of the ***base plane*** for a ***building*** or ***building segment*** without a ***street wall*** shall be determined by the average elevation of the final grade adjoining such ***building*** or ***building segment***.

(2) Where a ***base plane*** other than ***curb level*** is established, the average elevation of the final grade adjoining the ***street wall*** of the ***building*** or ***building segment***, excluding the entrance to a garage within the ***street wall***, shall not be lower than the level of the ***base plane***.

(3) Where the average elevation of the final grade adjoining the ***street wall*** of the ***building***, excluding the entrance to a garage within the ***street wall***, is more than two feet below ***curb level***, the level of the ***base plane*** shall be the elevation of such final grade. This paragraph shall not apply to ***buildings developed*** before June 30, 1989, in R2X, R3, R4 or R5 Districts. Furthermore, this paragraph shall not apply to ***buildings*** in C1 or C2 Districts mapped within R2X, R3, R4 or R5 Districts, or in C3 or C4-1 Districts, unless such ***buildings*** are located on ***waterfront blocks***.

(4) As an option, on sites which slope from the ***street wall line level*** to the ***rear wall line level*** by at least five percent to the horizontal, the level of the ***base plane*** may extend in a sloping plane from such ***street wall line level*** to such ***rear wall line level***. When a sloping ***base plane*** is thus established, the average elevation of the final grade at the ***rear wall line*** shall not be lower than the ***rear wall line level***.

(b) For all ***buildings***, where ***base planes*** of different elevations apply to different portions of a ***building***, only that portion of the ***building*** to which such ***base plane*** applies may be used to determine such ***base plane***.

(c) For ***buildings*** located partially within and partially beyond 100 feet of a ***street line***, or where ***corner lot*** or ***through lot*** regulations subject different portions of a ***building*** to ***base planes*** of different elevations, separate ***base planes*** may be determined for each such portion of the ***building*** or, as an option, the elevation of each such ***base plane*** may be multiplied by the percentage of the total ***lot coverage*** of the ***building*** to which such ***base plane*** applies. The sum of the products thus obtained may be the elevation of the adjusted ***base plane*** applicable to such ***building***.

basement

General Definition
Last Amended 10/25/1993

A "basement", except where a ***base plane*** is used to determine ***building*** height, is a ***story*** (or portion of a ***story***) partly below ***curb level***, with at least one-half of its height (measured from floor to ceiling) above ***curb level***. On ***through lots***, the ***curb level*** nearest to a ***story*** (or portion of a ***story***) shall be used to determine whether such ***story*** (or portion of a ***story***) is a ***basement***.

Where a ***base plane*** is used to determine ***building*** height, a ***basement*** is a ***story*** (or portion of a ***story***) partly below the ***base plane***, with at least one-half its height (measured from floor to ceiling) above the ***base plane***.

In addition, the following rules shall apply:

(a) When a sloping ***base plane*** is established, a ***basement*** is a ***story*** (or portion of a ***story***) partly below the ***street wall line level***, with at least one-half its height (measured from floor to ceiling) above the ***street wall line level*** used to establish such ***base plane***. On ***through lots***, the ***street wall line level*** nearest to a ***story*** shall be used to determine whether such ***story*** or portion of a ***story*** is a ***basement***.

(b) All of the floor space with at least one-half its height (measured from floor to ceiling) above ***curb level*** shall be considered to be a ***basement*** where, subsequent to December 5, 1990, the level of any ***yard*** except that portion of a ***yard*** in front of the entrance to a garage on a ***zoning lot*** is lowered below the level of the ***base plane***.

block

General Definition
Last Amended 12/15/1961

A "block" is a tract of land bounded by:

(a) ***streets***;

(b) ***public parks***;

(c) railroad rights-of-way, when located at or above ground level but not including sidings or spurs in the same ownership as the ***zoning lot***;

(d) airport boundaries;

(e) pierhead lines (or shore lines where no pierhead lines have been established); or

(f) corporate boundary lines of New York City.

boatel

General Definition
Last Amended 12/15/1961

A "boatel" is a ***building*** or group of ***buildings*** which:

(a) contains living or sleeping accommodations used primarily for transient occupancy; and

(b) is immediately accessible by boat.

buildable area

Applicable to Article XI - Chapter 9

FROM 119-01:

buildable area

A "buildable area" is a portion of a ***zoning lot*** excluding ***steep slopes***.

building

General Definition
Last Amended 2/2/2011

A "building" is any structure which:

(a) is located within the ***lot lines*** of a ***zoning lot***;

(b) is permanently affixed to the land;

(c) has one or more floors and a roof;

(d) is bounded by open area or ***fire walls***;

(e) has at least one ***primary entrance***;

(f) provides all the vertical circulation and exit systems required for such ***building*** by the New York City Building Code without reliance on other ***buildings***, including required stairs and elevators; and

(g) contains all the fire protection systems required for such ***building*** by the New York City Building Code without reliance on other ***buildings***, including fire suppression or fire alarm systems.

The provisions of this Resolution that use the term ***building*** shall apply to any structure existing prior to February 2, 2011, that complies with paragraphs (a) through (e) of this definition.

A ***building*** shall not include such structures as billboards, fences, or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas tanks, smoke stacks or similar structures.

A ***building*** may, for example, consist of a ***detached single-family residence***, an ***attached*** townhouse on an individual ***zoning lot***, an ***attached*** townhouse separated by ***fire walls*** from ***abutting*** townhouses on a shared ***zoning lot***, a group of townhouses not separated by ***fire walls*** or ***lot lines***, an apartment house, an office ***building*** or a factory.

building designed for residential use

General Definition

see ***designed for residential use***

building or other structure

General Definition
Last Amended 12/15/1961

A "building or other structure" includes any ***building*** or any other structure of any kind.

building segment

General Definition
Last Amended 12/5/1990

A "building segment" is a portion of a ***building*** where such ***building*** consists of two or more contiguous portions, each comprised of one or more ***dwelling units*** having a separate ***residential*** entrance or entrances serving only those ***dwelling units*** within such portion. ***Building segments*** may share a common ***cellar*** or parking facility. However, a ***building segment*** may not be located above another ***building segment***.

bulk

General Definition
Last Amended 2/2/2011

"Bulk" is the term used to describe the size of ***buildings or other structures***, and their relationships to each other and to open areas and ***lot lines***, and therefore includes:

(a) the size (including height and ***floor area***) of ***buildings or other structures***;

(b) the area of the ***zoning lot*** upon which a ***building*** is located, and the number of ***dwelling units*** or ***rooming units*** within a ***building*** in relation to the area of the ***zoning lot***;

(c) the shape of ***buildings or other structures***;

(d) the location of exterior walls of ***buildings or other structures*** in relation to ***lot lines***, to other walls of the same ***building***, to ***legally required windows***, or to other ***buildings or other structures***; and

(e) all open areas relating to ***buildings or other structures*** and their relationship thereto.

caliper (of a tree)

Applicable to Article X - Chapter 5

FROM 105-01:

caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

caliper (of a tree)

Applicable to Article XI - Chapter 9

FROM 119-01:

caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

car sharing vehicle

General Definition
Last Amended 9/29/2010

A "car sharing vehicle" is a vehicle maintained and owned or leased by a car sharing organization which is available for use by its members. Membership shall mean that individuals have been pre-approved to use such vehicles and need not be approved by the car sharing organization at the time of proposed use. Membership must be open to the public and shall only be denied based upon driving record, credit record or other legitimate business need of the car sharing organization. Vehicles must be made available to members for periods of use as short as one hour. The car sharing organization must provide all legally required insurance as part of the membership.

Vehicles shall be reserved by members through a self-service reservation system which is available at all times. A ***car sharing vehicle*** shall be located in a parking facility that is accessible to members of the car sharing organization at all times. No employees or agents of the car sharing organization shall provide services to members or conduct business transactions with members within such parking facility. Attended parking facilities may be serviced by a parking attendant unaffiliated with any car sharing organization. A parking facility containing ***car sharing vehicles*** shall be securely separated from all other portions of a ***building*** containing ***residences***.

A ***car sharing vehicle*** shall be no more than 216 inches in length and shall bear a decal that provides the name of the car sharing organization. The decal must be clearly visible from the outside of the ***car sharing vehicle*** and must be either:

(a) located on the driver's side door or passenger's side door of the ***car sharing vehicle*** and at least 30 square inches in area; or

(b) located in the lower left corner of the rear windshield of the ***car sharing vehicle***.

The decal shall be at least one square inch in area and contain the letters "CSV" in lettering at least 11/32 of an inch in height and the name of the car sharing organization in lettering at least 5/32 of an inch in height. All lettering shall be fully opaque and shall highly contrast with the background color of the decal.

All ***car sharing vehicles*** shall bear a decal pursuant to the provisions of paragraph (a) or (b) of this Section within 60 days of September 29, 2010.

cellar

General Definition
Last Amended 10/25/1993

A "cellar," except where a ***base plane*** is used to determine ***building*** height, is a space wholly or partly below ***curb level***, with more than one-half its height (measured from floor to ceiling) below ***curb level***. On ***through lots***, the ***curb level*** nearest to such space shall be used to determine whether such space is a ***cellar***.

Where a ***base plane*** is used to determine ***building*** height, a ***cellar*** is a space wholly or partly below the ***base plane***, with more than one-half its height (measured from floor to ceiling) below the ***base plane***.

In addition, the following rules shall apply:

(a) When a sloping ***base plane*** is established, a ***cellar*** is a space wholly or partly below the ***street wall line level***, with more than one-half its height (measured from floor to ceiling) below the ***street wall line level*** used to establish such ***base plane***. On ***through lots***, the ***street wall line level*** nearest to such space shall be used to determine whether such space is a ***cellar***.

(b) All of the floor space with at least one-half its height (measured from floor to ceiling) above ***curb level*** shall be considered to be a ***basement*** where, subsequent to December 5, 1990, the level of any ***yard*** except that portion of a ***yard*** in front of the entrance to a garage on a ***zoning lot*** is lowered below the level of the ***base plane***.

Central Business Districts

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

For the purposes of this Chapter, "Central Business Districts" shall refer to ***Special Midtown District***, ***Special Hudson Yards District***, ***Special Lower Manhattan District***, ***Special Downtown Brooklyn District***, ***Special Long Island City Mixed Use District*** or ***Special Garment Center District***.

clear path

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, a "clear path" shall refer to an unobstructed area between the ***street line*** and ***street wall*** that:

(a) directly ***abuts*** an adjoining public sidewalk; and

(b) extends along the ***street line*** for a distance equal to the width of an existing or planned access point to a ***mass transit station*** facing such ***transit-adjacent site***, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All ***clear paths*** shall be accessible to the public at all times.

commercial

General Definition
Last Amended 2/2/2011

A "commercial" ***use*** is any ***use*** listed in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16.

commercial building

General Definition
Last Amended 12/15/1961

A "commercial building" is a ***building*** used only for a ***commercial use***.

commercial district

General Definition
Last Amended 2/2/2011

A "Commercial District" includes any district whose designation begins with the letter "C."

For example, a "C4 District" includes any district whose designation begins with the symbol "C4."

commercial street

Applicable to Article XII - Chapter 8

FROM 128-01:

commercial street

A “commercial street” shall be a ***street***, or portion thereof, where special regulations pertaining to ground floor ***uses*** on ***commercial streets***, pursuant to Section 128-11, apply to ***zoning lots*** fronting upon such ***streets***. ***Commercial streets*** are designated on Map 2 in the Appendix to this Chapter.

community facility

General Definition
Last Amended 2/2/2011

A "community facility” ***use*** is any ***use*** listed in Use Group 3 or 4.

community facility building

General Definition
Last Amended 12/15/1961

A "community facility building" is a ***building*** used only for a ***community facility use***.

completely enclosed (building)

General Definition
Last Amended 6/19/1963

A "completely enclosed" ***building*** is a ***building*** separated on all sides from the adjacent open area, or from other ***buildings or other structures***, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods or vehicles.

conceptual plan

Applicable to Article XII - Chapter 7

FROM 127-04:

conceptual plan

A “conceptual plan” is a plan that sets forth the proposed final design, in compliance with the requirements of Section 127-421 (Requirements for publicly accessible private streets), for the remaining portions of the ***publicly accessible private street*** or ***upland connection*** certified pursuant to paragraph (b)(1)(i) of Section 127-422 (Certification for publicly accessible private streets), or paragraph (a)(1)(i) of Section 127-542 (Supplemental provisions), respectively. The plan shall include the proposed location, dimensions and grading for such remaining portions on adjoining ***zoning lots*** and shall be considered by the Chairperson of the City Planning Commission in reviewing the proposed ***final site plan*** for such remaining portions, if and when they become the subject of a certification pursuant to paragraph (b)(2) of Section 127-422 or paragraph (a)(2) of Section 127-542.

conical surface

Applicable to Article IV - Chapter 1

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the ***horizontal surface***, which:

(a) rises at a slope, measured in an imaginary vertical plane passing through the ***airport reference point*** (or ***points***), of one foot for every 20 feet in horizontal distance; and

(b) is measured on a horizontal radius from the ***airport reference point*** (or ***points***), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

connector street

Applicable to Article XII - Chapter 4

FROM 124-02:

Connector street

A “connector street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks), inclusive.

conversion, or to convert

General Definition
Last Amended 2/2/2011

A “conversion” is a change of ***use*** between the following categories of ***uses***: ***residential***, ***community facility***, ***commercial*** and ***manufacturing***. Therefore, the change of ***use*** within one category is not a ***conversion***. However, a ***conversion*** shall also include any alteration within the ***residential*** portion of an existing ***building*** that increases the number of ***rooming units*** in a ***building***, or the number of ***dwelling units*** in a ***building***.

To "convert" is to create a ***conversion***.

corner lot

General Definition

see ***lot, corner***

corner public plaza

Applicable to Article III - Chapter 7

A “corner public plaza” is a ***public plaza*** that is located on an intersection of two or more ***streets***.

cottage envelope building

Applicable to Article VI - Chapter 4

A “cottage envelope building” is a ***single-*** or ***two-family detached residence*** located within R1 through R5 Districts, ***developed***, ***enlarged***, or altered, pursuant to any of the optional provisions of Section 64-33 (Special Regulations for Cottage Envelope Buildings), provided that:

(a) such ***single-*** or ***two-family*** detached residence[a]# complies with Section 64-333 (Height and setback regulations for cottage envelope buildings); and

(b) is located within a ***zoning lot*** that has a ***lot area*** that is less than that required by the applicable district; and

(1) has a ***lot width*** that is either:

(i) less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) in R1, R2, R3-1, R3-2, R3X, R4, R4A, R5, and R5A Districts; or

(ii) equal to or less than 30 feet in R3A, R4-1, R4B, R5B, and R5D Districts; or

(2) has a depth of less than 95 feet at any point.

All ***cottage envelope buildings*** shall also be ***flood-resistant buildings***.

court

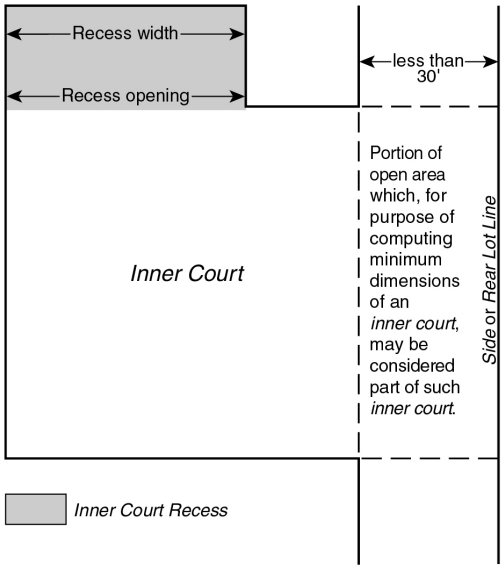
General Definition
Last Amended 12/15/1961

A "court" is either an ***inner court*** or an ***outer court***.

court recess, inner

General Definition
Last Amended 12/15/1961

An "inner court recess" is any portion of an ***inner court*** which can not be included within the single largest horizontal rectangle which may be inscribed within such ***inner court***.

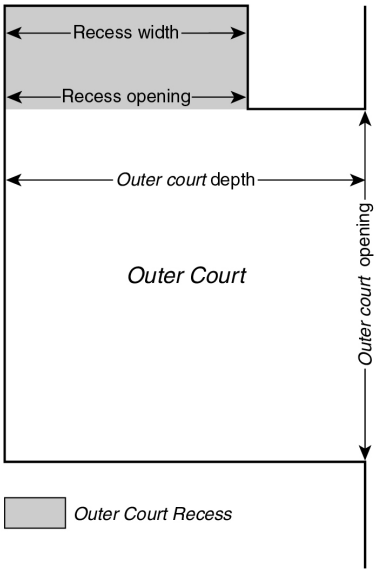


INNER COURT RECESS

court recess, outer

General Definition
Last Amended 12/15/1961

An "outer court recess" is any portion of an ***outer court*** which, when viewed directly from above, cannot be covered by imaginary lines drawn perpendicular to a line drawn across the ***outer court*** opening.



OUTER COURT RECESS

court, depth of outer

General Definition
Last Amended 12/15/1961

The "depth of outer court" is the maximum horizontal distance between the opening of an ***outer court*** and the wall opposite such opening, measured perpendicular to the direction of the ***outer court*** opening. The opening of an ***outer court*** shall be considered the shortest imaginary line which can be drawn between any intersection of a ***court*** wall with another wall, and the opposite ***court*** wall.

court, inner

General Definition
Last Amended 12/15/1961

An "inner court" is any open area, other than a ***yard*** or portion thereof, which is unobstructed from its lowest level to the sky and which is bounded by either:

(a) ***building*** walls; or

(b) ***building*** walls and one or more ***lot lines*** other than a ***front lot line***; or

(c) ***building*** walls, except for one opening on any open area along a ***side lot line*** or ***rear lot line*** which has a width of less than 30 feet at any point.

court, outer

General Definition
Last Amended 12/15/1961

An "outer court" is any open area, other than a ***yard*** or portion thereof, which is unobstructed from its lowest level to the sky and which, except for one opening upon:

(a) a ***front lot line***;

(b) a ***front yard***;

(c) a ***rear yard***; or

(d) any open area along a ***rear lot line***, or along a ***side lot line*** having a width or depth of at least 30 feet, and which open area extends along the entire length of such ***rear*** or ***side lot line***; and

is bounded by either ***building*** walls, or ***building*** walls and one or more ***lot lines*** other than a ***front lot line***.

court, width of outer

General Definition
Last Amended 12/15/1961

The "width of outer court" is the minimum horizontal dimension of an ***outer court***, excluding an ***outer court recess***, measured parallel to the opening of such ***outer court***.

Cove

Applicable to Article XI - Chapter 6

FROM 116-01:

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the ***Special Stapleton Waterfront District*** as shown in the District Plan, Map 1, in Appendix A of this Chapter

covered pedestrian space

General Definition
Last Amended 6/12/1996

A "covered pedestrian space" is an enclosed space for public use on a ***zoning lot***, permitted by a special permit of the City Planning Commission pursuant to Section 74-87, et seq.

critical root zone

Applicable to Article X - Chapter 5

FROM 105-01:

critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the ***critical root zone*** is measured as one radial foot for every ***caliper*** inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

critical root zone

Applicable to Article XI - Chapter 9

FROM 119-01:

critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the ***critical root zone*** is measured as one radial foot for every ***caliper*** inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

curb level

General Definition
Last Amended 10/25/1993

"Curb level" is the mean level of the curb adjoining a ***zoning lot***. On ***corner lots***, ***curb level*** is the average of the mean levels of the adjoining curbs on intersecting ***streets***, except that, for the purpose of regulating and determining the level of ***yards***, or other open areas on ***corner lots***, the ***curb level*** is the highest of the mean levels of the curbs on the intersecting ***streets***. Where ***through lot*** regulations are applicable to any portion of a ***corner lot***, or for any ***through lot***, the height and setback regulations based upon ***curb level*** shall apply separately on each ***street*** on which such ***through lot*** portion or ***through lot*** fronts. On a ***through lot***, for purposes of establishing the level of a ***rear yard equivalent***, except when adjoining and extending along the full length of the ***street line***, the ***curb level*** shall be the mean of the levels of the curbs on those portions of the ***streets*** on which such ***through lot*** fronts. Where on a ***through lot*** such ***rear yard equivalent*** is adjoining and extending along the full length of the ***street line***, the height of the ***rear yard equivalent*** shall be the ***curb level*** of the adjoining ***street***. Where ***through lot*** regulations and ***interior lot*** regulations are applicable to portions of a ***zoning lot***, for purposes of establishing the level of the ***rear yard equivalent*** or ***rear yard***, ***curb level*** shall be the mean of the levels of the curbs on that portion of each ***street*** on which such portions of the ***zoning lot*** front.

For the purposes of determining a ***base plane***, "curb level" is the mean level at that portion of the curb adjoining a ***zoning lot*** from which, when viewed directly from above, lines perpendicular to the curb may be drawn to a ***street wall***. On ***corner lots***, ***curb level*** is the average of the mean levels of such portions of the curbs on intersecting ***streets***. On ***through lots***, ***curb level*** is determined separately for each ***street*** frontage to a distance midway between such ***streets***.

depth of outer court

General Definition

see ***court, depth of outer***

designated commercial street

FROM 132-12:

designated commercial street

For the purposes of this Chapter, a “designated commercial street” shall be the portion of those ***streets*** specified in Section 132-11.

designated open space

Applicable to Article X - Chapter 7

FROM 107-01:

designated open space

"Designated open space" is a portion of the ***open space network*** located on a ***zoning lot*** as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the ***Special South Richmond Development District***.

designated recovery area

General Definition
Last Amended 5/12/2012

A “designated recovery area” shall be an area which experienced physical or non-physical impacts from a ***severe disaster***, in accordance with recovery plans, as applicable.

designed for residential use, (building)

General Definition
Last Amended 1/8/1976

A ***building*** "designed for residential use" is a ***building***, which was originally designed for ***residential use*** and in which at least 25 percent of the ***floor area*** is occupied for ***residential use***.

detached (building)

General Definition
Last Amended 12/15/1961

A "detached" ***building*** is a ***building*** surrounded by ***yards*** or other open area on the same ***zoning lot***.

detached (building)

Applicable to Article XIII - Chapter 2

FROM 107-01:

detached

For the purposes of this Chapter a "detached" ***building*** is a ***building*** surrounded by ***yards*** or other open area on the same ***zoning lot*** or is a ***building abutting*** a ***street line*** which is surrounded by ***yards*** or open area on the same ***zoning lot*** except where the ***building abuts*** the ***street line***.

development, or to develop

General Definition
Last Amended 2/2/2011

A "development," on a ***zoning lot*** or a portion thereof, includes:

(a) the construction of a new ***building or other structure***;

(b) the relocation of an existing ***building or other structure*** to another ***zoning lot***; or

(c) the establishment of a new open ***use***, other than an ***accessory use***.

The alteration of a ***building*** or a portion thereof to the extent specified in Section 11-23 (Demolition and Replacement) shall be considered a ***development*** for the purposes of the provisions set forth therein.

To "develop" is to create a ***development***.

development, or to develop

Applicable to Article VI - Chapter 2

For the purposes of this Chapter, a "development" shall also include:

(a) an ***enlargement***;

(b) any alteration that increases the height or coverage of an existing ***building or other structure***;

(c) an ***extension***; or

(d) a change of ***use*** from one Use Group to another, or from one ***use*** to another in the same Use Group, or from one ***use*** listed in Section 62-21 (Classification of Uses in the Waterfront Area) to another such ***use***.

However, a ***development*** shall not include incidental modifications to a ***zoning lot***, including but not limited to, the addition of deployable flood control measures and any associated permanent fixtures, the addition of temporary structures such as trash receptacles, food carts or kiosks, and the incorporation of minor permanent structures such as light stanchions, bollards, fences, or structural landscaped berms and any associated flood gates. All such modifications shall remain subject to any associated permitted obstruction allowances, as applicable.

development, or to develop

Applicable to Article X - Chapter 1

For purposes of this Chapter, "development" includes a ***development***, an ***enlargement*** or an ***extension***.

development, or to develop

Applicable to Article X - Chapter 7

FROM 107-01:

Development

For the purposes of this Chapter, a "development" includes a ***development*** as defined in Section 12-10 (DEFINITIONS), the ***enlargement*** of a non-***residential building***, or the ***enlargement*** of a ***residential use*** that involves the addition of one or more ***dwelling units***.

To "develop" is to create a ***development***.

development, or to develop

Applicable to Article XI - Chapter 2

FROM 112-01:

Development

For purposes of this Chapter, a "development" includes both ***development*** and ***enlargement***, as defined in Section 12-10 (DEFINITIONS).

display window

Applicable to Article XII - Chapter 2

FROM 122-01:

Display window

A "display window" is a window or opening in the exterior wall of any portion of a ***building*** which is glazed with tinted or transparent material and which is used to display merchandise, services or business.

drainage scheme

Applicable to Article X - Chapter 7

FROM 107-01:

drainage scheme

A "drainage scheme" is a plan for a system of storm sewers and/or sanitary sewers intended to serve a ***development*** which is submitted to the Department of Environmental Protection for review and approval.

dwelling unit

General Definition
Last Amended 2/2/2011

A "dwelling unit" contains at least one ***room*** in a ***residential building***, ***residential*** portion of a ***building***, or ***non-profit hospital staff dwelling***, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which ***dwelling unit*** includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

easement volume

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, an "easement volume" shall refer to an area of the ***zoning lot*** used to accommodate either:

(a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or

(b) ancillary facilities that are needed to support transit system functionality.

eastern perimeter street

Applicable to Article XII - Chapter 4

FROM 124-02:

eastern perimeter street

The "eastern perimeter street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

eligible zoning districts

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, "eligible zoning districts" shall refer to the following zoning districts:

(a) R5D, R6, R7, R8, R9 or R10 Districts;

(b) ***Commercial Districts*** mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;

(c) M1 Districts paired with R6 through R10 Districts; or

(d) ***Manufacturing Districts***.

enclosed sidewalk cafe

General Definition

see ***sidewalk cafe, enclosed***

enlargement, or to enlarge

General Definition
Last Amended 2/2/2011

An "enlargement" is an addition to the ***floor area*** of an existing ***building***, an increase in the size of any other structure, or an expansion of an existing ***use***, including any ***uses accessory*** thereto, to an open portion of a ***zoning lot*** not previously used for such ***use***.

To "enlarge" is to make an ***enlargement***.

Esplanade

Applicable to Article XI - Chapter 6

FROM 116-01:

Esplanade

The "Esplanade" is a park extending along portions of the waterfront edges of the ***Special Stapleton Waterfront District***. The ***Esplanade*** is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in Appendix A of this Chapter.

established airport elevation

Applicable to Article VI - Chapter 1

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

extension, or to extend

General Definition
Last Amended 12/15/1961

An "extension" is an increase in the amount of existing ***floor area*** used for an existing ***use***, within an existing ***building***.

To "extend" is to make an ***extension***.

family

General Definition
Last Amended 2/2/2011

A "family" is either:

(a) a single person occupying a dwelling and maintaining a household, including not more than one "boarder, roomer, or lodger" as defined in the Housing Maintenance Code; or

(b) two or more persons related by blood or marriage, occupying a dwelling, living together and maintaining a common household, including not more than one such boarder, roomer, or lodger; or

(c) not more than four unrelated persons occupying a dwelling, living together and maintaining a common household.

A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

final site plan

Applicable to Article XII - Chapter 7

FROM 127-04:

final site plan

A "final site plan" is a plan that specifies the final design for the location, dimensions, and grading of all or portions of the ***publicly accessible private streets*** or ***upland connection*** that are the subject of a certification pursuant to paragraphs (a) or (b) of Section 127-422 or paragraphs (a)(1) or (a)(2) of Section 127-542. Where applicable, the design of such plan shall be consistent with any ***conceptual plan*** for the same portion of the ***publicly accessible private street*** or ***upland connection*** and, once certified and implemented in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, such plan shall supersede any ***interim plan*** for the same portion of a ***publicly accessible private street*** or ***upland connection***.

fire wall

General Definition
Last Amended 2/2/2011

(a) A "fire wall" is a fire-resistance-rated smoke-tight wall having protected openings which restricts the spread of fire and extends vertically without offset, continuously from the foundation to or through the roof, and is in accordance with the specifications of the New York City Building Code for fire walls or fire wall separations, as applicable.

(b) Where a wall constructed prior to February 2, 2011, does not meet the requirements of paragraph (a), but does meet the fire wall specifications of the New York City Building Code pursuant to which it was constructed, such wall shall be considered a ***fire wall***. In the event that such wall either fails to meet such specifications, or no specifications for ***fire walls*** existed at the time of its construction, the Commissioner of the Department of Buildings shall determine whether such wall shall be considered a ***fire wall*** for the purpose of determining the boundary of a ***building***.

first story above the flood elevation

Applicable to Article VI - Chapter 4

The "first story above the flood elevation" shall be the finished floor level of the first ***story*** located at or above the level at which a ***building*** complies with ***flood-resistant construction standards*** and, for ***buildings*** utilizing the ***reference plane***, shall be no lower than the particular level established as the ***reference plane***.

flashing sign

General Definition

see ***sign, flashing***

flight obstruction area

Applicable to Article VI - Chapter 1

The "flight obstruction area" comprises all areas of land or water below the ***airport referenced imaginary surfaces*** for each airport.

floating structure

Applicable to Article VI - Chapter 2

A "floating structure" is any vessel, barge or other water-supported structure, other than a floating dock ***accessory*** to a WD ***use***, which is bounded by either open water, a dock or the ***lot lines*** of a ***zoning lot***, and that is permanently moored or otherwise attached to a ***pier***, wharf, dock, ***platform***, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or ***accessory*** to a WD ***use***, shall be deemed to be a "temporary ***floating structure***." Such temporary ***floating structures*** shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

floating structure

Applicable to Article XIV - Chapter 4

A "floating structure" is any vessel, barge or other water-supported structure, other than a floating dock ***accessory*** to a WD ***use***, which is bounded by either open water, a dock or the ***lot lines*** of a ***zoning lot***, and that is permanently moored or otherwise attached to a ***pier***, wharf, dock, ***platform***, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or ***accessory*** to a WD ***use***, shall be deemed to be a "temporary ***floating structure***." Such temporary ***floating structures*** shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

flood map

Applicable to Article VI - Chapter 4

"Flood map" shall be the most recent map or map data used as the basis for ***flood-resistant construction standards***.

flood zone

General Definition
Last Amended 5/12/2012

The "flood zone" shall include the ***high-risk flood zone*** and the ***moderate-risk flood zone***, as defined in Section 64-11 (Definitions) and as indicated on the ***flood maps***

flood-resistant building

Applicable to Article VI - Chapter 4

A "flood-resistant building" is a ***building or other structure***, which complies with all applicable ***flood-resistant construction standards***

flood-resistant construction elevation

Applicable to Article VI - Chapter 4

The "flood-resistant construction elevation" shall be the level of flood elevation required by Appendix G of the New York City Building Code for the "Flood design classification" of a ***building or other structure*** as set forth therein, or a height of two feet above the lowest grade adjacent to the ***building or other structure***, whichever is higher.

flood-resistant construction standards

Applicable to Article VI - Chapter 4

"Flood-resistant construction standards" are the construction standards set forth in Appendix G of the New York City Building Code for "Post-FIRM Construction" that aid in protecting ***buildings or other structures*** in ***flood zones*** from flood damage, and governs both ***building or other structures*** that are required to comply with such standards and those that voluntarily comply. For ***buildings or other structures*** utilizing the provisions of this Chapter, ***flood-resistant construction standards*** shall be applied up to the ***flood-resistant construction elevation*** or higher.

floor area

General Definition
Last Amended 5/12/2012

"Floor area" is the sum of the gross areas of the several floors of a ***building*** or ***buildings***, measured from the exterior faces of exterior walls or from the center lines of walls separating two ***buildings***. In particular, ***floor area*** includes:

(a) ***basement*** space, except as specifically excluded in this definition;

(b) elevator shafts or stairwells at each floor, except as specifically excluded in this definition;

(c) floor space in penthouses;

(d) attic space (whether or not a floor has been laid) providing structural headroom of five feet or more in R2A, R2X, R3, R4 or R5 Districts, eight feet or more in R1 and R2 Districts, other than R2A and R2X Districts, and eight feet or more for ***single-*** or ***two-family residences*** in R6, R7, R8, R9 and R10 Districts. For ***buildings*** with three or more ***dwelling units*** in R6, R7, R8, R9 and R10 Districts ***developed*** or ***enlarged*** prior to February 2, 2011, such attic space providing structural headroom of eight feet or more shall be considered ***floor area***. For ***buildings*** with three or more ***dwelling units*** in R6, R7, R8, R9 and R10 Districts ***developed*** or ***enlarged*** after February 2, 2011, any attic space shall be considered ***floor area***;

(e) floor space in gallerias, interior balconies, mezzanines or bridges;

(f) floor space in open or roofed bridges, breeze ways or porches, if more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

(g) any other floor space used for dwelling purposes, no matter where located within a ***building***, when not specifically excluded;

(h) floor space in ***accessory buildings***, except for floor space used for ***accessory*** off-street parking or ***accessory*** mechanical equipment;

(i) floor space used for ***accessory*** off-street parking spaces provided in any ***story*** after June 30, 1989:

(1) within ***detached*** or ***semi-detached single-*** or ***two-family residences*** in R1-2A, R2A, R2X, R3, R4 or R5 Districts, except that:

(i) in R2A Districts, ***floor area*** within such ***residences*** shall include only floor space in excess of 300 square feet for one such space; and

(ii) in all R1-2A Districts, and in R3, R4A and R4-1 Districts in ***lower density growth management areas***, ***floor area*** within such ***residences*** shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;

(2) within ***buildings*** containing ***residences developed*** or ***enlarged*** pursuant to the optional regulations applicable in a ***predominantly built-up area***;

(3) in excess of 100 square feet per required space in individual garages within other ***buildings*** containing ***residences*** (***attached buildings***, rowhouses or multiple dwellings) in R3-2, R4 or R5 Districts, except that in R3-2 Districts within ***lower density growth management areas***, ***floor area*** shall only include floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces. However, all of the floor space within any ***story*** in individual garages shall be considered ***floor area*** where, subsequent to June 7, 1989, the level of any ***yard*** except that portion of a ***yard*** in front of a garage on the ***zoning lot*** is lowered below the lower of:

(i) ***curb level***; or

(ii) grade existing on June 7, 1989;

(4) within a ***group parking facility*** with five or more required spaces ***accessory*** to ***buildings*** containing ***residences*** in R3, R4 or R5 Districts that is located in a space with a ceiling height that is more than six feet above the ***base plane***, or, if the ***base plane*** is a sloping ***base plane***, six feet above the ***street wall line level*** used to establish such ***base plane***. On ***through lots*** with sloping ***base planes***, the ***street wall line level*** closest to a ***street*** shall be used to determine whether such space is ***floor area***;

(5) which is located more than 23 feet above ***curb level*** in any other ***building***;

(6) which is unenclosed and covered by a ***building or other structure*** containing ***residential use*** for at least 50 percent of such ***accessory*** off-street parking space in R2A, R2X, R3, R4 and R5 Districts. Where such ***accessory*** off-street parking space is covered by any portion of a ***building or other structure*** containing ***residential use***, other than a ***single-*** or ***two-family detached*** or ***semi-detached residence*** in R3-2, R4 or R5 Districts, and not ***developed*** or ***enlarged*** pursuant to the optional regulations applicable in a ***predominantly built-up area***, such ***floor area*** shall include only that portion of the ***accessory*** off-street parking space in excess of 100 square feet per required space;

(j) floor space used for ***accessory*** off-street loading berths in excess of 200 percent of the amount required by the applicable district regulations;

(k) floor space that is or becomes unused or inaccessible within a ***building***;

(l) floor space that has been eliminated from the volume of an existing ***building*** in conjunction with the ***development*** of a new ***building*** or in the case of a major ***enlargement***, as set forth in Section 11-31 (General Provisions), of another ***building*** on the same ***zoning lot***;

(m) floor space used for mechanical equipment that exceeds 50 square feet for the first ***dwelling unit***, an additional 30 square feet for the second ***dwelling unit***, and an additional 10 square feet for each additional ***dwelling unit*** in R2X, R3, R4 or R5 Districts. For the purposes of calculating floor space used for mechanical equipment, ***building segments*** on a single ***zoning lot*** may be considered to be separate ***buildings***;

(n) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior ***building*** walls on adjoining ***zoning lots abutting*** an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and

(o) any other floor space not specifically excluded.

However, the ***floor area*** of a ***building*** shall not include:

(1) ***cellar*** space, except where such space is used for dwelling purposes. ***Cellar*** space used for retailing shall be included for the purpose of calculating requirements for ***accessory*** off-street parking spaces, ***accessory*** bicycle parking spaces and ***accessory*** off-street loading berths;

(2) elevator or stair bulkheads, ***accessory*** water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts;

(3) uncovered steps;

(4) attic space (whether or not a floor has been laid) providing structural headroom of less than five feet in R2A, R2X, R3, R4 or R5 Districts, less than eight feet in R1 and R2 Districts, other than R2A and R2X Districts, and less than eight feet for ***single-*** or ***two-family residences*** in R6, R7, R8, R9 and R10 Districts. For ***buildings*** with three or more ***dwelling units*** in R6, R7, R8, R9 and R10 Districts ***developed*** or ***enlarged*** prior to February 2, 2011, such attic space providing structural headroom of less than eight feet shall not be considered ***floor area***;

(5) floor space in open or roofed bridges, breeze ways or porches, provided that not more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

(6) floor space used for ***accessory*** off-street parking spaces provided in any ***story***:

(i) up to 200 square feet per required space existing on June 30, 1989, within ***buildings*** containing ***residences*** in R3, R4 or R5 Districts, and up to 300 square feet for one required space in R2A Districts. However, for ***detached*** or ***semi-detached single-*** or ***two-family residences*** in all R1-2A Districts and in R3, R4A and R4-1 Districts within ***lower density growth management areas***, ***floor area*** shall not include up to 300 square feet for one space and up to 500 square feet for two spaces;

(ii) up to 100 square feet per required space in individual garages in ***attached buildings*** containing ***residences***, rowhouses or multiple dwellings in R3, R4, or R5 Districts, except that in R3-2 Districts within ***lower density growth management areas***, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:

(1) ***buildings*** containing ***residences developed*** or ***enlarged*** after June 30, 1989, pursuant to the optional regulations applicable in a ***predominantly built-up area***; or

(2) ***buildings*** containing ***residences*** where, subsequent to June 7, 1989, the level of any ***yard***, except that portion of a ***yard*** in front of a garage on the ***zoning lot*** is lowered below the lower of ***curb level*** or grade existing on June 7, 1989;

(iii) within an ***attached building*** containing ***residences***, ***building segment*** or multiple dwelling in R3-2, R4, or R5 Districts if such floor space is within a ***group parking facility*** with five or more required spaces that is located in a space with a ceiling height not more than six feet above the ***base plane***, or, if the ***base plane*** is a sloping ***base plane***, not more than six feet above the ***street wall line level*** used to establish such ***base plane***. On ***through lots*** with sloping ***base planes***, the ***street wall line level*** closest to a ***street*** shall be used to determine whether such space is ***floor area***;

(iv) located not more than 23 feet above ***curb level***, in any other ***building***, except where such floor space used for ***accessory*** parking is contained within a ***public parking garage***;

(v) in R3-2, R4 and R5 Districts, up to 100 square feet per required space which is unenclosed and covered by a ***building*** containing ***residences*** other than a ***single-*** or ***two-family detached*** or ***semi-detached residence*** for at least 50 percent of such ***accessory*** off-street parking space, except where such ***residences*** are or have been ***developed*** or ***enlarged*** pursuant to the optional regulations applicable in a ***predominantly built-up area***;

(7) floor space used for ***accessory*** off-street loading berths, up to 200 percent of the amount required by the applicable district regulation;

(8) floor space used for ***accessory*** mechanical equipment, including equipment serving the mechanical, electrical, or plumbing systems of ***buildings*** as well as fire protection systems, and power systems such as solar energy systems, generators, fuel cells, and energy storage systems. Such exclusion shall also include the minimum necessary floor space to provide for necessary maintenance and access to such equipment. However, such exclusion shall not apply in R2A Districts, and in R1-2A, R2X, R3, R4, or R5 Districts, such exclusion shall be limited to 50 square feet for the first ***dwelling unit***, an additional 30 square feet for the second ***dwelling unit*** and an additional 10 square feet for each additional ***dwelling unit***. For the purposes of calculating floor space used for mechanical equipment, ***building segments*** on a single ***zoning lot*** may be considered to be separate ***buildings***;

(9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest ***story*** (whether a ***basement*** or otherwise) of a ***residential building***, provided that:

(i) such ***building*** contains not more than two ***stories*** above such ***story***;

(ii) such ***story*** and the ***story*** immediately above it are portions of the same ***dwelling unit***;

(iii such ***story*** is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which ***basements*** are customarily used; and

(iv) such ***story*** has at least one-half its height below the level of the ground along at least one side of such ***building***, or such ***story*** contains a garage;

(10) floor space in exterior balconies or in open or roofed terraces provided that not more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior ***building*** walls on adjoining ***zoning lots abutting*** an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony;

(11) floor space within stairwells:

(i) at each floor of ***buildings*** containing ***residences developed*** or ***enlarged*** after April 16, 2008, that are greater than 125 feet in height, provided that:

(1) such stairwells are located on a ***story*** containing ***residences***;

(2) such stairwells are used as a required means of egress from such ***residences***;

(3) such stairwells have a minimum width of 44 inches;

(4) such floor space excluded from ***floor area*** shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and

(5) where such stairwells serve non-***residential uses*** on any floor, or are located within multi-level ***dwelling units***, the entire floor space within such stairwells on such floors shall count as ***floor area***;

(ii) at each floor of ***buildings developed*** or ***enlarged*** after April 28, 2015, that are 420 feet or greater in height, provided that:

(1) such stairwells serve a space with an occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and

(2) such floor space excluded from ***floor area*** shall be limited to:

(aa) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or

(bb) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph, such additional stairwell shall include the stair and landings as well as any walls enclosing the stair and landings;

(12) exterior wall thickness, up to eight inches:

(i) where such wall thickness is added to the exterior face of a ***building*** wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch; or

(ii) where such wall thickness is part of an exterior wall constructed after April 30, 2012, equal to the number of inches by which the wall's total thickness exceeds eight inches, provided the above-grade exterior walls of the ***building*** envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined by the following:

(1) the area-weighted average U-factor of all opaque above-grade wall assemblies shall be no greater than 80 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC; and

(2) the area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less;

For the purposes of calculating compliance with this paragraph, (12)(ii), the term "above-grade" shall only include those portions of walls located above the grade adjoining such wall. Compliance with this paragraph shall be demonstrated to the Department of Buildings at the time of issuance of the building permit for such exterior walls. The total area of wall thickness excluded from the calculation of ***floor area*** shall be reflected on the next issued temporary or final certificate of occupancy for the ***building***, as well as all subsequent certificates of occupancy;

(13) floor space in a rooftop greenhouse permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(14) floor space on a sun control device, where such space is inaccessible other than for maintenance.

floor area ratio

General Definition
Last Amended 2/2/2011

"Floor area ratio" is the total ***floor area*** on a ***zoning lot***, divided by the ***lot area*** of that ***zoning lot***. If two or more ***buildings*** are located on the same ***zoning lot***, the ***floor area ratio*** is the sum of their ***floor areas*** divided by the ***lot area***. (For example, a ***zoning lot*** of 10,000 square feet with a ***building*** containing 20,000 square feet of ***floor area*** has a ***floor area ratio*** of 2.0, and a ***zoning lot*** of 20,000 square feet with two ***buildings*** containing a total of 40,000 square feet of ***floor area*** also has a ***floor area ratio*** of 2.0)

FRESH food store

General Definition
Last Amended 12/15/2021

FROM 63-01: A "FRESH food store" is a food store ***use*** as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of ***floor area***, or ***cellar*** space utilized for retailing, is allocated to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption. Such retail space shall be distributed as follows:

(a) at least 25 percent of such retail space allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;

(b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and

(c) at least 6,000 square feet of such retail space shall be located on one ***story***.

A food store shall be certified as a ***FRESH food store*** by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

front lot line

General Definition

see ***lot line, front***

front sky exposure plane

General Definition

see ***sky exposure plane***

front yard

General Definition

see ***yard, front***

front yard line

General Definition

see ***yard line, front***

front yard line level

General Definition

see ***yard line, front, level (of)***

gambling vessel

General Definition
Last Amended 2/26/1998

A "gambling vessel" is any ferry, sightseeing, excursion, sport fishing or passenger ocean vessel that operates a shipboard gambling business subject to regulation under Title 20-A of the Administrative Code of the City of New York or any successor legislation.

Gowanus mix uses

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

"Gowanus mix uses" are ***community facility***, ***commercial***, and ***manufacturing uses*** set forth in Section 139-12 (Gowanus Mix Uses).

Gowanus retail and entertainment uses

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

"Gowanus retail and entertainment uses" are ***community facility*** and ***commercial uses*** set forth in Section 139-13 (Gowanus Retail and Entertainment Uses).

ground floor level

Applicable to Article III - Chapter 7

FROM 37-311: For the purposes of Section 37-30, inclusive, the "ground floor level" shall refer to a building's lowest story.

ground floor level

Applicable to Article XIII - Chapter 2

FROM 132-12:

ground floor level

For the purposes of this Chapter, "ground floor level" shall mean a ***building's*** lowest ***story*** located within 30 feet of the ***building's street wall*** along a ***designated commercial street***.

group parking facility

General Definition
Last Amended 2/2/2011

A "group parking facility" is a ***building or other structure*** or an open ***use*** on a ***zoning lot*** or portion thereof used for the storage of motor vehicles, that contains more than one parking space, has access to the ***street*** common to all spaces and, if ***accessory*** to a ***residential use***, is designed to serve more than one ***dwelling unit***.

A ***group parking facility*** shall include, but is not limited to, the following:

(a) an open parking area;

(b) parking spaces included within, or on the roof of, a ***building*** not primarily used for parking; or

(c) a ***building*** or ***buildings*** used primarily for parking, including a group of individual garages.

A ***group parking facility*** shall not include in R3, R4 or R5 Districts, individual parking garages within ***buildings*** containing ***residences*** or individual unenclosed ***accessory*** parking spaces adjacent to ***residences*** which have access from a ***street***, a private street or a driveway common to all the spaces.

health and fitness establishments

General Definition
Last Amended 12/9/2021

A "health and fitness establishment" is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services.

Health and fitness establishments include, but are not limited to, the following:

(a) establishments containing high-intensity ***uses***, including:

(1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or

(2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;

(b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and

(c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity ***uses*** listed above are subject to the supplemental ***use*** regulations of Sections 32-413 and 123-33, as applicable.

For "physical culture or health establishments" existing on December 9, 2021, that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that such establishment is not ***enlarged***, ***expanded***, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a "physical culture or health establishment" existing on December 9, 2021, may continue pursuant to the applicable provisions for ***health and fitness establishments***, and may ***enlarge***, ***expand***, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental ***use*** regulations are met.

height factor

General Definition
Last Amended 3/22/2016

The "height factor" of a ***zoning lot*** is equal to the total ***floor area*** of a ***building*** divided by its ***lot coverage***. If two or more ***buildings*** are located on the same ***zoning lot***, the ***height factor*** is the sum of their ***floor areas*** divided by the sum of their ***lot coverages***.

For example, a ***zoning lot*** with a ***residential building*** containing 60,000 square feet of ***floor area*** and a ***lot coverage*** of 5,000 square feet has a ***height factor*** of 12, and a ***zoning lot*** with two ***residential buildings*** containing a total of 80,000 square feet of ***floor area*** and 10,000 square feet of total ***lot coverage*** has a ***height factor*** of 8.

In computing a ***height factor***, a fraction of one-half or more may be considered a whole number, and smaller fractions shall be disregarded.

high-risk flood zone

Applicable to Article VI - Chapter 4

The "high-risk flood zone" is the area, as indicated on the ***flood maps***, that has a one percent chance of flooding in a given year.

hillside

Applicable to Article X - Chapter 5

FROM 105-01:

hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or ***average percent of slope***.

hillside

Applicable to Article XI - Chapter 9

FROM 119-01:

hillside

A "hillside" is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or ***average percent of slope***.

home occupation

General Definition
Last Amended 2/2/2011

(a) A "home occupation" is an ***accessory use*** which:

(1) is clearly incidental to or secondary to the ***residential use*** of a ***dwelling unit*** or ***rooming unit***;

(2) is carried on within a ***dwelling unit***, ***rooming unit***, or ***accessory building*** by one or more occupants of such ***dwelling unit*** or ***rooming unit***, except that, in connection with the practice of a profession, one person not residing in such ***dwelling unit*** or ***rooming unit*** may be employed; and

(3) occupies not more than 25 percent of the total ***floor area*** of such ***dwelling unit*** or ***rooming unit*** and in no event more than 500 square feet of ***floor area***.

(b) In connection with the operation of a ***home occupation***, it shall not be permitted:

(1) to sell articles produced elsewhere than on the premises;

(2) to have exterior displays, or a display of goods visible from the outside;

(3) to store materials or products outside of a principal or ***accessory building or other structure***;

(4) to display, in an R1 or R2 District, a nameplate or other ***sign*** except as permitted in connection with the practice of a profession;

(5) to make external structural alterations which are not customary for ***residences***; or

(6) to produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects.

(c) ***Home occupations*** include, but are not limited to:

fine arts studios

professional offices

teaching of not more than four pupils simultaneously, or, in the case of musical instruction, of not more than a single pupil at a time.

(d) However, ***home occupations*** shall not include:

advertising or public relations agencies

barber shops

beauty parlors

commercial stables or kennels

depilatory, electrolysis or similar offices

interior decorators' offices or workshops

ophthalmic dispensing

pharmacy

real estate or insurance offices

stockbrokers' offices

veterinary medicine.

home occupation

Applicable to Article XII - Chapter 3

FROM 123-11: For the purposes of this Chapter, the ***home occupation*** provisions of Section 12-10 shall apply, except that:

(a) up to 49 percent of the total ***floor area*** of a ***dwelling unit*** may be used for a ***home occupation***;

(b) such ***home occupation*** may occupy more than 500 square feet of ***floor area***; and

(c) businesses operated as ***home occupations*** may have up to three employees not residing in the ***dwelling unit***.

home occupation

Applicable from 117-50 to 117-57

FROM 117-503:

home occupation

Within the Queens Plaza Subdistrict, the ***home occupation*** provisions of Section 12-10 shall apply, except that:

(a) up to 49 percent of the total ***floor area*** of a ***dwelling unit*** may be used for a ***home occupation***;

(b) such ***home occupation*** may occupy more than 500 square feet of ***floor area***; and

(c) businesses operated as ***home occupations*** may have up to three employees not residing in the ***dwelling unit***.

horizontal surface

Applicable to Article VI - Chapter 1

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which:

(a) is located at a height of 150 feet above the ***established airport elevation*** for any major airport; and

(b) is measured on a horizontal radius from the ***airport reference point*** (or ***points***), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

hotel, apartment

General Definition
Last Amended 2/2/2011

An "apartment hotel" is a ***building*** or part of a ***building*** that is a Class A multiple dwelling as defined in the Multiple Dwelling Law, which:

(a) has three or more ***dwelling units*** or ***rooming units***;

(b) has one or more common entrances serving all such units; and

(c) provides one or more of the following services: housekeeping, telephone, desk, or bellhop service, or the furnishing or laundering of linens.

Restaurants, cocktail lounges, or indoor swimming pools are permitted ***accessory uses***, provided that in ***Residence Districts***, such facilities shall be accessible only through the lobby and there shall be no ***signs*** except as permitted by the applicable district regulations. Public banquet halls, ballrooms, or meeting rooms are not permitted ***accessory uses***.

hotel, transient

General Definition
Last Amended 8/17/1990

A "transient hotel" is a ***building*** or part of a ***building*** in which:

(a) living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis;

(b) one or more common entrances serve all such living or sleeping units; and

(c) twenty-four hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, or bellhop service, or the furnishing or laundering of linens.

Permitted ***accessory uses*** include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms.

Hudson Yards Redevelopment Area

Applicable to Article IX - Chapter 3

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

illuminated sign

General Definition

see ***sign, illuminated***

incidental alteration

General Definition

see ***alteration, incidental***

inclusionary housing area, mandatory

General Definition

see ***Mandatory Inclusionary Housing area***

Inclusionary Housing designated area

General Definition
Last Amended 3/22/2016

An "Inclusionary Housing designated area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of ***Inclusionary Housing designated areas*** are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

income-restricted housing unit

General Definition
Last Amended 3/22/2016

An "income-restricted housing unit" is a ***dwelling unit*** that complies with the definition of "affordable housing unit" set forth in Section 23-911 (General definitions), or any other ***dwelling unit*** with a legally binding restriction limiting rents to be affordable to households with incomes at or below 80 percent of the ***income index***, as prescribed by a City, State, or Federal agency, law, regulation, or regulatory agreement, for a period of not less than 30 years. For the purposes of this definition, "income index" shall be as defined in Section 23-911.

Any ***dwelling unit*** for which the applicable number of required ***accessory*** off-street parking spaces was established pursuant to the provisions of Section 25-25 (Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units) as such Section existed between December 15, 1961, and March 22, 2016, shall be considered an ***income-restricted housing unit***. In addition, ***dwelling units*** in public housing developments owned by the New York City Housing Authority for which the applicable number of required ***accessory*** off-street parking spaces was established pursuant to the zoning regulations in effect between July 20, 1950, and December 15, 1961, shall be considered ***income-restricted housing units***.

Any temporary or final certificate of occupancy issued after March 22, 2016, for a ***building*** or portion thereof containing an ***income-restricted housing unit*** shall state that such ***building*** or portion thereof contains ***income-restricted housing units*** and shall state that such certificate of occupancy may be amended or superseded to reflect that the ***building*** or portion thereof may contain other than ***income-restricted housing units*** only in accordance with the provisions of the Zoning Resolution.

industrial floor space

General Definition
Last Amended 12/19/2017

"Industrial floor space" is ***floor area*** or ***cellar*** space, excluding mechanical space and common space such as hallways, lobbies or stairways, with a minimum clear height from floor to ceiling of 15 feet, and allocated to one or more of the ***manufacturing***, semi-industrial or industrial ***uses*** listed in Use Groups 11A, 16A (excluding animal hospitals or kennels; animal pounds or crematoriums; automobile, motorcycle, trailer or boat sales, open or enclosed; crematoriums, human; motorcycle or motor scooter rental establishments; poultry or rabbit killing establishments, for retail sale on the same ***zoning lot*** only; riding academies, open or enclosed; stables for horses; and trade schools for adults), 16B, 16D (limited to wholesale establishments, with no limitation on ***accessory*** storage), 17 or 18A. ***Industrial floor space*** shall not include any diagnostic medical laboratories that receive patients.

initial setback distance

General Definition
Last Amended 12/15/1961

An "initial setback distance" is a horizontal distance measured from a ***street line*** into a ***zoning lot*** for a depth as set forth in the district regulations.

inner court

General Definition

see ***court, inner***

inner court recess

General Definition

see ***court recess, inner***

interim site plan

Applicable to Article XII - Chapter 7

FROM 127-04:

interim site plan

An "interim site plan" is a plan that specifies, for an interim period, the design for the location, dimensions, and grading of portions of the ***publicly accessible private street*** or ***upland connection*** that are the subject of a certification pursuant to paragraph (b)(1) of Section 127-422 or paragraph (a)(1) of Section 127-542 and located on the applicant's ***zoning lot***. A design for an interim period is necessary where it is not feasible to implement the final design for such portions until build-out of the remaining portions of the ***publicly accessible private street*** or ***upland connection*** occurs. Such ***interim site plan***, once certified, shall remain in effect until implementation of the ***final site plan*** in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, at which time the certified ***final site plan*** shall supersede the ***interim site plan***.

interior lot

General Definition

see ***lot, interior***

joint living-work quarters for artists

General Definition
Last Amended 12/15/2021

A "joint living-work quarters for artists" consists of one or more ***rooms*** in a ***non-residential building***, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

(a) and arranged and designed for use by, and is used by, not more than four non-related ***artists***, or an ***artist*** and the ***artist's*** household, and including adequate working space reserved for the ***artist***, or ***artists*** residing therein;

(b) by any household residing therein on September 15, 1986 whose members are all unable to meet the ***artist*** certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or

(c) by any person who is entitled to occupancy by any other provision of law.

Regulations governing ***joint living-work quarters for artists*** are set forth in Article I, Chapter 5, Sections 42-14, paragraph D. (Use Group 17 - Special Uses in M1-5B Districts), 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) and 74-78 (Conversions of Non-residential Floor Area).

land with minor improvements

General Definition
Last Amended 2/2/2011

"Land with minor improvements" is a tract of land or a ***zoning lot*** that:

(a) does not contain any ***building or other structure***; or

(b) involves ***buildings or other structures***, or other improvements, located underground or substantially at ground level, with a total assessed valuation, excluding land, of less than $14,500 as of February 2, 2011, as determined from the assessment rolls in effect on the applicable date on which such ***use*** is changed, damaged or destroyed, or terminated, in accordance with the provisions of Sections 52-32, 52-52 or 52-72 (Land with Minor Improvements). The Chairperson of the City Planning Commission shall adjust this figure annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year.

large-scale community facility development

General Definition
Last Amended 2/2/2011

A "large-scale community facility development" contains one or more ***buildings*** on a single ***zoning lot*** or two or more ***zoning lots*** that are contiguous or would be contiguous but for their separation by a ***street*** or a ***street*** intersection, used predominantly for ***community facility uses***, and:

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

(b) has been or is to be used, ***developed*** or ***enlarged*** as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the ***zoning lot*** definition in Section 12-10 (DEFINITIONS) for all ***zoning lots*** comprising the ***large-scale community facility development***; or

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such ***zoning lots***; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

(c) shall be located entirely in a ***Residence District*** or in a C1, C2, C3 or C4-1 District.

Such ***zoning lots*** may include any land occupied by ***buildings*** existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 9, provided that such ***buildings*** form an integral part of the ***large-scale community facility development***.

large-scale development

General Definition
Last Amended 2/2/2011

A "large-scale development" is either a ***large-scale community facility development***, a ***large-scale general development*** or a ***large-scale residential development***.

large-scale general development

General Definition
Last Amended 2/2/2011

A "large-scale general development" contains one or more ***buildings*** on a single ***zoning lot*** or two or more ***zoning lots*** that are contiguous or would be contiguous but for their separation by a ***street*** or a ***street*** intersection and is not either a ***large-scale residential development*** or a ***large-scale community facility development***; and:

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

(b) has been or is to be used, ***developed*** or ***enlarged*** as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the ***zoning lot*** definition in Section 12-10 (DEFINITIONS) for all ***zoning lots*** comprising the ***large-scale general development***; or

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such ***zoning lots***; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

(c) shall be located in whole or in part in any ***Commercial*** or ***Manufacturing District***, subject to the restrictions of paragraph (a)(1) of Section 74-743 (Special provisions for bulk modification).

Such ***zoning lots*** may include any land occupied by ***buildings*** existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such ***buildings*** form an integral part of the ***large-scale general development***, and provided that there is no ***bulk*** distribution from a ***zoning lot*** containing such existing ***buildings***. In C5 and C6 Districts, however, a ***large-scale general development*** having a minimum ***lot area*** of five acres may include a ***zoning lot*** that contains an existing ***building*** that is not integrally related to the other parts of the ***large-scale general development***, provided that such ***building*** covers less than 15 percent of the ***lot area*** of the ***large-scale general development*** and provided that there is no ***bulk*** distribution from a ***zoning lot*** containing such existing ***building***.

large-scale residential development

General Definition
Last Amended 2/2/2011

A "large-scale residential development" contains one or more ***buildings*** on a single ***zoning lot*** or two or more ***zoning lots*** that are contiguous or would be contiguous but for their separation by a ***street*** or a ***street*** intersection, used predominantly for ***residential uses*** and:

(a) has or will have an area of at least 1.5 acres and a total of at least three principal ***buildings***, or an area of at least three acres and a total of at least 500 ***dwelling units***;

(b) has been or is to be ***developed*** as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the ***zoning lot*** definition in Section 12-10 (DEFINITIONS) for all ***zoning lots*** comprising the ***large-scale residential development***; or

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such ***zoning lots***; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation;

(c) shall be located entirely in a ***Residence District*** or in a C1, C2, C3 or C4-1 District; and

(d) shall not include any ***zoning lots*** occupied by existing ***buildings*** to remain; and in staged developments, existing ***buildings*** proposed for demolition shall not be permitted to create a temporary ***non-compliance***.

legally required window

General Definition
Last Amended 2/2/2011

A "legally required window" is a window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation) which is required by any applicable law or statute to provide light or ventilation to a "living room," as defined in the Housing Maintenance Code.

Limited Height District

General Definition
Last Amended 6/29/1994

A "Limited Height District" is a district whose designation begins with the letters "LH," and in which the heights of ***buildings or other structures*** are limited in accordance with the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts).

Limited Height Districts appear on the ***zoning maps*** superimposed upon other districts. Their regulations supplement the regulations of the districts on which they are superimposed.

Limited Height Districts are confined to areas or portions of areas established by the Landmarks Preservation Commission and the Board of Estimate, or its successor, as "Historic Districts" pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code.

loft dwelling

General Definition
Last Amended 10/13/2010

A "loft dwelling" is a ***dwelling unit*** in the ***Special Tribeca Mixed Use District***, in a ***building*** designed for non-***residential use*** erected prior to December 15, 1961. Regulations governing ***loft dwellings*** are set forth in Sections 111-11 (Residential Use Modification) and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010).

Long Island City area

Applicable to Article I - Chapter 6

FROM 16-02: For the purposes of this Chapter, “Long Island City area” shall refer to the area within the boundaries shown on the map in Section 16-03.

long-term care facility

General Definition
Last Amended 3/22/2016

A “long-term care facility” is a ***community facility use*** that has secured appropriate certificate of authority or licensure by the New York State Department of Health and shall include:

(a) nursing homes or assisted living facilities as defined in the New York State Public Health Law; and

(b) continuing care retirement communities, consisting of independent living ***dwelling units*** in addition to nursing home beds and assisted living facilities as defined in the Public Health Law. Such continuing care retirement communities may be located in one or more ***buildings*** on the same or contiguous ***zoning lots***, or on lots which would be contiguous but for their separation by a ***street***. All such continuing care retirement communities shall:

(1) offer a life care contract that includes unlimited long-term care services along with housing for independent living and ***residential*** services and amenities; and

(2) include fewer independent living ***dwelling units*** than the combined number of assisted living ***dwelling units*** or ***rooming units*** and nursing home beds on such same or contiguous ***zoning lots***, or on lots which would be contiguous but for their separation by a ***street***. For the purposes of this calculation, the number of such assisted living ***dwelling units*** or ***rooming units*** shall be the

number of such units in the State-licensed assisted living facilities or assisted living ***residences***; and the number of such nursing home beds shall be the number of authorized State-licensed nursing home beds, as applicable. For the purposes of this definition, the term "rooming units" shall be as defined in the New York City Housing Maintenance Code.

If a continuing care retirement community does not comply with conditions (1) and (2) above, the independent living ***dwelling units*** shall be considered a ***residential use***.

lot area

General Definition
Last Amended 2/20/1964

"Lot area" is the area of a ***zoning lot***.

lot area per dwelling unit

General Definition
Last Amended 12/15/1961

"Lot area per dwelling unit" is that portion of the ***lot area*** required for each ***dwelling unit*** located on a ***zoning lot***.

lot area per room

General Definition
Last Amended 12/15/1961

"Lot area per room" is that portion of the ***lot area*** required for each ***room*** located on a ***zoning lot***.

lot coverage

General Definition
Last Amended 3/22/2016

"Lot coverage" is that portion of a ***zoning lot*** which, when viewed directly from above, would be covered by a ***building*** or any part of a ***building***. However, for purposes of computing a ***height factor***, any portion of such ***building*** covered by a roof which qualifies as ***open space***, or any terrace, balcony, breeze way, or porch or portion thereof not included in the ***floor area*** of a ***building***, shall not be included in ***lot coverage***.

For example, a ***zoning lot*** of 20,000 square feet consists of one portion, 100 feet by 100 feet, as a ***corner lot*** portion, and another portion, 100 feet by 100 feet, as an ***interior lot*** portion. In a district that allows 70 percent coverage of the ***interior lot*** portion, that portion can have a ***lot coverage*** of 7,000 square feet, while the ***corner lot*** portion which is allowed 100 percent coverage can have a ***lot coverage*** of 10,000 square feet.

When a ***height factor*** is not computed for a ***residential building*** or ***residential*** portion of a ***building***, obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in ***lot coverage***, except that the portion of any balcony which does not project from the face of the ***building*** shall be counted as ***lot coverage***.

lot depth

General Definition
Last Amended 12/15/1961

"Lot depth" is the mean horizontal distance between the ***front lot line*** and ***rear lot line*** of a ***zoning lot***. In the case of a ***corner lot***, the ***lot depth*** is the greater of the mean horizontal distances between the ***front lot lines*** and the respective ***side lot line*** opposite each.

lot line

General Definition
Last Amended 12/15/1961

A "lot line" is a boundary of a ***zoning lot***.

lot line, front

General Definition
Last Amended 12/15/1961

A "front lot line" is a ***street line***.

lot line, rear

General Definition
Last Amended 12/15/1961

A "rear lot line" is any ***lot line*** of a ***zoning lot*** except a ***front lot line***, which is parallel or within 45 degrees of being parallel to, and does not intersect, any ***street line*** bounding such ***zoning lot***.

lot line, side

General Definition
Last Amended 12/15/1961

A "side lot line" is any ***lot line*** which is not a ***front lot line*** or a ***rear lot line***.

lot width

General Definition
Last Amended 12/15/1961

"Lot width" is the mean horizontal distance between the ***side lot lines*** of a ***zoning lot***.

lot, corner

General Definition
Last Amended 5/20/1965

A "corner lot" is either a ***zoning lot*** bounded entirely by ***streets***, or a ***zoning lot*** which adjoins the point of intersections of two or more ***streets*** and in which the interior angle formed by the extensions of the ***street lines*** in the directions which they take at their intersections with ***lot lines*** other than ***street lines***, forms an angle of 135 degrees or less. In the event that any ***street line*** is a curve at its point of intersection with a ***lot line*** other than a ***street line***, the tangent to the curve at that point shall be considered the direction of the ***street line***. The portion of such ***zoning lot*** subject to the regulations for ***corner lots*** is that portion bounded by the intersecting ***street line*** and lines parallel to and 100 feet from each intersecting ***street line***. Any remaining portion of a ***corner lot*** shall be subject to the regulations for a ***through lot*** or for an ***interior lot***, whichever is applicable.

lot, interior

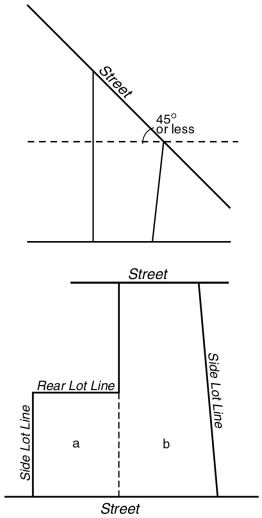
General Definition
Last Amended 12/15/1961

An "interior lot" is any ***zoning lot*** neither a ***corner lot*** nor a ***through lot***.

lot, through

General Definition
Last Amended 12/15/1961

A "through lot" is any ***zoning lot***, not a ***corner lot***, which adjoins two ***street lines*** opposite to each other and parallel or within 45 degrees of being parallel to each other. Any portion of a ***through lot*** which is not or could not be bounded by two such opposite ***street lines*** and two straight lines intersecting such ***street lines*** shall be subject to the regulations for an ***interior lot***.



a - Portion of lot subject to *interior lot* regulations
b - Portion of lot subject to *through lot* regulations

THROUGH LOT

lot, zoning

General Definition

see ***zoning lot***

lower density growth management area

General Definition
Last Amended 2/2/2011

A "lower density growth management area" is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any ***zoning lot*** containing ***buildings*** accessed by ***private roads*** in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island

Community District 10 in the Borough of the Bronx

In the Borough of Staten Island, ***lower density growth management areas*** shall also include any C1, C2 or C4 District.

In the Borough of the Bronx, in Community District 10, ***lower density growth management areas*** shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.

Lower street wall

Applicable to Article X - Chapter 4

FROM: 104-01:

Lower street wall

"Lower street wall" is that portion of the ***street wall*** of a ***building*** that extends from grade to the height set forth in Section 104-33, paragraph (a).

lowest usable floor

Applicable to Article VI - Chapter 4

The "lowest usable floor" of a ***building*** is the lowest floor of such ***building*** that contains ***floor area***, and may include ***basements*** and ***cellars***, as defined in Section 12-10 (DEFINITIONS).

mandatory front building wall

Applicable to Article XI - Chapter 6

FROM 116-01:

mandatory front building wall

A "mandatory front building wall" is the front wall of a ***building*** that generally coincides with a ***mandatory front building wall line***, as provided in Section 116-232 (Street wall location).

mandatory front building wall line

Applicable to Article XI - Chapter 6

FROM 116-01:

mandatory front building wall line

"Mandatory front building wall lines" are imaginary lines extending through Subarea B of the ***Special Stapleton Waterfront District*** which are shown on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, and with which ***building*** walls must generally coincide, as provided in Section 116-232.

Mandatory Inclusionary Housing area

General Definition
Last Amended 3/22/2016

A "Mandatory Inclusionary Housing area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of ***Mandatory Inclusionary Housing areas*** are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

mandatory widened sidewalk

Applicable to Article X - Chapter 4

FROM: 104-01:

mandatory widened sidewalk

A "mandatory widened sidewalk" is a paved area along the ***front lot line*** of a ***zoning lot*** at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. ***Mandatory widened sidewalks*** are shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter.

mandatory widened sidewalk line

Applicable to Article X - Chapter 4

FROM 104-01:

mandatory widened sidewalk line

A "mandatory widened sidewalk line" is the line shown on Map 3 in Appendix A of this Chapter.

Manhattan Core

General Definition

The "Manhattan Core" is the area within Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.

manufacturing

General Definition
Last Amended 2/2/2011

A "manufacturing" ***use*** is any ***use*** listed in Use Group 17 or 18.

manufacturing district

General Definition
Last Amended 2/2/2011

A "Manufacturing District" includes any district whose designation begins with the letter "M."

For example, an "M1" District includes any district whose designation begins with the symbol "M1."

mass transit station

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail ***mass transit station*** operated by a ***transit agency***. Such ***mass transit stations*** shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

mixed building

General Definition
Last Amended 2/2/2011

A "mixed building" is a ***building*** in a ***Commercial District*** used partly for ***residential use*** and partly for ***community facility*** or ***commercial use***.

mixed use building

Applicable to Article XI - Chapter 7

FROM 117-01:

Mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a “mixed use development” shall be any ***building*** or ***development*** used partly for ***residential use*** and partly for ***community facility***, ***commercial*** or ***manufacturing use***.

mixed use building

Applicable to Article XII - Chapter 3

FROM 123-11:

mixed use building

For the purposes of this Chapter, a "mixed use building" is a ***building*** in the ***Special Mixed Use District*** used partly for ***manufacturing***, ***commercial*** or ***community facility use*** and partly for ***residential use***.

mixed use development

Applicable to Article XI - Chapter 7

FROM 117-01:

mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a “mixed use development” shall be any ***building*** or ***development*** used partly for ***residential use*** and partly for ***community facility***, ***commercial*** or ***manufacturing use***.

Mixed use district

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

In the ***Special Gowanus Mixed Use District***, a “mixed use district” shall be any M1 District paired with a ***Residence District***, as indicated on the ***zoning maps***. For the purposes of applying provisions of districts adjacent to a ***mixed use district***, a ***mixed use district*** shall be considered a ***Manufacturing District***.

moderate-risk flood zone

Applicable to Article VI - Chapter 4

The “moderate-risk flood zone” is the area, as indicated on the ***flood maps***, and not within of the ***high-risk flood zone***, that has a 0.2 percent chance of flooding in a given year.

motel or tourist cabin

General Definition
Last Amended 12/15/1961

A "motel" or "tourist cabin" is a ***building*** or group of ***buildings*** which:

(a) contains living or sleeping accommodations used primarily for transient occupancy; and

(b) has individual entrances from outside the ***building*** to serve each such living or sleeping unit.

narrow street

General Definition

see ***street, narrow***

natural feature

Applicable to Article X - Chapter 5

FROM 105-01:

natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a ***Special Natural Area District***.

non-complying, or non-compliance

General Definition
Last Amended 12/15/1961

A "non-complying" ***building or other structure*** is any lawful ***building or other structure*** which does not comply with any one or more of the applicable district ***bulk*** regulations either on December 15, 1961 or as a result of a subsequent amendment thereto.

A "non-compliance" is a failure by a ***non-complying building or other structure*** to comply with any one of such applicable ***bulk*** regulations.

non-conforming, or non-conformity

General Definition
Last Amended 2/2/2011

A "non-conforming" ***use*** is any lawful ***use***, whether of a ***building or other structure*** or of a ***zoning lot***, which does not conform to any one or more of the applicable ***use*** regulations of the district in which it is located, either on December 15, 1961, or as a result of any subsequent amendment thereto.

A ***non-conforming use*** shall result from failure to conform to the applicable district regulations on either permitted Use Groups or performance standards.

A ***non-conformity*** is a failure by a ***non-conforming use*** to conform to any one of such applicable ***use*** regulations.

However, no existing ***use*** shall be deemed ***non-conforming***, nor shall a ***non-conformity*** be deemed to exist, solely because of any of the following:

(a) the existence of less than the required ***accessory*** off-street parking spaces or loading berths;

(b) the existence of ***non-conforming accessory signs***; or

(c) the existence of conditions in violation of the provisions of either Sections 32-41 and 32-42, relating to Supplementary Use Regulations, or Sections 32-51 and 32-52 relating to Special Provisions Applying along District Boundaries, or Sections 42-41, 42-42, 42-44 and 42-45, relating to Supplementary Use Regulations and Special Provisions Applying along District Boundaries.

non-profit hospital staff dwelling

General Definition
Last Amended 6/27/1963

A "non-profit hospital staff dwelling" is a dwelling owned by a non-profit institution or subsidiary non-profit housing corporation and which contains ***dwelling units*** reserved exclusively for occupancy by members of the staff of a non-profit or voluntary hospital and their immediate family.

non-qualifying ground floor

General Definition
Last Amended 3/22/2016

A “non-qualifying ground floor” shall refer to a ground floor of a ***development*** or ***enlargement*** of a ***Quality Housing building*** that does not meet the requirements for a ***qualifying ground floor***.

non-residential building

General Definition
Last Amended 2/2/2011

A “non-residential building” is a ***building*** containing no ***residences***.

open recreation space

Applicable to Article X - Chapter 9

FROM 109-01:

open recreation space

"Open recreation space" is that part of a ***zoning lot***, including ***courts***, ***yards*** and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 109-14, 109-34 and 109-42.

open space

General Definition
Last Amended 2/2/2011

"Open space" is that part of a ***zoning lot***, including ***courts*** or ***yards***, which is open and unobstructed from its lowest level to the sky and is accessible to and usable by all persons occupying a ***dwelling unit*** or a ***rooming unit*** on the ***zoning lot***.

Open space may, however, include areas covered by roofs, the total area of which is less than 10 percent of the unroofed or uncovered area of a ***zoning lot***, provided that such roofed area is not enclosed on more than one side, or on more than 10 percent of the perimeter of the roofed area, whichever is greater.

Open space may be provided on the roof of:

(a) a ***community facility building***;

(b) a ***building*** containing ***residences***, provided such roof area is not above that portion of such ***building*** that contains ***dwelling units*** or ***rooming units***;

(c) a ***non-residential building***, other than a ***community facility building***, provided such ***non-residential building abuts*** other ***buildings***, any one of which contains ***residences***.

All such roof areas used for ***open space*** shall meet the requirements set forth in this definition and shall:

(1) be not higher than 23 feet above ***curb level***, except as provided in Sections 24-164 (Location of open space for residential portion) and 35-33 (Location of Open Space);

(2) be at least two and one-half feet below the sill level of all ***legally required windows*** opening on such roof area;

(3) be directly accessible by a passageway from a ***building***, or by a ramp (with a grade of less than 10 percent) from a ***building***, ***yard***, ***court*** or ***street***, except that in R8 or R9 Districts such roof area need not be accessible to occupants and is therefore exempt from this requirement; and

(4) have no dimension less than 25 feet; except that in R8 or R9 Districts when such roof area adjoins a ***street line*** or a ***rear yard***, it may have a minimum depth of nine feet and a minimum length, along such ***street line*** or ***rear yard***, equal to at least twice its depth, or the full width of the ***zoning lot***, or 50 feet, whichever is the least distance.

open space network

Applicable to Article X - Chapter 7

FROM 107-01:

open space network

The "open space network" is a planned system of ***open spaces*** as shown on the District Plan (Map 3 in Appendix A), which includes ***public parks***, ***park streets***, ***designated open space*** and the ***waterfront esplanade***.

open space ratio

General Definition
Last Amended 2/2/2011

The "open space ratio" of a ***zoning lot*** is the number of square feet of ***open space*** on the ***zoning lot***, expressed as a percentage of the ***floor area*** on that ***zoning lot***. (For example, if for a particular ***zoning lot*** an ***open space ratio*** of 20 is required, 20,000 square feet of ***floor area*** in the ***building*** would necessitate 4,000 square feet of ***open space*** on the ***zoning lot***; or, if 6,000 square feet of ***lot area*** were in ***open space***, 30,000 square feet of ***floor area*** could be on that ***zoning lot***.) Each square foot of ***open space*** per 100 square feet of ***floor area*** is referred to as one point.

outer court

General Definition

see ***court, outer***

outer court recess

General Definition

see ***court recess, outer***

park street

Applicable to Article X - Chapter 7

FROM 107-01:

park street

A "park street" is a ***street*** designated as such in Section 107-25 (Special Regulations Along Certain Streets or Railroads) and whose primary function is to provide connecting links for pedestrians and cyclists between portions of the ***open space network*** and to which special provisions of this Chapter apply. ***Park streets*** shall be designated to provide limited vehicular access.

parking zone

Applicable to Article I - Chapter 3

FROM 13-02: For the purposes of this Chapter, a “parking zone” shall refer to the portion of an ***accessory*** off-street parking facility, ***public parking garage*** or an automobile rental establishment, occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the ***access zone***. In attended parking facilities with parking lift systems, the ***parking zone*** shall also include the lifted tray a vehicle is stored upon.

pier

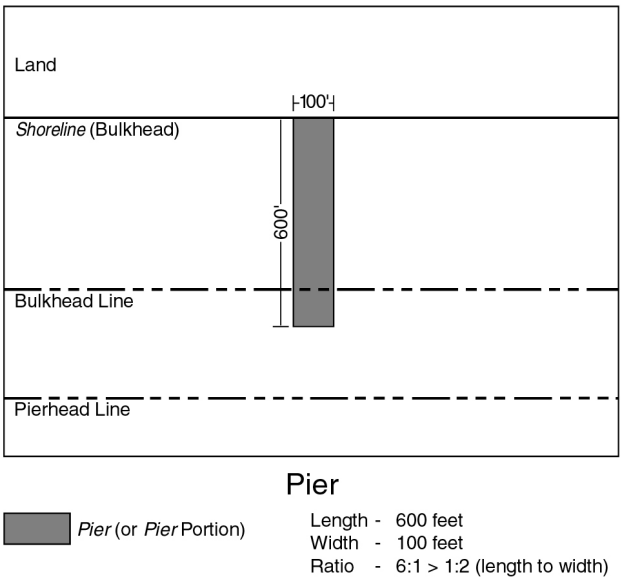
Applicable to Article VI - Chapter 2

A “pier” is a structure at the water's edge, not otherwise defined as a ***platform***, that is:

(a) a pile-supported overwater structure, or a portion thereof, that projects from a ***shoreline***, bulkhead or ***platform***; or

(b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a ***platform***.

Projections from ***platforms*** shall be considered ***piers*** if their length, measured from the portion of the ***platform*** from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered ***piers*** regardless of their configuration.



pier

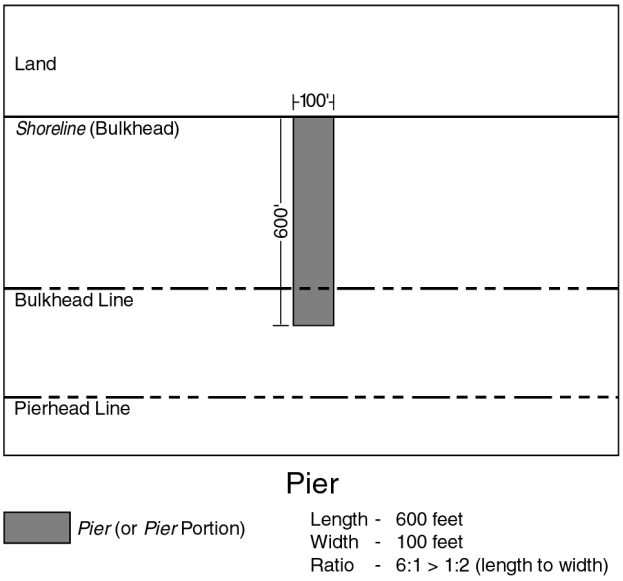
Applicable to Article XIV - Chapter 4

A "pier" is a structure at the water's edge, not otherwise defined as a ***platform***, that is:

(a) a pile-supported overwater structure, or a portion thereof, that projects from a ***shoreline***, bulkhead or ***platform***; or

(b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a ***platform***.

Projections from ***platforms*** shall be considered ***piers*** if their length, measured from the portion of the ***platform*** from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered ***piers*** regardless of their configuration.



Pier Place

Applicable to Article XI - Chapter 6

FROM 116-01:

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the ***Special Stapleton Waterfront District*** as shown in the District Plan, Map 1, in Appendix A of this Chapter.

pier, existing

Applicable to Article VI - Chapter 2

An "existing pier" is a ***pier*** where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

pier, new

Applicable to Article VI - Chapter 2

A “new pier” is any ***pier*** other than an ***existing pier***.

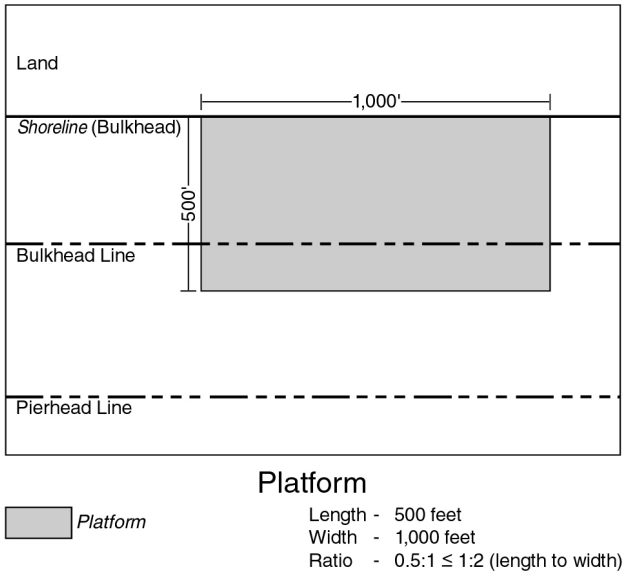
platform

Applicable to Article VI - Chapter 2

A “platform” is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

(a) is permanently connected to the land; and

(b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.



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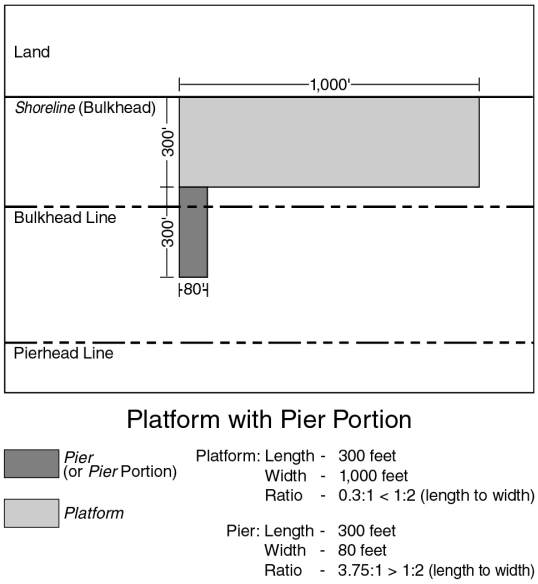


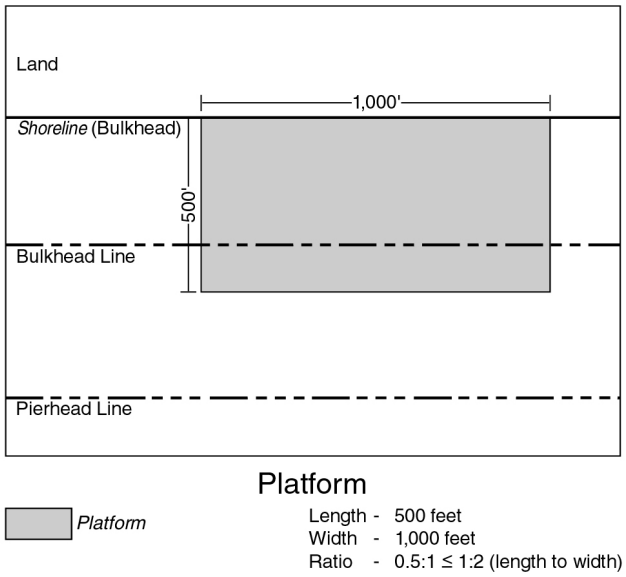
platform

Applicable to Article XIV - Chapter 4

A “platform” is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

(a) is permanently connected to the land; and

(b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.



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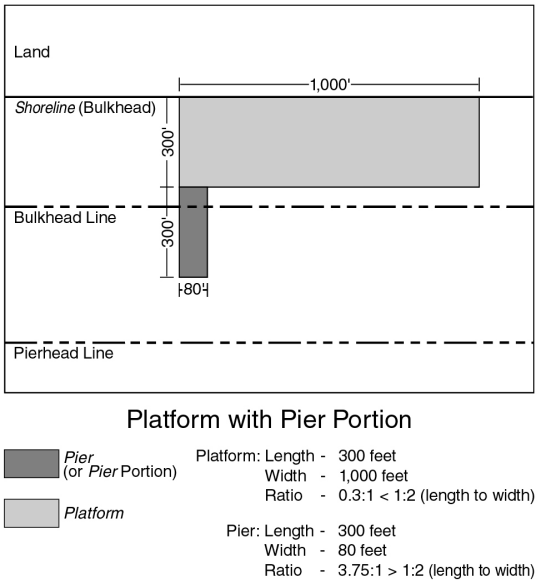


platform, existing

Applicable to Article IV - Chapter 2

An "existing platform" is a ***platform*** where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

platform, new

Applicable to Article VI - Chapter 2

A "new platform" is any ***platform*** other than an ***existing platform***.

plaza

General Definition
Last Amended 10/17/2007

A "plaza" is an open area for public use on a ***zoning lot developed***, from December 15, 1961, to June 11, 1996, in accordance with the requirements set forth in APPENDIX E, Section E27-50 (PLAZA STANDARDS OF 1961), of this Resolution.

plaza, public

General Definition
Last Amended 2/2/2011

A "public plaza" is an open area for public use provided in accordance with the requirements set forth in Section 37-70, inclusive.

plaza, residential

General Definition
Last Amended 10/17/2007

A "residential plaza" is an open area for public use on a ***zoning lot developed*** from March 2, 1977, to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Article II, Chapter 7, of this Resolution.

plaza, urban

General Definition
Last Amended 10/17/2007

An "urban plaza" is an open area for public use on a ***zoning lot developed***, from April 16, 1975, to June 11, 1996, in accordance with plans certified by the Chairperson of the City Planning Commission or, from June 13, 1996, to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Section E37-04, of this Resolution.

predominant or predominantly

Applicable to Article VI - Chapter 2

"Predominant" or "predominantly" shall mean that a ***use*** or a group of ***uses*** comprises at least 75 percent of the total ***floor area*** of the ***building*** or on the ***zoning lot*** or, in the case of open ***uses***, the ***lot area*** or ***pier water coverage***, as applicable.

predominantly built-up area

General Definition
Last Amended 3/22/2016

A "predominantly built-up area" is a ***block*** entirely within R4 or R5 Districts, including a ***Commercial District*** mapped within such ***Residence Districts***, having a maximum area of four acres with ***buildings*** on ***zoning lots*** comprising 50 percent or more of the area of the ***block***. However, a ***predominantly built-up area*** shall not include a ***block*** which is located partly in an R4A, R4-1, R4B, R5B or R5D District.

All such ***buildings*** shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit. Special optional regulations applying only to ***zoning lots*** of not more than 1.5 acres in a ***predominantly built-up area*** are set forth in the following Sections:

Section 23-143 (Optional regulations for predominantly built-up areas)

Section 23-22 (Maximum Number of Dwelling Units)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section 23-631 (General provisions)

Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 (Requirements Where Group Parking Facilities Are Provided)

The regulations applicable to a ***predominantly built-up area*** shall not apply to any ***zoning lot*** occupied as of October 21, 1987, by a ***single-*** or ***two-family detached*** or ***semi-detached residence*** where 75 percent or more of the aggregate length of the ***block*** fronts in ***residential use***, on both sides of the ***street*** facing each other, are occupied by such ***residences*** as of October 21, 1987. However, the regulations applicable to a ***predominantly built-up area*** may apply to such ***zoning lots*** where 75 percent or more of the aggregate length of the ***block*** fronts facing each other, on both sides of the ***street***, is comprised of ***zoning lots*** occupied as of October 21, 1987, by ***commercial*** or ***manufacturing uses***.

Furthermore, the regulations applicable to a ***predominantly built-up area*** shall continue to apply in the ***Special Coney Island Mixed Use District*** and the ***Special Ocean Parkway District***, and in areas subject to the provisions of paragraph (d) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas).

primary entrance

General Definition
Last Amended 2/2/2011

"Primary entrances" are the principal entrances to a ***building*** utilized for day-to-day pedestrian ingress and egress. Other entrances solely used for freight, service or emergency egress shall not constitute a ***primary entrance***.

primary retail street

Applicable to Article XII - Chapter 4

FROM 124-02

primary retail street

The "primary retail street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

primary street frontage

Applicable to Article III - Chapter 7

FROM 37-311: For the purposes of Section 37-30, inclusive, a "primary street frontage" shall be the portion of the ***ground floor level street*** frontage along any of the following:

(a) a ***wide street***;

(b) a narrow ***street*** where a ***Commercial District*** is mapped along an entire ***block*** frontage; or

(c) a ***narrow street*** within 50 feet of a ***wide street***.

primary street frontage

Applicable to Article VI - Chapter 4

FROM 64-11: For the purposes of applying the provisions of Section 64-322(c), a "primary street frontage" shall include:

(a) in ***Commercial Districts***, frontages that meet the criteria for a "primary street frontage" as defined in Section 37-311;

(b) in M1 Districts paired with ***Residence Districts***, frontages along:

(1) ***wide streets***;

(2) ***narrow streets*** within 50 feet of a ***wide street***; and

(3) ***narrrow streets*** where an M1 District paired with a ***Residence District*** is mapped along an entire ***block*** frontage; and

(c) frontages where non-***residential uses*** are required at the ***ground-floor level*** pursuant to a Special Purpose District or ***waterfront public access area***.

primary transit-adjacent sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, "primary transit-adjacent sites" shall refer to ***transit-adjacent sites*** that have a ***lot area*** of 5,000 square feet or more.

private road

General Definition
Last Amended 2/2/2011

A "private road" is a right-of-way, other than a ***street***, that provides vehicular access from a ***street*** to five or more ***dwelling units*** that are within ***buildings*** or ***building segments*** that are located wholly beyond 50 feet of a ***street line*** or ***street setback line***.

An individual driveway serving fewer than five parking spaces shall not be considered a ***private road***.

However, in ***lower density growth management areas***, a private road is a right-of-way, other than a ***street***, that provides vehicular access from a ***street*** to:

(a) three or more ***buildings*** or ***building segments*** located wholly beyond 50 feet of a ***street line*** or ***street setback line***; or

(b) one or two ***buildings*** or ***building segments*** located wholly beyond 50 feet of a ***street line*** or ***street setback line*** that contain five or more ***dwelling units***.

Regulations for ***private roads*** are located in Sections 26-00 (APPLICABILITY OF THIS CHAPTER) and 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS).

public park

General Definition
Last Amended 12/15/1961

A "public park" is any publicly owned park, playground, beach, parkway or roadway within the jurisdiction and control of the Commissioner of Parks and Recreation, except for park strips or malls in a ***street*** the roadways of which are not within the Commissioner's jurisdiction and control.

public parking garage

General Definition
Last Amended 9/29/2010

A "public parking garage" is a ***building or other structure***:

(a) that provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and

(b) some or all of whose parking spaces are non-***accessory***.

Car sharing vehicles may occupy parking spaces in a ***public parking garage***; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such garage. A ***public parking garage*** may include ***accessory*** off-street parking spaces limited to such spaces that are ***accessory*** to other ***uses*** on the same ***zoning lot***.

Sale of motor fuel or motor oil or minor repairs incidental to the parking or storage of motor vehicles are permitted ***accessory uses***.

public parking lot

General Definition
Last Amended 2/2/2011

A "public parking lot" is any open area on a ***zoning lot*** that is:

(a) used for the parking or storage of motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and

(b) not ***accessory*** to a ***use*** on the same or another ***zoning lot***.

Car sharing vehicles may occupy spaces in a ***public parking lot***; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such parking lot. Minor repairs incidental to the parking or storage of motor vehicles are a permitted ***accessory use***.

public plaza

General Definition

see ***plaza, public***

publicly accessible open area

General Definition
Last Amended 10/17/2007

A "publicly accessible open area" is an open area for public use on a ***zoning lot developed*** in accordance with the requirements of a ***plaza***, ***residential plaza***, ***urban plaza*** or ***public plaza***.

publicly accessible private street

Applicable to Article XII - Chapter 7

FROM 127-04:

publicly accessible private street

A "publicly accessible private street" is a way specified on Map 2 in the Appendix to this Chapter that functions as a ***street*** for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

publicly accessible private street

Applicable to Article XII - Chapter 7

FROM 127-04:

publicly accessible private street

A "publicly accessible private street" is a way specified on Map 2 in the Appendix to this Chapter that functions as a ***street*** for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

qualifying building

Applicable to Article XIV - Chapter 3
Last Amended 12/15/2021

For the purposes of this Chapter, a "qualifying building" shall be any ***building*** where, prior to December 15, 2021:

(a) such ***building*** contained at least 60,000 square feet of ***floor area***; and

(b) at least 20 percent of the ***floor area*** within such ***building*** was allocated to non-***residential floor area***, as such term is utilized in Section 143-14.

qualifying ground floor

General Definition
Last Amended 3/22/2016

A "qualifying ground floor" shall refer to the ground floor of a ***development*** or ***enlargement*** of a ***Quality Housing building*** on a ***zoning lot***, or portion thereof, where:

(a) the level of the finished floor of the second ***story*** is 13 feet or more above the level of the adjoining sidewalk; and

(b) for ***buildings*** in the following Districts that do not meet the criteria set forth in paragraph (a) of Section 23-664, such ground floor provides supplemental ground floor enhancements in accordance with paragraph (b)(2) of Section 23-662 or paragraph (b)(2) of Section 35-652, as applicable:

(1) R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the ***Manhattan Core***; or

(2) ***Commercial Districts*** mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the ***Manhattan Core***.

qualifying transit improvement sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, "qualifying transit improvement sites" shall refer to ***zoning lots*** that are:

(a) located in one of the following zoning districts:

(1) R9 or R10 Districts;

(2) ***Commercial Districts*** mapped within, or with an equivalent of an R9 or R10 District;

(3) M1 Districts paired with an R9 or R10 District; or

(4) M1-6 Districts; and

(b) located wholly or partially within the following distance from a ***mass transit station***:

(1) 500 feet for such ***zoning lots*** outside of ***Central Business Districts***; or

(2) 1,500 feet for such ***zoning lots*** and ***mass transit stations*** within ***Central Business Districts***.

Such distance shall be measured from the outermost extent of the ***mass transit station***. For the purposes of such calculation, the outermost extent may include ***buildings*** containing ***easement volumes*** serving such ***mass transit station***.

Quality Housing building

General Definition
Last Amended 3/22/2016

A "Quality Housing building" is a ***building***, ***developed***, ***enlarged***, ***extended*** or ***converted***, pursuant to the Quality Housing Program. The Quality Housing Program consists of specific ***bulk*** requirements set

forth for ***Quality Housing buildings*** in Article II, Chapter 3 and Article III, Chapter 5. Where a ***building*** adheres to such ***bulk*** requirements, which, depending on the requirements for the zoning district, may be required or may be an option, additional standards and requirements, as set forth in Article II, Chapter 8, apply in conjunction with such ***bulk*** provisions for ***Quality Housing buildings***.

Quality Housing building segment

General Definition
Last Amended 2/2/2011

A "Quality Housing building segment" is a ***building segment***, ***developed***, ***enlarged***, ***extended*** or ***converted*** pursuant to the Quality Housing Program.

railroad or transit air space

General Definition
Last Amended 2/22/1990

"Railroad or transit air space" is space directly over a railroad or transit right-of-way or yard, which right-of-way or yard was open, except for structures accommodating activities incidental to its ***use*** as a right-of-way or yard, and not otherwise covered over by any ***building or other structure*** on or after September 27, 1962.

rear lot line

General Definition

see ***lot line, rear***

rear sky exposure plane

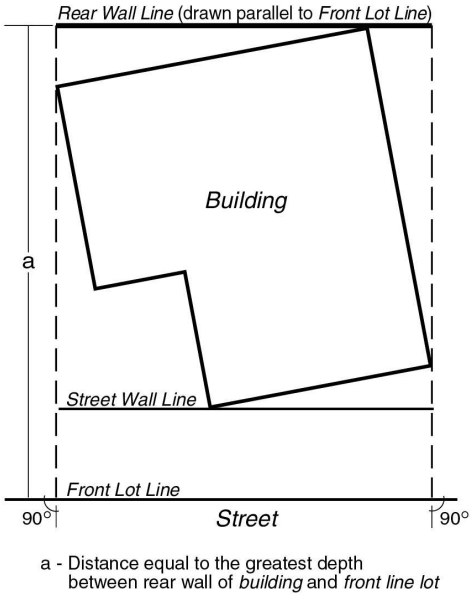
General Definition

see ***sky exposure plane, rear***

rear wall line

General Definition

A "rear wall line" is that portion of a line drawn parallel to a ***front lot line*** at a distance equal to the greatest depth between the rear wall of a ***building*** and the ***front lot line***, from which, when viewed directly from above, lines perpendicular to a ***street wall line*** may be drawn.



REAR WALL LINE

rear wall line level

General Definition

"Rear wall line level" is the mean level of the natural grade at the ***rear wall line***.

rear yard

General Definition

see ***yard, rear***

rear yard equivalent

General Definition

see ***yard equivalent, rear***

rear yard line

General Definition

see ***yard line, rear***

reference plane

Applicable to Article VI - Chapter 4

The "reference plane" is a horizontal plane from which the height and setback regulations governing a ***building or other structure*** may be measured, in accordance with certain provisions of this Chapter. The ***reference plane*** shall not be located above the ***first story above flood elevation***, as applicable.

For ***zoning lots*** located wholly or partially within the ***high-risk flood zone***, the ***reference plane*** may be established at any level between the ***flood-resistant construction elevation*** and a height of 10 feet above the ***base plane*** or ***curb level***, as applicable. However, where the ***flood-resistant construction elevation*** exceeds a height of 10 feet above the ***base plane*** or ***curb level***, as applicable, the ***reference plane*** may be established at the ***flood-resistant construction elevation***.

For ***zoning lots*** located wholly or partially within the ***moderate-risk flood zone***, the ***reference plane*** may be established at any level between the ***flood-resistant construction elevation*** and a height of five feet above the ***base plane*** or ***curb level***, as applicable.

residence district

General Definition
Last Amended 2/2/2011

A "Residence District" includes any district whose designation begins with the letter "R."

For example, an "R6" District includes any district whose designation begins with the symbol "R6."

residence, or residential

General Definition
Last Amended 3/22/2016

A "residence" is one or more ***dwelling units*** or ***rooming units***, including common spaces such as hallways, lobbies, stairways, laundry facilities, recreation areas or storage areas. A ***residence*** may, for example, consist of one-family or two-family houses, multiple dwellings, boarding or rooming houses, or ***apartment hotels***. However, ***residences*** do not include:

(a) such transient accommodations as ***transient hotels***, ***motels*** or ***tourist cabins***, or ***trailer camps***;

(b) ***non-profit hospital staff dwellings***; or

(c) student dormitories, fraternity or sorority student houses, monasteries or convents, ***long-term care facilities***, or other living or sleeping accommodations in ***community facility buildings*** or portions of ***buildings*** used for ***community facility uses***.

"Residential" means pertaining to a ***residence***.

residential building

General Definition
Last Amended 2/2/2011

A "residential building" is a ***building*** used only for a ***residential use***.

residential plaza

General Definition

see ***plaza, residential***

residential street

Applicable to Article XII - Chapter 4

FROM 124-02:

residential street

A "residential street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

residential use

General Definition
Last Amended 12/15/2016

A "residential use" is any ***use*** listed in Use Group 1 or 2.

retail street

Applicable to Article XII - Chapter 4

FROM 124-02:

retail street

A "retail street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

rooming unit

General Definition

Last Amended 7/26/2001

A "rooming unit" consists of any "living room," as defined in the Multiple Dwelling Law, in a ***residential building*** or a ***residential*** portion of a ***building***, that is:

(a) in a "class B multiple dwelling," a "rooming house," or a "furnished room house" as defined in the Multiple Dwelling Law; or

(b) used "for class B occupancy," as defined in the Housing Maintenance Code; or

(c) used for "single room occupancy," as defined in the Multiple Dwelling Law; or

(d) occupied by a "boarder," "roomer" or "lodger," as defined in the Housing Maintenance Code, provided, however, that if not more than two such boarders, roomers or lodgers reside within a ***dwelling unit***, the ***room*** or ***rooms*** occupied by such boarders, roomers or lodgers shall be counted as part of the ***dwelling unit*** and shall not be counted as ***rooming units***; or

(e) any other "living room" in a ***residential building*** or a ***residential*** portion of a ***building*** which is not a ***dwelling unit*** or part of a ***dwelling unit***.

rooms

General Definition
Last Amended 7/26/2001

"Rooms" shall consist of "living rooms," as defined in the Multiple Dwelling Law.

scenic view

Applicable to Article X - Chapter 2

FROM 102-01:

scenic view

A "scenic view" is an outstanding or unique view from a mapped ***public park*** or an esplanade or a mapped public place which is protected by the regulations of this Chapter. ***Scenic views*** shall be limited to:

(a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;

(b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or

(c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

The minimum horizontal distance between the ***scenic view*** and a ***view reference line*** shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this ***Special Scenic View District*** shall be described and made part of this Chapter.

school

General Definition
Last Amended 1/18/2011

A "school" is:

(a) an institution providing full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205 and 3210 of the New York State Education Law; or

(b) a nursery school or kindergarten:

  (1) whose annual session does not exceed the school sessions for full-time day schools prescribed in Section 3204 of the New York State Education Law; and

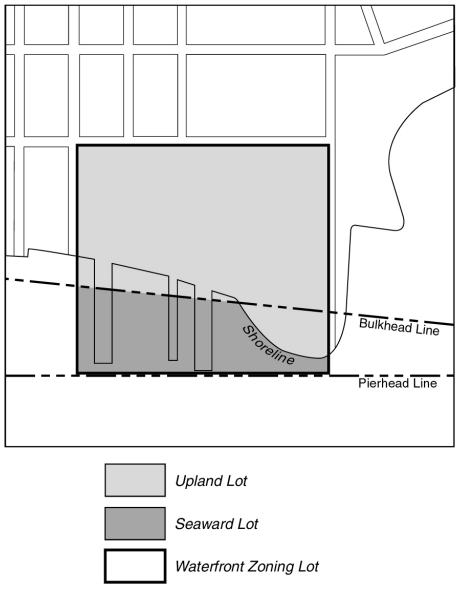
  (2) which is operated by the Department of Education or any established religious organization as part of an elementary school; or

(c) a child care service operating under a permit issued pursuant to Section 47.03 of the New York City Health Code.

seaward lot

Applicable to Article VI - Chapter 2

A “seaward lot” is the portion of a ***waterfront zoning lot*** located seaward of the bulkhead line, except for any land above water included as part of the ***upland lot***.



SEAWARD/UPLAND LOTS
(62 - 11.4)

secondary street frontage

General Definition

FROM 37-311: For the purposes of Section 37-30, inclusive, a "secondary street frontage" shall be a ***ground floor level street*** frontage, or portion thereof, subject to the provisions of Section 37-30, inclusive, that is not a ***primary street frontage***.

secondary transit-adjacent sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, "secondary transit-adjacent sites" shall refer to ***transit-adjacent sites*** that have a ***lot area*** of less than 5,000 square feet.

Select community facility uses

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

For the purposes of this Chapter, the following ***community facility uses*** shall also be considered "select community facility uses":

Houses of worship, rectories or parish houses; and

Health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.

self-service storage facility

General Definition
Last Amended 12/19/2017

A "self-service storage facility" is a moving or storage office, or a warehouse establishment, as listed in Use Group 16D, for the purpose of storing personal property, where:

(a) such facility is partitioned into individual, securely subdivided space for lease; or

(b) such facility consists of enclosed or unenclosed floor space which is subdivided by secured bins, boxes, containers, pods or other mobile or stationary storage devices; and

(c) such floor space or storage devices are less than 300 square feet in area and are to be leased or rented to persons or businesses to access, store or remove property on a self-service basis.

semi-detached (building)

General Definition
Last Amended 2/2/2011

A "semi-detached" ***building*** is a ***building*** that ***abuts*** only one other ***building***, other than an ***attached building***, on an adjoining ***zoning lot*** along only one ***side lot line*** and which is surrounded on all other sides by ***yards***, other open areas or ***street lines***.

service street

Applicable to Article XII - Chapter 4

FROM 124-02:

service street

A "service street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

severe disaster

General Definition
Last Amended 5/12/2012

A "severe disaster" shall include any event within any boundary of the City of New York, for which the Mayor proclaims a local state of emergency, or the Governor declares a disaster emergency.

sewer acceptance

Applicable to Article X - Chapter 7

FROM 107-01:

sewer acceptance

A "sewer acceptance" is the acceptance by the Department of Environmental Protection of a system of storm and/or sanitary sewers which were built in accordance with an approved ***drainage scheme*** intended to serve a ***development***.

Shore public walkway

Applicable to Article XI - Chapter 6

FROM 116-01:

Shore public walkway

A "shore public walkway" is a linear public access area along the shore or water edges of a ***platform*** on a ***waterfront zoning lot***.

shore public walkway

Applicable to Article VI - Chapter 2

A "shore public walkway" is a linear public access area running alongside the shore or water edges of a ***platform*** on a ***waterfront zoning lot***.

shoreline

General Definition
Last Amended 10/25/1993

The "shoreline" is the mean high water line, as determined in accordance with the procedure set forth by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

shoreline

Applicable to Article XIV - Chapter 4
Last Amended 12/15/2021

The definition of ***shoreline*** set forth in Section 12-10 is modified to mean the line identified as the Brooklyn Navy Yard Shoreline in that certain survey dated September 3, 2021, available on the Department of City Planning website.

show window

General Definition
Last Amended 12/15/1961

A "show window" is a window or opening in the exterior wall of any portion of a ***building*** used for business purposes, through which merchandise, services or business are displayed or advertised. A window glazed with transparent glass in the business portion of a ***building***, any part of which window is less than six feet above the sidewalk or the established sidewalk grade beneath the window, shall be a ***show window***.

side lot line

General Definition
Last Amended 6/30/1989

see ***lot line, side***

side lot ribbon

General Definition
Last Amended 6/30/1989

A "side lot ribbon" is that portion of the ***zoning lot*** that is contiguous to, and extends along the entire length of, a ***side lot line*** from the ***street line*** to an intersecting ***rear lot line***, ***side lot line*** or other ***street line***. Where a ***side lot ribbon*** is used for a common driveway serving two ***zoning lots***, the ***side lot ribbon*** may occupy space on both sides of a ***side lot line***.

side yard

General Definition

See ***yard, side***

sidewalk cafe

General Definition
Last Amended 2/2/2011

A "sidewalk cafe" is a portion of an eating or drinking place that is located on a public sidewalk and is either an ***enclosed***, ***unenclosed*** or ***small sidewalk cafe***. ***Sidewalk cafes*** are further defined in Section 20–

223, subdivision (a), of the Administrative Code.

sidewalk cafe, enclosed

General Definition
Last Amended 1/29/2003

An "enclosed sidewalk cafe" is a ***sidewalk cafe*** that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal.

sidewalk cafe, small

General Definition
Last Amended 5/5/2004

A "small sidewalk cafe" is an ***unenclosed sidewalk cafe*** containing no more than a single row of tables and chairs adjacent to the ***street line*** where such tables and chairs occupy a space on the sidewalk no greater than 4 feet, 6 inches from the ***street line***.

sidewalk cafe, unenclosed

General Definition
Last Amended 5/5/2004

An "unenclosed sidewalk cafe" is a space on the sidewalk that contains readily removable tables, chairs or railings with no overhead coverage other than umbrellas or a retractable awning that is affixed to the ***building*** wall and does not extend further than the width of the ***unenclosed sidewalk cafe***.

sign

General Definition
Last Amended 4/8/1998

A "sign" is any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), flag, (including banner or pennant) or any other figure of similar character, that:

(a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a ***building or other structure***;

(b) is used to announce, direct attention to or advertise; and

(c) is visible from outside a ***building***. A ***sign*** shall include writing, representation or other figures of similar character, within a ***building***, only when illuminated and located in a window.

However, non-***illuminated signs*** containing solely non-commercial copy with a total ***surface area*** not exceeding 12 square feet on any ***zoning lot***, including memorial tablets or signs displayed for the direction or convenience of the public, shall not be subject to the provisions of this Resolution.

sign band

Applicable to Article XII - Chapter 2

FROM 122-01:

Sign band

A "sign band" is a horizontal band which extends the full length of the ***street wall*** of a ***building***, and is located between 8 feet and 14 feet above ***curb level***.

sign with indirect illumination

General Definition
Last Amended 4/8/1998

A "sign with indirect illumination" is any ***illuminated*** non-***flashing sign*** whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into ***residences*** or ***streets***.

sign, advertising

General Definition
Last Amended 4/8/1998

An "advertising sign" is a ***sign*** that directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same ***zoning lot*** and is not ***accessory*** to a ***use*** located on the ***zoning lot***.

sign, flashing

General Definition
Last Amended 4/8/1998

A "flashing sign" is any ***illuminated sign***, whether stationary, revolving or rotating, that exhibits changing light or color effects, provided that revolving or rotating ***signs*** that exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed ***flashing signs*** only if they exhibit sudden or marked changes in such light or color effects.

Illuminated signs that indicate the time, temperature, weather or other similar information shall not be considered ***flashing signs***, provided that:

(a) the total ***surface area*** of such ***sign*** is not greater than 16 square feet;

(b) the vertical dimension of any letter or number is not greater than 24 inches; and

(c) color or intensity of light is constant except for periodic changes in the information displayed, which occur not more frequently than once every minute.

sign, illuminated

General Definition
Last Amended 4/8/1998

An "illuminated sign" is a ***sign*** designed to give forth any artificial light or reflect such light from an artificial source.

sign, surface area of

see ***surface area (of a sign)***

single-family residence

General Definition
Last Amended 2/2/2011

A "single-family residence" is a ***building*** containing only one ***dwelling unit***, and occupied by only one ***family***.

Site alteration

Applicable to Article X - Chapter 5
FROM: 105-01:

Site alteration

A "site alteration" is an alteration on any vacant tract of land, ***land with minor improvements*** or any tract of land containing ***buildings or other structures*** which includes land contour work, topographic modifications, removal of ***topsoil***, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other ***natural features***, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

Site alteration

Applicable to Article X - Chapter 7

FROM 107-01:

Site alteration

A "site alteration" is an alteration on any vacant tract of land, ***land with minor improvements*** or any tract of land containing ***buildings or other structures***, which includes land contour work, topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies. A ***site alteration*** shall include any land operation within ***designated open space***.

Site alteration

Applicable to Article XI - Chapter 9
FROM 119-01:

Site alteration

For the purposes of this Chapter, a "site alteration" is an alteration on any vacant tract of land, ***land with minor improvements*** or any tract of land containing ***buildings or other structures***. ***Site alterations*** shall include the following:

(a) removal of ***topsoil***;

(b) excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on June 30, 1987, is modified by two feet or more;

(c) dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way; or

(d) removal of vegetation beyond 15 feet of the foundation of an existing ***building***, except when the plant materials' continued presence would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning or routine maintenance.

sky exposure plane or front sky exposure plane

General Definition
Last Amended 4/18/1987

A "sky exposure plane" or "front sky exposure plane" is an imaginary inclined plane:

(a) beginning above the ***street line*** (or, where so indicated, above the ***front yard line***) at a height set forth in the district regulations; and

(b) rising over a ***zoning lot*** at a ratio of vertical distance to horizontal distance set forth in the district regulations.

sky exposure plane, rear

General Definition
Last Amended 4/18/1965

(a) beginning above a line at a distance from and parallel to the ***street line*** and at a height set forth in the district regulations; and

(b) rising over a ***zoning lot*** at a ratio of vertical distance to horizontal distance set forth in the district regulations.

SoHo-NoHo Arts Fund

Applicable to Article XIV - Chapter 3
Last Amended 12/15/2021

For the purposes of this Chapter, the “SoHo-NoHo Arts Fund” (the “Arts Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when converting ***joint living-work quarters for artists*** to ***residences*** through in accordance with the provisions of Section 143-13 (Joint Living-Work Quarters for Artists). Funds within the ***SoHo-NoHo Arts Fund*** shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker of the City Council detailing the amount of money deposited into the ***SoHo-NoHo Arts Fund*** and any expenditure of funds.

Special 125th Street District

General Definition
Last Amended 2/2/2011

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply.

Special Battery Park City District

General Definition
Last Amended 2/2/2011

The "Special Battery Park City District" is a Special Purpose District designated by the letters "BPC" in which special regulations set forth in Article VIII, Chapter 4, apply.

Special Bay Ridge District

Last Amended 2/2/2011

The "Special Bay Ridge District" is a Special Purpose District designated by the letters "BR" in which special regulations set forth in Article XI, Chapter 4, apply.

Special Bay Street Corridor District

General Definition
Last Amended 6/26/2019

The "Special Bay Street Corridor District" is a Special Purpose District designated by the letters "BSC" in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District

General Definition
Last Amended 12/15/2021

The “Special Brooklyn Navy Yard District” is a Special Purpose District designated by the letters “BNY” in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District

General Definition
Last Amended 2/2/2011

The "Special City Island District" is a Special Purpose District designated by the letters "CD" in which special regulations set forth in Article XI, Chapter 2, apply.

Special Clinton District

General Definition
Last Amended 2/2/2011

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply.

Special Coastal Risk District

General Definition
Last Amended 6/21/2017

The “Special Coastal Risk District” is a Special Purpose District designated by the letters “CR” in which special regulations set forth in Article XIII, Chapter 7, apply.

Special College Point District

General Definition
Last Amended 2/2/2011

The “Special College Point District” is a Special Purpose District designated by the letters “CP” in which special regulations set forth in Article XII, Chapter 6, apply.

Special Coney Island District

General Definition
Last Amended 2/2/2011

The “Special Coney Island District” is a Special Purpose District designated by the letters “CI” in which special regulations set forth in Article XIII, Chapter 1, apply.

Special Coney Island Mixed Use District

General Definition
Last Amended 1/9/1975

The "Special Coney Island Mixed Use District" is a Special Purpose District designated by the letters "CO" in which special regulations set forth in Article X, Chapter 6, apply.

Special Downtown Brooklyn District

General Definition
Last Amended 2/2/2011

The "Special Downtown Brooklyn District" is a Special Purpose District designated by the letters "DB" in which special regulations set forth in Article X, Chapter 1, apply.

Special Downtown Far Rockaway District

General Definition
Last Amended 9/9/2017

The “Special Downtown Far Rockaway District” is a Special Purpose District designated by the letters “DFR” in which special regulations set forth in Article XIII, Chapter 6, apply.

Special Downtown Jamaica District

General Definition
Last Amended 2/2/2011

The "Special Downtown Jamaica District" is a Special Purpose District designated by the letters "DJ" in which special regulations set forth in Article XI, Chapter 5, apply.

Special East Harlem Corridors District

General Definition
Last Amended 11/30/2017

The "Special East Harlem Corridors District" is a Special Purpose District designated by the letters "EHC" in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Enhanced Commercial District

General Definition
Last Amended 6/28/2012

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

Special Flushing Waterfront District

General Definition
Last Amended 12/10/2020

The "Special Flushing Waterfront District" is a Special Purpose District designated by the letters "FW" in which special regulations set forth in Article XII, Chapter 7, apply.

Special Forest Hills District

General Definition
Last Amended 2/2/2011

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply.

Special Garment Center District

General Definition
Last Amended 2/2/2011

The "Special Garment Center District" is a Special Purpose District designated by the letters "GC" in which special regulations set forth in Article XII, Chapter 1, apply.

Special Governors Island District

General Definition
Last Amended 7/24/2013

The “Special Governors Island District” is a Special Purpose District designated by the letters “GI” in which the special regulations set forth in Article XIII, Chapter 4, apply.

Special Gowanus Mixed Use District

General Definition
Last Amended 11/23/2021
The “Special Gowanus Mixed Use District” is a Special Purpose District designated by the letter “G” in which special regulations set forth in Article XIII, Chapter 9, apply.

Special Grand Concourse Preservation District

General Definition
Last Amended 2/2/2011

The "Special Grand Concourse Preservation District" is a Special Purpose District designated by the letter "C" in which special regulations set forth in Article XII, Chapter 2, apply.

Special Harlem River Waterfront District

General Definition
Last Amended 2/2/2011

The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letters "HRW" in which special regulations set forth in Article VIII, Chapter 7, apply.

Special Hillsides Preservation District

General Definition

Last Amended 2/2/2011

The "Special Hillsides Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

Special Hudson River Park District

General Definition
Last Amended 12/15/2016

The “Special Hudson River Park District” is a Special Purpose District designated by the letters “HRP” in which special regulations set forth in Article VIII, Chapter 9, apply.

Special Hudson Square District

General Definition
Last Amended 3/20/2013

The “Special Hudson Square District” is a Special Purpose District designated by the letters “HSQ,” in which special regulations set forth in Article VIII, Chapter 8, apply.

Special Hudson Yards District

General Definition
Last Amended 2/2/2011

The "Special Hudson Yards District" is a Special Purpose District designated by the letters "HY" in which special regulations set forth in Article IX, Chapter 3, apply.

Special Hunts Point District

General Definition
Last Amended 2/2/2011

The "Special Hunts Point District" is a Special Purpose District designated by the letters "HP" in which special regulations set forth in Article X, Chapter 8, apply.

Special Inwood District

General Definition
Last Amended 8/8/2018

The "Special Inwood District" is a Special Purpose District designated by the letters "IN" in which special regulations set forth in Article XIV, Chapter 2, apply.

Special Jerome Corridor District

General Definition
Last Amended 3/22/2018

The "Special Jerome Corridor District" is a Special Purpose District designated by the letter "J" in which special regulations set forth in Article XIV, Chapter 1, apply.

Special Limited Commercial District

General Definition
Last Amended 2/2/2011

The "Special Limited Commercial District" is a Special Purpose District designated by the letters "LC" in which special regulations set forth in Article VIII, Chapter 3, apply.

Special Lincoln Square District

General Definition
Last Amended 2/2/2011

The "Special Lincoln Square District" is a Special Purpose District designated by the letter "L" in which special regulations set forth in Article VIII, Chapter 2, apply.

Special Little Italy District

General Definition
Last Amended 2/2/2011

The "Special Little Italy District" is a Special Purpose District designated by the letters "LI" in which special regulations set forth in Article X, Chapter 9, apply.

Special Long Island City Mixed Use District

General Definition
Last Amended 2/2/2011

The "Special Long Island City Mixed Use District" is a Special Purpose District designated by the letters "LIC" in which special regulations set forth in Article XI, Chapter 7, apply.

Special Lower Manhattan District

General Definition
Last Amended 2/2/2011

The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LM" in which special regulations set forth in Article IX, Chapter 1, apply.

Special Madison Avenue Preservation District

General Definition
Last Amended 2/2/2011

The "Special Madison Avenue Preservation District" is a Special Purpose District designated by the letters "MP" in which special regulations set forth in Article IX, Chapter 9, apply.

Special Manhattanville Mixed Use District

General Definition
Last Amended 2/2/2011

The “Special Manhattanville Mixed Use District” is a Special Purpose District designated by the letters “MMU” in which special regulations set forth in Article X, Chapter 4, apply.

Special Midtown District

General Definition
Last Amended 2/2/2011

The "Special Midtown District" is a Special Purpose District designated by the letters "MiD" in which special regulations set forth in Article VIII, Chapter 1, apply.

Special Mixed Use District

General Definition
Last Amended 12/10/1997

The "Special Mixed Use District" is a Special Purpose District designated by the letters "MX" in which special regulations set forth in Article XII, Chapter 3, apply. The ***Special Mixed Use District*** appears on the ***zoning maps*** superimposed on paired M1 and ***Residence Districts***, and its regulations supplement or modify those of the M1 and ***Residence Districts***. The ***Special Mixed Use District*** includes any district that begins with the letters “MX.”

Special Natural Area District

General Definition
Last Amended 2/2/2011

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The ***Special Natural Area District*** includes any district whose designation begins with the letters "NA”.

Special Ocean Parkway District

General Definition
Last Amended 2/2/2011

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

Special Park Improvement District

General Definition
Last Amended 2/2/2011

The "Special Park Improvement District" is a Special Purpose District designated by the letters "PI" in which special regulations set forth in Article IX, Chapter 2, apply.

Special Planned Community Preservation District

General Definition
Last Amended 2/2/2011

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply.

Special Scenic View District

General Definition
Last Amended 2/2/2011

The "Special Scenic View District" is a Special Purpose District designated by the letters "SV" in which the special regulations set forth in Article X, Chapter 2, apply.

Special Sheepshead Bay District

General Definition
Last Amended 2/2/2011

The "Special Sheepshead Bay District" is a Special Purpose District designated by the letters "SB" in which special regulations set forth in Article IX, Chapter 4, apply.

Special SoHo-NoHo Mixed Use District

General Definition
Last Amended 12/15/2021

The “Special SoHo-NoHo Mixed Use District” is a Special Purpose District designated by the letters “SNX” in which special regulations set forth in Article XIV, Chapter 3, apply.

Special South Richmond Development District

General Definition
Last Amended 2/2/2011

The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SR" in which special regulations set forth in Article X, Chapter 7, apply.

Special Southern Hunters Point District

General Definition
Last Amended 2/2/2011

The “Special Southern Hunters Point District” is a Special Purpose District designated by the letters “SHP” in which special regulations set forth in Article XII, Chapter 5, apply.

Special Southern Roosevelt Island District

General Definition
Last Amended 5/8/2013

The “Special Southern Roosevelt Island District” is a Special Purpose District designated by the letters “SRI” in which special regulations set forth in Article XIII, Chapter 3, apply.

Special St. George District

General Definition
Last Amended 2/2/2011

The “Special St. George District” is a Special Purpose District designated by the letters “SG” in which special regulations set forth in Article XII, Chapter 8, apply.

Special Stapleton Waterfront District

General Definition
Last Amended 2/2/2011

The "Special Stapleton Waterfront District" is a Special Purpose District designated by the letters "SW" in which special regulations set forth in Article XI, Chapter 6, apply.

Special Transit Land Use District

General Definition
Last Amended 2/2/2011

A "Special Transit Land Use District" is a Special Purpose District designated by the letters "TA" in which special regulations set forth in Article IX, Chapter 5, apply.

Special Tribeca Mixed Use District

General Definition
Last Amended 2/2/2011

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply.

Special Union Square District

General Definition
Last Amended 2/2/2011

The "Special Union Square District" is a Special Purpose District, designated by the letters "US" in which special regulations set forth in Article XI, Chapter 8, apply.

Special United Nations Development District

General Definition
Last Amended 2/2/2011

The "Special United Nations Development District" is a Special Purpose District designated by the letter "U" in which special regulations set forth in Article VIII, Chapter 5, apply.

Special West Chelsea District

General Definition
Last Amended 2/2/2011

The “Special West Chelsea District” is a Special Purpose District designated by the letters “WCh” in which special regulations set forth in Article IX, Chapter 8, apply.

Special Willets Point District

General Definition
Last Amended 2/2/2011

The “Special Willets Point District” is a Special Purpose District designated by the letters “WP” in which special regulations set forth in Article XII, Chapter 4, apply.

staging area

Applicable to Article X - Chapter 5

FROM 105-01:

staging area

A "staging area" is any area on a ***zoning lot*** used during the construction of a ***development***, ***enlargement*** or ***site alteration*** for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

staging area

Applicable to Article XI - Chapter 9

FROM 119-01:

staging area

A "staging area" is any area on a ***zoning lot*** or other tract of land used during the construction of a ***development***, ***enlargement*** or ***site alteration*** for the purposes of stockpiling soil or construction materials;

storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

steep slope

Applicable to Article X - Chapter 5

FROM 105-01:

steep slope

A "steep slope" is a portion of a ***zoning lot*** with an incline of 25 percent or greater. However, a portion of a ***zoning lot*** with an incline of 25 percent or greater shall not be considered a ***steep slope*** if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the ***zoning lot***.

steep slope

Applicable to Article XI - Chapter 9

FROM 119-01:

steep slope

A "steep slope" is a portion of a ***zoning lot*** or other tract of land with an incline of 25 percent or greater. However, a portion of a ***zoning lot*** or other tract of land with an incline of 25 percent or greater shall not be considered a ***steep slope*** if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the ***zoning lot***.

steep slope buffer

Applicable to Article X - Chapter 5

FROM 105-01:

steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a ***steep slope***.

steep slope buffer

Applicable to Article XI - Chapter 9

FROM 119-01:

steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a ***steep slope***.

story

General Definition
Last Amended 2/2/2011

A "story" is that part of a ***building*** between the surface of a floor (whether or not counted for purposes of computing ***floor area ratio***) and the ceiling immediately above. However, a ***cellar*** shall not be considered a ***story***. Furthermore, attic space that is not ***floor area*** pursuant to Section 12-10 (DEFINITIONS) shall not be considered a ***story***.

street

General Definition
Last Amended 2/2/2011

A "street" is:

(a) a way established on the City Map; or

(b) a way designed or intended for general public use, connecting two ways established on the City Map, that:

(1) performs the functions usually associated with a way established on the City Map;

(2) is at least 50 feet in width throughout its entire length; and

(3) is covenanted by its owner to remain open and unobstructed throughout the life of any ***building*** or ***use*** that depends thereon to satisfy any requirement of this Resolution; or

(c) any other open area intended for general public use and providing a principal means of approach for vehicles or pedestrians from a way established on the City Map to a ***building or other structure***, that:

(1) performs the functions usually associated with a way established on the City Map;

(2) is at least 50 feet in width throughout its entire length;

(3) is approved by the City Planning Commission as a "street" to satisfy any requirement of this Resolution; and

(4) is covenanted by its owner to remain open and unobstructed throughout the life of any ***building*** or ***use*** that depends thereon to satisfy any requirement of this Resolution; or

(d) any other public way that on December 15, 1961, was performing the functions usually associated with a way established on the City Map; or

(e) a ***covered pedestrian space*** that directly links two parallel or substantially parallel ways established on the City Map, for which a ***floor area*** bonus may be awarded or was awarded pursuant to a prior

definition of such amenity, that may, by certification of the City Planning Commission, be deemed to be a ***street***, provided the Commission finds that:

(1) no portion of such space is located within 50 feet of the intersection of two ways established on the City Map;

(2) such space is unobstructed for a minimum width of 15 feet and a minimum height of 15 feet, except for enclosures at the entrances;

(3) such space is located at an elevation no more than five feet above or below ***curb level***; and

(4) the space functions as a ***street*** providing access to another ***street***, shops and other ***uses***, and that such access is graphically and visually evident to the pedestrian.

All provisions of this Resolution shall continue to be applicable to such space without being modified, varied or affected by the qualification of such space as a ***street***.

The City Planning Commission may prescribe appropriate conditions and safeguards to achieve public utilization of the ***street***.

For purposes of paragraphs (a), (b), (c) and (d) of this definition, a ***private road***, or a driveway that serves only to give vehicular access to an ***accessory*** parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a ***building***, shall not be considered a ***street***.

street line

General Definition
Last Amended 10/25/1973

A "street line" is a ***lot line*** separating a ***street*** from other land.

A ***street setback line*** supersedes the ***street line*** in the application of ***yard***, height and setback, and ***court*** regulations.

street setback line

General Definition
Last Amended 9/19/1985

A "street setback line" is a line shown on the City Map in the Borough of Staten Island, or in Community District 10 in the Borough of Queens. A ***street setback line*** shall not be located within a mapped ***street*** area.

A ***street setback line*** supersedes the ***street line*** in the application of ***yard***, height and setback, and ***court*** regulations.

No ***building or other structure*** shall be erected within the area between ***street setback lines*** fronting on the same ***street***, or between a ***street setback line*** and the opposite mapped ***street line*** if no ***street setback line*** exists. Any existing ***building or other structure*** within this area may be continued, changed, ***extended*** or structurally altered but shall not be ***enlarged***.

street wall

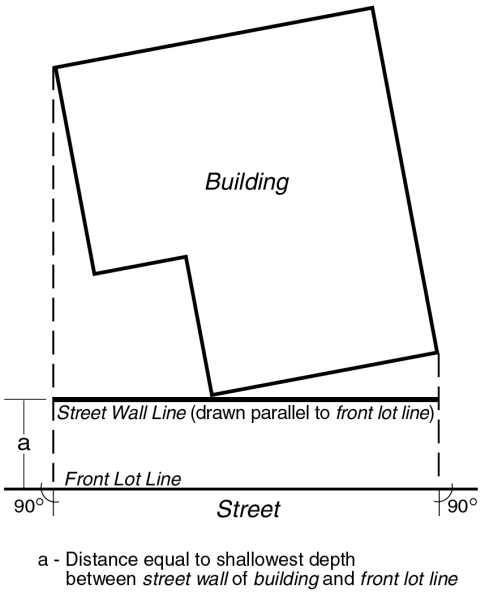
General Definition
Last Amended 12/15/1961

A "street wall" is a wall or portion of a wall of a ***building*** facing a ***street***.

street wall line

General Definition
Last Amended 12/5/1990

A "street wall line" is that portion of a line drawn parallel to a ***front lot line*** at a distance equal to the shallowest depth between the ***street wall*** of a ***building*** and the ***front lot line***, from which, when viewed directly from above, lines perpendicular to the ***front lot line*** may be drawn to a ***street wall***.



STREET WALL LINE

street wall line level

General Definition

Last Amended 12/5/1990

"Street wall line level" is the mean level of the natural grade at the ***street wall line***. On ***corner lots***, ***street wall line level*** is the average of the mean levels of the natural grade of each ***street wall line***. On ***through lots***, ***street wall line level*** is determined separately for each ***street*** frontage to a distance midway between such ***streets***.

street, narrow

General Definition
Last Amended 12/15/1961

A "narrow street" is any ***street*** less than 75 feet wide.

street, wide

General Definition
Last Amended 12/19/2011

A "wide street" is any ***street*** 75 feet or more in width. In C5-3, C6-4 or C6-6 Districts, when a ***front lot line*** of a ***zoning lot*** adjoins a portion of a ***street*** whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a ***street*** may be considered a ***wide street***; or when a ***front lot line*** adjoins a portion of a ***street*** 70 feet or more in width, which is between two portions of a ***street*** 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a ***wide street***, and in that case, for the purposes of the height and setback regulations and the measurement of any ***publicly accessible open area*** or ***arcade***, the ***street line*** shall be considered to be a continuous line connecting the respective ***street lines*** of the nearest portions of the ***street*** which are 75 feet or more in width.

In Community District 7 in the Borough of Manhattan, the roadways of Broadway between West 94th and West 97th Streets which are separated by mapped ***public park*** shall each be considered a ***wide street***.

supplemental public access area

Applicable to Article VI - Chapter 2

A “supplemental public access area” is a public access area provided on a ***waterfront zoning lot***, in addition to other required public access areas, in order to fulfill the required ***waterfront public access area*** requirements. A ***supplemental public access area*** shall not include a ***shore public walkway*** or an ***upland connection***.

surface area (of a sign)

General Definition
Last Amended 4/8/1998

The "surface area" of a ***sign*** shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such ***sign*** from the background against which it is placed. In any event, the supports or uprights on which such ***sign*** is supported shall not be included in determining the ***surface area*** of a ***sign***.

When two ***signs*** of the same shape and dimensions are mounted or displayed back-to-back and parallel on a single free-standing structural frame, only one of such ***signs*** shall be included in computing the total ***surface area*** of the two ***signs***.

When a double-faced ***sign*** projects from the wall of a ***building***, and its two sides are located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point, and display identical writing or other representation, the ***surface area*** shall include only one of the sides. Any additional side of a multi-faced ***sign*** shall be considered as a separate ***sign*** for purposes of computing the total ***surface area*** of the ***sign***.

through block arcade

General Definition
Last Amended 10/17/2007

A "through block arcade" is a continuous area within a ***building*** connecting one ***street*** with another ***street***, ***publicly accessible open area*** or ***arcade*** adjacent to the ***street***. This area may be enclosed in whole or in part and must have a minimum width of 20 feet and a minimum average height of 20 feet. Such a ***through block arcade*** shall, at either end, be at the same level as the ***street***, ***publicly accessible open area*** or ***arcade*** that it adjoins.

through block public plaza

Applicable to Article III - Chapter 7

A “through block public plaza” is a ***public plaza*** or portion of a ***public plaza*** that is not a ***corner public plaza*** and that connects two ***streets*** that are parallel or within 45 degrees of being parallel to each other.

through lot

General Definition

see ***lot, through***

tidal wetland area

Applicable to Article VI - Chapter 2

A “tidal wetland area” is an area planted with species tolerant of saline water inundation that is located between the mean low water line and the landward edge of the stabilized natural shore or bulkhead. Such area may be used to satisfy requirements for ***waterfront yards***, ***shore public walkways*** and planting in this Chapter.

Tier I site

Applicable to Article X - Chapter 5
FROM 105-01:

Tier I site

A "Tier I site" is a ***zoning lot*** or other tract of land having an ***average percent of slope*** of less than 10 percent.

Tier I site

Applicable to Article XI - Chapter 9

FROM 119-01:

Tier I site

A "Tier I site" is a ***zoning lot*** or other tract of land having an ***average percent of slope*** of less than 10 percent.

Tier II site

Applicable to Article X - Chapter 5
FROM 105-01:

Tier II site

A "Tier II site" is a ***zoning lot*** or other tract of land having an ***average percent of slope*** equal to or greater than 10 percent.

Tier II site

Applicable to Article XI - Chapter 9

FROM 119-01:

Tier II site

A "Tier II site" is a ***zoning lot*** or other tract of land having an ***average percent of slope*** equal to or greater than 10 percent.

topsoil

Applicable to Article X - Chapter 5

FROM 105-01:

topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

topsoil

Applicable to Article XI - Chapter 9

FROM 119-01:

topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

tourist cabin

General Definition

see ***motel or tourist cabin***

trailer

General Definition
Last Amended 12/15/1961

A "trailer" is a vehicle standing on wheels or rigid supports that is used for living or sleeping purposes.

trailer camp

General Definition
Last Amended 2/2/2011

A "trailer camp" is a ***zoning lot*** or portion thereof used or designated for the ***use*** of two or more ***trailers***.

transient hotel

General Definition

see ***hotel, transient***

transit agency

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected ***mass transit station***.

transit volume

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, a "transit volume" shall refer to an area of a ***transit-adjacent site*** where, pursuant to the provisions of this Chapter, a ***transit agency*** has determined transit or pedestrian circulation improvements are needed for a ***mass transit station***. Such ***transit volume*** may be used to accommodate ***easement volumes*** or ***clear paths***.

Transit Zone

General Definition
Last Amended 3/22/2016

The "Transit Zone" is the area within the boundaries shown in APPENDIX I of this Resolution where special parking provisions apply.

transit-adjacent sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, "transit-adjacent sites" shall refer to ***zoning lots*** that are located within 50 feet of a ***mass transit station*** and located in ***eligible zoning districts***. ***Transit-adjacent sites*** include ***primary transit-adjacent sites*** and ***secondary transit-adjacent sites***.

transitional surfaces

Applicable to Article VI - Chapter 1

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all ***approach surfaces***, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which:

(a) rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the center line of the runway; and

(b) extend to the point of intersection with the ***horizontal surface*** or the ***conical surface***.

tree credit

Applicable to Article X - Chapter 5

FROM 105-01:

tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch ***caliper*** or more that is counted towards a tree preservation requirement or a credit for a newly planted tree of three-inch ***caliper*** or more that is counted towards a tree planting requirement.

tree credit

Applicable to Article XI - Chapter 9

FROM 119-01:

tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch ***caliper*** or more which is counted toward a tree preservation requirement, or a credit for a newly planted tree of three-inch ***caliper*** or more which is counted toward a tree planting requirement.

tree protection plan

Applicable to Article X - Chapter 5

FROM 105-01:

tree protection plan

A "tree protection plan" is a plan that modifies the ***area of no disturbance*** around a tree proposed for preservation while protecting and preserving the tree during construction. A ***tree protection plan*** is prepared by an arborist certified by the International Society of Arborculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch ***caliper*** or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

tree protection plan

Applicable to Article XI - Chapter 9

FROM 119-01:

tree protection plan

A "tree protection plan" is a plan that modifies the ***area of no disturbance*** around a tree proposed for preservation while protecting and preserving the tree during construction. A ***tree protection plan*** is prepared by an arborist certified by the International Society of Arborculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch ***caliper*** or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

two-family residence

General Definition
Last Amended 2/2/2011

A "two-family residence" is a ***building*** containing not more than two ***dwelling units***, and occupied by only two ***families***.

unenclosed sidewalk cafe

General Definition

see ***sidewalk cafe, unenclosed***

unlicensed physical treatment establishment

General Definition
Last Amended 12/9/2021

An ***unlicensed physical treatment establishment*** is any establishment that offers or advertises or is equipped or arranged so as to provide as part of its services, whether as a principal ***use*** or as an ***accessory use***, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York to provide such service, or under the supervision of such licensee and working in a manner allowed by the license. However, ***unlicensed physical treatment establishments*** shall not include barbershops or beauty parlors that offer massage to the scalp, the face, the neck or shoulders only.

Unlicensed physical treatment establishments shall not be permitted in any District.

upland connection

Applicable to Article XI - Chapter 6

FROM 116-01:

upland connection

An "upland connection" is a pedestrian way which provides a public access route from the ***Esplanade*** or a ***shore public walkway*** to a public sidewalk within a public ***street***. Required ***upland connections*** are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in Appendix A of this Chapter.

upland connection

Applicable to Article VI - Chapter 2

An “upland connection” is a pedestrian way which provides a public access route from a ***shore public walkway*** to a public sidewalk within an open and accessible ***street***, ***public park*** or other accessible public place.

upland lot

Applicable to Article VI - Chapter 2

An “upland lot” is the portion of a ***waterfront zoning lot*** located landward of the bulkhead line. Where a portion of the ***shoreline*** projects seaward of the bulkhead line, such land above water shall be included as part of the ***upland lot*** (see illustration of Seaward/Upland Lots).

upper street wall

Applicable to Article X - Chapter 4

FROM 104-01:

upper street wall

“Upper street wall” is that portion of the ***street wall*** of a ***building*** that extends from the ***lower street wall*** to the maximum ***building*** height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the ***building***, whichever is less.

urban plaza

General Definition

see ***plaza, urban***

use

General Definition
Last Amended 2/2/2011

A "use" is:

(a) any purpose for which a ***building or other structure*** or an open tract of land may be designed, arranged, intended, maintained or occupied; or

(b) any activity, occupation, business or operation carried on, or intended to be carried on, in a ***building or other structure*** or on an open tract of land.

view framing line

Applicable to Article X - Chapter 2

FROM 102-01:

view framing line

The "view framing line" is a line or lines which establish the outer edge of the ***scenic view*** to be protected. For each ***scenic view***, the ***view framing line*** or ***lines*** and their elevation are to be located and identified and made part of this Chapter.

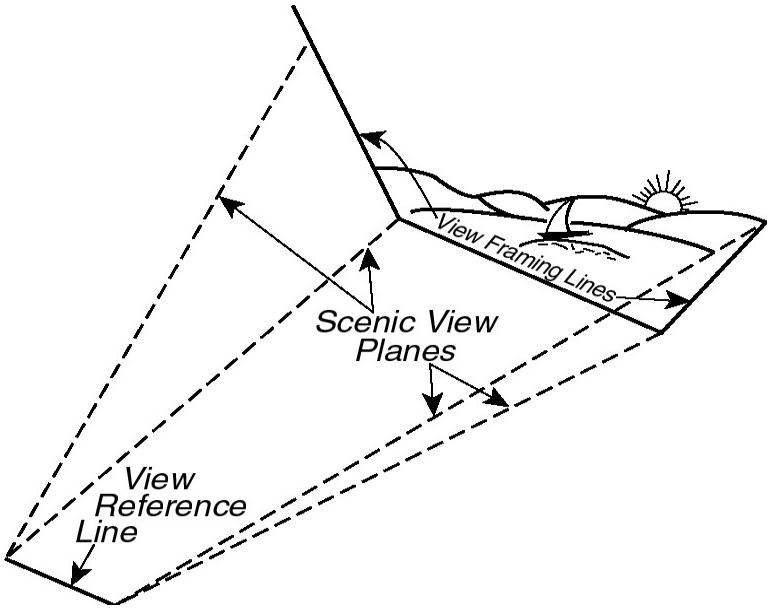
view plane

Applicable to Article X - Chapter 2

FROM 102-01:

view plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a ***Special Scenic View District*** unless authorized by the City Planning Commission. Position of the ***view plane*** may be conical surfaces. Such ***view plane*** or ***planes*** are established by joining the ***view reference line*** with the ***view framing lines*** as illustrated below:



View planes and their elevation, length and slopes applicable to each ***Special Scenic View District*** are to be located and identified and made part of this Chapter.

view reference line

Applicable to Article X - Chapter 2

FROM 102-01:

view reference line

The "view reference line" is a line within a mapped ***public park*** or an esplanade or a mapped public place from which at any point an outstanding ***scenic view*** may be observed. A ***view reference line*** and its elevation applicable to each ***Special Scenic View District*** are to be located and identified and made part of this Chapter.

The mapped ***public park*** or an esplanade or a mapped public place in which such ***view reference line*** is located shall be directly accessible from a ***street***.

visual corridor

Applicable to Article XI - Chapter 6

FROM 116-01:

visual corridor

A "visual corridor" is a public ***street*** or tract of land within a ***block*** that provides a direct and unobstructed view to the water from a vantage point within a public ***street***. Required ***visual corridors*** are shown in the District Plan, Map 5 and Map 6 (Location of Visual Corridor in Subarea E) in Appendix A of this Chapter.

visual corridor

Applicable to Article VI - Chapter 2

A "visual corridor" is a public ***street*** or open area within one or more ***zoning lots*** that provides a direct and unobstructed view to the water from a vantage point within a public ***street***, ***public park*** or other public place.

water coverage

Applicable to Article VI - Chapter 2

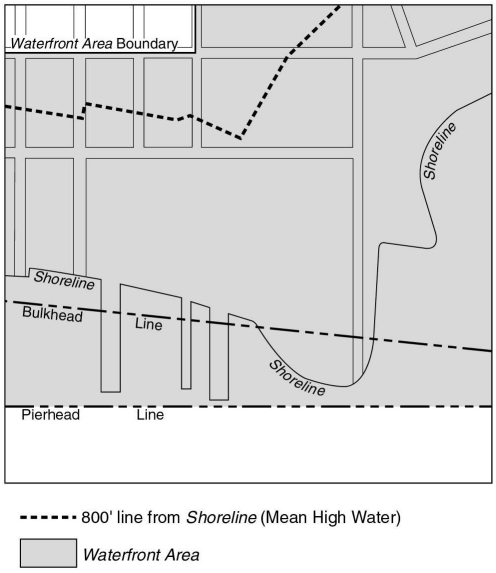
"Water coverage" is the portion of a ***zoning lot*** seaward of the ***shoreline*** that, when viewed directly from above, would be covered by a ***pier***, ***platform*** or ***floating structure***, including portions of ***buildings or other structures*** projecting over the water from such structures. ***Water coverage*** shall not include docking or navigational appurtenances which may project from the aforementioned structures.

waterfront area

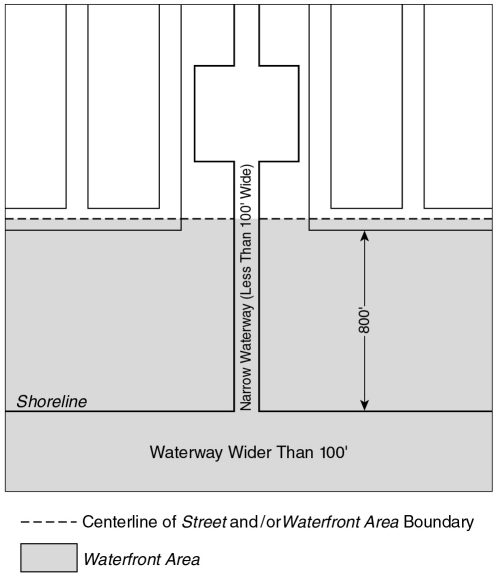
General Definition
Last Amended 11/23/2021

The "waterfront area" is the geographical area comprising all ***blocks*** between the pierhead line and a line 800 feet landward from the ***shoreline***. Where such line intersects a ***block***, the entire ***block*** shall be included and the ***waterfront area*** boundary shall coincide with the centerline of the landward boundary ***street*** or other ***block*** boundary. Notwithstanding the above, any ***zoning lot***, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the ***shoreline*** at any point and which does not ***abut*** a waterfront public park, shall not be included in the ***waterfront area***.

For the purposes of this definition, only ***blocks*** along waterways that have a minimum width of 100 feet between opposite ***shorelines***, with no portion downstream less than 100 feet in width, shall be included within the ***waterfront area***. However, ***blocks*** bounding Dutch Kills and the portion of the Bronx River located south of the prolongation of East 172nd Street, shall be included within the ***waterfront area***.



WATERFRONT AREA



NARROW WATERWAY EXCLUSION

waterfront block or waterfront zoning lot

Applicable to Article VI - Chapter 2

A "waterfront block" or "waterfront zoning lot" is a ***block*** or ***zoning lot*** in the ***waterfront area*** having a boundary at grade coincident with or seaward of the ***shoreline***. For the purposes of this Chapter:

(a) a ***block*** within the ***waterfront area*** shall include the land within a ***street*** that is not improved or open to the public, and such ***street*** shall not form the boundary of a ***block***;

(b) a ***block*** within the ***waterfront area*** that ***abuts*** a ***public park*** along the waterfront shall be deemed to be part of a ***waterfront block***; and

(c) a ***zoning lot*** shall include the land within any ***street*** that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

However, any ***block*** or ***zoning lot*** in the ***waterfront area*** having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a ***waterfront block*** or ***waterfront zoning lot***, respectively.

Any ***zoning lot***, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the ***shoreline*** at any point and which does not ***abut*** a ***public park*** along the waterfront, shall be deemed outside of the ***waterfront block***.

waterfront esplanade

Applicable to Article X - Chapter 7

FROM 107-01:

waterfront esplanade

The "waterfront esplanade" is a pedestrian way to be provided for public ***use*** within the ***open space network*** along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

waterfront public access area

Applicable to Article VI - Chapter 2

A "waterfront public access area" is the portion of a ***zoning lot*** improved for public access. It may include any of the following: a ***shore public walkway***, ***upland connection***, ***supplemental public access area*** or public access area on a ***pier*** or ***floating structure***.

waterfront yard

Applicable to Article VI - Chapter 2

A "waterfront yard" is that portion of a ***waterfront zoning lot*** extending open and unobstructed from the lowest level to the sky along the entire length of the ***shoreline***, stabilized natural shore, bulkhead or water edge of a ***platform***, as applicable, for a depth or width as set forth in this Chapter.

wide street

General Definition

see ***street, wide***

width of outer court

General Definition

see ***court, width of outer***

width of outer court

see ***court, width of outer***

yard

General Definition
Last Amended 9/19/1973

A "yard" is that portion of a ***zoning lot*** extending open and unobstructed from the lowest level to the sky along the entire length of a ***lot line***, and from the ***lot line*** for a depth or width set forth in the applicable district ***yard*** regulations.

Where a ***street setback line*** is shown on the City Map the ***yard*** extends along the entire length of the ***street setback line***, and from the ***street setback line*** for a depth or width set forth in the applicable district ***yard*** regulations.

yard equivalent, rear

General Definition
Last Amended 12/15/1961

A "rear yard equivalent" is an open area which may be required on a ***through lot*** as an alternative to a required ***rear yard***.

yard line, front

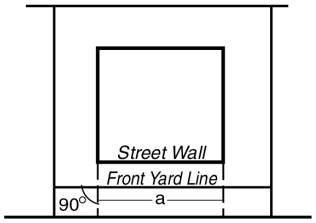
General Definition
Last Amended 12/15/1961

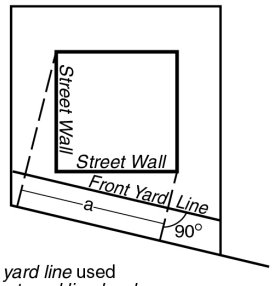
A "front yard line" is a line drawn parallel to a ***front lot line*** at a distance therefrom equal to the depth of a required ***front yard***.

yard line, front, level (of)

General Definition
Last Amended 12/15/1961

The "front yard line level" is the mean level of that portion of the ***front yard line*** from which, when viewed directly from above, lines perpendicular to the ***front yard line*** may be drawn to a ***street wall***. On ***corner lots***, the ***front yard line level*** is the mean of the ***front yard line levels***.





a - Portion of *front yard line* used
to determine *front yard line level*

FRONT YARD LINE LEVEL

yard line, rear

General Definition
Last Amended 12/15/1961

A "rear yard line" is a line drawn parallel to a ***rear lot line*** at a distance therefrom equal to the depth of a required ***rear yard***.

yard, front

General Definition
Last Amended 12/15/1961

A "front yard" is a ***yard*** extending along the full length of a ***front lot line***.

In the case of a ***corner lot***, any ***yard*** extending along the full length of a ***street line*** shall be considered a ***front yard***.

yard, rear

General Definition
Last Amended 12/15/1961

A "rear yard" is a ***yard*** extending for the full length of a ***rear lot line***.

yard, side

General Definition
Last Amended 12/15/1961

A "side yard" is a ***yard*** extending along a ***side lot line*** from the required ***front yard*** (or from the ***front lot line*** if no ***front yard*** is required) to the required ***rear yard*** (or to the ***rear lot line***, if no ***rear yard*** is required). In the case of a ***corner lot***, any ***yard*** which is not a ***front yard*** shall be considered a ***side yard***.

zero lot line building

General Definition
Last Amended 2/2/2011

A "zero lot line building" is a ***building*** that ***abuts*** only one ***side lot line*** and does not ***abut*** another ***building*** on the same or an adjoining ***zoning lot*** and which is surrounded on all sides but one by ***yards***, other open area or ***street lines*** on the ***zoning lot***. However, ***accessory buildings*** permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) may be permitted to ***abut*** a ***zero lot line building*** on an adjoining ***zoning lot***.

zoning lot

General Definition
Last Amended 2/2/2011

A "zoning lot" is either:

(a) a lot of record existing on December 15, 1961, or any applicable subsequent amendment thereto;

(b) a tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single ***block***, which, on December 15, 1961, or any applicable subsequent amendment thereto, was in single ownership;

(c) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of 10 linear feet, located within a single ***block***, which at the time of filing for a building permit (or, if no building permit is required, at the time of the filing for a certificate of occupancy) is under single fee ownership and with respect to which each party having any interest therein is a party in interest (as defined herein); or

(d) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of 10 linear feet, located within a single ***block***, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy) is declared to be a tract of land to be treated as one ***zoning lot*** for the purpose of this Resolution. Such declaration shall be made in one written Declaration of Restrictions covering all of such tract of land or in separate written Declarations of Restrictions covering parts of such tract of land and which in the aggregate cover the entire tract of land comprising the ***zoning lot***. Any Declaration of Restrictions or Declarations of Restrictions which individually or collectively cover a tract of land are referred to herein as "Declarations." Each Declaration shall be executed by each party in interest (as defined herein) in the portion of such tract of land covered by such Declaration (excepting any such party as shall have waived its right to execute such Declaration in a written instrument executed by such party in recordable form and recorded at or prior to the recording of the Declaration). Each Declaration and waiver of right to execute a Declaration shall be recorded in the Conveyances Section of the Office of the City Register or, if applicable, the County Clerk's Office of the county in which such tract of land is located, against each lot of record constituting a portion of the land covered by such Declaration.

A ***zoning lot***, therefore, may or may not coincide with a lot as shown on the official tax map of the City of New York, or on any recorded subdivision plat or deed.

Parcels within City-owned tracts of land located in Broad Channel within the boundaries of Community Board 14 in the Borough of Queens that were numerically identified for leasing purposes on maps filed in the Office of Borough President prior to December 15, 1961, may be considered as individual lots of record as of September 10, 1981.

(e) For purposes of the provisions of paragraph (c) hereof:

(1) prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant therefor by a title insurance company licensed to do business in the State of New York showing that each party having any interest in the subject tract of land is a party in interest (as defined herein); except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department; and

(2) a "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the development thereof and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the development thereof and which would be disclosed by a physical inspection of the tract of land.

(f) For purposes of the provisions of paragraph (d) hereof:

(1) prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant therefor by a title insurance company licensed to do business in the State of New York showing that each party in interest (excepting those parties waiving their respective rights to join therein, as set forth in this definition) has executed the Declaration and that the same, as well as each such waiver, have been duly recorded; except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department;

(2) the Buildings Department, in issuing a building permit for construction of a ***building or other structure*** on the ***zoning lot*** declared pursuant to paragraph (d) above or, if no building permit is required, in issuing a certificate of occupancy for such ***building or other structure***, shall accept an application for same from and, if all conditions for issuance of same are fulfilled, shall issue same to any party to the Declaration;

(3) by their execution and recording of a Declaration, the parties to the Declaration, and all parties who have waived their respective rights to execute such Declaration, shall be deemed to have agreed that no breach by any party to the Declaration, or any agreement ancillary thereto, shall have any effect on the treatment of the tract of land covered by the Declaration as one ***zoning lot*** for purposes of this Resolution and such tract of land shall be treated as one ***zoning lot*** unless such ***zoning lot*** is subdivided in accordance with the provisions of this Resolution; and

(4) a "party in interest" in the portion of the tract of land covered by a Declaration shall include only (W) the fee owner or owners thereof, (X) the holder of any enforceable recorded interest in all or part thereof which would be superior to the Declaration and which could result in such holder obtaining possession of any portion of such tract of land, (Y) the holder of any enforceable recorded interest in all or part thereof which would be adversely affected by the Declaration, and (Z) the holder of any unrecorded interest in all or part thereof which would be superior to and adversely affected by the Declaration and which would be disclosed by a physical inspection of the portion of the tract of land covered by the Declaration.

A ***zoning lot*** may be subdivided into two or more ***zoning lots***, provided that all resulting ***zoning lots*** and all ***buildings*** thereon shall comply with all of the applicable provisions of this Resolution. If such ***zoning lot***, however, is occupied by a ***non-complying building***, such ***zoning lot*** may be subdivided provided such subdivision does not create a new ***non-compliance*** or increase the degree of ***non-compliance*** of such ***building***.

Where ownership of a ***zoning lot*** or portion thereof was effected prior to the effective date of this amendment, as evidenced by an attorney's affidavit, any ***development***, ***enlargement*** or alteration on such ***zoning lot*** may be based upon such prior effected ownership as then defined in the ***zoning lot*** definition of Section 12-10. Such prior leasehold agreements shall be duly recorded prior to August 1, 1978.

Prior to the issuance of any permit for a ***development*** or ***enlargement*** pursuant to this Resolution a complete metes and bounds of the ***zoning lot***, the tax lot number, the block number and the ownership of the ***zoning lot*** as set forth in paragraphs (a), (b), (c) and (d) herein shall be recorded by the applicant in the Conveyances Section of the Office of the City Register (or, if applicable, the County Clerk's Office) of the county in which the said ***zoning lot*** is located. The ***zoning lot*** definition in effect prior to the effective date of this amendment shall continue to apply to Board of Standards and Appeals approvals in effect at the effective date hereof.

zoning maps

General Definition
Last Amended 12/15/1961

"Zoning maps" are the maps incorporated into the provisions of this Resolution in accordance with the provisions of Section 11-14 (Incorporation of Maps).

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core

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Chapter 3 - Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core

13-00 - GENERAL PURPOSES

LAST AMENDED
5/8/2013

The provisions of this Chapter establish comprehensive regulations for off-street parking in the #Manhattan Core#, as defined in Section 12-10.

These regulations reflect best practices to address sustainability goals, while accommodating the parking needs of residents and businesses in a balanced manner.

13-01 - General Provisions

LAST AMENDED
5/8/2013

Except as modified by the express provisions of this Chapter, the regulations of the underlying zoning districts or special purpose districts shall remain in effect.

13-02 - Definitions

LAST AMENDED
5/8/2013

Access zone

For the purposes of this Chapter, an "access zone" shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by:

(a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated maneuvering space;

(b) vehicular elevators;

(c) required reservoir spaces;

(d) portions of required accessible pedestrian egress routes, including any associated ramps or elevators; or

(e) bicycle parking spaces.

Automated parking facility

For the purposes of this Chapter, an "automated parking facility" shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an #automated parking facility#.

Parking zone

For the purposes of this Chapter, a “parking zone” shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the #access zone#. In attended parking facilities with parking lift systems, the #parking zone# shall also include the lifted tray a vehicle is stored upon.

13-03 - Maps

LAST AMENDED
5/8/2013

Maps are located in Section 13-141 of this Chapter for the purpose of specifying areas where special regulations and requirements set forth in this Chapter apply.

Map 1 – Area where #public parking lots# are not permitted in the midtown #Manhattan Core#

Map 2 – Area where #public parking lots# are not permitted in the downtown #Manhattan Core#

13-04 - Applicability

LAST AMENDED
5/8/2013

13-041 - Applicability of parking regulations within the Manhattan Core

LAST AMENDED
5/8/2013

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots#, #public parking garages# and automobile rental establishments, as listed in Use Group 8, in the #Manhattan Core#, as follows:

(a) for #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to May 8, 2013, the number of parking spaces required or permitted shall be as set forth in Section 13-07 (Existing Buildings and Off-street Parking Facilities);

(b) for #accessory# off-street parking facilities, automobile rental establishments and #public parking lots developed# or #enlarged# after May 8, 2013, the as-of-right number of parking spaces permitted in a parking facility shall be as set forth in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE). Special rules shall apply to all such #accessory# off-street parking spaces, automobile rental establishments and #public parking lots#, as set forth in Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES);

(c) any increase in the number of off-street parking spaces in an #accessory# off-street parking facility or #public parking lot# resulting in a capacity not otherwise allowed under the applicable regulations of Section 13-10; or a new #public parking lot# in a location not permitted by Section 13-14 (Permitted Parking in Public Parking Lots), shall be permitted only by the City Planning Commission, pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces);

(d) #public parking garages# #developed# or #enlarged# after May 8, 2013, shall not be permitted as-of-right. Any

#development# or #enlargement# of such #public parking garages# shall only be permitted in C1-5, C1-6, C1-7, C1-8, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts by the City Planning Commission, pursuant to the applicable special permit in Section 13-45. Commercial vehicles may occupy spaces in permitted #public parking garages# in accordance with the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles).

13-042 - Applicability of special permits within the Manhattan Core

LAST AMENDED
5/8/2013

The following special permits shall not be applicable within the #Manhattan Core#:

Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities);

Section 74-512 (In other Districts);

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), except as set forth in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations); and

Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments), inclusive.

13-043 - Applicability of loading regulations within the Manhattan Core

LAST AMENDED
5/8/2013

The provisions of Section 13-30 (OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE), inclusive, shall apply to all #accessory# off-street loading berths provided as part of #developments#, #enlargements#, #extensions# or changes of #use# within the #Manhattan Core# after May 8, 2013.

13-05 - Exceptions

LAST AMENDED
7/24/2013

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

(a) the #Special Midtown District#, as set forth in Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, Section 81-44 (Curb Cut Restrictions) and paragraph (c) of Section 81-84 (Mandatory Regulations and Prohibitions);

(b) the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);

(c) the #Special Battery Park City District#, as set forth in Section 84-14 (Parking Regulations and Curb Cuts), inclusive;

(d) the #Special United Nations Development District#, as set forth in Section 85-03 (Modifications of Use Regulations);

(e) the #Special Lower Manhattan District#, as set forth in Section 91-50 (OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS), inclusive;

(f) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-street Parking Spaces);

(g) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-street Parking and Curb Cuts);

(h) the #Special Clinton District#, as set forth in Section 96-111 (Off-street parking regulations);

(i) the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-street Parking Regulations);

(j) the #Special Little Italy District#, as set forth in Sections 109-16 (Parking Regulations), 109-351 (Parking regulations), 109-352 (Curb cut regulations) and 109-521 (Modification of accessory off-street parking facilities); and

(k) the #Special Hudson River Park District#, as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).

13-06 - Previously Filed or Approved Special Permits or Authorizations

LAST AMENDED
5/8/2013

If, before May 8, 2013, an application for an authorization or special permit relating to parking regulations in the #Manhattan Core# has been certified or referred by the City Planning Commission or has been filed with the Board of Standards and Appeals, such application may continue pursuant to the regulations in effect at the time such authorization or special permit was certified or referred by the Commission or filed with the Board. Such authorizations or special permits, if granted by the Commission or Board, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permits were certified or referred by the Commission or filed with the Board.

Any authorization or special permit relating to parking regulations in the #Manhattan Core# granted by the Commission or Board prior to May 8, 2013, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted.

All such authorizations or special permits shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

Notwithstanding the foregoing, any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided, shall be only as permitted by the applicable special permit provisions of Section 13-45 (Special Permits for Additional Parking Spaces).

13-07 - Existing Buildings and Off-street Parking Facilities

LAST AMENDED
5/8/2013

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking

lots# and #public parking garages#, established prior to May 8, 2013, in the #Manhattan Core#, as applicable, and to existing #buildings# #developed# without the provision of parking.

(a) Existing parking facilities

Existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to May 8, 2013, shall continue to be subject to the applicable zoning district regulations in effect prior to May 8, 2013, except that:

(1) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to April 29, 1982, or for public or publicly assisted housing under the applicable provisions in effect prior to May 8, 2013, shall only be allowed by authorization of the City Planning Commission pursuant to Section 13-443 (Reduction in the number of required existing parking spaces);

(2) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities shall only be permitted by special permit by the Commission pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces);

(3) #conversions# shall be permitted to retain all spaces in existing parking facilities. Additional #accessory# off-street parking spaces shall only be permitted by special permit by the Commission, pursuant to the applicable special permit provisions of Section 13-45; and

(4) an #accessory# off-street parking facility in possession of a license issued by the Department of Consumer Affairs, pursuant to Section 20-321 of the New York City Administrative Code, to maintain, operate or conduct a garage or parking lot (as defined therein) prior to January 1, 2012, may make #accessory# parking spaces available for public use in accordance with the provisions of Section 13-21 (Public Use and Off-site Parking), provided that a copy of such license is filed with the Department of Buildings. However, any increase in the number of spaces in such a facility shall only be permitted by special permit by the Commission, pursuant to the applicable provisions of Section 13-45.

(b) Existing #buildings# #developed# without parking

Within the #Manhattan Core#, existing #buildings# #developed# without the provision of parking may add up to 15 #accessory# off-street parking spaces only where the City Planning Commission authorizes such additional spaces pursuant to the provisions of Section 13-442 (Limited increase in parking spaces for existing buildings without parking).

13-10 - PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE

LAST AMENDED
5/8/2013

No parking shall be required within the #Manhattan Core#. As-of-right off-street parking spaces located within #accessory# off-street parking facilities, automobile rental establishments and #public parking lots# in the #Manhattan Core# shall be permitted only as set forth in this Section, inclusive.

13-101 - Calculating parking spaces in automated parking facilities

LAST AMENDED
5/8/2013

For the purposes of this Resolution, with regard to #automated parking facilities#, the term “tray” shall refer to the structural

support for vehicle storage in both pallet and non-pallet vehicle storage systems.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

13-11 - Permitted Parking for Residences

LAST AMENDED
5/8/2013

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

(a) for Community Districts 1, 2, 3, 4, 5, and 6, #accessory# off-street parking spaces may be provided for not more than 20 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less;

(b) for Community Districts 7 and 8, #accessory# off-street parking spaces may be provided for not more than 35 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.

13-12 - Permitted Parking for Non-Residential Uses

LAST AMENDED
5/8/2013

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

(a) #Transient hotels#

For #transient hotel# #developments# or #enlargements#, a maximum of 225 #accessory# off-street parking spaces shall be permitted. In no event may the number of parking spaces exceed 15 percent of the number of new #transient hotel# rooms;

(b) Hospitals

For hospital #developments# or #enlargements#, a maximum of 100 #accessory# off-street parking spaces are permitted;

(c) Retail #uses#

For #developments# or #enlargements# comprising #commercial# #uses# listed in Use Groups 6A, 6C or 10A, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of #floor area#, or 10 spaces, whichever is less;

(d) Other #commercial#, #community facility# and #manufacturing# #uses#

For #developments# or #enlargements# comprising #community facility# #uses# other than hospitals, #commercial# #uses# other than those listed in paragraphs (a) and (c) of this Section, or #manufacturing# #uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing# #floor area# or 100 spaces, whichever is less.

13-13 - Permitted Parking for Zoning Lots With Multiple Uses

LAST AMENDED
5/8/2013

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in Sections 13-11 (Permitted Parking for Residences) and 13-12 (Permitted Parking for Non-Residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces.

13-14 - Permitted Parking in Public Parking Lots

LAST AMENDED
5/8/2013

#Public parking lots#, with a maximum capacity of 150 spaces, are permitted in C2, C4, C6, C8, M1-5, M1-6, M2 and M3 Districts, except that:

(a) no #public parking lots# shall be permitted within:

(1) the area shown on Map 1 (Area where public parking lots are not permitted in the midtown Manhattan Core) in Section 13-141;

(2) the area designated on Map 2 (Area where public parking lots are not permitted in the downtown Manhattan Core) in Section 13-141; and

(3) the Preservation Area of the #Special Clinton District#, as shown on the map in Appendix A of Article IX, Chapter 6; and

(b) for M1-5 or M1-6 Districts, #public parking lots# shall only be permitted in the following locations:

(1) north of 42nd Street and west of 10th Avenue;

(2) west of Ninth Avenue between 17th Street and 30th Street; and

(3) south of Canal Street.

In such districts, the City Planning Commission may permit a #public parking lot# in a location not allowed by this Section pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces). Any such proposed #public parking lots# located in the Preservation Area of the #Special Clinton District# shall also be subject to the additional findings set forth in Section 96-111 (Off-street parking regulations).

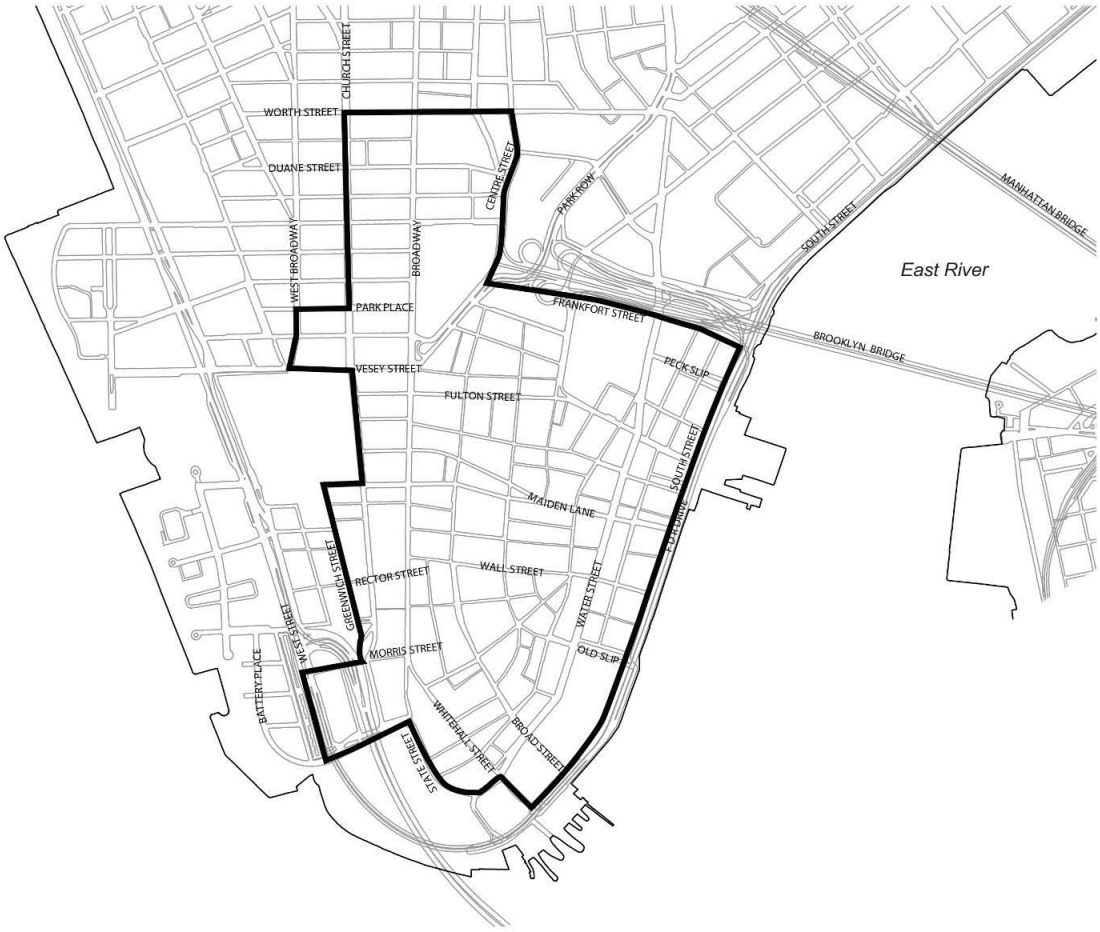
13-141 - Areas where public parking lots are not permitted

LAST AMENDED
5/8/2013

#Public parking lots# shall not be permitted in the areas shown on the following maps, except where permitted by Section 13-45 (Special Permits for Additional Parking Spaces).

Map 1 — Area where public parking lots are not permitted in the midtown Manhattan Core

Map 2 — Area where public parking lots are not permitted in the downtown Manhattan Core



13-15 - Permitted Parking for Automobile Rental Establishments

LAST AMENDED
5/8/2013

Automobile rental establishments, as listed in Use Group 8, are permitted, provided that:

(a) in C2 Districts, the number of automobiles that may be stored in such establishments shall not exceed 150 spaces;

(b) in C4, C6 and C8 Districts, the number of automobiles that may be stored in such establishments shall not exceed 225 spaces; and

(c) in M1, M2 and M3 Districts, the number of automobiles that may be stored in such establishments shall not exceed 300 spaces.

13-16 - Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

LAST AMENDED
5/8/2013

#Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, as follows:

(a) #Accessory# off-street parking facilities

#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater;

(b) #Public parking garages# and #public parking lots#

(1) In C1-5, C1-6, C1-7, C1-8, C1-9, C2 and C4 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#;

(2) In C5, C6, C8, M1, M2 and M3 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#. In addition, commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, provided that the total amount of parking spaces occupied by commercial vehicles, including any #car sharing vehicles# and automobile rental establishment vehicles, shall not exceed, in total, 50 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#.

13-20 - SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

LAST AMENDED
5/8/2013

All #accessory# off-street parking facilities, automobile rental establishments, and #public parking lots# #developed#, #enlarged# or #extended# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

13-21 - Public Use and Off-site Parking

LAST AMENDED
5/8/2013

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefor is made to the landlord.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

13-22 - Applicability of Enclosure and Screening Requirements

LAST AMENDED
3/22/2016

(a) Screening

In addition to the screening provisions of paragraph (a)(1) of Section 13-221 (Enclosure and screening requirements), the ground floor #use# provisions of the following Sections shall apply:

(1) Sections 32-431 (Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts) and 32-432 (Ground floor use in Community Board 7, Borough of Manhattan);

(2) Section 32-435 (Ground floor use in high density Commercial Districts) ;

(3) Sections 81-42 (Retail Continuity Along Designated Streets) and 81-531 (Special retail frontage requirements) in the #Special Midtown District# ;

(4) Section 82-21 (Restrictions on Street Level Uses) in the #Special Lincoln Square District# ;

(5) Section 91-12 (Uses on Designated Retail Streets) and the applicable Sections of 91-41 (Regulations for Designated Retail Streets), inclusive, in the #Special Lower Manhattan District# ;

(6) Section 95-08 (Special Use Regulations), inclusive, in the #Special Transit Land Use District# ;

(7) Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (c), in the #Special Clinton District# ;

(8) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District# ;

(9) Section 99-03 (Special Use Regulations), inclusive, in the #Special Madison Avenue Preservation District# ;

(10) Sections 109-11 (Special Use Regulations), inclusive, and 109-21 (Use Regulations), inclusive in the #Special Little Italy District# ; and

(11) Section 132-20 (SPECIAL USE REGULATIONS), inclusive, in the #Special Enhanced Commercial District#.

(b) Transparency

The transparency provisions of paragraph (a)(2) of Section 13-221 shall not apply to portions of ground floor level #street walls# that are subject to the following Sections:

(1) Section 32-435 (Ground floor use in high density Commercial Districts);

(2) Section 81-42 (Retail Continuity Along Designated Streets) in the #Special Midtown District# ;

(3) Section 82-23 (Street Wall Transparency) in the #Special Lincoln Square District# ;

(4) Section 91-412 (Access and glazing of required retail space) in the #Special Lower Manhattan District# ;

(5) Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (c), in the #Special Clinton District# ;

(6) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District# ; and

(7) Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS AND STREET WALL LOCATION), inclusive, in the #Special Enhanced Commercial District#.

13-221 - Enclosure and screening requirements

LAST AMENDED
5/12/2021

(a) #Accessory# off-street parking facilities

All #accessory# off-street parking spaces shall be located within a #completely enclosed# #building#, with the exception

of parking spaces #accessory# to a hospital, as listed in Use Group 4, and as provided in Section 13-45 (Special Permits for Additional Parking Spaces). In addition, such parking facilities shall comply with the following provisions:

(1) Screening

Any portion of an #accessory# off-street parking facility that is located above #curb level# shall comply with the applicable parking wrap and screening provisions set forth in Section 37-35.

(2) Transparency

Portions of ground floor #commercial# and #community facility# #uses# screening the parking facility in accordance with the provisions of paragraph (a) of Section 37-35 shall be glazed with transparent materials in accordance with Section 37-34.

For #zoning lots# with multiple #street wall# frontages, the transparency provisions of this paragraph, (a)(2), need not apply to #street walls# that are located entirely beyond 100 feet of any portion of the #accessory# parking facility, as measured in plan view, perpendicular to such parking facility.

(b) Automobile rental establishments

All off-street parking within an automobile rental establishment shall be located within a #completely enclosed# #building# and shall comply with the screening provisions of paragraph (a) of this Section. #Accessory# office space and customer waiting areas associated with such establishments shall constitute #commercial floor area# for the purposes of such screening requirement.

(c) #Public parking lots# and certain permitted #accessory# parking lots

#Public parking lots# and open parking spaces #accessory# to a hospital shall provide screening in accordance with the provisions of 37-921 (Perimeter landscaping).

13-23 - Floor Area

LAST AMENDED
5/8/2013

The definition of #floor area# in Section 12-10 shall be modified for purposes of this Chapter, as follows:

(a) Attended parking facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, individual lifted trays upon which a vehicle is stored which, in operation, rise to a height in excess of 23 feet, as measured above #curb level#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

(b) #Automated parking facilities#

Floor space used for off-street parking spaces in an #accessory# #automated parking facility# up to a height of 40 feet above #curb level# shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission, pursuant to the provisions of Section 13-432 (Floor area exemption for automated parking facilities).

For portions of an #automated parking facility#, each tray upon which a vehicle is stored at a height in excess of 40 feet in parking facilities certified pursuant to Section 13-432, or 23 feet in all other #automated parking facilities#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

13-24 - Curb Cut Restrictions

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LAST AMENDED
5/8/2013

In addition to the provisions of this Section, inclusive, additional restrictions on curb cuts in the #Manhattan Core# are found in the following Special Purpose Districts:

(a) the #Special Midtown District#, as set forth in Sections 81-44 (Curb Cut Restrictions) and 81-675 (Curb cut restrictions and loading berth requirements);

(b) the #Special Lincoln Square District#, as set forth in paragraph (b) of Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);

(c) the #Special Battery Park City District#, as set forth in Sections 84-144 (Location of curb cuts) and 84-343 (Curb cuts);

(d) the #Special Lower Manhattan District#, as set forth in Section 91-52 (Curb Cut Regulations);

(e) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-street Parking Spaces);

(f) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-street Parking and Curb Cuts);

(g) the #Special Clinton District#, as set forth in paragraph (f) of Section 96-21 (Special Regulations for 42nd Street Perimeter Area);

(h) the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-street Parking Regulations); and

(i) the #Special Little Italy District#, as set forth in Section 109-351 (Curb cut regulations).

13-241 - Location of curb cuts

LAST AMENDED
5/8/2013

For #accessory# off-street parking facilities, automobile rental establishments and #public parking lots#, curb cuts are required for entry and exit to such parking facilities. Such curb cuts:

(a) shall not be permitted within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location:

(1) is not hazardous to traffic safety;

(2) is not likely to create traffic congestion; and

(3) will not unduly inhibit surface traffic or pedestrian flow.

The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;

(b) shall not be located within two and one-half feet of any #side lot line# of the #zoning lot#, or prolongation thereof;

(c) for #accessory# off-street parking facilities and automobile rental establishments, shall not be located on a #wide street#, except where authorized pursuant to Section 13-441 (Curb cuts); and

(d) for #public parking lots#, shall not be permitted on the following #wide streets#, except where authorized pursuant to Section 13-441:

(1) 14th Street, from Fourth Avenue to Seventh Avenue;

(2) Avenue of the Americas, from 23rd Street to 32nd Street;

(3) Canal Street, from the Bowery to West Broadway;

(4) Church Street, from Park Place to Worth Street;

(5) Delancey Street, from Clinton Street to the west side of Orchard Street;

(6) Fifth Avenue;

(7) Seventh Avenue, from 23rd Street to 32nd Street; and

(8) Worth Street, from Centre Street to Church Street.

13-242 - Maximum width of curb cuts

LAST AMENDED
5/8/2013

(a) #Accessory# off-street parking facilities

For curb cuts accessing off-street parking spaces #accessory# to #residences# in the #Manhattan Core#, the provisions of Sections 25-631 (Location and width of curb cuts in certain districts) and 36-532 (Location and width of curb cuts

accessing residential parking spaces in certain districts) shall apply, as applicable.

In addition, the maximum width of a curb cut shall be 22 feet for curb cuts accessing off-street parking spaces #accessory# to #residences# in R9 or R10 Districts, C1 and C2 Districts mapped within R9 and R10 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section 34-112 or 35-23, as applicable, the equivalent #Residence District# is R9 or R10. This maximum curb cut width of 22 feet shall also apply to curb cuts accessing off-street parking spaces #accessory# to #commercial# or #community facility# #uses#, and to curb cuts accessing off-street parking facilities with parking spaces #accessory# to a mix of #uses#.

(b) Automobile rental establishments

For curb cuts accessing automobile rental establishments, the maximum width of a curb cut shall be 22 feet.

(c) #Public parking lots#

For curb cuts accessing #public parking lots#, the curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

13-25 - Reservoir Spaces

LAST AMENDED
5/8/2013

For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered to be one reservoir space. In no event shall the dimensions of any reservoir space be less than 18 feet long and 8 feet, 6 inches wide.

(a) Attended parking facilities

For attended #accessory# off-street parking facilities or #public parking lots# with more than 25 off-street parking spaces, off-street reservoir space at the vehicular entrance shall be provided to accommodate:

(1) five percent of the total number of parking spaces provided in parking facilities with more than 25 parking spaces and up to 50 parking spaces;

(2) ten percent of the total number of parking spaces provided in parking facilities with more than 50 parking spaces and up to 100 parking spaces;

(3) ten parking spaces in parking facilities with more than 100 off-street parking spaces and up to 200 parking spaces; and

(4) five percent of the total number of parking spaces provided in parking facilities with more than 200 off-street parking spaces. However such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers

queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Automobile rental establishments

For automobile rental establishments, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

(d) Self-parking facilities

For self-parking #accessory# off-street parking facilities and #public parking lots# where entering vehicles are required to stop before a mechanically operated barrier before entering such parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

13-26 - Pedestrian Safety and Access

LAST AMENDED
5/8/2013

For all #accessory# off-street parking facilities, the following safety features shall be provided at all vehicular exit points:

(a) a stop sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and

(b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:

(1) span the width of the vehicular travel lane;

(2) have a minimum height of two inches, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and

(3) shall be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

13-27 - Minimum and Maximum Size of Parking Facilities

LAST AMENDED
5/8/2013

For all #accessory# off-street parking facilities and automobile rental establishments, the minimum and maximum size requirements for the #parking zone# for such parking facilities shall be set forth in this Section. The #access zone# of such parking facilities shall not have a minimum or maximum gross surface area.

For the purpose of calculating surface area in attended parking facilities with parking lift systems, the lifted tray upon which a vehicle is stored shall constitute surface area.

(a) Attended parking facilities

(1) For attended parking facilities without parking lift systems, the minimum gross surface area, in square feet, of the

#parking zone# shall be 180 times the number of off-street parking spaces provided, and the maximum gross surface area, in square feet, of the #parking zone# shall not exceed 200 times the number of off-street parking spaces provided.

(2) For attended parking facilities with parking lift systems, the minimum and maximum surface area of the portion of the #parking zone# allocated to non-elevated parking spaces shall be calculated at the rate set forth in paragraph (a)(1) of this Section; and the surface area, in square feet, of the portion of the #parking zone# allocated to elevated parking spaces shall be 153 times the number of elevated spaces able to be provided on lifted trays.

(b) #Automated parking facilities#

No minimum or maximum surface area requirement shall be required in off-street parking facilities that the Commissioner of Buildings determines to be #automated parking facilities#.

(c) Automobile rental establishments

The maximum gross surface area, in square feet, of the #parking zone# of an automobile rental establishment, shall be established at the rate set forth in paragraph (a) of this Section.

(d) Self-park facilities

The gross surface area, in square feet, of the #parking zone# of a self-parking #accessory# off-street parking facility shall be a minimum of 300 times the number of off-street parking spaces provided, and a maximum of 350 times the number of off-street parking spaces provided. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings.

Such minimum and maximum #parking zone# requirements of this Section may be modified by the Chairperson of the City Planning Commission pursuant to the certification set forth in Section 13-431 (Reduction of minimum facility size).

13-30 - OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE

■

LAST AMENDED
5/8/2013

All #accessory# off-street loading berths provided as part of #developments#, #enlargements#, #extensions# or changes of #use# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

In addition to the provisions of this Section, additional restrictions on loading berths in the #Manhattan Core# are found in the following Special Purpose Districts:

(a) the #Special Midtown District#, as set forth in Sections 81-311 (Prohibitions of off-street parking or off-street loading facilities), 81-44 (Curb Cut Restrictions), 81-675 (Curb cut restrictions and loading berth requirements) and 81-84 (Mandatory Regulations and Prohibitions);

(b) the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);

(c) the #Special Battery Park City District#, as set forth in Sections 84-143 and 84-342 (Off-street loading); and

(d) the #Special Lower Manhattan District#, as set forth in Sections 91-52 (Curb Cut Regulations) and 91-53 (Waiver of Requirements for Accessory Off-street Loading Berths).

13-31 - Modification of Minimum Size of Loading Berth

LAST AMENDED
5/8/2013

For all permitted or required #accessory# loading berths, the minimum length requirements for hospitals and related facilities or prisons; hotels, offices or court houses; #commercial# #uses# ; and wholesale, #manufacturing# or storage #uses#, set forth in Sections 36-681 (Size of required berths) and 44-581 (Size of required loading berths), shall be 37 feet.

13-32 - Floor Area Exemption

LAST AMENDED
5/8/2013

In addition to the #floor area# exemption for #accessory# off-street loading berths set forth in Section 12-10 (DEFINITIONS), for #buildings# with a total #floor area# in excess of 100,000 square feet, up to 300 square feet of floor space may be exempted from the definition of #floor area# where such #buildings# allocate a permanent space for dumpster storage, and such storage space has a minimum dimension of 12 feet by 25 feet. Such dumpster storage space shall be adjacent to a #building's# loading berth.

13-33 - Modification of Provisions for a Zoning Lot With Uses Subject to Different Loading Requirements

LAST AMENDED
5/8/2013

The provisions of Sections 36-63 and 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) shall not apply.

13-34 - Location of Access to the Street

LAST AMENDED
5/8/2013

In addition to the provisions of Sections 25-75, 36-682 and 44-582 (Location of access to the street), no entrance or exit to an #accessory# off-street loading berth shall be located on a #street# with a roadbed width that is less than 20 feet, as measured curb to curb.

13-35 - Modification of Loading Berth Requirements

LAST AMENDED
5/8/2013

The provisions of Sections 25-75 (Location of Access to the Street), 36-65 and 44-55 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall be modified to allow the Commissioner of Buildings to reduce or waive the applicable loading berth requirements, provided that:

(a) the #zoning lot# only has frontage upon a #street#, or portion thereof, where curb cuts or entrances and exits to #accessory# off-street loading berths are not permitted;

(b) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:

(1) a #building#, existing on May 8, 2013, containing #residences# ;

(2) a #non-residential building#, existing on May 8, 2013, that is three or more #stories# in height; or

(3) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

(c) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

In the case of paragraph (c), as set forth in this Section, the Commissioner shall require a loading berth of not less than 33 feet in depth, if such a berth can be accommodated in consideration of the relevant site restraints. The Commissioner of Buildings may request reports from licensed engineers or registered architects in considering such reduction or waiver.

13-40 - CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE

LAST AMENDED
5/8/2013

13-41 - General Provisions

LAST AMENDED
5/8/2013

The City Planning Commission may grant certifications, authorizations and special permits in accordance with Section 13-40, inclusive. All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission as specified in this Section, shall conform to and comply with all of the applicable regulations, except as otherwise specified herein.

13-42 - Requirements for Applications

LAST AMENDED
5/8/2013

An application to the City Planning Commission for the grant of a certification, authorization or special permit under the provisions of Section 13-40 shall include a site plan showing the location of all existing and proposed #buildings or other structures# on the #zoning lot#, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

13-43 - Certifications in the Manhattan Core

LAST AMENDED
5/8/2013

13-431 - Reduction of minimum facility size

LAST AMENDED
5/8/2013

An off-street parking facility in the #Manhattan Core# may provide a gross unobstructed surface area less than the minimum size required by Section 13-27 (Minimum and Maximum Size of Parking Facilities) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. In order to make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

Where the Chairperson certifies that an #accessory# off-street parking facility may be reduced in size because vehicles will be limited in length, such restriction shall be noted on the certificate of occupancy.

13-432 - Floor area exemption for automated parking facilities

LAST AMENDED
5/8/2013

Floor space used for off-street parking spaces in an #accessory automated parking facility#, up to a height of 40 feet above #curb level#, shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission to the Commissioner of Buildings that:

(a) the entire #automated parking facility# will be contained within a #completely enclosed# #building#;

(b) the portion of the #street wall# of such #automated parking facility# below a height of 14 feet, as measured above #curb level#, complies with the screening provisions of Section 13-221 (Enclosure and screening requirements), and the portion of the #street wall# above a height of 14 feet, will be similar in composition to the portion of the #building's# #street wall# immediately above such #automated parking facility#, including, but not limited to, the choice of building materials and arrangement and amount thereof; and

(c) such #automated parking facility# is within a #building# with a #floor area ratio# of at least 2.0.

Any application for such certification shall include relevant plan, elevation and section drawings demonstrating compliance with the provisions of this Section.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

13-44 - Authorizations in the Manhattan Core

LAST AMENDED
5/8/2013

13-441 - Curb cuts

LAST AMENDED
5/8/2013

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street#, provided the Commission finds that a curb cut at such a location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;

(c) will not adversely affect pedestrian movement;

(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# or public transit facilities; and

(e) will not be inconsistent with the character of the existing streetscape.

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

13-442 - Limited increase in parking spaces for existing buildings without parking

LAST AMENDED
5/8/2013

The City Planning Commission may, by authorization, allow an off-street parking facility in the #Manhattan Core# with a maximum capacity of 15 spaces in an existing #building developed# without the provision of parking, provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met.

(a) Conditions

As a condition for approval, the parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES), except that such parking facility need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).

(b) Findings

The Commission shall find that:

(1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic

and pedestrian flow; and

(4) such parking facility will not be inconsistent with the character of the existing streetscape.

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

13-443 - Reduction in the number of required existing parking spaces

LAST AMENDED
5/8/2013

For off-street parking facilities built prior to May 8, 2013, the City Planning Commission may authorize a reduction in the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

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

13-45 - Special Permits for Additional Parking Spaces

LAST AMENDED
5/8/2013

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the conditions of paragraph (b) and the findings of paragraphs (c) and (d) of this Section.

(a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

(1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:

(i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or

(ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07 (Existing Buildings and Off-street Parking Facilities);

(2) #public parking lots#, where such facilities:

(i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;

(ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07; or

(iii) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking in Public Parking Lots);

(3) #public parking garages#, where such facilities:

(i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or

(ii) are existing prior to May 8, 2013, and increasing the number of parking spaces pursuant to the provisions of Section 13-07.

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section 12-10.

(b) Conditions

The proposed parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES). Proposed #public parking garages# shall utilize the applicable regulations for #accessory# off-street parking facilities. However, applications to increase the number of parking spaces in parking facilities existing prior to May 8, 2013, need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).

(c) Findings

The Commission shall find that:

(1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and

(5) such parking facility will not be inconsistent with the character of the existing streetscape.

(d) Additional findings

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

(1) Section 13-451 (Additional parking spaces for residential growth) shall apply to any such parking facility serving the parking needs of a predominantly #residential# #development# or #enlargement# on a tract of land that has or will have an area of less than 1.5 acres;

(2) Section 13-452 (Additional parking spaces for health care, arts or public assembly uses) shall apply to any such

parking facility serving the parking needs of any #use# listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;

(3) Section 13-453 (Additional parking spaces for economic development uses) shall apply to any such parking facility serving the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;

(4) Section 13-454 (Additional parking spaces for large development sites) shall apply to any such parking facility serving the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land that has or will have an area of at least 1.5 acres; or

(5) Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) shall apply to any such #accessory# parking facility existing prior to May 8, 2013.

In determining the amount of additional parking spaces to grant pursuant to such additional findings, the Commission may take into account levels of vacancy in existing off-street parking facilities within the area of the proposed parking facility.

13-451 - Additional parking spaces for residential growth

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential# #development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that either:

(a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:

(1) the increase in the number of #dwelling units# ; and

(2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45; or

(b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:

(1) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or

(2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.

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

13-452 - Additional parking spaces for health care, arts or public assembly uses

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility would serve the parking needs of a health care, arts or public assembly #use#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) the proposed parking facility is either in close proximity to or on the same #zoning lot# as one or more of the following #uses# :

(1) a hospital or related facility, as listed in Use Group 4;

(2) a museum, as listed in Use Group 3;

(3) a theater, as listed in Use Group 8, or other performing arts venue; or

(4) an arena, auditorium, trade exposition or stadium, as listed in Use Group 12 or, where permitted by special permit, pursuant to Section 74-41 or other government agency approvals;

(b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such health care, arts or public assembly #use#; and

(c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# health care, arts or public assembly #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new health care, arts or public assembly #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

13-453 - Additional parking spaces for economic development uses

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) the proposed parking facility is in close proximity to or on the same #zoning lot# as a #commercial# #use#, #community facility# #use# or #manufacturing# #use# that is of significant importance to the economic well-being of the City of New York;

(b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such #use#; and

(c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

13-454 - Additional parking spaces for large development sites

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land exceeding 1.5 acres, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) where an increased number of permitted off-street parking spaces in such proposed parking facility would serve the parking needs of a predominantly #residential# #development# or #enlargement#, either finding (a) or finding (b) of Section 13-451 (Additional parking spaces for residential growth) is met; or

(b) where such proposed parking facility would serve the parking needs of a predominantly non-#residential# #development# or #enlargement#, an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of the non-#residential uses# in such #development# or #enlargement# ; and

(c) where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed #development# or #enlargement#, the availability of off-street parking in the vicinity of such proposed #development# or #enlargement# will be of insufficient capacity to accommodate such potential parking users;

(d) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission; and

(e) where phased construction will occur in the #large-scale development#, or #development# or #enlargement# on a tract of land exceeding 1.5 acres, a phased parking plan has been provided that demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction within each phase.

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

13-455 - Additional parking spaces for existing accessory off-street parking facilities

LAST AMENDED
5/8/2013

The City Planning Commission may permit an increase in the number of spaces in an #accessory# off-street parking facility existing prior to May 8, 2013, as listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) where such increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:

(1) finding (a) of Section 13-451 (Additional parking spaces for residential growth) is met; or

(2) the sum of any existing off-street parking spaces, and the proposed increase, does not exceed:

(i) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or

(ii) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8; and

(iii) the number of parking spaces that would be permitted for existing conforming non-#residential uses#, if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE), were applied.

Any #dwelling units# on the #zoning lot# or #zoning lots# which are #non-complying# as to density shall not be included in such calculation pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this Section, and any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio in paragraph (a)(2)(iii) of this Section; or

(b) where an increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of conforming non-#residential uses#, the sum of any existing off-street parking spaces, and the proposed increase, does not exceed the number of parking spaces that would be permitted if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10, were applied. Any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Sidewalk Cafe Regulations

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Chapter 4 - Sidewalk Cafe Regulations

14-00 - GENERAL PURPOSES

LAST AMENDED
5/5/2004

The sidewalk cafe regulations as established in this Resolution are citywide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.

(b) To promote sidewalk cafes as visual amenities that better relate to the streetscape.

(c) To preserve and enhance the character of neighborhoods throughout the City.

(d) To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.

(e) To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

14-01 - General Provisions

LAST AMENDED
1/29/2003

The provisions of this Chapter shall be in effect only until the adoption of initial rules governing the Permanent Open Restaurants program by an authorized agency following authorizing legislation by the City Council.

In conjunction with the termination of this Chapter, the following provisions shall also be terminated:

(a) defined terms in Section 12-10 (DEFINITIONS):

#enclosed sidewalk cafe#;

#sidewalk cafe#;

#small sidewalk cafe#; and

#unenclosed sidewalk cafe#;

(b) provisions in Section 22-00 (GENERAL PROVISIONS) regarding #sidewalk cafes# in R10H Districts;

(c) provisions regarding #sidewalk cafes# in the #Special 125th Street District#, as set forth in Sections 97-03 (District Pan and Maps), 97-13 (Permitted Sidewalk Cafe Locations), and Map 2 (Permitted Sidewalk Cafe Locations) in Appendix A of Article IX, Chapter 7; and

(d) provisions regarding #sidewalk cafes# in the #Special Long Island City Mixed Use District#, as set forth in Sections 117-03 (District Plan and Maps), 117-05 (Permitted Sidewalk Cafe Locations), and on the Permitted Sidewalk Cafe Locations map in Appendix A of Article XI, Chapter 7.

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sidewalk cafe# regulations, certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and specifically for #enclosed sidewalk cafes#, are herein established.

The three types of #sidewalk cafes# that are permitted by the regulations of this Chapter and defined in Section 12-10 (DEFINITIONS) are #enclosed sidewalk cafes#, #unenclosed sidewalk cafes# and #small sidewalk cafes#.

The amendments to Article I, Chapter 4, adopted by the City Council on January 29, 2003, shall become effective March 27, 2003.

Physical criteria, including structural and operational requirements for #sidewalk cafes#, and #unenclosed sidewalk cafes# in particular, shall be regulated by the Department of Consumer Affairs and found in Title 6, Chapter 2, Subchapter F., of the Rules of the City of New York.

Licenses for all #sidewalk cafes# must be obtained from the Department of Consumer Affairs, or its successor.

14-011 - Sidewalk cafe locations

LAST AMENDED
5/5/2004

#Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts and in all #Manufacturing Districts# only where eating or drinking establishments are permitted, as modified by special eligibility regulations set forth in Sections 14-40 through 14-45, inclusive. These sections identify #streets#, areas, special districts and malls or portions of #streets# for which special area eligibility regulations apply:

Section 14-40 — (AREA ELIGIBILITY FOR SIDEWALK CAFES)

Section 14-41 — (Locations Where Certain Sidewalk Cafes Are Not Permitted)

Section 14-42 - (Locations Where Enclosed Sidewalk Cafes Are Not Permitted)

Section 14-43 — (Locations Where Only Small Sidewalk Cafes Are Permitted)

Section 14-44 — (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted)

Section 14-45 — (Street Malls Where Certain Sidewalk Cafes Are Permitted).

#Sidewalk cafes# shall be permitted in Historic Districts or in designated landmark #buildings# only if such #sidewalk cafe# is approved by the Landmarks Preservation Commission.

14-10 - ENCLOSED SIDEWALK CAFES

LAST AMENDED
5/5/2004

14-11 - Locational Criteria for Enclosed Sidewalk Cafes

LAST AMENDED
2/2/2011

The regulations of this Section, governing clear path, clearance at intersection of #streets#, clearance from large obstructions and

minimum distance between two cafes shall apply to all #enclosed sidewalk cafes#.

(a) Clear path

There shall be a minimum of 8 feet, 0 inches clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement.

The minimum distance shall be measured from the portion of the #enclosed sidewalk cafe# frontage that is nearest either the curb line or the nearest obstruction. In no event may recesses in the #enclosed sidewalk cafe# frontage be used to satisfy this unobstructed width requirement, except that the corners of the #enclosed sidewalk cafe# may be rounded or mitered. A clearance of 8 feet, 0 inches shall be maintained around the corners of #enclosed sidewalk cafes#, measured in radius.

For the purpose of the minimum clear path, but not the clearance from corners of #enclosed sidewalk cafes#, parking meters, traffic signs, and trees that have gratings flush to grade, without fences or guards, shall not count as obstructions

In the case of a #street# for which a mall plan or other special plan has been adopted, the clear path requirements pursuant to this Section shall be deemed satisfied if there is not less than an 8 feet, 0 inches clear path.

(b) Clearance at intersections of street line

There shall be a minimum of 9 feet, 0 inches clearance, free of all obstructions with no exception, measured from the outer edge of the #enclosed sidewalk cafe# to the curbside obstacle. The corner of the #enclosed sidewalk cafe# wall may be rounded or mitered. Such distance shall be measured from the outer edge of the #enclosed sidewalk cafe# to either the curb line or the nearest obstruction.

(c) Clearance from large obstructions

All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purposes of this Section, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object greater than 15 square feet in area. The closed end of a subway entrance located along the #front lot line# may #abut# an #enclosed sidewalk cafe#.

(d) Minimum distance between enclosed sidewalk cafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial# #use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor non-#commercial# #use#, or a #use# located above or below the ground floor, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

14-12 - Physical Criteria for Enclosed Sidewalk Cafes

LAST AMENDED
5/5/2004

14-121 - Structural requirements for enclosed sidewalk cafes

LAST AMENDED
5/5/2004

The regulations of this Section governing certain structural and operational requirements shall apply to all #enclosed sidewalk cafes#.

(a) Ceiling

The ceiling of an #enclosed sidewalk cafe# shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by the Department of Buildings.

At no point shall the height of the ceiling of an #enclosed sidewalk cafe# be lower than 7 feet, 0 inches above the floor of the #sidewalk cafe#.

(b) Transparency — exterior walls

An #enclosed sidewalk cafe# may provide a base wall of opaque material up to a maximum height of 12 inches from the finished floor level. The base wall shall include any horizontal structural members that support transparent materials above.

All enclosing walls, doors and windows, except for the structural members, above finished floor level or base wall as provided in this Section, up to a height of 7 feet, 0 inches above finished floor level, must be of colorless, untinted, non-reflective, transparent material, as approved by the Department of Buildings. In order to maximize transparency, the horizontal as well as vertical structural members shall not be sized more than 10 inches wide.

At least 50 percent of the walls, up to a height of 7 feet, 0 inches above finished floor level, shall consist of operable transparent windows.

(c) Elevation

The #enclosed sidewalk cafe# floor shall not be more than seven inches above the level of the adjoining sidewalk.

In the event of a major grade change, however, the City Planning Commission may, by certification, permit the floor level to be more than seven inches above the level of the adjoining sidewalk.

(d) Designated boundaries

No portion of #enclosed sidewalk cafes#, such as doors, windows, walls or any objects placed within an #enclosed sidewalk cafe#, shall swing or project beyond the designated exterior perimeter of the #enclosed sidewalk cafe#. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

(e) Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe#. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

(f) Refuse storage area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #enclosed sidewalk cafe# on the public right-of-way.

14-122 - Access for persons with physical disabilities

LAST AMENDED
5/5/2004

An #enclosed sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #enclosed sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

(a) at least one door leading into the #enclosed sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and

(b) a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for #enclosed sidewalk cafes# that are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

14-123 - Signage

LAST AMENDED
5/5/2004

No #signs# are permitted on an #enclosed sidewalk cafe#, except that the name and type of establishment may be placed upon the glass wall but shall not obscure the required transparency.

14-124 - Music and noise amplification

LAST AMENDED
5/5/2004

Musical instruments or sound reproduction devices shall not be operated or used within an #enclosed sidewalk cafe# for any purpose.

14-13 - Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes

LAST AMENDED
5/5/2004

In all #Commercial Districts# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Sections 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted), 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted), 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) and 14-45 (Street Malls Where Certain Sidewalk Cafes Are Permitted), provided the Commission finds that:

(a) the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;

(b) any proposed modification to the requirements of this Chapter will result in good overall design and enhance the general character of the #street# and the neighborhood;

(c) any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;

(d) the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;

(e) where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops; and

(f) modifications to the provisions of paragraph (a) of Section 14-11 (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.

14-20 - UNENCLOSED SIDEWALK CAFES

LAST AMENDED
5/5/2004

Physical criteria for #unenclosed sidewalk cafes#, including structural and operational requirements, shall be regulated by the Department of Consumer Affairs pursuant to the Rules of the City of New York as described in Section 14-01 (General Provisions). #Small sidewalk cafes#, however, shall also conform to the requirements of Section 14-30.

14-30 - SMALL SIDEWALK CAFES

LAST AMENDED
5/5/2004

#Small sidewalk cafes# shall be subject to the regulations of Section 14-01 (General Provisions) and, in addition, shall comply with the requirements for the definition of #small sidewalk cafes# in Section 12-10 as well as the following physical criteria:

(a) no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe# ;

(b) there shall be no railing, structure or other form of barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and

(c) there shall be no overhead coverage other than a retractable awning that is affixed to the #building# wall and does not extend further than 4 feet, 6 inches.

#Small sidewalk cafes# are permitted wherever #sidewalk cafes# may be located pursuant to the requirements of Section 14-011. Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted) lists specific #streets# and areas where no #sidewalk cafes# other than #small sidewalk cafes# may be located.

14-40 - AREA ELIGIBILITY FOR SIDEWALK CAFES

LAST AMENDED
5/5/2004

Sections 14-40 through 14-45 identify those locations where specific area eligibility regulations apply.

For the purposes of Sections 14-40 through 14-45, the length of a #street# shall run the full #block# to the nearest intersections with cross #streets#, unless otherwise stated.

Areas bounded by #streets# shall include both sides of such #streets# and shall be subject to the regulations of this Chapter pertaining to such areas. When a #street# forms the boundary of a special district, however, only that side of the #street# located within the special district shall be subject to the regulations pertaining to the special district.

#Sidewalk cafes# shall only be allowed to locate along the length of a #street# or within the area bounded by #streets#, as set forth in Sections 14-40 through 14-45, where the applicable #use# regulations of the district allow eating and drinking establishments, either as-of-right, by certification or by authorization or special permit.

14-41 - Locations Where Certain Sidewalk Cafes Are Not Permitted

LAST AMENDED
8/9/2011

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Citywide:

All #streets# with elevated rail transit lines, unless specifically permitted in Section 14-43.

Manhattan:

All #streets# bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west

All #streets# within M1-5B Districts and the #Special SoHo-NoHo Mixed Use District#, south of Houston Street

Bowery — from East Broadway to Canal Street

Elizabeth Street — from Bayard Street to Canal Street

Pell Street — the entire length

Mott Street — from Park Row to Canal Street

Mulberry Street — from Worth Street to Canal Street

Bayard Street — the entire length

Doyers Street — the entire length

All streets facing Chatham Square

Canal Street — the entire length

Orchard Street — from Canal Street to Houston Street

Delancey Street — from Norfolk Street to the Bowery

Eighth Street — from Avenue A to Sixth Avenue

14th Street — from Second Avenue to Eighth Avenue

23rd Street — from the East River to Eighth Avenue

31st Street — from Fifth Avenue to Eighth Avenue

32nd Street — from Fifth Avenue to Eighth Avenue

33rd Street — from Fifth Avenue to Eighth Avenue

34th Street — from the East River to Eighth Avenue

42nd Street — from the East River to Eighth Avenue

All #streets# or portions of #streets# bounded by 43rd Street on the south, 45th Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue

57th Street — from the East River to Eighth Avenue

58th Street — from the East River to Eighth Avenue

59th Street — from the East River to Fifth Avenue

59th Street — from Sixth Avenue to Columbus Circle

All #streets# bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and, on the east, a line 125 feet east of Fifth Avenue

60th Street — from Third Avenue to Fifth Avenue

61st Street — from Third Avenue to Fifth Avenue

62nd Street — from Second Avenue to Fifth Avenue

63rd Street — from Second Avenue to Fifth Avenue

68th Street — from First Avenue to Fifth Avenue

72nd Street — from the East River to Fifth Avenue

77th Street — from First Avenue to Fifth Avenue

79th Street — from the East River to Fifth Avenue

86th Street — from the East River to Fifth Avenue, south side only

86th Street — from the East River to 125 feet east of York Avenue, north side only, and from York Avenue to Fifth Avenue, north side only

116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard

First Avenue — from 48th Street to 59th Street

Third Avenue — from 59th Street to 62nd Street

Lexington Avenue — the entire length

Park Avenue — the entire length from 38th Street, northward

Madison Avenue — the entire length

Fifth Avenue — from Washington Square North to 61st Street

Sixth Avenue — from 31st Street to 38th Street

Broadway — from 31st Street to 38th Street

Seventh Avenue — from 31st Street to 38th Street

Eighth Avenue — from 31st Street to 38th Street

Herald Square.

Brooklyn:

13th Avenue — from 39th Street to New Utrecht Avenue

86th Street — from Third Avenue to Gowanus Expressway

Court Street — from Schermerhorn Street to Montague Street.

Queens:

82nd Street — from 34th Avenue to 41st Avenue

Austin Street — from Yellowstone Boulevard to Ascan Avenue

Junction Boulevard — from Northern Boulevard to 41st Avenue

Roosevelt Avenue — from Union Street to Prince Street

Skillman Avenue — from 43rd Street to 56th Street.

14-42 - Locations Where Enclosed Sidewalk Cafes Are Not Permitted

LAST AMENDED
5/5/2004

No #enclosed sidewalk cafe# shall be permitted on any of the following #streets#.

Manhattan:

Bleecker Street — from Bank Street to Mercer Street

Central Park South — from Fifth Avenue to Sixth Avenue

Park Avenue South and Park Avenue — from 31st Street to 38th Street

86th Street — from the East River to Fifth Avenue.

14-43 - Locations Where Only Small Sidewalk Cafes Are Permitted

LAST AMENDED
5/22/2013

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted. In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, notwithstanding any regulations set forth in Sections 14-41 or 14-42 prohibiting certain #sidewalk cafes# on such #streets#.

Manhattan:

Orchard Street — from Canal Street to Houston Street

Delancey Street — from Norfolk Street to the Bowery

Centre Street — from Canal Street to Spring Street

Lafayette Street — from Canal Street to Houston Street

Sixth Avenue — from Canal Street to a line 100 feet south of Spring Street

Special Union Square District[1]

14th Street — from Second Avenue to Irving Place

14th Street — from a line 100 feet west of University Place to Eighth Avenue

23rd Street — from the East River to Eighth Avenue

31st Street — from Fifth Avenue to a line 200 feet east of Broadway

34th Street — from the East River to Fifth Avenue

35th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue

36th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue

37th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue

37th Street — from a line 150 feet east of Sixth Avenue to Broadway

38th Street — from Third Avenue to Seventh Avenue

39th Street — from Exit Street to Seventh Avenue

40th Street — from a line 100 feet east of Exit Street to Broadway

41st Street — from a line 100 feet east of Exit Street to Third Avenue

42nd Street — from First Avenue to Third Avenue

42nd Street — from Fifth Avenue to a line 275 feet east of Sixth Avenue

All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west

43rd Street — from Fifth Avenue to Sixth Avenue

44th Street — from Fifth Avenue to Sixth Avenue

45th Street — from Fifth Avenue to Sixth Avenue

46th Street — from Fifth Avenue to Sixth Avenue

47th Street — from a line 200 feet east of Third Avenue to Third Avenue

48th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west

49th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west

50th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west

51st Street — from a line 150 feet east of Third Avenue to Eighth Avenue

52nd Street — from a line 160 feet east of Third Avenue to Eighth Avenue

53rd Street — from a line 160 feet east of Third Avenue to Eighth Avenue

54th Street — from a line 150 feet east of Third Avenue to Eighth Avenue

55th Street — from a line 100 feet west of Second Avenue to Eighth Avenue

56th Street — from a line 100 feet west of Second Avenue to Eighth Avenue

57th Street — from the East River to Eighth Avenue

58th Street — from the East River to Eighth Avenue

59th Street — from the East River to Second Avenue

59th Street (Central Park South) — from Sixth Avenue to Columbus Circle

60th Street — from Lexington Avenue to Fifth Avenue

61st Street — from Third Avenue to Fifth Avenue

62nd Street — from Second Avenue to Fifth Avenue

63rd Street — from Second Avenue to Fifth Avenue

86th Street — from First Avenue to a line 125 feet east of Second Avenue, south side only

116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard

Special 125th Street District – only as set forth in Section 97-13 (Permitted Small Sidewalk Cafe Locations)

First Avenue — from 48th Street to 56th Street

Third Avenue — from 38th Street to 62nd Street

Lexington Avenue — from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street

Lexington Avenue — the entire length from a line 100 feet north of 96th Street, northward

Park Avenue — from 38th Street to 40th Street

Park Avenue — from 48th Street to 60th Street

Park Avenue — the entire length from a line 100 feet north of 96th Street, northward

Madison Avenue — from 23rd Street to 38th Street

Madison Avenue — from 59th Street to 61st Street

Special Madison Avenue Preservation District[2]

Madison Avenue — the entire length from a line 100 feet north of 96th Street, northward

Fifth Avenue — from 12th Street to 33rd Street

Fifth Avenue — from 59th Street to 61st Street

Sixth Avenue — from 36th Street to 42nd Street

Sixth Avenue — from a line 150 feet north of 42nd Street to 48th Street

Sixth Avenue — from 50th Street to Central Park South

Seventh Avenue — from 50th Street to Central Park South

Broadway — from 36th Street to 40th Street

Broadway — from 50th Street to Columbus Circle

Columbus Circle — from Eighth Avenue, westward, to Broadway.

[1] #Small sidewalk cafes# are not allowed on 14th Street

[2] #Small sidewalk cafes# are not allowed on 86th Street within the #Special Madison Avenue District#

Queens:

Jackson Avenue, north side — from 44th Drive to the prolongation of Dutch Kills Street

Queens Boulevard — from a line 100 feet west of 39th Place to 48th Street

Queens Plaza North — from 23rd Street to Northern Boulevard

Queens Plaza South — from 23rd Street to Jackson Avenue

Skillman Avenue, north side — from 45th Street to a line 100 feet east of 51st Street, including that portion within the #Special Planned Community Preservation District#

Skillman Avenue, south side — from 45th Street to 51st Street, excluding that portion within the #Special Planned Community Preservation District#.

14-44 - Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

†

LAST AMENDED
3/22/2018

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
125th Street District	No	No[4]
Battery Park City District	Yes	Yes
Clinton District	No	Yes
East Harlem Corridors District	No	Yes
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes
Enhanced Commercial District 3 (Broadway/Upper West Side)	Yes	Yes
Hudson Square District	Yes	Yes
Inwood District	No	Yes

Limited Commercial District	No	No[1]
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes[2]
Manhattanville Mixed Use District	No[3]	Yes
SoHo-NoHo Mixed Use District	No	Yes[6]
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes
West Chelsea District	No	Yes[5]

1 #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue.

2 #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway.

3 #Enclosed sidewalk cafes# are allowed in Subdistrict B.

4 #Unenclosed sidewalk cafes# are allowed on the east side of Malcolm X Boulevard between West 125th and West 126th Streets, on the west side of Malcolm X Boulevard between West 124th and West 125th Streets and on the east side of Fifth Avenue between East 125th and East 126th Streets.

5 #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. #Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.

6 #Unenclosed sidewalk cafes# are not permitted south of Houston Street, except for #small sidewalk cafes# in locations designated in Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted)

Brooklyn	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#

Bay Ridge District	Yes	Yes
Brooklyn Navy Yard District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Enhanced Commercial District 1 (Fourth Avenue)	No	Yes
Enhanced Commercial District 4 (Broadway, Bedford-Stuyvesant)	No	Yes
Gowanus Mixed Use District	No	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District[1]	Yes	Yes
Sheepshead Bay District	No	Yes

1 #Sidewalk cafes# are not allowed on Ocean Parkway

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes
Harlem River Waterfront District	No	Yes

Jerome Corridor District	No	Yes
Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Downtown Far Rockaway District	No	Yes
Downtown Jamaica District	No	Yes
Flushing Waterfront District	No	Yes
Forest Hills District[1]	No	Yes
Long Island City Mixed Use District[2]	No	Yes
Southern Hunters Point District	No	Yes
Willets Point District	No	Yes

1 #Sidewalk cafes# are not allowed on Austin Street

2 See Appendix A in Article XI, Chapter 7

Staten Island	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Bay Street Corridor District	Yes	Yes
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

14-45 - Street Malls Where Certain Sidewalk Cafes Are Permitted

LAST AMENDED
5/5/2004

#Sidewalk cafes# are permitted as indicated in the following malls where allowed by the underlying zoning.

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Mulberry Street Mall	No	Yes
Nassau Street Mall	No	Yes

Brooklyn	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Fulton Street Mall[1]	No	Yes

1 #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Far Rockaway Beach 20th Street	No	Yes

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Residential Conversion within Existing Buildings

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Chapter 5 - Residential Conversion within Existing Buildings

15-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

Special regulations for the conversion of non-residential floor area to residences have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

(a) to permit owners to increase the return on their investment in appropriate existing buildings by authorizing the conversion to residences without requiring such residences to conform to the provisions of Article II of this Resolution;

(b) to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of land and floor area available to such uses permitted under the provisions of this Chapter by providing relocation incentives for such uses;

(c) to protect important job-producing industries, particularly those with a unique social or economic relationship to the surrounding community;

(d) to provide sufficient space for commercial and manufacturing activities which are an integral part of New York City's economy;

(e) to provide for adequate returns to property owners by allowing more profitable residential use with a limited mix of commercial and manufacturing uses;

(f) to provide a new housing opportunity of a type and at a density appropriate to these Community Districts;

(g) to ensure the provision of safe and sanitary housing units in converted buildings; and

(h) to ensure the provision of adequate amenities in conjunction with residential development.

15-01 - Applicability

LAST AMENDED
2/2/2011

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, #conversions# in #buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter.

In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, #conversions# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be subject to the provisions of this Chapter.

For the purposes of this Chapter, #conversion# shall mean the change of non-#residential# #floor area# to #residences# or #joint living-work quarters for artists#. #Conversions# shall also include the #conversion# of existing floor space used for mechanical equipment and not counted as #floor area# to #residences# or #joint living-work quarters for artists#.

All #conversions# to #residences# shall be permitted only in districts where #residential use# is allowed by the district regulations, or in those #Manufacturing Districts# where #residential use# is allowed pursuant to this Chapter or by authorization or special permit. All #conversions# to #joint living-work quarters for artists# shall be permitted only in districts where such #use# is allowed by the district regulations.

The provisions of Article II, Chapter 8, shall not apply to #buildings# #converted# pursuant to the provisions of this Chapter.

However, #conversions# that meet all the requirements for #residential# #development# of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 Districts are exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

#Developments# or #enlargements# shall be in accordance with the applicable requirements of Article II and Article III, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

15-011 - Applicability within Special Purpose Districts

LAST AMENDED
2/2/2011

The provisions of this Chapter shall apply in Special Purpose Districts in the Community Districts listed in Section 15-01, as may be modified in the provisions of such Special Purpose Districts, except that the Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

In Community Districts not listed in Section 15-01, the provisions of this Chapter shall apply in the following Special Purpose Districts:

any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use Districts);

the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District);

the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District); and

the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

15-012 - Applicability within C6-1G, C6-2G, M1-5B or M1-6D Districts

LAST AMENDED
3/22/2016

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-024, the provisions of this Chapter are not applicable in M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of #non-residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted, subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential use).

15-013 - Building permits and variances issued before the effective date of amendment

LAST AMENDED
2/2/2011

(a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6

If, before April 9, 1981, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before September 1, 1980, construction pursuant to such permit may be continued, at the option of the owner, without regard to the other provisions of this Chapter. In the event that the construction permitted herein is not completed within 2 years from the issuance of said building permit or prior to April 9, 1982, whichever is later, and a temporary or permanent certificate of occupancy has not been issued, the building permit shall automatically lapse for any portion of a #building# for which a permanent or temporary certificate of occupancy has not been obtained and the right to continue construction on such #floor area# shall terminate, except that the Board of Standards and Appeals may reinstate said permit pursuant to the provisions of paragraphs (a)(1) or (a)(2) of this Section:

(1) for all #floor area# for which the Board has made a finding that, as of April 9, 1981;

(i) there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit had been granted; and

(ii) the completed construction demonstrated a physical commitment of the #floor area# to a layout as #residential# or #joint living-work quarters for artists# #use#, which construction could not be readily adapted to a non-#residential use# permitted by the Zoning Resolution.

A finding of substantial construction shall not be made unless, on April 9, 1981, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists# #use#, and unless the expenditures prior to April 9, 1981 were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing;

(2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists# #use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:

(i) the #conversion# shall comply with the provisions of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), as appropriate in the zoning district in which the #building# being #converted# is located, except that the Board may modify the requirements of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;

(ii) there shall be double glazing on all windows in all #dwelling units# or such other window treatment as the Board deems appropriate;

(b) Building permits in Brooklyn Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2

If, before October 25, 1984, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.

(c) Variances

If, before April 9, 1981, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or before October 25, 1984, in Brooklyn Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2, a variance to permit the #conversion# of a #building# or portion thereof, to #residential# or #joint living-work quarters for artists# #use#, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such #conversion# by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.

#Dwelling units# #converted# pursuant to the provisions of this Section which are not subject to the provisions of this Chapter shall also not be subject to the provisions of Section 32-42 (Location Within Buildings).

15-02 - General Provisions

LAST AMENDED
4/9/1981

15-021 - Special use regulations

LAST AMENDED
3/22/2016

(a) In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in #buildings# erected prior to December 15, 1961, shall be considered conforming. Such #uses# may be extended within such #buildings#.

(b) In C6-2M and C6-4M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all new #uses# listed in Use Groups 17B or E are permitted as-of-right in #buildings# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location Within Buildings).

(c) In M1-5 and M1-6 Districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

All #dwelling units# permitted pursuant to this paragraph (c) shall be required to comply with the requirements of Sections 15-22 (Number of Permitted Dwelling Units) or 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) where applicable, and with Section 15-23 (Light and Air Provisions).

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

(1) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;

(2) any #use# listed in Section 15-60 which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of two years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

(3) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95 percent of the amount of #floor area# in the #dwelling unit# previously occupied; and

(4) as a result of such action by the Chairperson, #residential uses# will be located on #stories# above #manufacturing# #uses#.

(d) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

(1) #dwelling units# which the Chairperson determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.

(2) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph (d) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

(e) In C6-1G and C6-2G Districts, in all #manufacturing# and #commercial# #buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts). However, if the Chairperson determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.

(f) In C8 and M1 Districts, no new #dwelling units# are permitted. However, within such districts in the following areas:

(1) Areas in Brooklyn Community District 1

(i) bounded by South 10th Street, Berry Street, Division Avenue and Wythe Avenue;

(ii) bounded by South 6th Street, Broadway, Driggs Avenue, South 8th Street and Wythe Avenue;

(iii bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street;

(iv) bounded by North 4th Street, Berry Street, North 3rd Street and Wythe Avenue;

(v) bounded by Metropolitan Avenue, Havemeyer Street, Hope Street and Roebling Street; and

(2) Area in Brooklyn Community District 2, bounded by Water Street, Washington Street, Plymouth Street, Bridge Street, Front Street, Jay Street, York Street, Washington Street, Front Street and Dock Street;

#dwelling units# which the Commissioner of the Department of Buildings determines were occupied on June 4, 1981, and are located in a #building# in which more than 45 percent of the #floor area# consists of #dwelling units# that were occupied on June 4, 1981, shall be a permitted #use#, provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than May 30, 1986.

Such a determination of #residential# occupancy on June 4, 1981, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

15-022 - Location within building

LAST AMENDED
2/2/2011

#Dwelling units# #converted# under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).

15-023 - Notice to residential tenants in mixed use buildings

LAST AMENDED
2/2/2011

The owner or developer of a #building# #converted# under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing# #uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:

(a) such #dwelling units# are located in a #building# containing #commercial# or #manufacturing# #uses# which the City is committed to maintain; and

(b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.

15-024 - Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

LAST AMENDED
3/22/2016

(a) The minimum size, #yard# and density requirements of Sections 15-111, 15-22, 43-17 and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010), may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#:

(1) existing on September 1, 1980, for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021, paragraph (c), 15-215, 42-133, paragraph (a), 42-141, paragraph (b) or74-782; or

(2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

(b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of Section 111-40.

No #building# that meets the density requirements of Section 15-111 or paragraph (c) of Section 111-40, may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111.

(c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-40, the following regulations shall apply:

(1) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:

(i) the unit or quarters shall contain one or more windows that open onto a #street# or 30 foot #yard#;

(ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and

(iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or

(2) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:

(i) the unit or quarters shall contain one or more windows that open onto either:

(a) a 10 foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#;

(b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#;

(c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or

(d) a #street#;

(ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;

(iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;

(iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;

(v) the average width of such unit or quarters shall be no less than 14 feet; and

(vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

15-10 - REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

LAST AMENDED
2/2/2011

15-11 - Bulk Regulations

LAST AMENDED
2/2/2011

For the #conversion# of non-#residential# #floor area# to #residences#, the applicable density requirements shall be modified in accordance with the provisions of Section 15-111 (Number of permitted dwelling units), and the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# are hereby superseded and replaced by the requirements of Sections 15-112 (Light and air provisions) and 15-12 (Open Space Equivalent).

15-111 - Number of permitted dwelling units

LAST AMENDED
3/22/2016

The maximum number of #dwelling units# permitted shall be determined in accordance with the applicable district regulations. However, where the total #floor area# on the #zoning lot# exceeds the maximum #floor area# permitted by the applicable district regulations, such excess #floor area# may be #converted# in its entirety to #residences#. Such excess #floor area# shall be included in the amount of #floor area# divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

For the #conversion# of non-#residential# #floor area# to #residences#, pursuant to Section 74-71 (Landmark Preservation), in C7, C8 and #Manufacturing Districts#, the maximum number of #dwelling units# shall equal the total #floor area# to be #converted# to #residential use# divided by the applicable factor listed in the following table. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.

MAXIMUM NUMBER OF DWELLING UNITS

District	Factor
C7 C8-1 C8-2 M1-1 M1-2 M2-1 M2-3 M3	680
C8-3 C8-4 M1-4 M1-5 M2-2 M2-4	740
M1-6	790

In addition, the following provisions shall apply:

No #floor area# shall be #converted# to #rooming units#. #Dwelling units# may be distributed anywhere within a #building# provided that any portion of a #dwelling unit# located in a #cellar# shall also comply with the provisions of Section 15-112 (Light and air provisions).

Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

The density provisions of this Section may be replaced by the regulations of Section 15-024 for #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980.

15-112 - Light and air provisions

LAST AMENDED
2/2/2011

(a) Spaces other than #rooms#:

(1) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.

(2) #Cellar# space is not permitted in #dwelling units# with three and one-half #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.

(3) Spaces, other than "living rooms," kitchens, bathrooms or mezzanines, with a minimum width of five feet in the narrowest dimension measured perpendicular to a wall enclosing such space, are not permitted in #dwelling units# with two #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.

(b) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.

(c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of paragraph (b) of this Section, measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

15-12 - Open Space Equivalent

LAST AMENDED
2/2/2011

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be provided for recreational use. For each additional #dwelling unit#, 100 square feet of additional roof area shall be provided for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified

pursuant to Section 15-30 (MINOR MODIFICATIONS).

15-13 - Special Home Occupation Provision

LAST AMENDED
8/27/1998

(a) In C6 Districts, the #home occupation# provisions of Section 12-10 (DEFINITIONS - Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#.

(b) In C5 and C6 Districts, in Manhattan, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the #home occupation# provisions of Section 12-10 shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#.

In addition:

(1) businesses operated as #home occupations# may have up to three non-#residential# employees; and

(2) notwithstanding the listing of specific #uses# prohibited in the definition of #home occupations# in Section 12-10, a #home occupation# may include any permitted #commercial# #use#, except beauty parlors, veterinary medicine and those #uses# listed in Use Group 12.

Such #home occupation# may occupy more than 500 square feet of #floor area# and, for the purposes of this Section, mezzanines shall be counted as #floor area#.

15-20 - REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

LAST AMENDED
3/22/2016

(a) The #lot area# requirements of the following Sections are hereby superseded and replaced with the requirements of Sections 15-21 and 15-22 for the #conversion# of non-#residential# #floor area# to #residences#:

Sections 23-20 (DENSITY REGULATIONS) through 23-26 (Special Provisions for Zoning Lots Divided by District Boundaries);

Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES);

Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS); and

Section 54-31 (Enlargements or Conversions).

In addition, the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# are hereby superseded and replaced by the requirements of Sections 15-23 and 15-24.

(b) In C6-2M, C6-4M, M1-5M and M1-6M Districts, the requirements of Section 15-21 (Use Regulations - Transfer of Preservation Obligations and Conversion Rights) may be waived by authorization of the City Planning Commission in

connection with the #conversion# of all or any portion of a #building# to a #residential use#, provided that:

(1) such #building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;

(2) any alterations to the subject #building#, required in connection with such #conversion# to #residential use#, have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission;

(3) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission; and

(4) such #buildings#, or portions thereof, being #converted# to #residential use#, shall comply with the density requirements set forth in paragraph (a)(3) of Section 74-711 (Landmark preservation in all districts).

In order to grant an authorization, the City Planning Commission shall find that such waiver shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

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

15-21 - Use Regulations — Transfer of Preservation Obligations and Conversion Rights

LAST AMENDED
2/2/2011

In C6-2M, C6-4M, M1-5M and M1-6M Districts, the #conversion# of #floor area# to #residences# in existing #buildings#, or portions thereof is permitted subject to the certification by the Chairperson of the City Planning Commission that #floor area# has been preserved for #commercial# or #manufacturing# #uses# in accordance with the provisions of this Section. For the purposes of this Section only, the following mixed-#use# areas are defined:

Southeast Chelsea — All C6-2M, C6-4M, M1-5M and M1-6M Districts between 13th Street and 23rd Street, and between Park Avenue and Eighth Avenue.

Garment Center East — The C6-4M District located between West 34th Street and West 35th Street, and between Seventh Avenue and Eighth Avenue.

15-211 - Floor area preservation

LAST AMENDED
2/2/2011

The amount or configuration of #floor area# to be preserved may be modified in accordance with the provisions of Section 15-215 (Modification for existing dwelling units).

The amount of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing# #uses# shall be in accordance with Table I of this Section, if the #floor area# to be #converted# is located in a C6-2M or C6-4M District, and in accordance with Table II of this Section, if the #floor area# to be #converted# is located in an M1-5M or M1-6M District, unless modified by the City Planning Commission pursuant to Section 15-51. Such #floor area# shall be comparable to the #floor area# to be #converted#, as required by Section 15-213.

Such #floor area# may be preserved in the #building# to be #converted#, or in any other #building# within the same mixed-#use# area, as defined in Section 15-21.

Except as provided in Section 15-215, #floor area# may not be preserved on portions of floors. If the #floor area# which must be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for permitted #commercial# or permitted #manufacturing# #uses#. #Floor area# used for #home occupations# may not be used to meet the requirements of #floor area# and #stories# which must be preserved for #commercial# or #manufacturing# #use#. No #accessory# living or sleeping accommodations shall be permitted in the #floor area# preserved for permitted #commercial# or permitted #manufacturing# #uses#.

All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#. For the purposes of this Section, any portion of the #building# to be #converted# that has a #residential# certificate of occupancy shall be excluded from the #building's# total #floor area#.

Any #building# that has been partially #converted# pursuant to Section 15-21 and has complied with the preservation requirements of such Section, shall not be required to preserve additional #floor area# for any subsequent #conversion#.

TABLE I

FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS

FLOOR AREA PRESERVED FOR PERMITTED COMMERCIAL OR

PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	33.3
5,000 sq. ft. or more but less than 10,000 sq. ft.	50.0
10,000 sq. ft. or more	66.6

TABLE II

FOR CONVERSION IN Ml-5M OR Ml-6M DISTRICTS

FLOOR AREA PRESERVED FOR PERMITTED COMMERCIAL OR

PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved

less than 5,000 sq. ft.	33.3
5,000 sq. ft. or more but less than 10,000 sq. ft.	66.6
10,000 sq. ft. or more	66.6

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* All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#.

15-212 - Reduced floor area preservation

LAST AMENDED
2/2/2011

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing# #use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by a #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), and subject to the following conditions:

(a) Where the preserved #floor area# is occupied by an existing #commercial# or #manufacturing# #use# for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by a #use# listed in Section 15-60, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of New York County.

Such lease shall:

(1) be for a period of not less than three years from the date of application for such certification with provision for two years renewal at the tenant's option; and

(2) not be subject to cancellation by the landlord.

(b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for a #use# listed in Section 15-60 for a period of five years from the date of such certification.

(c) Where the preserved #floor area# will be occupied by a #use# listed in Section 15-60 but no such tenant is yet occupying the #floor area#, the owner shall covenant to preserve such #floor area# for a #use# listed in Section 15-60, in the legal commitment required pursuant to Section 15-214.

TABLE I

FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS

REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED

COMMERCIAL OR PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
5,000 sq. ft. or more but less than 10,000 sq. ft.	33.3
10,000 sq. ft. or more	50.0

TABLE II

FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS

REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED

COMMERCIAL OR PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
5,000 sq. ft. or more but less than 10,000 sq. ft.	50
10,000 sq. ft. or more	50

* All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being

#converted# within the #building#.

15-213 - Comparability

LAST AMENDED
2/2/2011

Where the #floor area# to be preserved is not located within the #building# to be #converted#, such #floor area# must be comparable to #floor area# in the #building# to be #converted#. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the #floor area# to be preserved meets the following criteria:

(a) Elevators: load and number

The load and number requirements of this paragraph shall not apply when the #floor area# to be preserved is located on the ground floor or has level access to a #street# or loading facility.

(1) Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

Total load	is greater than or equal to 80% of	Total load
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# to be #converted#

(2) Number

There shall be a minimum of two elevators. The number of elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

Number of elevators	is greater than or equal to 80% of	Number of elevators
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# to be #converted#

Notwithstanding the above, where there is only one elevator servicing the #floor area# to be #converted#, there may be one elevator servicing the #floor area# to be preserved if the following exist:

(i) the #floor area# to be serviced by the elevator in the #building# to be preserved does not exceed the #floor area# serviced by the elevator in the #building# to be #converted# by more than 10 percent; and

(ii) the ratio of the volume of the elevator servicing the #floor area# to be preserved to the #floor area# to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the #floor area# to be

#converted# to the #floor area# to be #converted#.

If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.

(b) Floor load

The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).

(c) Size of floors

(1) The #floor area# shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the #building# to be #converted#, whichever is greater.

(2) #Floor area# may not be preserved on portions of floors.

(d) Loading facilities

The loading facilities shall be at least equal in number to those in the #building# to be #converted#. In addition, if such #building# has an off-street loading dock, the #building# containing the #floor area# to be preserved must have such off-street loading facilities.

(e) Column spacing

There shall be a minimum distance between columns of 15 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the #building# to be #converted#.

(f) Height of #stories#

The #stories# shall have an average minimum height of 10 feet.

The Chairperson of the City Planning Commission may authorize a modification of the requirements listed in paragraphs (a), (c)(1) or (d) of this Section, pursuant to the regulations of paragraph (c) of Section 15-30 (MINOR MODIFICATIONS).

15-214 - Certification and other requirements of preservation and conversion

LAST AMENDED
2/2/2011

(a) Prior to the issuance of an alteration permit for the #conversion# of #floor area# to #residential use#, the Chairperson of the City Planning Commission shall certify compliance with the requirements of Section 15-21 upon proof of a legal commitment to preserve and maintain the required #floor area# for permitted #commercial# or permitted #manufacturing# #use#. Such legal commitment shall be executed by all parties having any interest in the #floor area# to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.

A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any

unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.

A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.

(b) The #floor area# to be preserved shall not already have been preserved by a legal commitment under the provisions of Section 15-21, as evidenced by the report from the title company issued pursuant to (a) above.

(c) When preservation obligations pursuant to Section 15-211 or 15-212 are transferred between #buildings#, the amount of #floor area# required to be preserved shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the #floor area# in the #building#.

(d) Any #building# that has been partially #converted# pursuant to Section 15-21 and has complied with the preservation requirements of such Section, shall not be required to preserve additional #floor area# for any subsequent #conversion#.

15-215 - Modification for existing dwelling units

LAST AMENDED
2/11/1992

The requirements of Section 15-211 or 15-212 regarding the amount or configuration of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing# #uses# may be modified by the Chairperson of the City Planning Commission provided that:

(a) such #floor area# has a #residential# certificate of occupancy, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law, or was occupied as #dwelling units# as of September 1, 1980, and a complete application for determination of occupancy has been filed with the Department of City Planning by the owner of the #building# or the occupant of a #dwelling unit# in the #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #floor area#; and

(b) as a result of such #residential# occupancy, the remaining amount of #floor area# in the #building# is less than the amount required to be preserved for permitted #commercial# or #manufacturing# #uses# pursuant to Section 15-211 or 15-212, or consists of portions of floors.

Such modification of the preservation requirement shall be the minimum necessary in order to permit the legalization of existing #dwelling units# for which a determination of occupancy has been made.

Notwithstanding the above, the Chairperson of the City Planning Commission shall not issue a certification pursuant to Section 15-21 until an application for such certification and modification is submitted by the owner of the #building#.

15-22 - Number of Permitted Dwelling Units

LAST AMENDED
2/2/2011

(a) In #buildings# where #floor area# is #converted# to #residences# under Section 15-21 (Use Regulations — Transfer of Preservation Obligations and Conversion Rights) where there is more than one #dwelling unit# per #story#, there shall be a minimum #dwelling unit# size of 1,200 square feet of interior #floor area# unless modified pursuant to Section 15-

30 (MINOR MODIFICATIONS).

However, the minimum #dwelling unit# size requirement may be replaced by the requirements of Section 15-026 for #dwelling units# existing on September 1, 1980:

(1) for which the Chairperson of the City Planning Commission has made a determination of #residential# occupancy on September 1, 1980, pursuant to Section 15-021, paragraph (c) or Section 15-215; or

(2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(3) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Dwelling units# existing on September 1, 1980 may not be subsequently divided into units of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

(b) For the purposes of this Section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

15-23 - Light and Air Provisions

LAST AMENDED
2/2/2011

(a) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.

(b) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.

(c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one-fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of paragraph (a) of this Section, measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

15-24 - Open Space Equivalent

LAST AMENDED
2/2/2011

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be provided for recreational #use#. For each additional #dwelling unit#, 100 square feet of additional roof area shall be provided for recreational #use#, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified

pursuant to Section 15-30 (MINOR MODIFICATIONS).

15-25 - Home Occupations

LAST AMENDED
4/9/1981

A #home occupation# may occupy a #dwelling unit# as an #accessory use# in excess of the #floor area# limitations of Section 12-10 (DEFINITIONS), and subject to the following:

(a) Businesses operated as #home occupations# may have up to three non-#residential# employees.

(b) In addition to the #uses# listed in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing# #use#. It shall not include the sale of merchandise produced elsewhere.

(c) The Commissioner of Buildings may issue rules and regulations setting forth appropriate standards to implement the intent of this Section.

15-26 - Collection of Residential and Commercial Refuse

LAST AMENDED
2/2/2011

All #residential# trash shall be consolidated with the trash from the #commercial# or #manufacturing# #use# tenants and collected in the same manner as the trash from such #commercial# or #manufacturing# tenants. Such collection shall be the responsibility of the owner of the #building# or portion thereof.

15-30 - MINOR MODIFICATIONS

LAST AMENDED
2/2/2011

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

(a) The requirements of paragraph (a) of Section 15-22, relating to #dwelling unit# size may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the division of one or more #stories# into #dwelling units# with an area of at least 1,200 square feet cannot be accomplished without practical difficulties because the #floor area# of such #story#, exclusive of exterior walls, and common areas, is within five percent of a multiple of 1,200 square feet.

(b) The requirements of Sections 15-12 and 15-24 relating to the #open space# equivalent may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at reasonable cost.

(c) The requirements of paragraphs (a) or (d) of Section 15-213 (Comparability) relating to comparability of elevators or loading facilities may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the elevators or loading facilities serving the #floor area# to be preserved provide facilities for #manufacturing# or #commercial# #uses# that are equivalent or superior to those serving the #floor area# to be #converted#.

The requirements of paragraph (c)(1) of Section 15-213 relating to comparability of size of floors may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the #floor area# to be preserved consists of floors that are of equivalent or larger size than the floors in the #building# to be #converted#.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least 20 days prior to the next regularly scheduled Board meeting. If the Community Board chooses to comment on such requests it must do so within 31 days of such notification.

15-40 - AUTHORIZATION

LAST AMENDED
10/17/2007

15-41 - Enlargements of Converted Buildings

LAST AMENDED
3/22/2016

In all #Commercial Districts# and #Residence Districts#, for #enlargements# of #buildings# #converted# to #residences#, the City Planning Commission may authorize:

(a) a waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# #converted# to #residences#; and

(b) the maximum #floor area ratio# permitted pursuant to Section 23-151 for the applicable district without regard for #height factor# or #open space ratio# requirements.

In order to grant such authorization, the Commission shall find that:

(1) the #enlarged building# is compatible with the scale of the surrounding area;

(2) open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot#, shall be accessible to and usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;

(3) the site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#; and

(4) the #enlarged# #building# will not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

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

15-50 - SPECIAL PERMIT

LAST AMENDED
10/17/2007

15-51 - Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

LAST AMENDED
10/17/2007

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 paragraph (e), or 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts).

15-60 - REFERENCED COMMERCIAL AND MANUFACTURING USES

LAST AMENDED
3/22/2016

The following #uses# shall be applicable to Sections 15-021, 15-212 and 73-53.

In Use Group 7B:

Exterminators

Gun repair

Sailmaking establishments

Taxidermists' shops

Trade embalmers

Window cleaning contracting establishments

In Use Group 8B:

Upholstering shops

In Use Group 9A:

Blueprinting or photostatting establishments

Medical or dental laboratories

Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms

Printing establishments

Studios - art, music, dancing or theatrical

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

In Use Group 9B:

Hair products for head wear, wholesaling

In Use Group 10A:

Depositories for storage of office records, etc.

Photographic or motion picture production studios, radio or television studios.

In Use Group 10B:

All #uses#

In Use Group 11A:

All #uses#

In Use Group 11B:

All #uses#

In Use Group 16A:

Blacksmith shops

Carpentry, custom woodworking or furniture making shops

Electrical, glazing, heating, painting, paperhanging, plumbing, roofing or ventilating contractor=s establishments

Household or office equipment or machinery repair shops

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Poultry or rabbit killing establishments

Sign painting shops

Silver plating shops

Soldering or welding shops

Tool, die or pattern-making establishments or similar small machines

In Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments

Laundries

Linen, towel or diaper supply establishments

Moving or storage offices

Packing or crating establishments

Photographic developing or printing establishments

Warehouses

Wholesale establishments

In Use Group 17A:

Building material and contractor's yards

Produce or meat markets, wholesale

In Use Group 17B:

All #uses#

In Use Group 17C:

Trucking terminals or motor freight stations

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Comprehensive Off-street Parking Regulations in the Long Island City Area

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Chapter 6 - Comprehensive Off-street Parking Regulations in the Long Island City Area

16-00 - GENERAL PURPOSES

LAST AMENDED
5/8/2013

The provisions of this Chapter establish special comprehensive regulations for off-street parking in the Long Island City area, as defined in Section 16-02 (Definitions).

These regulations will allow parking to be provided in a manner that supports a mass transit and pedestrian-oriented central mixed use district.

16-01 - General Provisions

LAST AMENDED
5/8/2013

Except as modified by the express provisions of this Chapter, the regulations of the underlying zoning districts shall remain in effect.

16-02 - Definitions

LAST AMENDED
5/8/2013

Long Island City area

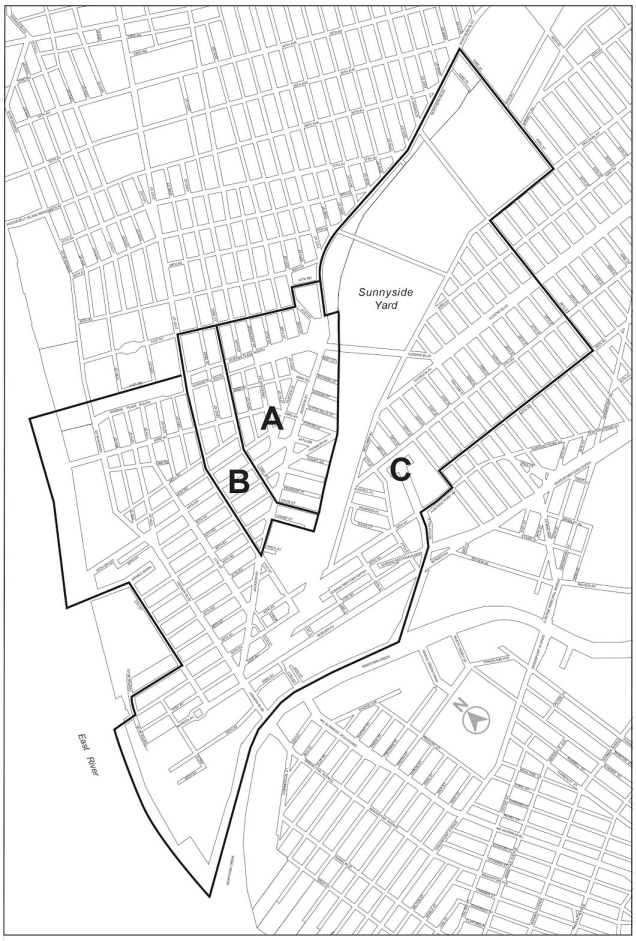
For the purposes of this Chapter, “Long Island City area” shall refer to the area within the boundaries shown on the map in Section 16-03.

16-03 - Map of Long Island City area

LAST AMENDED
5/8/2013

The #Long Island City area# is shown on the following map for the purpose of specifying areas where special regulations and requirements set forth in this Chapter apply.

Long Island City Area



16-04 - Areas A, B and C

LAST AMENDED
5/8/2013

Areas A, B and C are established within the #Long Island City area#, the boundaries of which are shown on the map in Section 16-03.

16-05 - Applicability

LAST AMENDED
5/8/2013

16-051 - Applicability of parking regulations within the Long Island City area

LAST AMENDED
5/8/2013

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots# and #public parking garages#, as set forth in this Section.

(a) For #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to October 25, 1995, the number of parking spaces required or permitted shall be set forth in Section 16-07 (Existing Buildings and Off-street Parking Facilities).

(b) For #accessory# off-street parking facilities, #public parking lots# and #public parking garages# #developed# or #enlarged# after October 25, 1995, the number of parking spaces permitted in a parking facility shall be as set forth in Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA). Special rules shall apply to all such #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, as set forth in Section 16-20.

(c) Any increase in the number of off-street parking spaces in an #accessory# off-street parking facility, #public parking lot# or #public parking garage# resulting in a capacity not otherwise allowed under the applicable regulations of Section 16-10, shall be permitted only by the City Planning Commission, pursuant to the applicable special permit in Section 16-35 (Special Permits), inclusive.

16-052 - Applicability of parking regulations for large-scale residential developments within the Long Island City area

LAST AMENDED
5/8/2013

The provisions of this Chapter shall not apply to #large-scale residential developments# utilizing Sections 78-41 (Location of Accessory Parking Spaces) or 78-42 (Parking Regulations for Commercial and Community Facility Uses).

16-053 - Applicability of Special Purpose Districts within the Long Island City area

LAST AMENDED
5/8/2013

In addition to the provisions of this Chapter, further requirements relating to the #Long Island City area# can be found in the following Special Purpose Districts:

(a) the #Special Long Island City Mixed Use District#, as set forth in Section 117-54 (Off-street Parking and Loading Regulations); and

(b) the #Special Southern Hunters Point District#, as set forth in Section 125-50 (PARKING REGULATIONS), inclusive.

16-06 - Previously Approved Special Permits or Authorizations

LAST AMENDED
5/8/2013

Any authorization or special permit relating to parking regulations in the #Long Island City area# granted by the City Planning Commission or Board of Standards and Appeals prior to October 25, 1995, may be started or continued, in accordance with the terms thereof, or as such terms may subsequently be modified, pursuant to the regulations in effect at the time such authorization or special permit was granted. Such authorizations or special permits shall be subject to the provisions of Sections 11-42 (Lapse of Authorization of Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit). However, the provisions of this Chapter shall apply to the renewal of any special permit or authorization for a #public parking lot#.

Any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided shall only be permitted by the applicable special permit provisions of Section 16-35.

16-07 - Existing Buildings and Off-street Parking Facilities

LAST AMENDED
5/8/2013

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to October 25, 1995, in the #Long Island City area#, as applicable, and to existing #buildings# #developed# without the provision of parking.

(a) Existing parking facilities

Within the #Long Island City area#, existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages# established prior to October 25, 1995, shall be subject to the applicable zoning district regulations in effect prior to October 25, 1995, except that:

(1) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to October 25, 1995, shall not be permitted; and

(2) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities that result in a capacity not otherwise allowed under the applicable regulations of Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA) shall only be permitted by special permit by the City Planning Commission pursuant to the applicable provisions of Section 16-35 (Special Permits).

(b) Existing #buildings# #developed# without parking

Within the #Long Island City area#, existing #buildings# #developed# without the provision of parking may add up to 15 #accessory# off-street parking spaces only where the City Planning Commission authorizes such additional spaces pursuant to the provisions of Section 16-341 (Limited increase in parking spaces for existing buildings without parking).

16-10 - PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA

LAST AMENDED
5/8/2013

No parking shall be required for the #Long Island City area#. Off-street parking spaces located within #accessory# off-street parking facilities, #public parking lots# and #public parking garages# in the #Long Island City area# shall be allowed only as set forth in this Section, inclusive.

All such parking facilities shall be subject to the applicable regulations set forth in Section 16-20.

16-11 - Permitted Parking for Residences

LAST AMENDED
5/8/2013

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

(a) within Area A, as shown on the map in Section 16-03, #accessory# off-street parking spaces may be provided for not more than 50 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.

(b) within Areas B and C, as shown on the map, #accessory# off-street parking spaces may be provided for not more than 100 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#.

All such #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential# #development# or #enlargement#.

16-12 - Permitted Parking for Non-residential Uses

LAST AMENDED
5/8/2013

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

(a) #Transient hotels#

For #transient hotel# #developments# or #enlargements#, a maximum of 150 #accessory# off-street parking spaces are permitted if there is only one entrance to the #accessory# #group parking facility# and a maximum of 225 #accessory# off-street parking spaces are permitted if there are two or more entrances. In no event may the number of parking spaces exceed 50 percent of the number of new #transient hotel# rooms. All such parking spaces shall be used primarily for the personnel, guests and occupants of the #transient hotel#.

(b) Hospitals

For hospital #developments# or #enlargements# in Area A, as shown on the map in Section 16-03, a maximum of 150 #accessory# off-street parking spaces, open or enclosed, are permitted if there is only one entrance to the #accessory# group parking facility and a maximum of 225 #accessory# off-street parking spaces, open or enclosed, are permitted if there are two or more entrances.

For hospital #developments# or #enlargements# within Areas B and C, as shown on the map, #accessory# off-street parking may be provided in accordance with the underlying district regulations.

All such parking spaces are to be used exclusively by the hospital staff, patients and visitors.

(c) Other #commercial#, #community facility# and #manufacturing# #uses#

For #developments# or #enlargements# in Area A containing #community facility# #uses# other than hospitals, #commercial# #uses# other than #transient hotels#, or #manufacturing# #uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing# #floor area#, or 100 spaces, whichever is less. All such parking spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

Within Areas B and C, the maximum number of #accessory# off-street parking spaces permitted for each #development#, #enlargement# or alteration shall not exceed one space per 4,000 square feet of #floor area#, or 100 spaces, whichever is less. In the event that the permitted number of #accessory# off-street spaces would be less than 15 spaces, an #accessory# parking facility of up to 15 spaces may be provided. All spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

16-13 - Permitted Parking for Zoning Lots With Multiple Uses

LAST AMENDED
5/8/2013

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in

Sections 16-11 (Permitted Parking for Residences) and 16-12 (Permitted Parking for Non-residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces. The exclusive or primary #use# provisions of Sections 16-11 and 16-12 shall be applicable to the number of spaces provided for each #use#.

16-14 - Permitted Public Parking Lots

LAST AMENDED
5/8/2013

#Public parking lots# shall not be permitted within the #Long Island City area#, except where authorized by the City Planning Commission in accordance with the provisions of Section 16-342.

16-15 - Permitted Public Parking Garages

LAST AMENDED
5/8/2013

Within Areas A or B, as shown on the map in Section 16-03, #public parking garages# shall be permitted only in accordance with the special permit provisions of Section 16-352. However, notwithstanding any underlying district regulations, within Subarea C, as shown on the map, #public parking garages# with a maximum capacity of 150 spaces shall be permitted as-of-right within any zoning district.

16-16 - Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

LAST AMENDED
5/8/2013

#Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, as follows:

(a) #Accessory# off-street parking facilities

#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater. #Accessory# #residential# off-street parking spaces shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after a written request therefor is made to the landlord.

(b) #Public parking garages# and #public parking lots#

(1) #Car sharing vehicles# shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted.

(2) Commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided that the total amount of parking spaces occupied by commercial vehicles shall not exceed 10 percent of the total number of parking spaces permitted, or 10 spaces, whichever is less.

16-20 - SPECIAL RULES FOR PARKING FACILITIES WITHIN THE LONG ISLAND CITY AREA

LAST AMENDED
5/8/2013

All #accessory# off-street parking facilities, #public parking lots# and #public parking garages# #developed# or #enlarged# after October 25, 1995, in the #Long Island City area# shall comply with the applicable provisions of this Section, inclusive.

16-21 - Off-site Parking

LAST AMENDED
5/8/2013

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

16-22 - Enclosure, Surfacing and Screening Requirements

LAST AMENDED
5/8/2013

All #accessory# off-street parking spaces shall be located within a #completely enclosed# #building#, with the exception of:

(a) parking spaces #accessory# to a hospital, as listed in Use Group 4; and

(b) up to 15 off-street parking spaces #accessory# to #commercial# #uses# other than a #transient hotel#, as listed in Use Group 5, #community facility# #uses# other than hospitals, or #manufacturing# #uses#.

16-23 - Curb Cut Restrictions

LAST AMENDED
5/8/2013

In the #Long Island City area#, for #accessory# off-street parking facilities and #public parking garages#, curb cuts accessing entrances and exits to such parking facilities shall not be permitted at the following locations:

(a) within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location is not hazardous to traffic safety, is not likely to create traffic congestion and will not unduly inhibit surface traffic or pedestrian flow. The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;

(b) for #accessory# off-street parking facilities, on 21st Street, 44th Drive, Jackson Avenue, Queens Boulevard, Queens Plaza (North, South and East), Skillman Avenue or Thomson Avenue, except by authorization of the City Planning Commission, pursuant to Section 16-343;

(c) for #public parking garages#, on 21st Street, 44th Drive, Jackson Avenue, Queens Boulevard, Queens Plaza (North, South and East) or Vernon Boulevard, except by authorization, pursuant to Section 16-343.

16-24 - Minimum and Maximum Size of Parking Facilities

LAST AMENDED

5/8/2013

The gross unobstructed surface area, in square feet, of a permitted #accessory# #group parking facility# including stalls, aisles, driveways and maneuvering areas shall not exceed 200 times the number of #accessory# off-street parking spaces provided. This size limitation shall not be applicable to off-street parking spaces permitted under the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-residential Uses) where such spaces are exclusively #accessory#, no-charge, self-parking spaces in enclosed facilities with a capacity limited to 100 automobiles. In such facilities, the gross unobstructed surface area, in square feet, shall not exceed 300 times the number of #accessory# off-street parking spaces provided.

16-30 - AUTHORIZATIONS AND SPECIAL PERMITS

LAST AMENDED
5/8/2013

16-31 - General Provisions

LAST AMENDED
5/8/2013

The City Planning Commission may grant authorizations and special permits, pursuant to Sections 16-34, inclusive, and 16-35, inclusive.

All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission, shall conform to and comply with all of the applicable zoning district regulations of the Zoning Resolution, except as otherwise specified herein.

16-32 - Requirements for Applications

LAST AMENDED
5/8/2013

An application to the City Planning Commission for the grant of a special permit or authorization under the provisions of this Section shall include a site plan showing the location of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

16-33 - Relationship to Public Improvement Projects

LAST AMENDED
5/8/2013

In all cases, the City Planning Commission shall deny a special permit application or authorization whenever the #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the City Council or the Commission, as determined from the calendar of each agency issued prior to the date of the public meeting on the application for a special permit or authorization.

16-34 - Authorizations

LAST AMENDED
5/8/2013

16-341 - Limited increase in parking spaces for existing buildings without parking

LAST AMENDED
5/8/2013

The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow on-site enclosed #accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:

(a) the #building# does not have #accessory# off-street parking spaces;

(b) such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater. For the purposes of this paragraph (b), such need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;

(c) the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic;

(d) the parking spaces will not adversely affect pedestrian movement;

(e) the parking spaces will not be incompatible with, or adversely affect, adjacent #uses# including #uses# within the #building#; and

(f) the curb cut accessing such parking spaces will not be inconsistent with the character of the existing streetscape.

16-342 - Public parking lots

LAST AMENDED
5/8/2013

The City Planning Commission may authorize #public parking lots# with a capacity of not more than 150 spaces in the #Long Island City area#, provided that the otherwise applicable regulations set forth in Sections 36-55 or 44-44 (Surfacing), and Sections 36-56 or 44-45 (Screening) are met.

As a condition for authorizing any such #public parking lots#, the Commission shall make the following findings:

(a) such #use# will not be incompatible with, or adversely affect, the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

(c) such #use# is so located as to draw a minimum of vehicular traffic to and through local #residential# #streets#; and

(d) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, or requirements for shielding of floodlights and for locations of entrances and exits.

16-343 - Curb cuts

LAST AMENDED
5/8/2013

The City Planning Commission may authorize curb cuts located on a #street# designated in Section 16-23 (Curb Cut Restrictions), provided the Commission finds that a curb cut at such location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion or unduly inhibit vehicular movement;

(c) will not adversely affect pedestrian movement;

(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and

(e) will not be inconsistent with the character of the existing streetscape.

16-35 - Special Permits

LAST AMENDED
5/8/2013

16-351 - Accessory off-street parking spaces

LAST AMENDED
5/8/2013

The City Planning Commission may, by special permit, subject to the otherwise applicable zoning district regulations, allow on-site or off-site, open or enclosed, #accessory# off-street parking facilities with any capacity not otherwise allowed under Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA), provided the Commission finds that:

(a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater;

(b) within the vicinity of the site, there are insufficient parking spaces available;

(c) the facility will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement;

(d) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential# #streets#; and

(e) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including traffic improvements, if necessary, and limitations on #signs# or requirements for shielding or floodlights or for locations of entrances and exits.

16-352 - Public parking garages and public parking lots

LAST AMENDED
5/8/2013

The City Planning Commission may, by special permit, allow #public parking garages# and #public parking lots# not otherwise permitted, pursuant to the applicable provisions of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article II - Residence District Regulations

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Statement of Legislative Intent

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Statement of Legislative Intent

21-00 - GENERAL PURPOSES OF RESIDENCE DISTRICTS

LAST AMENDED
2/26/1967

The Residence Districts established in this Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites.

(b) To protect residential areas against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.

(c) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds.

(d) To protect residential areas against congestion, as far as possible, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces; to require the provision of open space in residential areas wherever practicable; and to encourage the provision of additional open space by permitting moderately higher bulk and density with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break the monotony of continuous building bulk, and thereby to provide a more desirable environment for urban living in a congested metropolitan area.

(e) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.

(f) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures.

(g) To provide appropriate space for those educational, religious, recreational, health and similar facilities which serve the needs of the nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences.

(h) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms.

(i) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the City's tax revenues.

21-10 - PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

LAST AMENDED
12/15/1961

21-11 - R1 and R2 — Single-Family Detached Residence Districts

LAST AMENDED
12/15/1961

These districts are designed to provide a suitable open character for single-family detached dwellings at low densities. These districts also include community facilities and open uses that serve the residents of these districts or benefit from an open residential environment.

21-12 - R2X — Single-Family Detached Residence District

LAST AMENDED
9/25/2019

This district is designed to provide for large single-family detached dwellings on narrow zoning lots. This district also includes community facilities and open uses that serve the residents of the district or benefit from a residential environment.

This district may be mapped only within the Special Ocean Parkway District as well as Community Districts 8 and 14 in the Borough of Queens.

21-13 - R3A, R3X and R4A — Detached Residence Districts

LAST AMENDED
12/5/1990

These districts are designed to provide for single- or two-family detached dwellings on zoning lots of specified lot widths. R3A Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

21-14 - R3-1 and R4-1 — Detached and Semi-Detached Residence Districts

LAST AMENDED
12/5/1990

These districts are designed to provide for single- or two-family detached or semi-detached dwellings. R4-1 Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

21-15 - R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 — General Residence Districts

LAST AMENDED
2/14/2018

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, and zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R7-3 and R9-1 Districts may be mapped only as specified in this paragraph. Such districts may be mapped within the waterfront area and in the Special Mixed Use Districts. In addition, R7-3 Districts may be mapped in the Special Long Island City Mixed

Use District and #Special St. George District#, and R9-1 Districts may be mapped in #Mandatory Inclusionary Housing areas#.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Use Regulations

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Use Regulations

22-00 - GENERAL PROVISIONS

LAST AMENDED
3/26/2014

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4 and 6C, including each #use# listed separately therein, are permitted in #Residence Districts# as indicated in Sections 22-11 through 22-15.

The following chart sets forth the Use Groups permitted in the #Residence Districts#.

USE GROUPS PERMITTED IN RESIDENCE DISTRICTS

		Use Groups			
Districts		Residential		Community Facilities	
		1	2	3	4
#Single-family# #detached# #residences#	R1 R2	x		x	x
#Single-# and #two-family# #detached# and #zero lot line# #residences#	R3A	x	x	x	x
#Single-# and #two-family# #detached# #residences#	R3X R4A R5A	x	x	x	x
#Single-# and #two-family# #detached# and #semi-detached# #residences#	R3-1	x	x	x	x
#Single-# and #two-family# #detached#,#semi-detached# and #zero lot line# #residences#	R4-1	x	x	x	x
#Single-# and #two-family# #residences# of all types	R4B	x	x	x	x

General #residences#*	R3-2 R4-R10	x	x	x	x

* #Zero lot line buildings# are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B and R5D) Districts

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The #uses# listed in the various Use Groups set forth in Sections 22-11 through 22-15, are also listed in alphabetical order in the Index of Uses in APPENDIX A for the convenience of those using this Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Use Group 6C, limited to docks for ferries and water taxis, as specified in Section 22-15, is permitted in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 72-21 (Findings Required for Variances), that operates a #sidewalk cafe# pursuant to the provisions of Article I, Chapter 4, may be #enlarged# into any open area that may exist between the #street wall# and the #street line#.

For the purposes of this Chapter, any #residence# and any #accessory# #building# #abutting# such #residence# on the same #zoning lot# shall be considered a single #building#.

22-10 - USES PERMITTED AS-OF-RIGHT

LAST AMENDED
12/15/1961

22-11 - Use Group 1

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 1 consists of #single-family# #detached# #residences#.

A. #Residential uses#

#Single-family# #detached# #residence#

B. #Accessory# #uses#

22-12 - Use Group 2

LAST AMENDED
3/22/2016

R3 R4 R5 R6 R7 R8 R9 R10

Use Group 2 consists of all other types of #residences#.

A. #Residential uses#

#Residences# of all kinds, including #apartment hotels# and #affordable independent residences for seniors# except that:

(1) in R3A, R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# except that in R3A Districts #single-# or #two-family# #zero lot line buildings# are also permitted;

(2) in R3-1 and R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# #detached# or #semi-detached# except that in R4-1 Districts #single-# or #two-family# #zero lot line buildings# are also permitted;

(3) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

B. #Accessory# #uses#

22-13 - Use Group 3

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of community facilities that:

(1) may appropriately be located in #residential# areas to serve educational needs or to provide other essential services for the residents; or

(2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent industrial or general service #uses#; and

(3) do not create significant objectionable influences in #residential# areas.

A. #Community facilities#

Colleges or universities[1], including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses[1]

Libraries, museums or non-commercial art galleries

#Long-term care facilities#[2,3,4]

Monasteries, convents or novitiates, without restrictions as to use for living purposes or location in relation to other #uses#

#Non-profit hospital staff dwellings# located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto or would be contiguous but for its separation by a #street# or a #street# intersection

Philanthropic or non-profit institutions with sleeping accommodations[5]

#Schools#

B. #Accessory# #uses#

[1] Not permitted in R1 or R2 Districts as-of-right

[2] In R1 and R2 Districts, permitted only by special permit by the City Planning Commission pursuant to Section 74-901 (Long-term care facilities)

[3] In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, are permitted only by special permit by the City Planning Commission pursuant to Section 74-901 (Long-term care facilities). However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)

[4] In #high-risk flood zones#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# or #enlargement# of nursing homes and nursing home portions of continuing care retirement communities, as such facilities are defined in the New York State Public Health Law, are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)

[5] The number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8, R9 or R10 Districts, 25,000 square feet, whichever is greater

22-14 - Use Group 4

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

(1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or

(2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and

(3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities[1], limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision

of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor

Clubs[2], except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Community centers or settlement houses

Houses of worship, rectories or parish houses

Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face

Non-commercial recreation centers

#Non-profit hospital staff dwellings# restricted to location on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# immediately contiguous thereto

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts, the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

Proprietary hospitals and related facilities[2], except animal hospitals

Seminaries

Welfare centers[2]

B. Open #uses#

Agricultural #uses#, including greenhouses, nurseries, or truck gardens, provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#

Cemeteries[2]

Golf courses

Outdoor tennis courts or ice skating rinks[2], provided that all lighting shall be directed away from nearby #residences#

#Public parks# or playgrounds or private parks

Railroad or transit rights-of-way[3]

C. #Accessory# #uses#

1 Not permitted in R1 or R2 Districts. In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, such #use# shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3-1, R3A, R3X, R4-1 or R4A Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital, as defined in the New York State Hospital Code, or a #long-term care facility#, such 1,500 square feet restriction shall not include #cellar# space

2 Not permitted in R1 or R2 Districts as-of-right

3 Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space Over a Railroad or Transit Right-of-way or Yard)

22-15 - Use Group 6C

LAST AMENDED
3/26/2014

R6 R7 R8 R9 R10

In the districts indicated, when located within Community District 1 in the Borough of Brooklyn, Use Group 6C, as set forth in Section 32-15 (Use Group 6), shall be limited to docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, and docks for water taxis, with a vessel capacity of up to 99 passengers, provided that such docks are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). Vessel capacity is the U.S. Coast Guard-certified capacity of the largest vessel using a dock.

22-16 - Special Regulations for Nursing Homes

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions).

In addition, in Community Districts where #long-term care facilities# are allowed only by special permit pursuant to Section 74-901 (Long-term care facilities), such special permit may not be applied to #developments# or #enlargements# of nursing homes and nursing home portions of continuing care retirement communities located in the areas subject to the provisions of this Section.

22-20 - USES PERMITTED BY SPECIAL PERMIT

LAST AMENDED
2/2/2011

22-21 - By the Board of Standards and Appeals

LAST AMENDED
9/9/2004

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

R3-1, R3A, R3X, R4-1, R4A, R4B,

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of #floor area#.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Camps, overnight or outdoor day [PRC-H]

R1 R2

Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

R1 R2

Colleges or universities, including professional schools, but excluding business colleges or trade schools

R1 R2

College or school student dormitories or fraternity or sorority student houses

R1 R2

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential# #zoning lots#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public utility or public service facilities

Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more

than 40,000 square feet

Public utility stations for oil or gas metering or regulating

Telephone exchanges or other communications equipment structures

Terminal facilities at river crossings for access to electric, gas or steam lines

Water or sewage pumping stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Radio or television towers, non-#accessory#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Riding academies or stables [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Sand, gravel, or clay pits

R1 R2

Welfare centers

22-22 - By the City Planning Commission

■

LAST AMENDED
5/12/2021

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section 62-833 (Docks for ferries or water taxis in Residence Districts), except in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Fire stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Long-term care facilities#

#Long-term care facilities# in R1 and R2 Districts

#Long-term care facilities# in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes,

as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more

However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial clubs with outdoor swimming pools less than 500 feet from any #lot line#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial outdoor swimming pool clubs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Non-profit hospital staff dwellings# located not more than 1,500 feet from the non-profit or voluntary hospital

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Police stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public transit, railroad or electric utility substations, limited in each case to a site of not less than 40,000 square feet and not more than 10 acres

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Railroad passenger stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Seaplane bases

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Sewage disposal plants

R10H

#Transient hotels#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

22-30 - SIGN REGULATIONS

LAST AMENDED
4/8/1998

22-31 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

22-32 - Permitted Non-illuminated Accessory Signs

LAST AMENDED
4/8/1998

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, non-#illuminated# #accessory# #signs# are permitted as set forth in this Section, subject to the provisions of Section 22-34 (Additional Regulations).

22-321 - Nameplates or identification signs

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) For all #buildings# containing #residences#, one nameplate, with an area not exceeding one square foot and indicating only the name or address of the occupant or a permitted occupation, is permitted for each #dwelling unit# or #rooming unit#.

(b) For multiple dwellings, including #apartment hotels#, or for permitted #non-residential# #buildings or other structures# exclusive of hospitals and related facilities, one identification #sign#, with an area not exceeding 12 square feet and indicating only the name of the permitted #use#, the name or address of the #building#, or the name of the management thereof, is permitted. For #community facility# #uses#, except hospitals and related facilities, a bulletin board, with an area not exceeding 16 square feet, is also permitted. For any #sign# on awnings or canopies, the height of letters on any side of such awnings or canopies shall not exceed 12 inches.

(c) For hospitals and related facilities, any number of identification or directional #signs# are permitted, provided the total #surface area# in square feet of all such #signs# shall not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less. However, for #zoning lots# with more than one #building# that fronts upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet. In addition to the aforementioned #signs#, either one directory or bulletin board, or combination thereof, is permitted, not to exceed 50 square feet.

22-322 - "For sale" or "for rent" signs

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted. If located on vacant land, such a #sign# shall not be within 15 feet of the #street line#, nor within six feet of any other #lot line#.

22-323 - Signs for parking areas

LAST AMENDED
9/29/2010

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

One #sign#, with an area not exceeding two square feet, designating each entrance to or exit from an off-street parking area, open or enclosed, is permitted. No such #sign# shall be higher than seven feet above #curb level#.

In addition, an off-street parking facility that contains #car sharing vehicles# may provide #signs# that in the aggregate total no more than two square feet in area identifying organizations that have #car sharing vehicles# available at such parking area. No such #sign# shall be located higher than seven feet above #curb level#.

22-33 - Signs on Lots Containing Certain Community Facilities

LAST AMENDED
4/8/1998

22-331 - Permitted illuminated accessory signs for hospitals and related facilities

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for hospitals and related facilities, #illuminated# non-#flashing# #accessory# #signs# are permitted in all districts, subject to Section 22-34 (Additional Regulations). Any number of #illuminated# non-#flashing# identification or directional #signs# are permitted, provided that the total #surface area# in square feet of said #illuminated# #signs# or the combined total #surface area# in square feet of the #illuminated# and non-#illuminated# identification or directional #signs# does not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less, and provided further that the Commissioner of Buildings determines that such #signs# are so located as to cause a minimum amount of light to be projected onto abutting or adjacent #residences#. However, for #zoning lots# with more than one #building# that front upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet.

In addition to #illuminated# or non-#illuminated# #accessory# #signs#, one illuminated non-flashing directory or bulletin board or combination thereof is permitted in lieu of a non-illuminated directory or bulletin board or combination thereof provided that the total #sign# area does not exceed 50 square feet and provided further that the Commissioner of Buildings determines that such #sign# is so located as to minimize the amount of light projected on the abutting or adjacent #residences#.

22-332 - Flags, banners or pennants on lots containing certain community facilities

LAST AMENDED
4/8/1998

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted without limitation.

22-34 - Additional Regulations

LAST AMENDED
8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, any #sign# permitted under the provisions of Sections 22-32 (Permitted Non-illuminated Accessory Signs) and 22-331 (Permitted illuminated accessory signs for hospitals and related facilities) shall conform to the regulations set forth in this Section.

22-341 - Projecting signs

LAST AMENDED
8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

No #sign# shall project across a #street line# more than 12 inches.

22-342 - Height of signs

LAST AMENDED
8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

No #sign# shall extend above the ground floor ceiling, or more than 20 feet above #curb level#, whichever is less.

22-343 - Number of signs

LAST AMENDED
8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Except as otherwise provided in Sections 22-32 (Permitted Non-illuminated Accessory Signs) or 22-331 (Permitted illuminated accessory signs for hospitals and related facilities), not more than one #sign# is permitted for each #use#, #building# or #dwelling unit#, and not more than two #signs# for each professional office. On a #corner lot# or #through lot#, one #sign# (or for professional offices, two #signs#) is permitted on each #street#.

22-35 - Advertising Signs on Waterways

LAST AMENDED
4/8/1998

No moving or stationary "advertising sign" shall be displayed on a vessel plying waterways adjacent to #Residence Districts# and within view from an arterial highway. For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section "advertising sign" is a sign that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

22-40 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
9/27/1962

22-41 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
2/22/1990

22-411 - Definitions

LAST AMENDED
2/22/1990

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable to this Section, in this Section.

22-412 - Use of railroad or transit air space

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), or a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-681 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-681 may be changed to another #use# listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 through 11-33, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be

deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the #zoning lot# definition in Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

(b) When the #use# of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential development#, #large-scale community facility development# or #large-scale general development# requiring one or more special permits is proposed, no use or #development# of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:

(1) the proposed #zoning lots#, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #development# on adjoining property; and

(2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).

Prior to granting any #zoning lot# authorization relating to the above mentioned right-of-way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

22-42 - Detached and Semi-Detached Two-Family Residences

LAST AMENDED
3/22/2016

R3-1 R3A R3X R4-1 R4A

In R3A, R3X or R4A Districts, a #detached# #two-family# #residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other, and in R3-1 or R4-1 Districts, each #semi-detached# #two-family# #residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.

The City Planning Commission may, upon application, authorize the waiver of these requirements, provided that:

(a) the #development# is compatible with the scale and character of the surrounding area; and

(b) in R3A, R3X or R4A Districts, the design does not give the appearance of a #semi-detached# #building#; or

(c) in R3-1 or R4-1 Districts, the design does not give the appearance of an #attached# #building#; and each #dwelling unit# has a perimeter wall with windows facing a #side yard#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Residential Bulk Regulations in Residence Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Residential Bulk Regulations in Residence Districts

23-00 - APPLICABILITY AND GENERAL PURPOSES

LAST AMENDED
12/15/1961

23-01 - Applicability of This Chapter

LAST AMENDED
3/22/2018

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #residential# #building or other structure#, or to the #residential# portion of a #building or other structure# used for both #residential# and #community facility# #uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to any #zoning lot# or portion of a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility# #uses#, except as set forth in Section 24-012 (Exceptions to the bulk regulations of this Chapter). In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

23-011 - Quality Housing Program

†

LAST AMENDED
2/27/2020

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings# #converted# pursuant to Article I, Chapter 5.

In R5D Districts, only certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of This Chapter).

R6 R7 R8 R9 R10

(b) In the districts indicated without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:

(1) the existing #buildings# contain no #residences# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to #Quality Housing buildings#; or

(2) the existing #buildings# contain #residences#, and:

(i) such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Section 23-662 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio# and #lot coverage# standards applicable to #Quality Housing buildings#; or

(ii) for #developments# or #enlargements# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors):

(a) the entire #zoning lot# will comply with the #floor area ratio# set forth in Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable;

(b) the entire #zoning lot# will comply with the #lot coverage# regulations for the applicable zoning district set forth in Section 23-153 (For Quality Housing buildings); and the #development# or #enlargement# :

(1) will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 1 of paragraph (b) of Section 23-664;

(2) in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(3) of Section 23-664, will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664; or

(3) in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(4) of Section 23-664 and is located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664, will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

(1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments), except that they may be permitted as an alternative to apply within #Large Scale Residential Developments# located:

(i) in C2-5 Districts mapped within R9-1 Districts in Community District 3 in the Borough of Manhattan.

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

#Special 125th Street District#;

#Special Bay Street Corridor District#;

#Special Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

#Special East Harlem Corridors District#;

#Special Flushing Waterfront District#;

#Special Gowanus Mixed Use District#;

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Inwood District#;

#Special Jerome Corridor District#;

#Special Limited Commercial District#;

#Special Long Island City Mixed Use District#;

#Special Lower Manhattan District#, as modified in Section 91-05;

#Special Ocean Parkway District#;

#Special St. George District#;

#Special Transit Land Use District#; or

#Special Tribeca Mixed Use District#.

R6 R7 R8 R9 R10

(d) In the districts indicated, for #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of the total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).

R6 R7 R8 R9 R10

(e) In the districts indicated, where a Special Purpose District modifies the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, the additional provisions for #Quality Housing buildings# set forth in Article II, Chapter 8 shall continue to apply. In addition, where any Special Purpose District that requires elements of Article II, Chapter 8 to apply to non-#Quality Housing buildings#, all associated #floor area# exemptions shall apply.

23-012 - Lower density growth management areas

LAST AMENDED
3/22/2016

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS — Floor area; Lower density growth management area; Private road)

Section 22-14 (Use Group 4 — Ambulatory diagnostic or treatment health care facilities)

Section 23-12 (Permitted Obstructions in Open Space)

Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts)

Section 23-32 (Minimum Lot Area or Lot Width for Residences)

Section 23-33 (Special Provisions for Development of Existing Small Lots)

Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section 23-462 (Side yards for all other buildings containing residences)

Section 23-532 (Required rear yard equivalents)

Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts)

Section 23-711 (Standard minimum distance between buildings)

Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas)

Section 24-012 (Exceptions to the bulk regulations of this Chapter)

Section 24-04 (Modification of Bulk Regulations in Certain Districts)

Section 25-028 (Applicability of regulations to certain community facility uses in lower density growth management areas)

Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 (Requirements Where Group Parking Facilities Are Provided)

Section 25-31 (General Provisions)

Section 25-331 (Exceptions to application of waiver provisions)

Section 25-62 (Size and Location of Spaces)

Section 25-621 (Location of parking spaces in certain districts)

Section 25-622 (Location of parking spaces in lower density growth management areas)

Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas)

Section 25-631 (Location and width of curb cuts in certain districts)

Section 25-632 (Driveway and curb cut regulations in lower density growth management areas)

Section 25-64 (Restrictions on Use of Open Space for Parking)

Section 25-66 (Screening)

Section 26-00 (APPLICABILITY OF THIS CHAPTER)

Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND), inclusive

Section 54-313 (Single- or two-family residences with non-complying front yards or side yards)

Section 105-702 (Applicability of lower density growth management area regulations)

Section 107-412 (Special bulk regulations for certain community facility uses in lower growth management areas)

Section 107-42 (Minimum Lot Area and Lot Width for Residences)

Section 107-421 (Minimum lot area and lot width for zoning lots containing certain community facility uses)

Section 107-464 (Side yards for permitted non-residential use)

Section 107-62 (Yard, Court and Parking Regulations)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-051 (Applicability of Article I, Chapter 2)

23-013 - Harassment

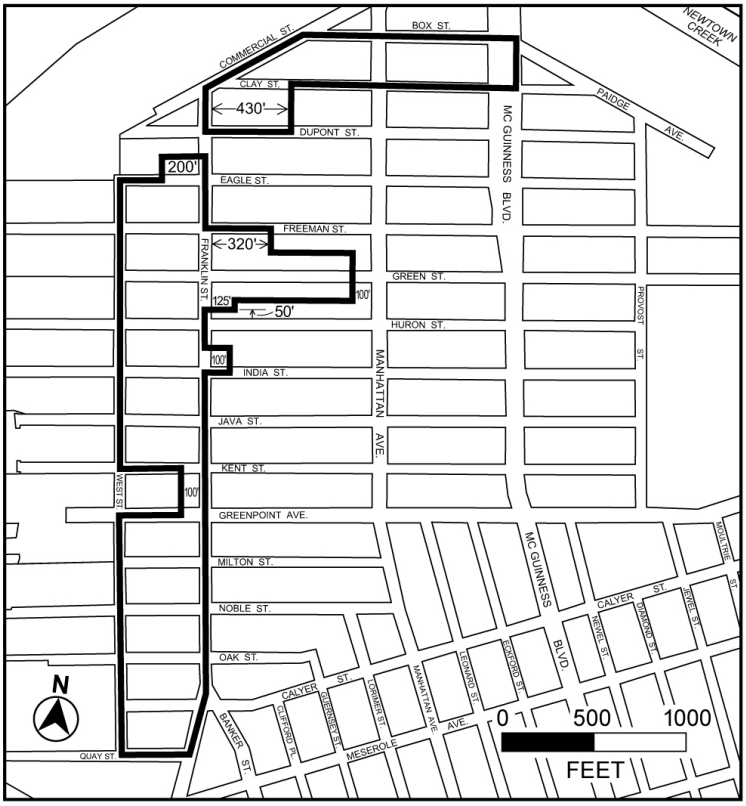
LAST AMENDED
3/1/2006

Within the Greenpoint-Williamsburg #anti-harassment areas# in Community District 1, Borough of Brooklyn, as shown in the diagrams in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (Harassment) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in Section 93-90, paragraph (a), shall be modified:

Anti-harassment area

“Anti-harassment area” shall mean the Greenpoint-Williamsburg #anti-harassment areas# as shown in the diagrams:



Anti-harassment area

(23-013.1)

Anti-harassment area

(23-013.2)

Greenpoint-Williamsburg Anti-Harassment Areas

Referral date

"Referral date" shall mean October 4, 2004.

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to the provisions of Sections 23-90 or 62-352 (Inclusionary Housing); or

(ii) increase the maximum height of a #building# or the height above which the gross area per #residential# #story# of a #building# is limited pursuant to the provisions of Section 62-354 (Special height and setback regulations), paragraphs (b)(2) and (d); or

(iii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

23-02 - General Purposes of Residential Bulk Regulations

LAST AMENDED
8/14/1987

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.

23-03 - Street Tree Planting in Residence Districts

LAST AMENDED
11/30/2017

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family# #residences#, except as provided in paragraphs (b) and (c) of this Section;

(b) #enlargements# of #single-# or #two-family# #residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Bay Street Corridor District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

#Special East Harlem Corridors District#;

#Special Grand Concourse District#;

#Special Hillsides Preservation District#;

#Special Long Island City Mixed Use District#;

#Special Ocean Parkway District#;

#Special SoHo-NoHo Mixed Use District#;

#Special South Richmond Development District#;

(c) #enlargements#, pursuant to the Quality Housing Program, of #single-# or #two-family# #residences# by 20 percent or more;

(d) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or

(e) construction of a detached garage that is 400 square feet or greater.

23-04 - Planting Strips in Residence Districts

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family# #residences#, except as provided in paragraph (b) of this Section;

(b) #enlargements# of #single-# or #two-family# #residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Downtown Jamaica District#;

#Special Hillsides Preservation District#;

#Special Ocean Parkway District#;

#Special South Richmond Development District#;

(c) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or

(d) construction of a detached garage that is 400 square feet or greater.

23-10 - OPEN SPACE AND FLOOR AREA REGULATIONS

LAST AMENDED
5/29/2019

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #open space# and #floor area# provisions for a #building or other structure# shall be as set forth in this Section, inclusive.

The regulations for permitted obstructions in required #open space# in all districts are set forth in Section 23-12. The regulations for balconies in all districts are set forth in Section 23-13.

#Open space# and #floor area# regulations applicable to R1 through R5 Districts are set forth in Section 23-14. #Open space# and #floor area# regulations applicable to R6 through R10 Districts are set forth in Section 23-15.

Special #open space# and #floor area# provisions are set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for standard tower and tower-on-a-base #buildings# in R9 and R10 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for Which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

23-11 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively in this Chapter, in this Section.

23-12 - Permitted Obstructions in Open Space

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following obstructions shall be permitted in any #open space# required on a #zoning lot#:

(a) Air conditioning condensation units, #accessory#, for #single-# or #two-family# #residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;

(b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(c) Balconies, unenclosed, subject to the provisions of Section 23-13;

(d) Breezeways;

(e) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);

(f) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;

(g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #open space# width, up to a maximum thickness of eight inches;

(h) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family# #residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family# #residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;

(i) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

(1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:

(i) all generators and cogeneration equipment #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(ii) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(iii) where any equipment is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(i) an area equivalent to 25 percent of a required #open space#;

(ii) in R1 through R5 Districts, a height of 10 feet above the adjoining grade; and

(iii) in R6 through R10 Districts, a height of 15 feet above the adjoining grade.

(j) Ramps or lifts for people with physical disabilities;

(k) Solar energy systems:

(1) on the roof of an #accessory# #building#, limited to 18 inches in height as measured perpendicular to the roof surface; or

(2) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(l) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;

(m) Terraces, unenclosed, fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) or 23-87 (Permitted Obstructions in Courts), as applicable.

23-13 - Balconies

LAST AMENDED
7/19/1973

23-131 - Balconies in R1 through R5 Districts

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5

In the districts indicated, balconies that are:

(a) unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height; and

(b) located at or above the floor level of the second #story# provided that such balcony is not lower than seven feet above #curb level# or adjacent natural grade, whichever is higher;

may, as permitted in this Section, project into or over any required open area set forth in the following Sections:

(1) #front yards#, as defined in Section 12-10 (DEFINITIONS);

(2) #rear yards# or #rear yard equivalents#, as defined in Section 12-10;

(3) #open space#, as defined in Section 12-10, excluding:

(i) #side yards#, as defined in Section 12-10;

(ii) required minimum dimensions of #courts#, as defined in Section 12-10; and as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIRMENTS); and

(iii) required distances between #buildings#, as set forth in Section 23-71 (Minimum Distance Between Buildings on a Single

Zoning lot).

If the depth of the #front yard# is greater than 12 feet, balconies may project six feet into such #front yard# provided that, in R1, R2 or R3 Districts, the aggregate width of such balconies does not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which they project and, in R4 or R5 Districts, such aggregate width does not exceed 67 percent.

If the depth of the #front yard# is 12 feet or less, balconies may project to a distance equal to one-half the depth of such #front yard# provided the aggregate width of such balconies does not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which they project.

Balconies may, by a distance not to exceed eight feet, project into a #rear yard# or other #open space# not specifically excluded in paragraphs (2) and (3) of this Section. At the level of the second #story#, the aggregate width of such balconies is not limited but at the level of the third #story# or higher such aggregate width shall not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which the balconies project.

In addition, balconies may be enclosed by #building# walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. The portion of a balcony enclosed by #building# walls shall not exceed six feet in depth.

23-132 - Balconies in R6 through R10 Districts

LAST AMENDED
2/2/2011

R6 R7 R8 R9 R10

In the districts indicated, balconies may project into or over any required open area within a #publicly accessible open area#, a #rear yard#, an #initial setback distance#, any open areas not occupied by towers, any required side or rear setbacks, or any required #open space#, provided that such balcony shall:

(a) not project by a distance greater than seven feet as measured from the plane surface of the #building# wall from which it projects;

(b) not project into the minimum required distance between #buildings# on the same #zoning lot#;

(c) not cover more than 10 percent of the area designated as outdoor recreation space pursuant to Section 28-20 (RECREATION SPACE AND PLANTING AREAS);

(d) be unenclosed except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. However, such balconies may be recessed into a #building# wall up to a maximum depth of six feet provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet or railing;

(e) be located at or higher than the floor level of the third #story# of a #building# or at least 20 feet above #curb level#, except that for #buildings# containing #residences# not more than 32 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is higher; and

(f) have an aggregate width, at the level of any #story#, not exceeding 50 percent of the width at that level of the plane surface of the #building# wall from which it projects.

23-14 - Open Space and Floor Area Regulations in R1 Through R5 Districts

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5

In the districts indicated for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in

this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R1 and R2 Districts without a letter suffix, the #floor area# and #open space# provisions of Section 23-141 shall apply. In R1 and R2 Districts with a letter suffix, and R3, R4 and R5 Districts, the provisions of Section 23-142 shall apply.

In R4 and R5 Districts without a letter suffix, the provisions of Section 23-143 shall apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#. In R3-2, R4 and R5 Districts without a letter suffix, the provisions of Section 23-144 shall apply to #affordable independent residences for seniors#.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the sum of all #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-142 or 23-143, as applicable.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

In addition to complying with the provisions of this Section, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units) as well as all other applicable #bulk# regulations as set forth in this Chapter.

23-141 - Open space and floor area regulations in R1 and R2 Districts without a letter suffix

LAST AMENDED
3/22/2016

R1 R2

In the districts indicated, except R1-2A, R2A and R2X Districts, the minimum required #open space ratio# shall be 150.0, and the maximum #floor area ratio# shall be 0.50.

23-142 - Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5

In R1 and R2 Districts with a letter suffix and R3 through R5 Districts, the maximum #lot coverage#, minimum #open space# and maximum #floor area ratio# shall be as set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R1-2A	30	70	.50
R2A	30	70	.50

R2X	N/A — governed by #yard# requirements		.85
R3-1 R3-2	35	65	.50
R3A R3X	N/A — governed by #yard# requirements		.50
R4	45	55	.75
R4-1 R4A	N/A — governed by #yard# requirements		.75
R4B	55	45	.90
R5	55	45	1.25
R5A	N/A — governed by #yard# requirements		1.10
R5B	55	45	1.35
R5D	60*	40*	2.00

* For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

(a) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.

(b) In R3, R4-1 and R4A Districts in #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.

(c) In R3, R4 and R5 Districts, the permitted #floor area# of a #single-# or #two-family# #detached# or #semi-detached# #residence# #developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

(d) In R1-2A Districts and in R3, R4-1 and R4A Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family# #detached# or #semi-detached# #residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.

(e) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard#, except where a parking space is provided within a #building# containing #residences#.

(f) In R3 Districts, except for #zoning lots# containing #single-#, #two-# or three-#family# #residences#, 50 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces or open or enclosed #accessory# off-street loading berths.

(g) In R4 and R5 Districts, except for #zoning lots# containing #single-#, #two-# or three-#family# #residences#, 33 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard# or, in R5D Districts, the open area between the #street line# and #street wall# of a #building# or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces, or open or enclosed #accessory# off-street loading berths.

23-143 - Optional regulations for predominantly built-up areas

LAST AMENDED
3/22/2016

R4 R5

In the districts indicated without a letter suffix, the maximum #floor area ratio# and #lot coverage# and the minimum required #open space# for any #zoning lot# utilizing the special optional regulations of a #predominantly built-up area# are set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R4	55	45	1.35
R5	55	45	1.65

23-144 - Affordable independent residences for seniors

LAST AMENDED
3/22/2016

R3-2 R4 R5

In the districts indicated, except R4-1, R4A, R4B, R5A, R5B and R5D Districts, the maximum #lot coverage# and maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in the table in this Section.

In R5D Districts, the #open space# and #floor area# regulations set forth in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall apply to #affordable independent residences for seniors#.

MAXIMUM FLOOR AREA RATIO FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN R3-2, R4 AND R5 DISTRICTS

District	Maximum #Lot Coverage# (in percent)	Maximum #Floor Area Ratio#
R3-2	35	0.95

R4	45	1.29
R5	55	1.95

23-15 - Open Space and Floor Area Regulations in R6 Through R10 Districts

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# containing #residences# shall comply with the #floor area ratio# and #lot coverage# regulations for #Quality Housing buildings# set forth in Section 23-153 (For Quality Housing buildings).

In R6, R7, R8, R9 and R10 Districts without a letter suffix, #buildings# containing #residences# may be #developed# or #enlarged# pursuant to the basic #floor area# and #open space# regulations set forth in Section 23-151 (Basic regulations for R6 though R9 Districts) or 23-152 (Basic regulations for R10 Districts), as applicable, or the regulations for #Quality Housing buildings# set forth in Section 23-153.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

The applicable #floor area ratio# for the district may be increased for #buildings# on #zoning lots# containing #affordable housing# or #affordable independent residences for seniors#, pursuant to Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable.

Special #lot coverage# provisions for shallow #zoning lots#, and #interior# or #through lots# within 100 feet of corners or located along the short dimension of the #block# are set forth in Section 23-156 (Special lot coverage provisions for certain interior or through lots).

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

However, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the total #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-151 or 23-153, as applicable. Furthermore, for such #zoning lots# providing #affordable independent residences for seniors# and other #residential uses# within R10 Districts or within #Inclusionary Housing designated areas#, the maximum #floor area ratio# on the #zoning lot# shall not exceed the base #floor area ratio# for the Inclusionary Housing Program set forth in Section 23-154 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING). #Zoning lots# used exclusively for #affordable independent residences for seniors# within R10 Districts or within #Inclusionary Housing designated areas# shall remain subject to the maximum #floor area ratios# set forth in Section 23-155.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the #floor area# regulations to #zoning lots# with multiple #uses#, including #affordable independent residences for seniors#.

EXAMPLE 1

A #zoning lot# with a #lot area# of 50,000 square feet is being #developed# in an R7A District. The owner would like to include #residential uses# (other than #affordable independent residences for seniors#), #community facility# #uses# and #affordable independent residences for seniors# on the #zoning lot#.

Pursuant to Section 23-15 and Section 24-161, when #residential uses# and #community facility# #uses# are mixed on the same #zoning lot#, the maximum permitted #floor area# for each individual #use# shall be the amount set forth in Section 23-15 for #residential uses# (in R6 through R10 Districts), and the amount set forth in Section 24-11 for #community facility# #uses#. The sum of any combination of these #uses# cannot exceed the highest permitted #floor area# for a #use# provided on the #zoning lot#.

Individually, the permitted #residential# #floor area ratio# (except for #affordable independent residences for seniors#) is 4.0, pursuant to Section 23-153, the permitted #community facility# #floor area ratio# is 4.0, pursuant to Section 24-11, and the permitted #floor area ratio# for #affordable independent residences for seniors# is 5.01, pursuant to Section 23-155. The highest permitted #floor area# on the #zoning lot#, 5.01, is assigned to #affordable independent residences for seniors#, meaning that the maximum #floor area# on the #zoning lot# would be 250,500 square feet.

In addition, pursuant to Section 23-15, when other #residential uses# are mixed with #affordable independent residences for seniors# on the same #zoning lot#, the #floor area# allocated to such other #residential uses# cannot exceed the maximum #residential# #floor area ratio# of 4.0, or 200,000 square feet, as set forth in Section 23-153. In addition, pursuant to Section 24-161, the sum of all #residential# #floor area# - including both the #affordable independent residences for seniors# and other #residential uses# - cannot exceed the #floor area ratio# for #affordable independent residences for seniors#, which is the highest permitted #residential# #floor area ratio#. Any #community facility# #use# provided on the #zoning lot# will reduce the amount of #residential# #floor area# or #affordable independent residences for seniors# #floor area# on the #zoning lot#, or both.

Based on these mixing rules, the owner decides to construct the following: a 50,500 square foot #building# (1.01 #floor area ratio#) containing only an #affordable independent residence for seniors# and a second 200,000 square foot #building# with 50,000 square feet (1.0 #floor area ratio#) allocated to #community facility# #uses# and 150,000 square feet (3.0 #floor area ratio#) of #residential uses# (other than #affordable independent residences for seniors#).

In this second #building#, at a later time the #community facility# #floor area# could be #converted# to #residential# #floor area#, but under no conditions could the #building# containing #affordable independent residences for seniors# be changed to a #residence# not subject to the restrictions encompassed in the definition of #affordable independent residence for seniors# in Section 12-10.

EXAMPLE 2

A #zoning lot# within 100 feet of a #wide street# with a #lot area# of 50,000 square feet is being #developed# in an R7-2 District. The owner would like to include #affordable independent residences for seniors#, other #residential uses# and #community facility# #uses# on the #zoning lot#.

Pursuant to Sections 23-15 and 24-161, when #residential uses# and #community facility# #uses# are mixed on the same #zoning lot#, the maximum permitted #floor area# for each individual #use# shall be that set forth in Section 23-151 through 23-155 for #residential uses# in R6 through R10 Districts, and that set forth in Section 24-11 for #community facility# #uses#. The sum of any combination of these #uses# cannot exceed the highest permitted #floor area# for a #use# provided on the #zoning lot#.

Individually, the permitted #residential# #floor area ratio#, except for #affordable independent residences for seniors#, is 4.0 for a #Quality Housing building# pursuant to Section 23-153; the permitted #community facility# #floor area ratio# is 6.5 pursuant to Section 24-11; and the permitted #floor area ratio# for #affordable independent residences for seniors# is 5.01 pursuant to Section 23-155. The highest permitted #floor area ratio# on the #zoning lot# (6.5) is assigned to #community facility# #uses#, meaning the maximum #floor area# on the #zoning lot# would be 325,000 square feet. The owner wishes to provide 20 percent of #floor area# on the #zoning lot# as #affordable independent residences for seniors#, to utilize the additional height permitted pursuant to Section 23-664, and also wishes to maximize the amount of #residential uses# that can be constructed on the #zoning lot#. The owner will allocate the remaining #floor area ratio# on the #zoning lot# to #community facility uses#.

According to these priorities, a #floor area ratio# of 1.3 (6.5 x 20 percent), or 65,000 square feet, would be allocated to #affordable independent residences for seniors#. Pursuant to Section 23-15, when other #residential uses# are mixed with #affordable independent residences for seniors#, the #floor area# allocated to

the other #residential uses# cannot exceed the #residential# #floor area ratio# and, pursuant to Section 24-161, the sum of both the #affordable independent residences for seniors# and the other #residential uses# cannot exceed the highest permitted #residential# #floor area ratio# of 5.01, which is the #floor area ratio# for #affordable independent residences for seniors#. This calculation would result in a #floor area ratio# of 3.71 (5.01 - 1.3 of #floor area ratio#), or 185,500 square feet being allocated to #residential uses# other than #affordable independent residences for seniors#. The remaining #floor area# on the #zoning lot#, which is to be allocated to #community facility# #uses#, would be equivalent to the difference between the #affordable independent residence for seniors floor area ratio# of 5.01 and the #community facility# #floor area ratio# of 6.5, which is a #floor area ratio# of 1.49, or 74,500 square feet.

Based on these figures, the owner decides to construct a 185,500 square foot or 3.71 #floor area ratio building# containing only #residential uses# (other than #affordable independent residences for seniors#) and a second 139,500 square foot, or 2.79 #floor area ratio# #building#, containing the #affordable independent residences for seniors# and #community facility# #uses#.

At a later time, the #floor area# allocated to #residences# in the first #building# can be converted to #community facility# #uses#, but in no event can the #residential# #floor area# be increased, because the maximum #floor area ratio# permitted for this #uses# has already been achieved. Similarly, under no conditions can the #floor area# in the #building# containing #affordable independent residences for seniors# be increased without reducing the amount of other #residential uses# contained within the first #building#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

In addition to complying with the provisions Section 23-15, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units) as well as all other applicable #bulk# regulations as set forth in this Chapter.

23-151 - Basic regulations for R6 through R9 Districts

LAST AMENDED
3/22/2016

R6 R7 R8 R9

In the districts indicated without a letter suffix, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section.

MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

For #zoning lots# with a #height factor# of	In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.99
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.95
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.85

4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.68
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.42
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.08
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.65
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.13
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.54
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.85
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.09
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.30
13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.41
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.52
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.52
16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.52
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.52
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.46
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.41
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.35
21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.25

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

District	Minimum Required #Open Space Ratio# at #Height Factor# of 21	Additional Required #Open Space Ratio# for each Additional #Height Factor#

R6	37.5	0.5
R7	25.5	0.5
R8	11.9	0.3
R9	9.0	0.4

For these #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{1}{F.A.R.} = \frac{O.S.R.}{100} + \frac{1}{H.F.}$$

23-152 - Basic regulations for R10 Districts

LAST AMENDED
3/22/2016

In R10 Districts, the #floor area ratio# on a #zoning lot# shall not exceed 10.0.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0.

23-153 - For Quality Housing buildings

LAST AMENDED
9/7/2017

R6 R7 R8 R9 R10

In the districts indicated, for #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be as set forth in the table in this Section. The maximum #residential# #lot coverage# for a #corner lot# shall be 100 percent.

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO FOR QUALITY HOUSING BUILDINGS

District	Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot# (in percent)	Maximum #Floor Area Ratio#
R6	60	2.20
R6[2]	60	2.43

R6[1,3] R6A R7B	65	3.00
R6B	60	2.00
R7	65	3.44
R7[1] R7A	65	4.00
R7D	65	4.20
R7X	70	5.00
R8 R8A R8X	70	6.02
R8[1]	70	7.20
R8B	70	4.00
R9 R9A	70	7.52
R9D R9X	70	9.00
R10	70	10.00

1 for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#

2 for #zoning lots# in an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#

3 for #zoning lots# in an R6 District without a letter suffix the maximum #lot coverage# for any #MIH development# utilizing the height and setback provisions of paragraph (c) of Section 23-664 in Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017 in Community District 9 in the Borough of the Bronx and in Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

23-154 - Inclusionary Housing

LAST AMENDED
2/14/2018

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in

Sections 12-10 and 23-911.

(a) R10 Districts outside of #Inclusionary Housing designated areas#

The #residential# #floor area ratio# of a #compensated zoning lot# may be increased from a base #floor area ratio# of 10.0 to a maximum #floor area ratio# of 12.0 at the rate set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this paragraph (a), the #floor area# of the #compensated zoning lot# may be increased by the amount of square feet set forth in the table, as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

Without #public funding#	#New construction affordable housing# or #substantial rehabilitation affordable housing#	3.5
	#Preservation affordable housing#	2.0
With #public funding#	#New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#	1.25

(b) #Inclusionary Housing designated areas#

The #residential# #floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area# on the #compensated zoning lot#.

MAXIMUM RESIDENTIAL FLOOR AREA RATIO

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6[1]	2.20	2.42
R6[2] R6A R7-2[1]	2.70	3.60
R7A R7-2[2]	3.45	4.60

R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

[1] for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

[2] for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(c) Special provisions for specified #Inclusionary Housing designated areas#

(1) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (c)(1), inclusive, modify the provisions of paragraph (b) of this Section:

(i) The #residential# #floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation# there is one square foot of #floor area compensation#, pursuant to paragraph (b) of this Section;

(ii) However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (c)(1)(ii). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

For the purposes of this paragraph, (c)(1), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(2) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

(i) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in paragraph (b) of this Section shall not apply. No #residential# #development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor non-#residential# #floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate-income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor non-#residential# #floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (c)(2)(i), inclusive, #low income floor area# may be considered #moderate income floor area#; and

(ii) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2)(i) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).

(3) Special provisions for #compensated zoning lots#

Special provisions shall apply to #compensated zoning lots# located within:

(i) R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or

(ii) the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

(1) Affordable housing requirement

Except where permitted by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (d)(4) of this Section 23-154, no #residential# #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall be permitted unless #affordable housing#, as defined in Section 23-911 (General definitions) is provided or a contribution is made to the #affordable housing fund#, as defined in Section 23-911, pursuant to the provisions set forth in paragraph (d)(3)(i) through (d)(3)(v) and (d)(5) of this Section, inclusive.

(2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to the applicable zoning district in a #Mandatory Inclusionary Housing area#, except:

(i) in an R6 District, without a letter suffix, the maximum #floor area ratio# shall be 3.6 in the following areas:

(a) Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

(b) Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

(ii) in an R7-1 or R7-2 District, the maximum #floor area ratio# shall be 4.6, except that the maximum #floor area ratio# for an R7-2 District in a #Mandatory Inclusionary Housing area# in Community District 5, Borough of Brooklyn, mapped on or before April 20, 2016, shall be as set forth in paragraph (b) of this Section;

(iii) in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0; and

(iv) in an R9-1 District the maximum #floor area ratio# shall be 9.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (b) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (d)(4) of this Section, the maximum #floor area ratio# for the applicable district outside of #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# shall apply.

(3) Options for compliance with affordable housing requirement

Options for compliance with the affordable housing requirement of paragraph (d)(1) of this Section are set forth in the following paragraphs (d)(3)(i) through (d)(3)(v). These options shall be applicable within #Mandatory Inclusionary Housing areas# as indicated in APPENDIX F of this Resolution. The Deep Affordability Option or the Workforce Option shall only be made applicable in combination with Option 1 or Option 2. Regardless of whether every option specified in this paragraph (d)(3), inclusive, is included in a land use application for applicability to a proposed #Mandatory Inclusionary Housing area# or as a term or condition of a special permit pursuant to this Resolution, all affordability options available under the provisions of this paragraph (d)(3), inclusive, shall be part of the subject matter of each such application throughout the land use review process. The Workforce Option shall not be applicable within the #Manhattan Core#. A #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall comply with either Option 1, Option 2, the Deep Affordability Option, the Workforce Option, or the Affordable Housing Fund Option, as applicable.

When a #building# containing #residences# is #enlarged#, the following shall be considered part of the #enlargement# for the purposes of this paragraph (d)(3), inclusive: #residential# #floor area# that is reconstructed, or #residential# #floor area# that is located within a #dwelling unit# where the layout has been changed.

(i) Option 1

For #MIH developments# utilizing Option 1, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 25 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 60 percent of the #income index#, and there shall be no more than three #income bands#. At least 10 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 40 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#.

(ii) Option 2

For #MIH developments# utilizing Option 2, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 80 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#.

(iii) Deep Affordability Option

For #MIH developments# utilizing the Deep Affordability Option, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 20 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not

exceed 40 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#. No #public funding# shall be utilized for such #MIH development# except where #HPD# determines that such #public funding# is necessary to support a significant amount of affordable housing that is in addition to the #affordable floor area# satisfying the requirements of this Section.

(iv) Workforce Option

For #MIH developments# utilizing the Workforce Option, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 115 percent of the #income index#, and there shall be no more than four #income bands#. No #income band# shall exceed 135 percent of the #income index#. At least 5 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 70 percent of the #income index#, and in addition, at least five percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 90 percent of the #income index#. Such #MIH development# may not utilize #public funding#.

The Workforce Option shall expire within a #Mandatory Inclusionary Housing area# 10 years after the effective date of the amendment establishing or renewing such option in a #Mandatory Inclusionary Housing area#, as indicated in APPENDIX F of this Resolution. However, the Workforce Option shall apply to an #MIH development# that has filed an #MIH application# for such option prior to expiration of such option, provided that the #MIH development# complies with all provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment), inclusive. For the purposes of applying the provisions of Section 11-33, the effective date of applicable amendment shall be six months after the date of the expiration of the Workforce Option in such #Mandatory Inclusionary Housing area#.

The Workforce Option shall not be permitted to be utilized for any #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# within the #Manhattan Core#.

(v) Affordable Housing Fund option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that increases the number of #dwelling units# by no more than 25, and increases #residential# #floor area# on the #zoning lot# by less than 25,000 square feet, may satisfy the requirements of this Section by making a contribution to the #affordable housing fund#. The amount of such contribution shall approximate, using the best available data, the cost of providing the #affordable floor area# in the same Community District as the #MIH development#. A schedule setting forth the contribution amount for each affected Community District shall be established by #HPD# and shall be updated on an annual basis, as set forth in the #guidelines#.

(4) Exceptions

The requirements of paragraph (d) of this Section shall not apply to:

(i) A single #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# of not more than 10 #dwelling units# and not more than 12,500 square feet of #residential# #floor area# on a #zoning lot# that existed on the date of establishment of the applicable #Mandatory Inclusionary Housing area#;

(ii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# containing no #residences# other than #affordable independent residences for seniors#; or

(iii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is granted a full waiver of the requirements set forth in paragraph (d)(3), inclusive, of this Section by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

(5) Additional requirements where #affordable housing# is provided off-site

When #affordable floor area# is provided on an #MIH site# that is not an #MIH zoning lot# pursuant to paragraph (a) of Section 23-96 (Requirements for Generating Sites or MIH Sites), the amount of #affordable floor area# required pursuant to paragraphs (d)(3)(i) through (d)(3)(iv) of this Section shall be increased by an amount equal to five percent of the #residential# #floor area# within such #MIH development#, multiplied by the percentage of the #affordable floor area# that is provided on an #MIH site# that is not an #MIH zoning lot#. Such additional #affordable floor area# shall be provided for #qualifying households# at income levels that comply with the average #income bands# specified in paragraphs (d)(3)(i) through (d)(3)(iv) of this Section, as applicable to the #MIH development#.

23-155 - Affordable independent residences for seniors

LAST AMENDED
2/14/2018

R6 R7 R8 R9 R10

In the districts indicated, the maximum #floor area ratio# for #affordable independent residences for seniors# utilizing the Quality Housing #bulk# regulations shall be as set forth in the table in this Section.

In R6, R7, R8, R9 or R10 Districts without a letter suffix, the maximum #floor area ratio# and #open space ratio# for #affordable independent residences for seniors# utilizing the basic #bulk# regulations shall be as set forth for #residential uses# in Sections 23-151 (Basic regulations for R6 through R9 Districts) and 23-152 (Basic regulations for R10 Districts), as applicable.

MAXIMUM FLOOR AREA RATIO FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN QUALITY HOUSING BUILDINGS

District	Maximum #Floor Area Ratio#
R6 R6A R7B	3.90
R6B	2.20
R7 R7A	5.01
R7D	5.60
R7X	6.00
R8 R8A R8X	7.20
R8B	4.00
R9	8.00
R9-1	9.00
R9A	8.50

R9X	9.70
R9D	10.00
R10 R10A R10X	12.00

23-156 - Special lot coverage provisions for certain interior or through lots

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# set forth in Section 23-153 (For Quality Housing buildings), may be increased for shallow #zoning lots# in accordance with paragraph (a) of this Section, and may be increased for #interior# or #through lots# within 100 feet of corners or located along the short dimension of the #block#, in accordance with paragraph (b) of this Section.

(a) Shallow #zoning lots#

The maximum #lot coverage# for shallow #interior# or #through lots# may be increased as follows:

(1) For shallow #interior lots#

In the districts indicated, if an #interior lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 90 feet deep at any point, the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 90 feet. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

(2) For shallow #through lots#

In the districts indicated, if a #through lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 180 feet deep at any point, the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 180 feet. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

(3) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraphs (a)(1) and (a)(2) of this Section, the special #lot coverage# provisions of this Section may be applied to a #zoning lot#, or portion thereof, created after December 15, 1961, provided that the shallow lot condition was in existence on December 15, 1961, and subsequently such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

(4) For #zoning lots# with shallow portions

Where a portion of a #zoning lot# is less than 90 feet for an #interior lot#, or 180 feet for a #through lot#, an adjusted maximum #lot coverage# shall be established for the #zoning lot# by multiplying the maximum percent of #lot coverage# permitted for the shallow portion of the #zoning lot# established pursuant to paragraphs (a)(1) or (a)(2) of this Section by the percentage such portion constitutes of the #lot area# of the #zoning lot#, and by multiplying the maximum percent of #lot coverage# permitted for the non-shallow portion of the #zoning lot# established pursuant to Section 23-153 (For

Quality Housing buildings) by the percentage such portion constitutes of the #lot area# of the #zoning lot#. The sum of the areas of #lot coverage# thus obtained shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

(5) Maximum coverage

In no event shall the maximum #lot coverage# of an #interior lot# or #through lot# exceed 80 percent. Shallow portions of a #zoning lot# may exceed such maximum, so long as the adjusted maximum #lot coverage# set forth in paragraph (a)(4) of this Section complies with such maximum.

(b) Within 100 feet of corners or along the short dimension of the #block#

The maximum #lot coverage# for #interior# or #through lots#, or portions thereof, within 100 feet of the corner, or located along the short dimension of the #block#, may be increased as follows:

(1) Within 100 feet of the corner

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

(2) Along the short dimension of the block

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #front lot line#.

23-16 - Special Floor Area and Lot Coverage Provisions for Certain Areas

LAST AMENDED
5/29/2019

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall be modified for certain areas, as follows:

(a) For standard tower and tower-on-a-base #buildings# in R9 and R10 Districts

(1) In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.

(2) In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:

(i) occupies the predominant portion of a #story#;

(ii) is located above the #base plane# or #curb level#, as applicable, and below the highest #story# containing #residential# #floor area#; and

(iii) exceeds an aggregate height of 25 feet within any given 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 25

feet, and rounding to the nearest whole integer.

(b) For R10 Districts in Community District 7 in the Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0. No #floor area# bonuses shall be permitted except as granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

(c) For R8 Districts in Community District 9 in the Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-153 (For Quality Housing buildings).

(d) Optional provisions for certain R5 and R6 Districts in Community District 12 in the Borough of Brooklyn

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community District 12, in the Borough of Brooklyn, special optional provisions are established for #zoning lots# containing #buildings# used exclusively as #single-#, #two-# or three-#family# #residences#, as set forth in this Section. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

(1) #Floor area#, #lot coverage#, #open space#, density and #height factor# regulations

Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to #floor area ratio#, #open space#, density and #height factor# are hereby made inapplicable. In lieu thereof, the maximum #floor area ratio# for a #corner lot# shall not exceed 1.65 and the #floor area ratio# for an #interior# or #through lot# shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of #floor area# in Section 12-10, the lowest #story# shall be included in the definition of #floor area#, and floor space used for #accessory# off-street parking spaces shall be included in the definition of #floor area# unless such spaces are located in a #cellar#. The #lot coverage# for a #corner lot# shall not exceed 55 percent and the #lot coverage# for an #interior# or #through lot# shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

(2) #Building# height

No #building# shall exceed a height of 35 feet above #curb level#, or three #stories#, whichever is less. Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable, except that the provisions of Section 23-62 (Permitted Obstructions) shall apply.

(3) #Front yards#

In R5 Districts, the following #front yard# regulations are applicable. A #front yard# shall be provided with a depth of not less than five feet provided that, for #corner lots#, one #front yard# with a depth of not less than 10 feet is required. If the depth of the #front yard# exceeds 10 feet, such #front yard# shall have a depth of not less than 18 feet. In R6 Districts, a #front yard# is not required.

(4) #Side yards#

In R5 Districts, the following #side yard# regulations shall apply:

(i) Where an existing #building# on an adjacent #zoning lot# is located on the common #side lot line#, no #side yard# is required. However, if an open area extending along such common #side lot line# is provided, it shall be at least eight feet wide.

(ii) Where an existing #building# on an adjacent #zoning lot# is located less than eight feet from, but not on, the common #side lot line#, a #side yard# at least four feet wide is required. However, in no case shall the distance between a new or #enlarged# #building# and an existing #building# across a common #side lot line# on an adjacent

#zoning lot# be less than eight feet.

(iii) Where an adjacent #zoning lot# is vacant or where an existing #building# on an adjacent #zoning lot# is located more than eight feet from the common #side lot line#, a #side yard# at least four feet wide is required.

(iv) In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet or more in depth, an eight foot #side yard# or an #outer court#, as set forth in paragraph (d)(6) of this Section, is required.

(v) Notwithstanding the provisions of paragraphs (d)(1) and (d)(3) of this Section, #detached# #single-#, #two-# and three-#family# #residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached# #single-#, #two-# and three-#family# #residences# on #corner lots# shall provide one #side yard# of 20 feet.

(5) #Rear yards#

#Single-# or #two-family# #residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to 10 feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

(6) #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section 23-84 are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent #zoning lot#, there may be a joint #outer court# with a minimum width of 10 feet across such common #side lot line#. The requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) are hereby made inapplicable.

(7) Off-street parking in R5 and R6 Districts

No #accessory# off-street parking is required in R5 and R6 Districts.

23-17 - Existing Public Amenities for Which Floor Area Bonuses Have Been Received

LAST AMENDED
3/22/2016

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

23-18 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different minimum required #open space ratios#, different maximum #floor area ratios# or different #lot coverages# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

23-20 - DENSITY REGULATIONS

LAST AMENDED
7/26/2001

23-21 - Required Floor Area per Dwelling Unit

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

This Section shall apply to existing #buildings# in which the number of #dwelling units# is increased as well as to all new #development#.

Any given #floor area# shall be counted only once in meeting the #floor area# requirements.

In all districts, as indicated, the #floor area# requirement per #dwelling unit# shall not be less than as set forth in this Section, except as provided in Sections 23-24 (Special Provisions for Buildings Containing Multiple Uses) or Section 23-25 (Special Provisions for Existing Small Zoning Lots).

23-22 - Maximum Number of Dwelling Units

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# shall equal the maximum #residential# #floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, no #rooming units# shall be permitted and any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit#.

For the purposes of this Section, where a #floor area ratio# is determined pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts), notwithstanding the #height factor# of the #zoning lot#, the maximum #residential# #floor area ratio# shall be 2.43 in an R6 District within 100 feet of a #wide street#, 3.44 in an R7 District and 6.02 in an R8 District. In an R6 District beyond 100 feet of a #wide street#, the maximum #residential# #floor area ratio# shall be as specified in Section 23-151, or 2.2, whichever is greater.

For #affordable independent residences for seniors#, there shall be no applicable #dwelling unit# factor.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, special provisions are set forth in Section 23-24 (Special Provisions for Buildings Containing Multiple Uses) to determine the maximum number of #dwelling units# permitted.

FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS

District	Factor for #Dwelling Units#
R1-1	4,750
R1-2	2,850
R2 R2A	1,900
R2X	2,900
R3-1 R3-2[1]	625
R3A	710
R3-2 R4 R4-1 R4B	870
R3X	1,000
R4A	1,280
R4[2] R5[2] R5B	900
R5 R5D	760
R5A	1,560
R5B[3]	1,350
R6 R7 R8 R9 R10	680

1 for #single-# and #two-family# #detached# and #semi-detached# #residences#

2 for #residences# in a #predominantly built-up area#

3 for #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#

23-23 - Minimum Size of Dwelling Units

LAST AMENDED
3/22/2016

R3 R4 R5

(a) In the districts indicated, for all #buildings# other than #affordable independent residences for seniors#, each #dwelling unit# shall contain at least 300 square feet of #floor area#. For #affordable independent residences for seniors#, each #dwelling unit# shall contain at least 325 square feet of #floor area#.

R3 R4-1 R4A

(b) In the districts indicated, for all two-family #detached# and, where permitted, two-family #semi-detached# and #zero lot line buildings#, one #dwelling unit# shall contain at least 925 square feet.

R6 R7 R8 R9 R10

(c) In the districts indicated, for #affordable independent residences for seniors#, each #dwelling unit# shall contain at least 325 square feet of #floor area#.

Regulations Applying in Special Situations

23-24 - Special Provisions for Buildings Containing Multiple Uses

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum number of #dwelling units# permitted on the #zoning lot# shall equal the maximum #residential# #floor area# permitted on the #zoning lot#, divided by the applicable factor in Section 23-22 (Maximum Number of Dwelling Units). For the purposes of such calculation, the maximum #residential# #floor area# permitted on the #zoning lot# shall equal the applicable total #floor area# permitted on the #zoning lot#, minus the amount of non-#residential# #floor area# and #floor area# allocated to #affordable independent residences for seniors#. Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of density regulations to #buildings# or #zoning lots# containing multiple #uses#.

For a 25,000 square foot #zoning lot# outside a #predominantly built-up area# of an R5 District, the owner is looking to construct two #buildings# of similar size — one that is a mix of #affordable independent residences for seniors# and #community facility# #uses# and one that is exclusively #residential uses# other than #affordable independent residences for seniors#. For this #zoning lot#, the maximum permitted #community facility# FAR is 2.0, the maximum permitted FAR for #affordable independent residences for seniors# is 1.95 and the maximum permitted FAR for other #residential uses# is 1.25, provided the total FAR for all #uses# on the #zoning lot# does not exceed 2.0, pursuant to Section 23-14. If this #zoning lot# is #developed# with 0.25 FAR of #community facility# #use# and 0.75 FAR of #affordable independent residences for seniors#, the maximum #residential# #floor area ratio# for #residences# other than #affordable independent residences for seniors# permitted for the #residential building# is 1.0. The maximum number of #dwelling units# permitted on the #zoning lot# is 33 (25,000 x 1.0 divided by a factor of 760, pursuant to Section 23-22).

For a 10,000 square foot #zoning lot# in an R8A District, the owner is looking to construct a #building# with a mix of #community facility# and #residential uses#. For this #zoning lot#, the maximum permitted #community facility# FAR is 6.5 and the maximum permitted FAR for #residential uses# is 6.02, provided the total FAR for all #uses# on the #zoning lot# does not exceed 6.5, pursuant to Section 23-15. If this #zoning lot# is #developed# with 1.0 FAR of #community facility# #use#, the maximum #residential# #floor area ratio# permitted for such #building# is 5.5. The maximum number of #dwelling units# permitted on the #zoning lot# is 81 (10,000 x 5.5 divided by a factor of 680, pursuant to Section 23-22).

23-25 - Special Provisions for Existing Small Zoning Lots

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, notwithstanding the provisions of Section 23-22 (Maximum Number of Dwelling Units), one #single-family# #detached# #residence# or, where permitted, one #single-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land that was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit.

23-26 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different requirements for density, the provisions set forth in Article VII, Chapter 7, shall apply.

23-30 - LOT AREA AND LOT WIDTH REGULATIONS

LAST AMENDED
12/15/1961

Definitions and General Provisions

23-31 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

Basic Regulations

23-32 - Minimum Lot Area or Lot Width for Residences

LAST AMENDED
6/29/2006

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Development of Existing Small Lots), no #residence# is permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	Minimum #Lot Area# (in sq. ft)	Minimum #Lot Width# (in ft)	District

#Single-family# #detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 R2A
	2,850	30	R2X
#Single-# or #two-family# #detached# or #zero lot line# where permitted	3,800	40	R3-1 R3-2 R4-R10
	3,325	35	R3X
	2,850	30	R4A* R5A
	2,375	25	R3A* R4-1* R4B R5B R5D
Any other permitted	1,700	18	R3-R10*

* In #lower density growth management areas#, for #two-family# #detached# and #two-family# #zero lot line# #residences#, where permitted, in R3A, R4-1 and R4A Districts, and for #two-family# #semi-detached# #residences# in R3-1, R3-2 and R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

However, in #lower density growth management areas# in the Borough of Staten Island, the following rules shall apply:

(a) Where two or more #buildings# that are #single-# or #two-family# #detached# or #semi-detached# #residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement set forth in the table in this Section shall be multiplied by the number of such #buildings# on the #zoning lot#.

(b) The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

Regulations Applying in Special Situations

23-33 - Special Provisions for Development of Existing Small Lots

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, either one #single-family# #detached# #residence# or, where permitted, one #single-# or #two-family# #residence# may be #developed# upon a #zoning lot# that:

(a) has less than the prescribed minimum #lot area# or #lot width# or, in #lower density growth management areas# in the Borough of Staten Island, does not comply with the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences);

(b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit or, in R2X, R3A, R3X or R4A Districts, both on the effective date of establishing such district on the #zoning maps# and on the date of application for a building permit or, in #lower density growth management areas#, both on December 8, 2005, and on the date of application for a building permit; and

(c) if #developed# as a #two-family# #residence#, meets the applicable density requirement of the zoning district in which such #zoning lot# is located.

23-34 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different requirements for minimum #lot area# or #lot width# for #residences#, the provisions set forth in Article VII, Chapter 7, shall apply.

23-35 - Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

LAST AMENDED
3/22/2016

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

(a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and

(b) child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located in the same #building#, the minimum #lot area# shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

23-40 - YARD REGULATIONS

LAST AMENDED
12/15/1961

Definitions and General Provisions

23-41 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

23-42 - Level of Yards

LAST AMENDED
12/15/1961

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except as otherwise provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-43 - Measurement of Yard Width or Depth

LAST AMENDED
12/15/1961

In all #Residence Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

23-44 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
5/12/2021

In all #Residence Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent# :

(a) In any #yard# or #rear yard equivalent# :

(1) Air conditioning condensation units, #accessory#, for #single-# or #two-family# #residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;

(2) Arbors or trellises;

(3) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(4) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such

balconies are not permitted in required #side yards#;

(5) Canopies;

(6) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(7) Eaves, gutters or downspouts projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(8) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness, pursuant to this Section, are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

(9) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

(10) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;

(11) Flagpoles;

(12) Overhanging portions of a #building# in R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18-foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;

(13) Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or #rear yard#;

(14) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:

(i) in R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);

(ii) in R3-2 Districts, R4 Districts other than R4-1, R4A and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;

(iii) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof;

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

(15) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

(i) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:

(a) all generators and cogeneration equipment #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(c) where any equipment is located in a #front yard#, the entire width of such portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(ii) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(a) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;

(b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and

(c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;

(16) Ramps or lifts for people with physical disabilities;

(17) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(18) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;

(19) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;

(20) Terraces or porches, open;

(21) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

(b) In any #rear yard# or #rear yard equivalent# :

(1) Balconies, unenclosed, subject to the provisions of Section 23-13;

(2) Breezeways;

(3) Fire escapes;

(4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;

(5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

(i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted

upon the roof of such #accessory# #building# within the #rear yard#;

(ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 10 feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or 15 feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;

(iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);

(6) Recreational or drying yard equipment;

(7) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;

(8) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

(9) any portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), provided that:

(i) such #zoning lot# is located in an R6 through R10 District other than an R6B, R7B or R8B District;

(ii) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less;

(iii) such #building# portion is located within 100 feet of a #wide street#; and

(iv) such space shall be accessible to all residents of the #building#.

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-62 (Permitted

Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

23-441 - Location of garages in side yards of corner lots

LAST AMENDED
2/2/2011

In all #Residence Districts#, on #corner lots#, enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# which is within 30 feet of both #side lot lines#, provided that, in an R1 or R2A District, on a #corner lot# whose mean width is 45 feet or more, no structure used for such purposes shall be less than five feet from any #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#.

23-442 - Location of garages in side yards of other zoning lots

LAST AMENDED
2/2/2011

In all #Residence Districts#, on #zoning lots# other than #corner lots#, where no #rear yard# is required under the provisions of Sections 23-541 (Within one hundred feet of corners) or 23-542 (Along short dimension of block), enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# that is within 30 feet of the #rear lot line#.

Basic Regulations - Front Yards

23-45 - Minimum Required Front Yards

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5

(a) In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet and, for a #corner lot# in an R3 District, one #front yard# may have a depth of 10 feet.

Front Yard	District
20 feet	R1
20 feet*	R1-2A
15 feet	R2 R2X R3-1 R3-2

15 feet*	R2A
10 feet*	R3A R3X R4-1 R4A R5A
10 feet**	R4 R5
5 feet*	R4B R5B R5D

* Except as provided in paragraphs (b) and (c) of this Section

** If the depth of a #front yard# exceeds 10 feet, the depth of the #front yard# shall be at least 18 feet. Furthermore, #developments# or #enlargements# pursuant to the optional regulations applicable in a #predominantly built-up area# shall provide a #front yard# with a depth of at least 18 feet. However, on a #corner lot#, if one #front yard# has a depth of at least 18 feet, the other #front yard# shall have a depth of at least 10 feet

Furthermore, if an opening to an #accessory# off-street parking space is located within the #street wall# of a #building# containing #residences#, there shall be an open area between the opening and the #street line# which is at least 8 feet, six inches in width by 18 feet in depth, except this provision shall not apply in R5D Districts.

R1-2A R2A R3A R3X R4-1 R4A R4B R5A R5B R5D

(b) For the purpose of paragraphs (b) and (c) the area between the #street line# and the front #building# wall of adjacent #buildings# on the same or adjoining #zoning lots# shall be considered adjacent #front yards#.

Except as provided in paragraph (c) of this Section, in the districts indicated, if adjacent #buildings# containing #residences# on the same or on adjoining #zoning lots# fronting on the same #street# have #front yards# greater than the minimum set forth in paragraph (a) of this Section, then a #front yard# shall be provided which:

(1) in R1-2A, R2A, R3A, R3X, R4-1, R4A or R5A Districts is at least as deep as an adjacent #front yard#; and

(2) in R4B, R5B or R5D Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

However, a #front yard# need not exceed 20 feet in depth, except that in R1-2A Districts, a #front yard# need not exceed 25 feet in depth.

In determining the depth of the adjacent #front yards#, balconies and projections from the front #building# wall that do not exceed 33 percent of the width of the #building# shall be disregarded.

For #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the width of all projections at the level of any #story# does not exceed 33 percent of the width of the #building#. The depth of such projections shall not exceed three feet into the #front yard#. However, balconies shall be subject to the provisions of Sections 23-13 (Balconies) and 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(c) The provisions of paragraph (b) of this Section determining the depth of a #front yard# by the location of a #front yard# on an adjacent #zoning lot#, are modified as follows:

(1) on #corner lots#, these provisions shall apply on only one #street# frontage; and

(2) these provisions shall not apply to:

(i) any #street# frontage of a #zoning lot# where such frontage has a length of at least 150 feet along such #street#;

(ii) any #zoning lot# located in historic districts designated by the Landmarks Preservation Commission; or

(iii) a frontage of any #zoning lot# where the depths of 50 percent of the #front yards# within 150 feet of the #side lot lines# of such #zoning lot# are shallower by more than two feet than the shallowest of the adjacent #front yards#.

R1 R2 R3 R4 R5

(d) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the provisions of paragraphs (a) and (b) of this Section are modified as follows:

The depth of the #front# yard may vary between the requirements of paragraph (a) of this Section, or as modified in any applicable Special District, and the depth of the #front yard# of any adjacent #zoning lot#.

23-451 - Planting requirement

LAST AMENDED
4/14/2010

R1 R2 R3 R4 R5

In the districts indicated, a minimum percentage of the area of the #front yard# shall be planted, which shall vary by #street# frontage of the #zoning lot# as set forth in the following table. For the purposes of this Section, the #front yard# shall include the entire area between all #street walls# of the #building# and their prolongations and the #street line#. Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material, and shall have a minimum dimension of one foot, exclusive of any bounding walls. Any planted area within a driveway or parking space shall not qualify towards meeting the minimum planting requirements of this Section. For #through lots# or #corner lots#, the planting requirement of this Section shall be applied separately to each #street# frontage. For #corner lots#, planted areas of overlapping portions of #front yards# shall only be counted towards the planting requirement of one #front yard#. For #zoning lots# with multiple #building segments#, the planting requirement of this Section shall be applied separately to the entire area between the #street wall# of each #building segment# and the #street line#.

Where multiple #buildings# on a single #zoning lot# front upon the same #street#, the planting requirements of this Section shall be determined by the #street# frontage allocated to the area occupied by each such #building# and applied separately to the entire area between the #street line# and the #street wall# of each #building# and its prolongation. The allocation of planting requirements to open areas between #buildings# shall be determined by dividing such open area evenly, with an equal portion attributed to each #building# on both sides of such open area.

Any #zoning lot# occupied by a #building# constructed after April 30, 2008, shall provide planted areas in accordance with the provisions of this Section. Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

#Street# frontage of #zoning lot#, #street wall# width of #building segment#, or #street# frontage allocated to each of multiple #buildings# on a single #zoning lot#, as applicable	Percentage of #front yard# to be planted (minimum)
Less than 20 feet	20
20 to 34 feet	25
35 to 59 feet	30
60 feet or greater	50

23-46 - Minimum Required Side Yards

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #side yards# shall be provided on any #zoning lot# as specified in this Section, except as otherwise provided in the following Sections:

Section 23-48 (Special Provisions for Existing Narrow Zoning Lots)

Section 23-49 (Special Provisions for Side Lot Line Walls)

Section 23-51 (Special Provisions for Yards Adjacent to R1 Through R5 Districts)

23-461 - Side yards for single- or two-family residences

LAST AMENDED
4/30/2012

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) #Detached# and #zero lot line buildings#

In all districts, as indicated, for #zoning lots# containing only #single-family# #detached# #residences# or, where permitted, for #two-family# #detached# #residences# or #single-# or #two-family residences# in #zero lot line buildings#, or any combination thereof, #side yards# shall be provided as set forth in the table in this paragraph, except that on #corner lots# in R1, R2, R3, R4 and R5 Districts, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARDS

Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 R2A R3-1 R3-2 R4-R10
2	10*	2*	R2X R3X R4A R5A

1	8*	0*	R3A R4-1 R4B R5B R5D

* Additional regulations apply pursuant to paragraph (c) of this Section

R3-1 R3-2 R4 R4-1 R4B R5

(b) #Semi-detached# #buildings#

In the districts indicated, for #zoning lots# containing only #single-# or #two-family# #semi-detached# #residences#, a #side yard# shall be provided as set forth in the table in this paragraph, except that on #corner lots#, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARD

Feet	District
8	R3-1 R3-2 R4 R5
4*	R4-1 R4B R5B R5D

* Additional regulations apply pursuant to paragraph (c) of this Section

(c) Additional regulations

(1) Eight-foot open area required between #buildings# containing #residences#

An open area with a minimum total width of eight feet is required between #buildings# containing #residences# on adjacent #zoning lots#. Such open area must be parallel to the #side lot line# and may be located on either one or both sides of such common #side lot line#. (See Figure A)

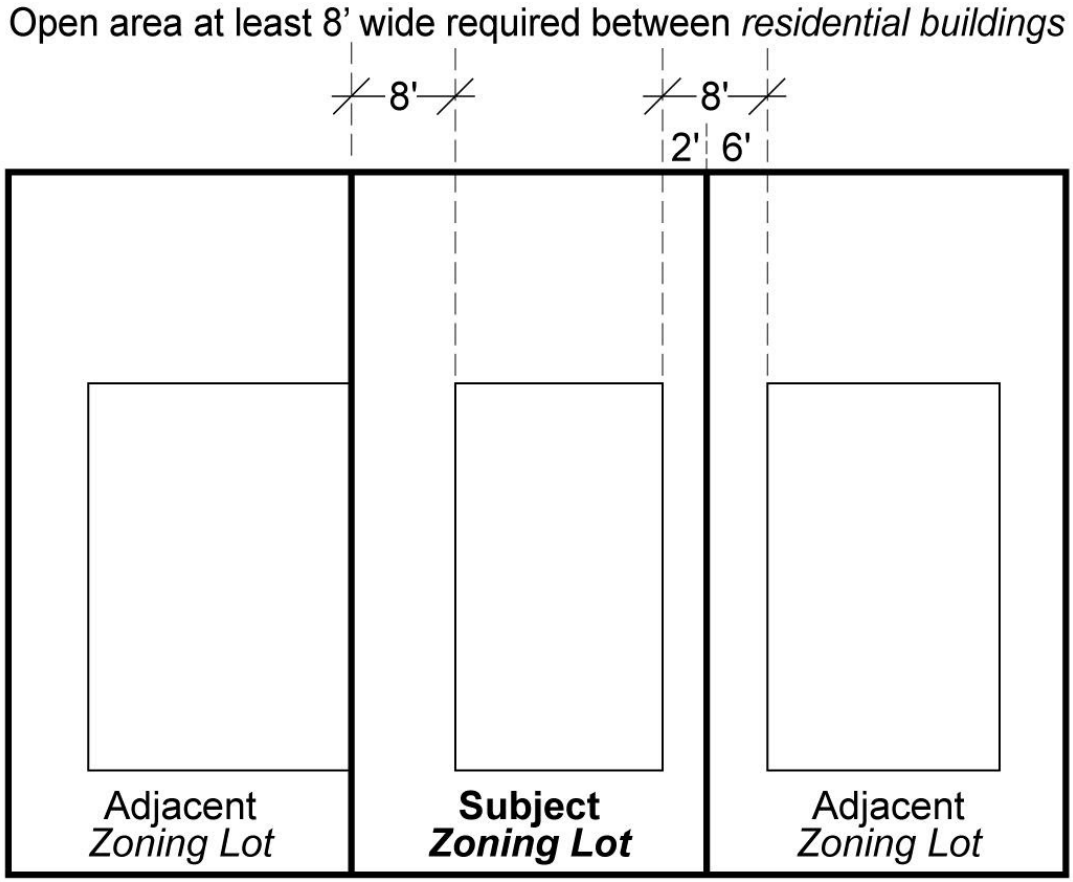


Figure A

(23-461c1)

(2) When #side yards# total more than 13 feet

However, where such open area requirements result in #side yards# totaling more than 13 feet on the subject #zoning lot#, the width of such #side yards# may be reduced to not less than five feet, provided that the total width of both #side yards# on the subject #zoning lot# is at least 13 feet. (See Figure B)

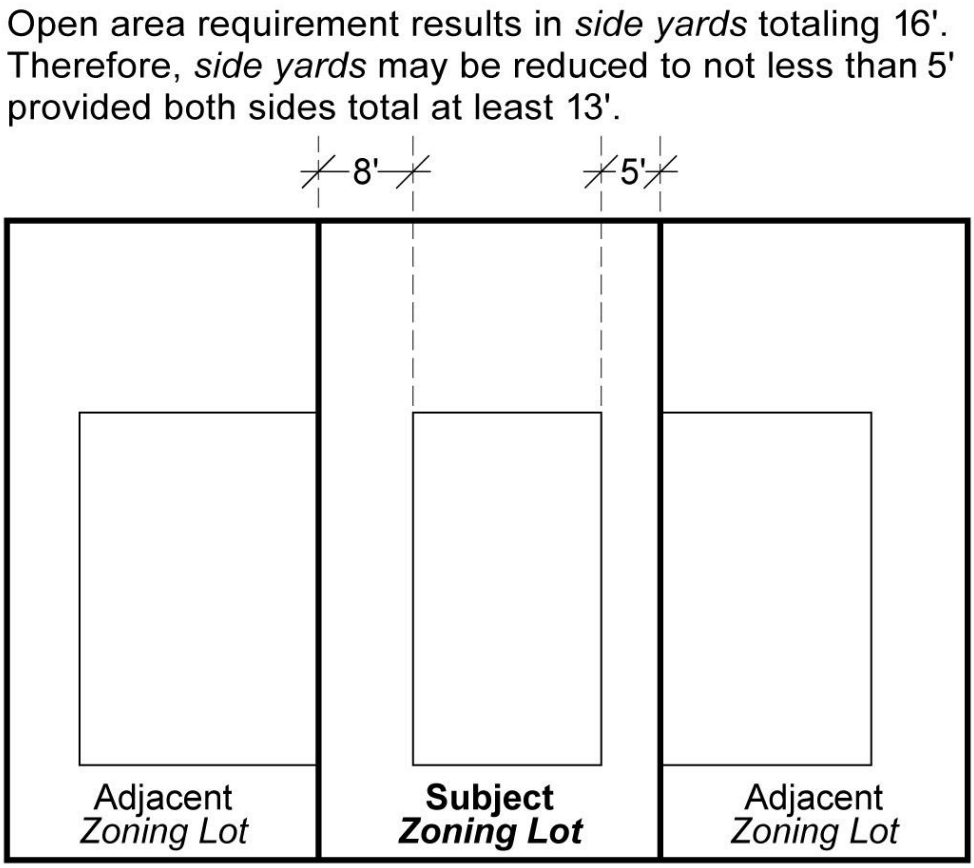


Figure B

(23-461c2)

(3) Permitted obstructions in open areas between #buildings#

Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, ramps for access by people with disabilities, and steps as set forth in paragraph (a) of Section 23-44 shall be permitted obstructions in open areas required pursuant to paragraphs (c)(1) and (c)(2) of this Section, provided such obstructions, not including #accessory# off-street parking spaces, may not reduce the minimum width of the open area by more than three feet.

(4) Minimum #side yard# requirements for #zoning lots# adjacent to certain #side yards#

A #side yard# at least five feet wide shall be provided on any #zoning lot# along the common #side lot line# of any adjacent #zoning lot# with an existing #detached# #residence# whose #side yards# total at least 13 feet in width, with both #side yards# on such adjacent #zoning lot# at least five feet in width, or with an existing #semi-detached# #residence# with a #side yard# at least eight feet in width. (See Figure C)

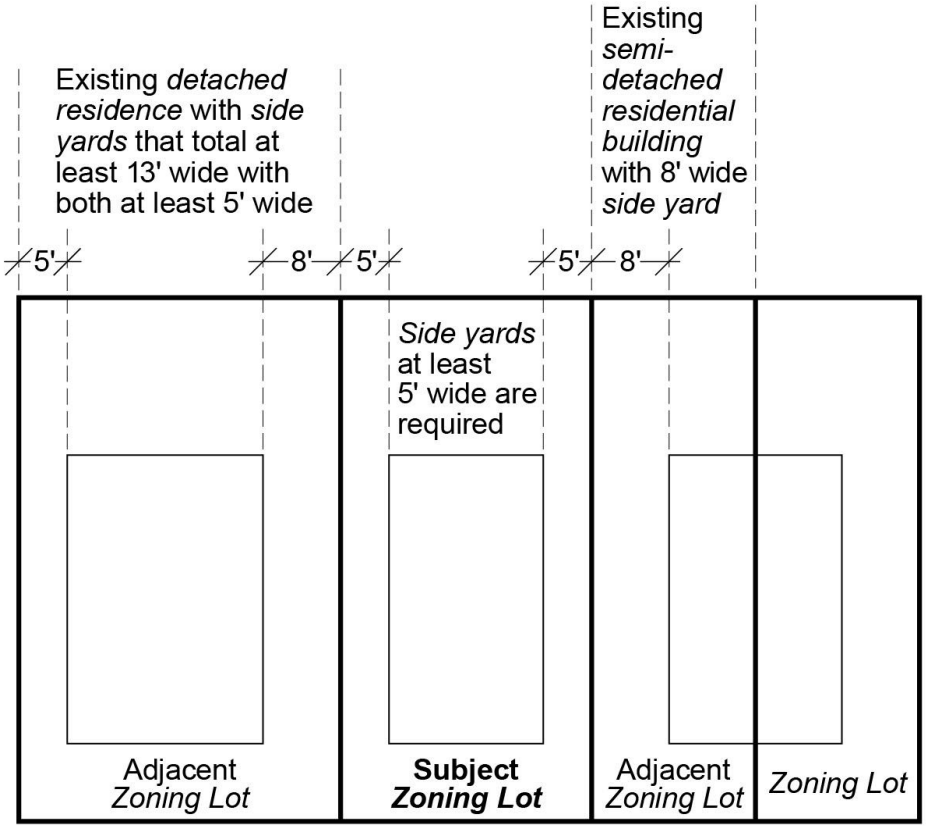


Figure C

(23-461c4)

23-462 - Side yards for all other buildings containing residences

LAST AMENDED
3/22/2016

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, except as set forth in Section 23-461 (Side yards for single- or two-family residences) or Section 23-49 (Special Provisions for Side Lot Line Walls), #side yards# shall be provided for all #zoning lots# with #buildings# containing #residences# as provided in this Section:

R3-2 R4 R5

(a) In the districts indicated, except R4B, R5B or R5D Districts, two #side yards#, each with a minimum required width of eight feet, shall be provided. However, if the #aggregate width of street walls# of a #residential# #building# is more than 80 feet or, for #abutting# #buildings# if the combined #aggregate width of street walls# of all such #abutting# #buildings# on a #zoning lot# is more than 80 feet, then two #side yards# shall be provided, each equal to not less than 10 percent of such #aggregate width of street walls#. For #zoning lots# where no such #buildings# exceed a height of two #stories# and a #basement#, #side yards# need not exceed 15 feet in width.

However, on all #corner lots# in #lower density growth management areas#, one #side yard# shall be at least 20 feet in width.

R4B R5B R5D

(b) In the districts indicated, no #side yards# are required; however, where a #building# containing #residences# on an adjacent #zoning lot# has a #side yard#, an open area with a minimum width of eight feet and parallel to the #side lot line# is required along the

common #side lot line# between such #buildings#. Obstructions permitted pursuant to paragraph (c)(3) of Section 23-461 shall be permitted in such open areas.

R6 R7 R8 R9 R10

(c) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of eight feet, measured perpendicular to the #side lot line#, and extend along the entire #side lot line#, except where a #court# is provided in accordance with the applicable provisions of Section 23-60 (HEIGHT AND SETBACK REGULATIONS). Obstructions permitted pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

23-463 - Maximum aggregate width of street walls

LAST AMENDED
2/2/2011

R3-2 R4 R5

In the districts indicated, except R4B, R5B or R5D Districts, the #aggregate width of street walls# of a #building# containing #residences# or, for #abutting buildings# the combined #aggregate width of street walls# of all such #abutting buildings# on a #zoning lot#, shall not exceed the width set forth in the following table:

MAXIMUM AGGREGATE WIDTH OF STREET WALLS

District	Feet
R3-2	125
R4 R5	185

However, the City Planning Commission may authorize, in R4 and R5 Districts, #aggregate width of street walls# in excess of 185 feet, provided the Commission finds that:

(1) the #street wall# is adequately articulated by such design features as variable setbacks, stoops, bay windows or changes in the heights of the #buildings#; and

(2) the #development# or #enlargement# will not be incompatible with #buildings# on the surrounding #blocks#.

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

23-464 - Side yards for buildings used for permitted non-residential uses

LAST AMENDED
12/5/1990

R1 R2 R3 R4 R5

(a) In the districts indicated, if a #building# used for permitted non-#residential uses# has an #aggregate width of street walls# equal to 60 feet or less, two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# has an #aggregate width of street walls# equal to more than 60 feet, two #side yards# shall be provided, each equal to not less than 15 percent of the #aggregate width of street walls#.

R6 R7 R8 R9 R10

(b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide.

Basic Regulations - Rear Yards

23-47 - Minimum Required Rear Yards

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 23-52 (Special Provisions for Shallow Interior Lots), 23-53 (Special Provisions for Through Lots) or 23-54 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 23-471 (Beyond one hundred feet of a street line).

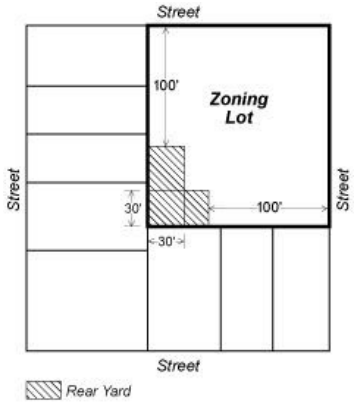
23-471 - Beyond one hundred feet of a street line

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for #interior# or #through lot# portions of #corner lots#, and for #zoning lots# bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line# :

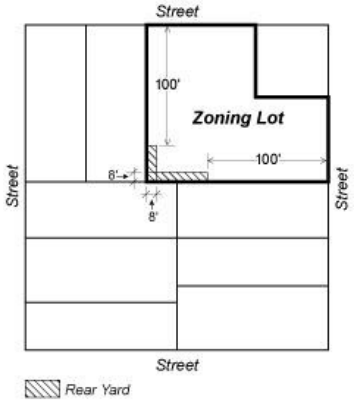
(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

(23-471a)

(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



ZONING LOT BOUNDED BY TWO OR MORE STREETS

(NEITHER A CORNER LOT NOR A THROUGH LOT)

(23-471b)

(c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

Regulations Applying in Special Situations

Side Yards

23-48 - Special Provisions for Existing Narrow Zoning Lots

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except R2X, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, the required total width of #side yards# for a #single-family# #detached# or #two-family# #detached# #residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) if such #zoning lot# :

(a) has less than the prescribed minimum #lot width#; and

(b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit.

However, in no event shall the required width of a #side yard# be less than five feet.

In R5D Districts, no #side yards# shall be required for any #zoning lot# having a width of less than 30 feet along a #street# and existing on the effective date of establishing such district on the #zoning map#.

23-49 - Special Provisions for Side Lot Line Walls

LAST AMENDED
2/2/2011

R3-1 R3-2 R4 R5

In the districts indicated, except R4A and R5A Districts, a #building# containing #residences# may:

(a) #abut# an existing #building# located along a #side lot line#, where such #building# was existing on December 15, 1961, or lawfully erected under the terms of this Resolution, provided that walls of the #building# containing #residences# and walls of the existing #building# shall #abut# for a length equal to or greater than one half of the distance between the #street wall line# and #rear wall line# of the existing #building#. For the purposes of this paragraph (a), an "existing #building#" shall not include an #accessory building# located on an #interior# or #through lot#;

(b) #abut# other #buildings# containing #residences# being erected at the same time on an adjoining #zoning lot# or #zoning lots#.

For such #buildings# containing #residences#, the #side yard# requirements shall be waived along the #side lot line# of the #zoning lot# coincident with the #abutting# #buildings#, and one #side yard# shall be provided along any #side lot line# of the #zoning lot# without an #abutting# #building# with a width of at least eight feet in R3-1, R3-2, R4 or R5 Districts, and four feet in R4-1, R4B or R5B Districts.

23-50 - Additional Yard Regulations

LAST AMENDED
2/2/2011

23-51 - Special Provisions for Yards Adjacent to R1 Through R5 Districts

LAST AMENDED
2/2/2011

R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to #zoning lots# located, wholly or partially, within an R6, R7, R8, R9 or R10 District that are adjacent to a #zoning lot# located wholly or partially within an R1, R2, R3, R4 or R5 District.

A #side yard# at least eight feet wide shall be provided along the entire length of the common #side lot line#. Such #side yard# may be used for #accessory# parking.

Rear Yards

23-52 - Special Provisions for Shallow Interior Lots

LAST AMENDED
3/22/2016

R3 R4 R5

(a) In the districts indicated, if an #interior lot#:

(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be 10 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, if an #interior lot#:

(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) is less than 90 feet deep at any point;

the depth of a required #rear yard#, or portion thereof, for such #interior lot#, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 90 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

(c) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (b) of this Section, in R6 through R10 Districts, the special #rear yard# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

23-53 - Special Provisions for Through Lots

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#, except as provided in Section 23-471 (Beyond one hundred feet of a street line). In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

23-531 - Excepted through lots

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

R6 R7 R8 R9 R10

(b) In the districts indicated, for #zoning lots# containing #Quality Housing buildings#, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of a #street#.

23-532 - Required rear yard equivalents

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, except for #Quality Housing buildings# in R6 through R10 Districts, the provisions for which are set forth in Section 23-533 (Required rear yard equivalents for Quality Housing buildings), on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

(a) an open area with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

(b) two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that:

(1) a corresponding increase in the depth of the open area along the other #street line# is made; and

(2) any required #front yards# or front setback areas are maintained; or

(c) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#.

However, in #lower density growth management areas# and in R5D Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-533 - Required rear yard equivalents for Quality Housing buildings

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

For #Quality Housing buildings# in R6 through R10 Districts, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 60 feet midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# with a depth of 180 feet or less, an open area with a minimum depth equivalent to the depth required pursuant to Section 23-534 (Special provisions for shallow through lots), may be provided, and additionally, one of the following #rear yard equivalents# may be provided as an alternative:

(a) two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made; or

(b) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#, except that the width of such required open area along one #side lot line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made. If an open area along a #side lot line# is provided, it shall be at least eight feet.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-534 - Special provisions for shallow through lots

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

(a) In the districts indicated, if a #through lot# :

(1) is less than 180 feet deep at any point; and

(2) was less than 180 feet deep, both on December 15, 1961, and on the date of application for a building permit;

the depth of a required #rear yard equivalent#, or portion thereof, for such #through lot#, may be reduced by one foot for each foot

by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event shall the minimum depth of a required #rear yard equivalent#, or portion thereof, provided between two or more #buildings# on a single #zoning lot# be reduced to less than 40 feet, and in no event shall the minimum depth of such required #rear yard equivalent#, or portion thereof, be reduced to less than 20 feet.

(b) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (a) of this Section, in R6 through R10 Districts, the special #rear yard equivalent# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

23-54 - Other Special Provisions for Rear Yards

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #rear yard# requirements set forth in Section 23-47 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

23-541 - Within one hundred feet of corners

LAST AMENDED
4/30/2008

R6 R7 R8 R9 R10

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

23-542 - Along short dimension of block

LAST AMENDED
4/30/2008

R6 R7 R8 R9 R10

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

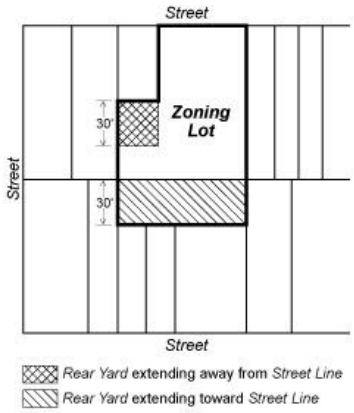
23-543 - For zoning lots with multiple rear lot lines

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

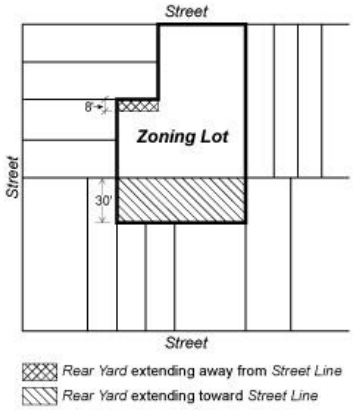
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line# :

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#, except as modified in Section 23-52 (Special Provisions for Shallow Interior Lots).



(23-543a)

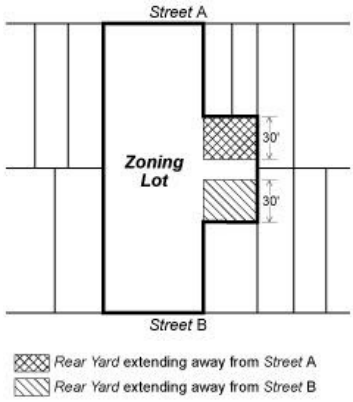
(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



(23-543b)

(c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(d) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(23-543d)

23-544 - In certain districts

LAST AMENDED
3/22/2016

R2X

In the district indicated, a #residential# #building# may extend 10 feet into a required #rear yard# or #rear yard equivalent# pursuant to the provisions of Section 23-631 (General provisions).

All Yards

23-55 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
8/14/1987

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

23-56 - Modifications of Rear Yard Regulations

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 23-543 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

23-60 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/15/1961

23-61 - Applicability

LAST AMENDED
11/30/2017

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.

Height and setback regulations applicable to R1 through R5 Districts are set forth in Section 23-63. #Buildings# in R5D Districts shall also comply with additional provisions set forth in Article II, Chapter 8.

Height and setback regulations applicable to R6 through R10 Districts are set forth in Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as applicable.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, all #buildings# containing #residences# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 (Permitted Obstructions) and 23-66.

In R6, R7, R8, R9 or R10 Districts without a letter suffix, a #building# containing #residences# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 or 23-65, as applicable, or pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

Special height and setback provisions are set forth in Section 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

23-62 - Permitted Obstructions

LAST AMENDED
3/22/2016

In all #Residence Districts#, except as provided in Section 23-621 (Permitted obstructions in certain districts), the obstructions listed in paragraphs (a) through (r) in this Section shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Height and Setback Requirements in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements), 23-66 (Height and Setback Requirements for Quality Housing Buildings) or 23-69 (Special Height Limitations):

(a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with paragraph (j) of this Section.

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

(b) Balconies, unenclosed, subject to the provisions of Section 23-13;

(c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 23-63, 23-64, 23-65 (Tower Regulations) or 23-66;

(d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

(e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(f) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;

(g) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street#

frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

(2) all mechanical equipment shall be screened on all sides;

(3) such obstructions and screening are contained within a volume that complies with one of the following:

(i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (g), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;

(h) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;

(i) Flagpoles or aerials;

(j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(m) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) in R1 through R5 Districts, a height of six feet;

(ii) in R6 through R10 Districts, a height of 15 feet; and

(iii) when located on a bulkhead or other obstruction pursuant to paragraph (g) of this Section, a height of six feet;

(3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface

area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

(n) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(o) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(p) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) the diameter of the swept area of the rotor does not exceed 15 feet;

(q) Window washing equipment mounted on a roof;

(r) Wire, chain link or other transparent fences.

23-621 - Permitted obstructions in certain districts

LAST AMENDED
4/30/2012

R2A R2X R3 R4 R4-1 R4A R5A

(a) In the districts indicated, permitted obstructions are limited to chimneys, exterior wall thickness, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-62. However, in R3-2 and R4 Districts, except R4-1, R4A and R4B Districts, elevator or stair bulkheads, roof water tanks and #accessory# mechanical equipment provided pursuant to paragraph (g) of Section 23-62 shall be permitted for #buildings# containing #affordable independent residences for seniors#.

(b) In R2X Districts, dormers may be considered permitted obstructions if:

(1) the aggregate width of dormers facing the #street line# is equal to not more than 50 percent of the width of the #street wall line#;

(2) the aggregate width of dormers facing the #rear lot line# is equal to not more than 50 percent of the width of the #rear wall line#;

(3) the aggregate width of dormers facing a #side lot line# is equal to not more than 50 percent of the width of a straight line connecting and perpendicular to the #street wall line# and the #rear wall line#; and

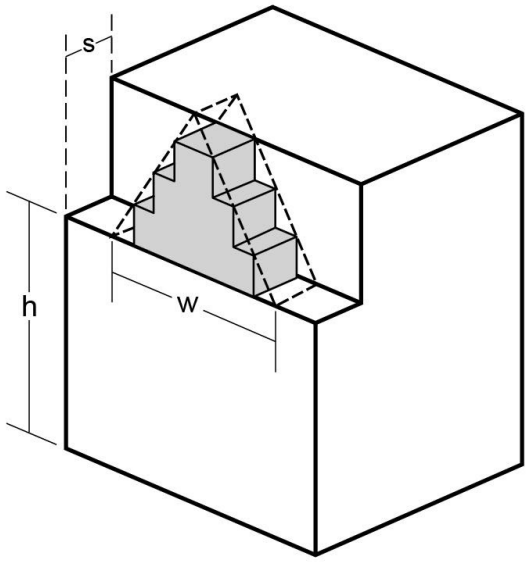
(4) on a #corner lot#, the aggregate width of dormers facing a #side lot line# is equal to not more than 50 percent of the width of the #rear wall line# facing such #side lot line#.

R6 R7 R8 R9 R10

(c) In the districts indicated, for #Quality Housing buildings#, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#, except that within a required front setback distance above a maximum base height, the following rules shall apply:

(1) Dormers shall be allowed as a permitted obstruction, provided that on any #street# frontage, the aggregate width of all

dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. For each foot above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.



h - Maximum base height

s - Required setback or *initial setback distance*

w - Maximum width of dormer at maximum base height (60% of *street wall* width of highest *story* entirely below maximum base height)

Dormer

Dormer

(23-621c, 62-341d.2)

(2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.

(3) Wind energy systems shall not be allowed as permitted obstructions.

(4) Window washing equipment shall not be allowed as permitted obstructions.

23-63 - Height and Setback Requirements in R1 Through R5 Districts

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5

In the districts indicated, the height and setback of a #building or other structure# shall be as set forth in Section 23-631 (General provisions). Additional provisions pertaining to required side and rear setbacks are set forth in Section 23-632 (Required side and rear setbacks).

23-631 - General provisions

LAST AMENDED

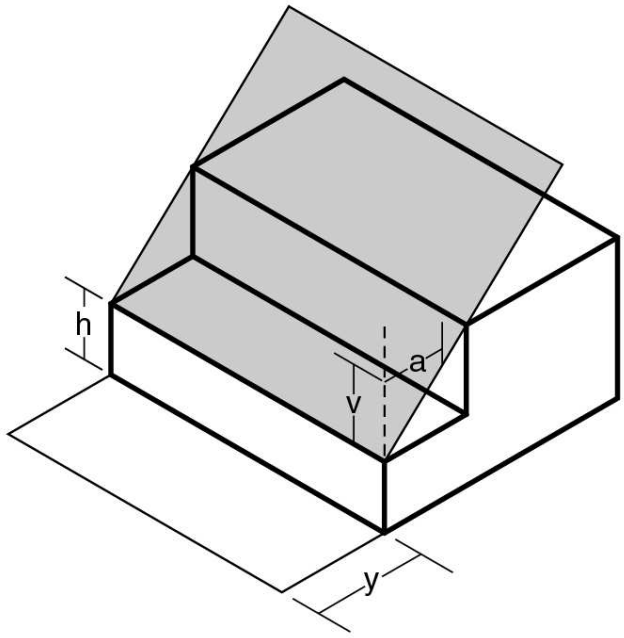
Height and setback regulations for R1 through R5 Districts are set forth in this Section. Such maximum heights may only be penetrated by permitted obstructions set forth in Section 23-62.

R1 R2

(a) In the districts indicated, except R1-2A, R2A and R2X Districts, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

Height above #Front Yard Line# (in ft.)	#Sky Exposure Plane#		District
	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)		
	Vertical Distance	Horizontal Distance	
25	1 to	1	R1 R2



a - Horizontal distance

v - Vertical distance

h - Height of *sky exposure plane* above *front yard line level*

y - Depth of required *front yard*

Sky Exposure Plane

SKY EXPOSURE PLANE

(23-631a, 24–521)

R1-2A R2A R2X R3 R4 R4-1 R4A R5A

(b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (h) and (j) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and #abutting# #semi-detached# #buildings# may be considered to be one #building#.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of:

21 feet	R2A R2X R3 R4A
25 feet	R1-2A R4-1 R4 R5A
26 feet	R3 R4-1 R4A within #lower density growth management areas#

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the steps set forth in paragraphs (b)(1) through (b)(5), as follows:

(1) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second plane (the perimeter wall plane) is projected in the same manner at a height of 21 or 25 feet above the #base plane#. (See Figure A)

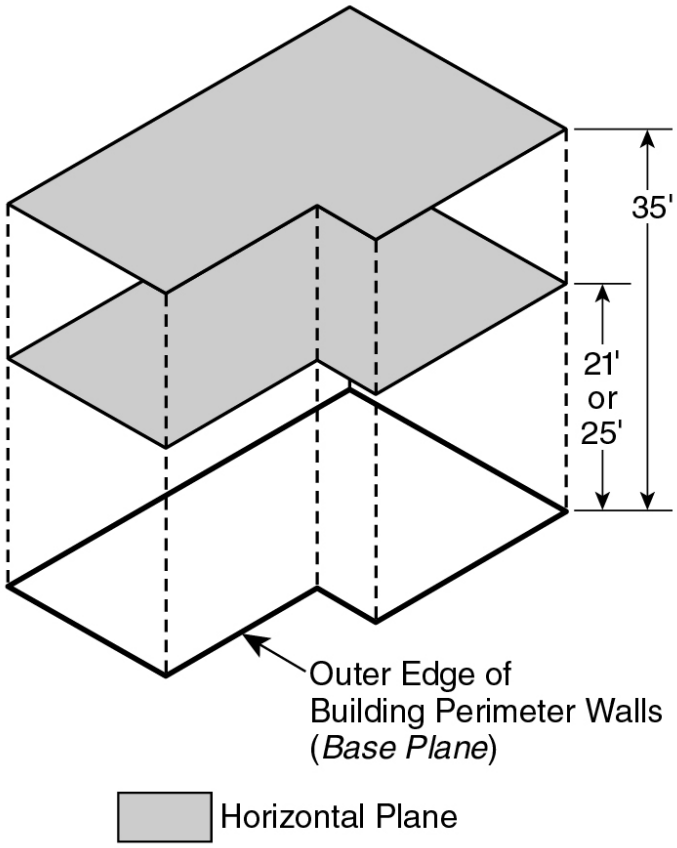


Figure A

(23-631b1)

(2) Each perimeter wall of the #building or other structure# with a horizontal dimension of eight feet or more which projects from an adjacent perimeter wall at least 18 inches may have an apex point directly above it on the 35 foot high plane. (See Figure B). The location of the apex point is flexible provided it is directly above its perimeter wall and provided a line drawn from the intersection of two perimeter walls to such an apex point does not exceed 80 degrees to the horizontal. An apex point is not required for each qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.

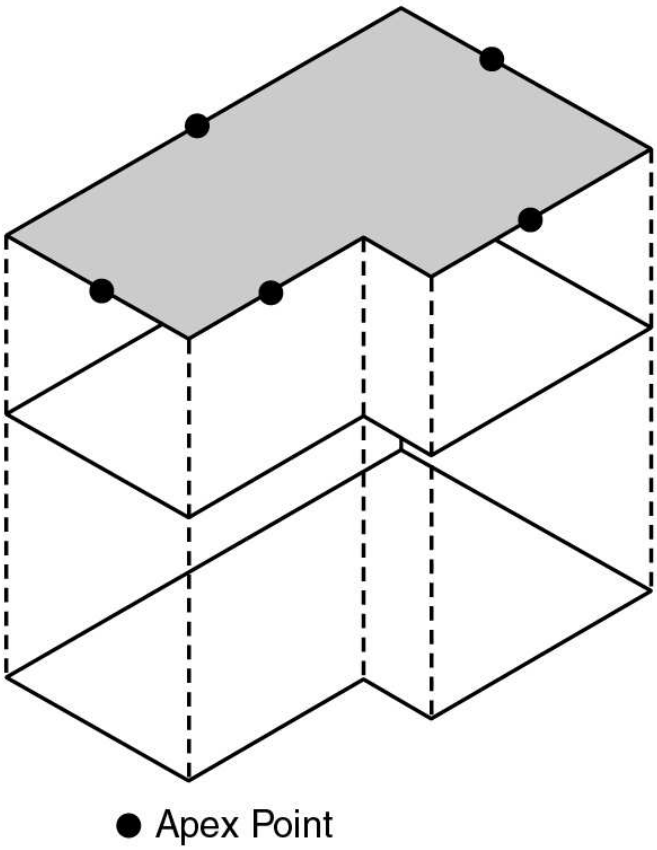


Figure B

(23-631b2)

(3) One "ridge line" is extended in a straight line from each apex point along the 35 foot high plane. Ridge lines which connect two apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C)

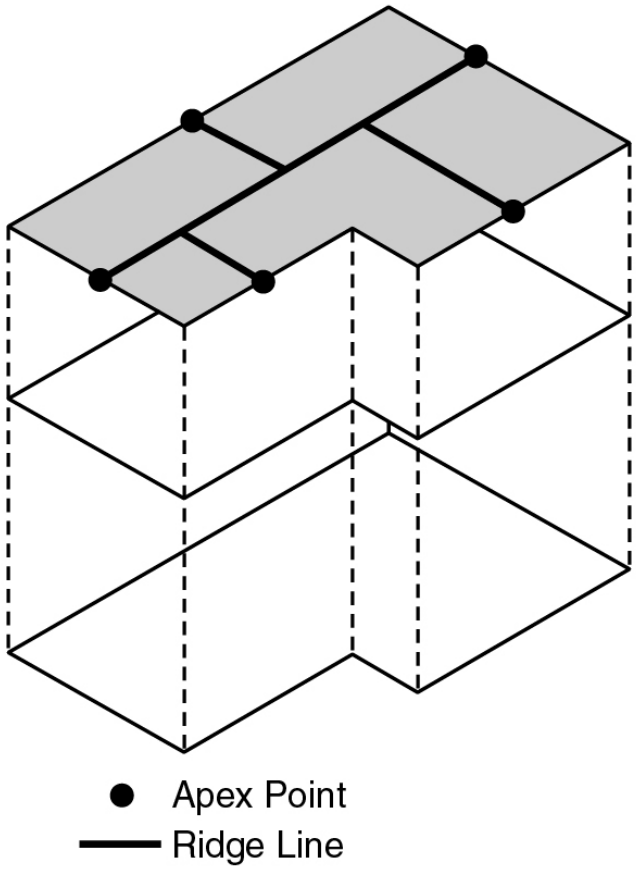


Figure C

(23-631b3)

(4) Sloping planes are extended in a straight line outward and downward from each ridge line until they intersect the perimeter wall plane. Every sloping plane generated must intersect the perimeter wall plane for the full width of the ridge line from which it extends. (See Figure D). The maximum angle of pitch for any sloping plane may not exceed 80 degrees to the horizontal. Sloping planes extended from ridge lines perpendicular or within 45 degrees of being perpendicular to each other may intersect, in which case the higher plane defines the limit of the envelope. Sloping planes extended from ridge lines parallel or within 45 degrees of being parallel to each other must intersect the perimeter wall plane without intersecting each other.

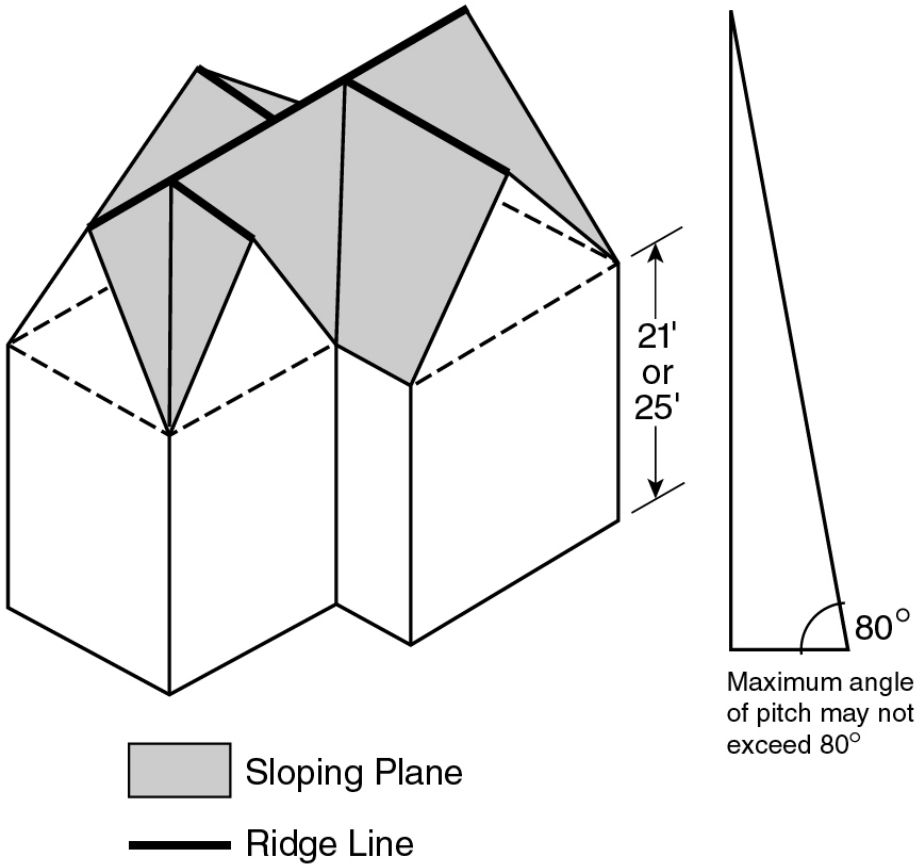
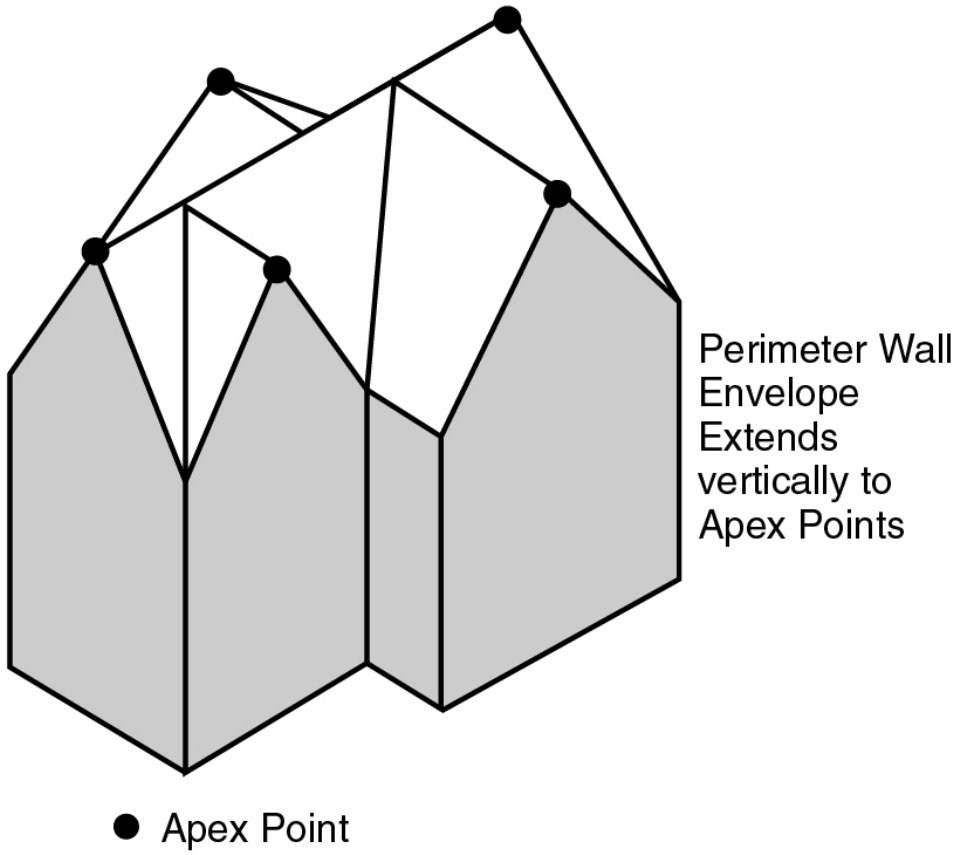


Figure D

(23-631b4)

(5) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (4). (See Figure E). The perimeter walls of the #building or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F). Those items listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and roofed porches and porticoes subject to all applicable provisions, may penetrate the #building# envelope below the maximum permitted perimeter wall height. Eaves may extend the roof lines 18 inches beyond the exterior walls.



(23-631b5.1)

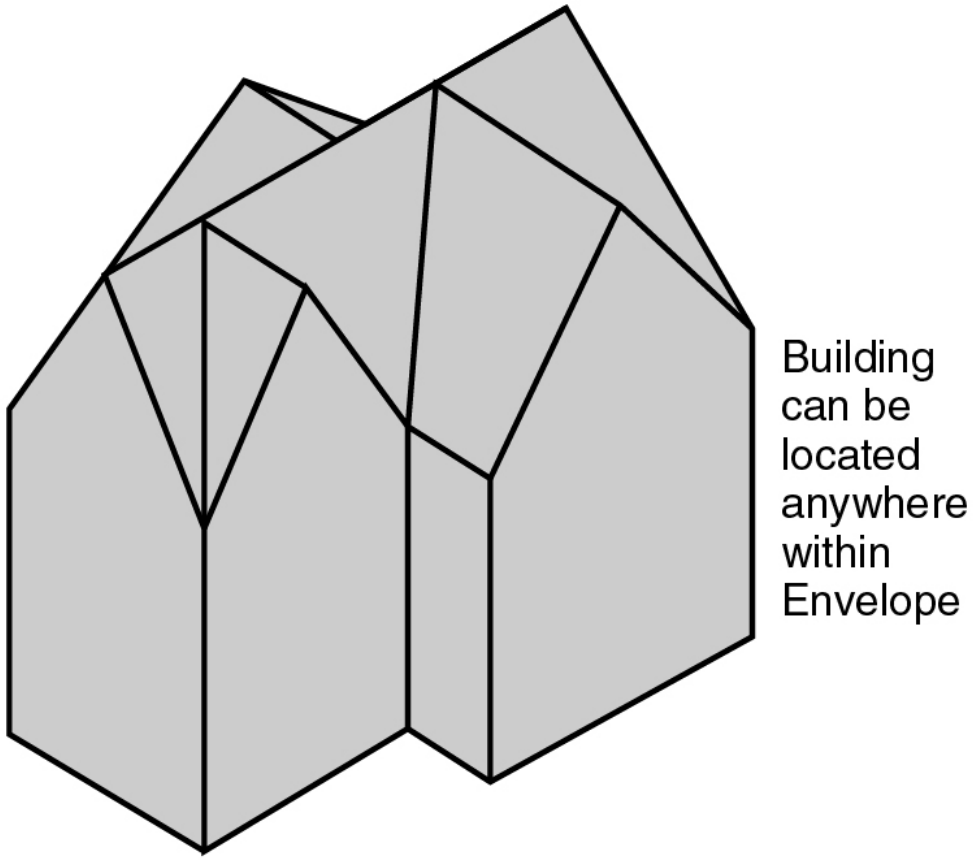


Figure E and F

(23-631b5.2)

(6) Special Situations

(i) For convex curved perimeter walls, the #building or other structure# must be within a plane curve tapering uniformly to a vertex located at a height of 35 feet. For concave curved perimeter walls, the #building or other structure# must lie within a plane curve extending from the maximum perimeter wall height to a ridge line parallel to the prolongation of the perimeter wall at the 35 foot level. Such plane curves may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at the maximum height of the permitted perimeter wall. (See Figure G).

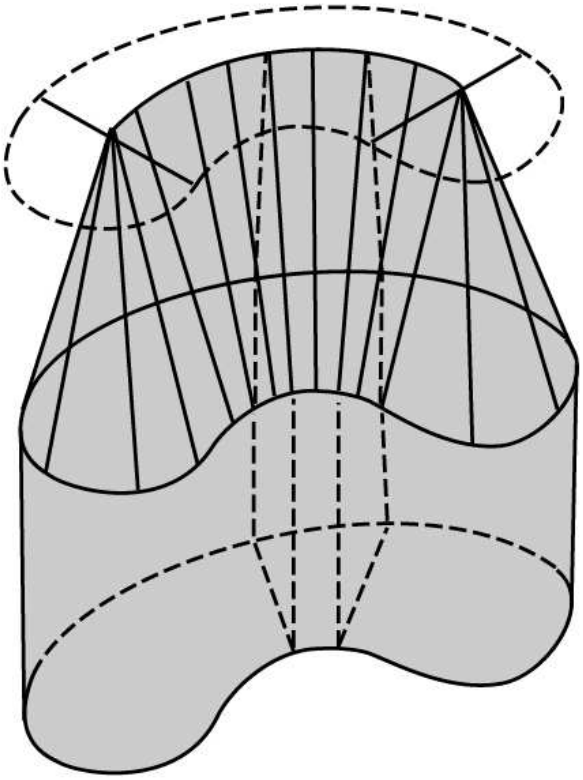


Figure G

(23-631b6.i)

(ii) In R2X Districts, at the 21 foot maximum permitted height of a perimeter wall, sloping planes are projected inwards and upwards. From a permitted front perimeter wall and from 21 feet above the #base plane# and 20 feet from and parallel to a #rear lot line#, such sloping plane shall not exceed a pitch of 45 degrees in relation to a plane drawn parallel to the #base plane# at a height of 21 feet. (See Figure H). Other sloping planes slope toward a ridge line at 35 feet and may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at a height of 21 feet.

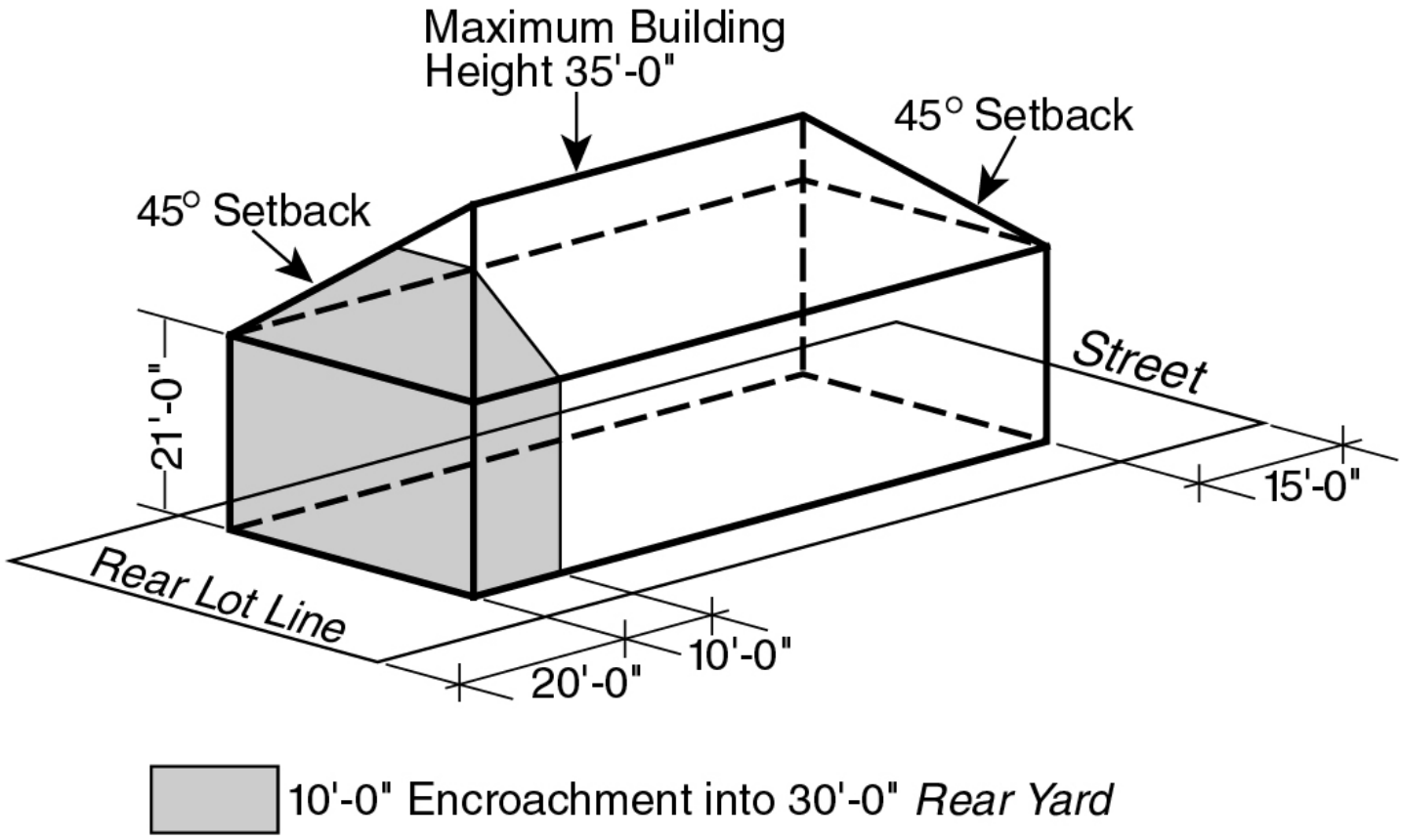


Figure H

(23-631b6.ii)

R4B

(c) In the district indicated, no portion of the #building or other structure#, including the apex of a roof, shall penetrate a plane 24 feet in height above the #base plane#.

R5

(d) In the district indicated, except R5A, R5B and R5D Districts, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. #Buildings or other structures# which utilize the optional regulations of Section 23-143 applying to a #predominantly built-up area# shall be subject to the height and setback regulations for an R5B District. The provisions of this paragraph may be modified pursuant to paragraphs (h) and (j) of this Section.

R5B

(e) In the district indicated, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 33 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, no portion of the #building or other structure# shall penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal, to a maximum height of 33 feet above the #base plane#. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. The provisions of this paragraph may be modified pursuant to paragraph (h) of this Section.

R5D

(f) In the district indicated, no portion of a #building or other structure# shall penetrate a plane 40 feet above the #base plane#. However, where the ground floor level of a #building# provides a #qualifying ground floor# in accordance with the supplemental provisions set forth in paragraph (b)(2) of Section 23-662, the maximum height of a #building or other structure# may be increased to 45 feet, or four #stories#, whichever is less.

R3A R4-1 R4A R4B R5B

(g) In the districts indicated, a second #story# line-up is required as follows:

Where at least 75 percent of the #buildings# containing #residences# within 150 feet of the #side lot lines# of the #zoning lot# have a first #story# front projection that is at least 50 percent of the width of the #building#, the #street wall# shall be no closer to the #street line# than the second #story# #street wall# of an adjacent #building# containing #residences# facing on the same #street#.

Projections from the first #story# #street wall# are permitted provided that such projections are no closer to the #street line# than an adjacent #front yard line#, and such projections are no higher than 13 feet above the #street wall line level#. Projections from the second #story street wall# are permitted provided that the width of all projections at that level does not exceed 33 percent of the width of the #building# at the second #story#, and the depth of the projections does not exceed three feet.

(h) The height and setback regulations of this Section are modified as follows:

(1) In R3-1 and R3-2 Districts, #single-# or #two-family# #detached# #residences# on #zoning lots# of at least 9,500 square feet in area and at least 100 feet of frontage along a #street# may use the height and setback regulations applicable in an R2 District.

(2) In the #Special Ocean Parkway District#, the #Special Coney Island Mixed Use District#, and the #Special Hunters Point Mixed Use District#, for #buildings or other structures# subject to the regulations of an R5 District other than an R5D District, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 32 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height at 20 degrees to the horizontal. On #corner lots#, the 32 foot maximum #street wall# height shall apply to only one #street# frontage.

In these special districts, for #developments# or #enlargements# which utilize the optional regulations applicable to a #predominantly built-up area#, the maximum height of a #building# containing #residences# shall not exceed 32 feet above the #base plane#. Furthermore, for such #developments# or #enlargements# with pitched roofs, the midpoint of such pitched roof shall not exceed a height of 32 feet above the #base plane#. The provisions of this paragraph may be modified pursuant to paragraph (j) of this Section.

(3) In accordance with Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks), #buildings# within a #large-scale residential development# may use the alternate height and setback regulations set forth in paragraphs (b)(1) through (b)(3) of Section 78-31.

R3-2 R4 R5

(i) In R3-2 Districts, #buildings# containing #affordable independent residences for seniors# may use the height and setback regulations applicable to an R4 District, as set forth in paragraph (b) of this Section.

(j) In R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B and R5D Districts, the height and setback provisions set forth in paragraphs (b) and (d) of this Section shall apply to #buildings# containing #affordable independent residences for seniors#. However, where no #single-family# or #two-family residence# existed on the #zoning lot# within three years prior to the issuance of a building permit for the #development# or #enlargement# of such #building# containing #affordable independent residences for seniors#, such height and setback provisions shall be modified as follows:

(1) in R4 Districts, the height of the #building# shall not exceed 45 feet; and

(2) in R5 Districts, the height of the #building# shall not exceed 45 feet, except that beyond 25 feet of a #street line#, the height

of the #building# may be increased to a height of 55 feet where one or more of the following conditions are met:

(i) on the date of application for a building permit for such #development# or #enlargement#, not more than 50 percent of the aggregate length of the #block# frontage on both sides of the #street# facing each other is occupied by #single-family# or #two-family residences#;

(ii) an existing #building# on the same or adjacent #zoning lot# of such #development# or #enlargement# has a height of 45 feet or more; or

(iii) the #zoning lot# of such #development# or #enlargement# has a #lot area# of at least 1.5 acres.

(k) In the districts indicated, except R4-1, R4A, R4B, R5A, R5B and R5D Districts, the City Planning Commission may authorize a #building or other structure# that penetrates the height and setback regulations set forth in paragraphs (b), (d) or (i) of this Section, except for #buildings# utilizing the optional regulations for #predominantly built-up areas#. As a condition for granting such authorizations, the Commission shall find that:

(1) by concentrating permitted #floor area# in a #building# or #buildings# of greater height, the preservation of an existing #building#, topography, vegetation, or view corridors having environmental, historic or aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area#; or, for #affordable independent residences for seniors#, the additional #floor area# permitted is accommodated in an efficient manner;

(2) such modification is the least modification required to achieve the purpose for which it is granted;

(3) the proposed modification does not impair the essential character of the surrounding area; and

(4) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

23-632 - Required side and rear setbacks

LAST AMENDED
3/22/2016

Side and rear setbacks shall be provided as specified in this Section. Permitted obstructions in required side and rear setbacks are set forth in paragraph (a) of this Section. Required side and rear setbacks for tall buildings in certain R1 through R5 Districts are set forth in paragraph (b) and required side and rear setbacks for #buildings# containing non-#residential uses# in certain R1 through R5 Districts are set forth in paragraph (c) of this Section.

(a) Permitted obstructions in required side and rear setbacks

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls not more than four feet in height, roof thickness, solar energy systems up to four feet high, vegetated roofs and weirs are permitted as set forth in Section 23-62 (Permitted Obstructions). Chimneys or flues shall also be permitted, provided that the total width does not exceed 10 percent of the width of the #building's# walls facing such open area.

(b) Required side and rear setbacks for tall buildings in certain low bulk districts

R1 R2 R3 R4 R5

In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than

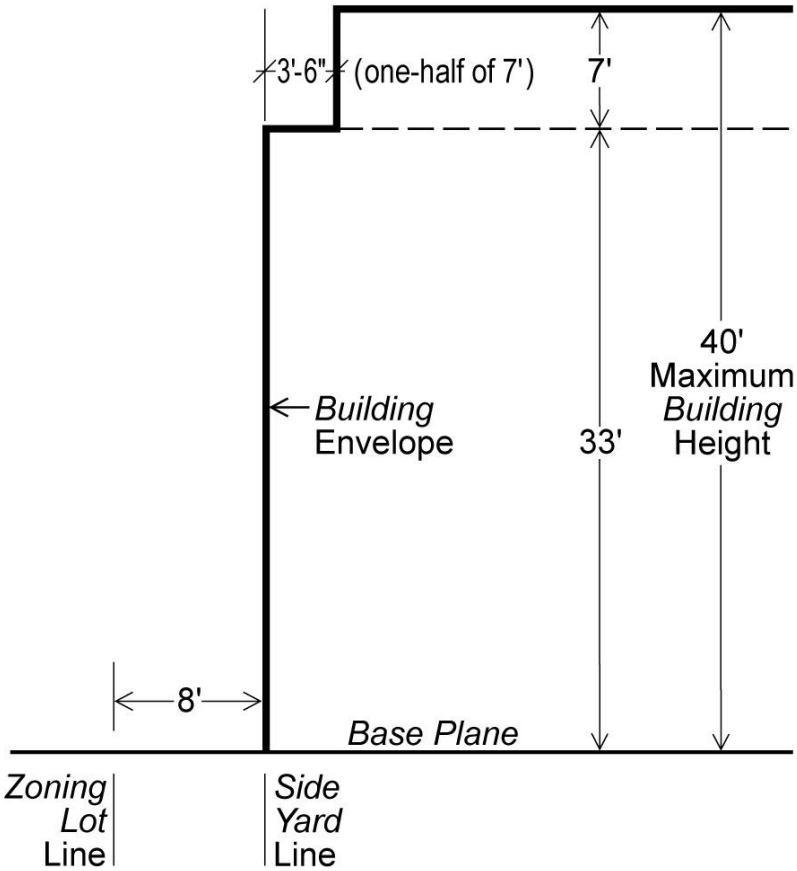
30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 30 feet above the mean level of adjacent natural grade.

In R3, R4 and R5 Districts, except R5A and R5D Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such #side yard# line or such #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 33 feet above the level of the #base plane# (see illustration below of R5 District Side Yard Setback).

However, the following modifications may be applied to #buildings# containing #affordable independent residences for seniors# :

(1) no #rear yard# setback need be provided; and

(2) for a #side yard#, the resultant setback required by the calculation above need not exceed a depth of 10 feet, as measured from the #building# wall fronting such #side yard#.



SIDE YARD SETBACK

(R5 example)

(23-632b)

(c) Required side and rear setbacks for permitted non-residential uses in low bulk districts

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no portion of any #building# used for permitted non-#residential uses# which is more than 30 feet or more than three #stories#, whichever is less, above the level of a #side yard# or #rear yard#, shall be nearer to a #side lot line# or #rear lot line# bounding such #yard# than a distance equal to the height above yard level of such portion of the #building#.

23-64 - Basic Height and Setback Requirements

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, the height and setback of a #building or other structure# shall be as set forth in Section 23-641 (Front setbacks), or 23-642 (Alternate front setbacks). In R9 and R10 Districts, towers are permitted in accordance with the provisions of Section 23-65.

23-641 - Front setbacks

LAST AMENDED
3/22/2016

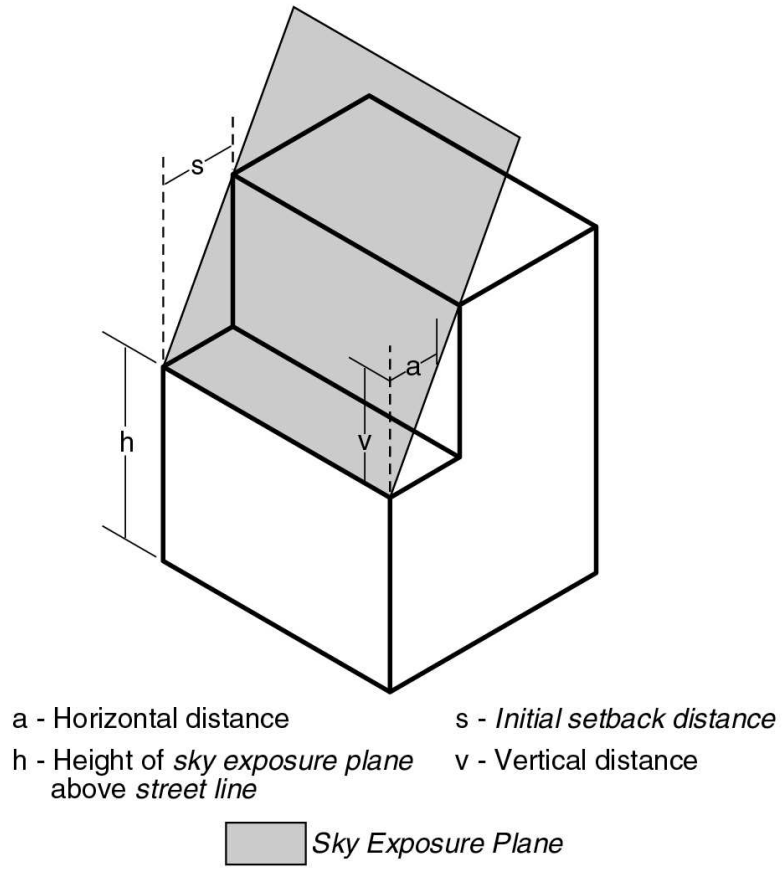
R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above the #street line# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to 1
R8 R9 or R10 Districts							

20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to 1



SKY EXPOSURE PLANE

R6 R7 R8 R9 R10 Districts

(23–641, 24–522, 33–432, 43–43)

23-642 - Alternate front setbacks

LAST AMENDED
3/22/2016

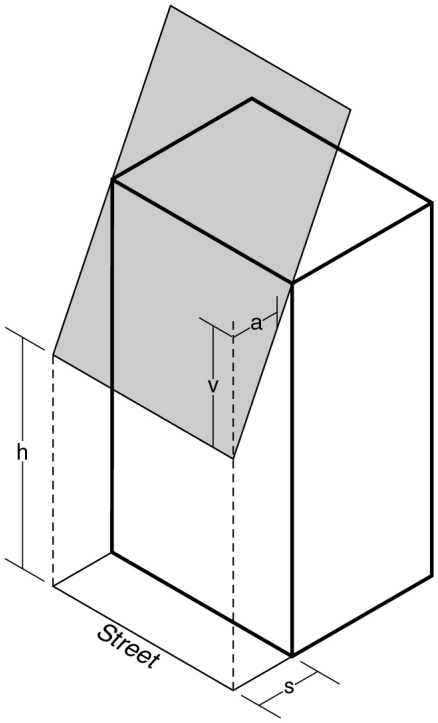
R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, if an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the table in this Section, the provisions of this Section may apply in lieu of the provisions of Section 23-641 (Front setbacks). The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
R8 R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



a - Horizontal distance
h - Height of *sky exposure plane* above *street line*
s - Depth of the optional front open area
v - Vertical distance
Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE

R6 R7 R8 R9 R10 Districts

(23–642, 24–53, 33–442, 43–44)

23-65 - Tower Regulations

LAST AMENDED
3/22/2016

R9 R10

In the districts indicated without a letter suffix, except for #Quality Housing buildings#, and except as set forth in paragraph (c) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot#, or for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table below, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. Such portions of #buildings# that penetrate a #sky exposure plane# are hereinafter referred to as towers.

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

#Buildings# #developed# or #enlarged# with towers shall comply with either tower-on-a-base regulations or standard tower regulations, as follows:

(a) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section 23-651 shall apply to any such #building# that:

(1) contains more than 25 percent of its total #floor area# in #residential use#; and

(2) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of

the #block#.

If a portion of such #building# is #developed# or #enlarged# with a tower the entire #zoning lot# shall be subject to the provisions of Section 23-651 (Tower-on-a-base).

(b) Applicability of standard tower regulations

The standard tower regulations of Section 23-652 shall apply to any such #building# that does not meet the location and #floor area# criteria of paragraph (a) of this Section.

(c) Inapplicability of tower regulations

The provisions of this Section shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

23-651 - Tower-on-a-base

LAST AMENDED
3/22/2016

Any #development# or #enlargement# that meets the location and #floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a tower-on-a-base, in accordance with the regulations set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

(a) Tower regulations

(1) At any level above a #building# base (referred to hereinafter as a "base"), any portion or portions of a #building# (referred to hereinafter as a "tower") shall occupy in the aggregate:

(i) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percentage set forth in the table in Section 23-65 (Tower Regulations); and

(ii) not less than 30 percent of the #lot area# of a #zoning lot#.

However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

(2) Any tower located above a base shall not be subject to the provisions of Section 23-64 (Basic Height and Setback Requirements).

(3) At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet.

When the #lot coverage# of the tower portion is less than 40 percent, the required 55 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #Lot Coverage# of the Tower Portion	Minimum Percent of Total #Building Floor Area# Distribution Below the Level of 150 Feet
40.0 or greater	55.0
39.0 to 39.9	55.5

38.0 to 38.9	56.0
37.0 to 37.9	56.5
36.0 to 36.9	57.0
35.0 to 35.9	57.5
34.0 to 34.9	58.0
33.0 to 33.9	58.5
32.0 to 32.9	59.0
31.0 to 31.9	59.5
30.0 to 30.9	60.0

(4) At all levels, such tower shall be set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except that such dimensions shall include the depth of any permitted recesses in the #street wall#.

(5) No tower or portion thereof shall be located on a #narrow street# at a distance that is more than 100 feet from the intersection with a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over open areas not occupied by towers.

For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof, that portion of a #zoning lot# located within 125 feet from the #wide street# frontage along the short dimension of a #block# shall be treated as if it were a separate #zoning lot#.

(b) #Building# base regulations

(1) #Street wall# location

(i) On a #wide street#, and on a #narrow street# within 125 feet of its intersection with a #wide street#, the #street wall# of the base shall occupy the entire #street# frontage of a #zoning lot# not occupied by existing #buildings#. At any height, at least 70 percent of the width of such #street wall# shall be located within eight feet of the #street line#, and the remaining 30 percent of such #street wall# may be recessed beyond eight feet of the #street line# to provide #outer courts# or balconies.

However, no such recesses shall be permitted within 20 feet of an adjacent #building# fronting on the same #street line# or within 30 feet of the intersection of two #street lines#.

(ii) On a #narrow street# beyond 125 feet from its intersection with a #wide street#, no #street wall# of a base is required nor shall any #street wall# provided beyond 125 feet count toward the computation of any permitted recesses on such wall.

(iii) Where the #street wall# of an adjacent #building# fronting on the same #street line# is located within 10 feet of the #street line#, the #street wall# of the base shall be either located at the #street line# or aligned with the #street

wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such existing #building#.

(2) Height of #street wall#

All #street walls# of a base shall rise vertically without setback to a height of not less than 60 feet nor more than 85 feet except:

(i) On a #wide street#, if the height of the #street wall# of an adjacent #building# fronting on the same #street line# exceeds 60 feet and if such #street wall# is located within 10 feet of the #street line#, the #street wall# of the base shall match the height of the #street wall# of the adjacent #building# to a maximum height of 100 feet by either of three alternatives:

(a) the #street wall# of the base shall be extended vertically to the height of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such adjacent #building#;

(b) at least 50 percent of the width of the #street wall# of the base shall be extended vertically to the height of the adjacent #building#; or

(c) a dormer shall be provided pursuant to paragraph (b)(3) of this Section. Such dormer shall match the height of the adjacent #building#.

Such #street wall# of the base fronting on a #wide street# may be extended along a #narrow street# within 70 feet of its intersection with the #wide street#.

(ii) On a #narrow street# beyond 100 feet of its intersection with a #wide street#, the #street wall# of a base shall rise vertically to a height of at least 60 feet when the adjacent #building# is either less than 60 feet or greater than 85 feet, or match the height of the adjacent #building# when the height of such #building# is between 60 feet and 85 feet.

For the purposes of this paragraph, (b)(2), inclusive, the height of an adjacent #building# shall be the height of a #street wall#, before setback, if applicable, of that portion of an existing #building# nearest the #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot#.

(3) Dormer

For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as a permitted obstruction within a required front setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#.

On any #street# frontage, the aggregate width of all dormers at the required initial setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base. Such dormer shall count as #floor area# but not as tower #lot coverage#.

(4) Open areas

All open areas at ground level, located between the #street line# and the #street wall# of a base shall be landscaped except in front of entrances and exits to the #building#.

(c) Modification of tower coverage and #floor area# distribution requirements

The tower #lot coverage# and #floor area# distribution requirements set forth in paragraph (a)(3) of this Section shall be modified for #buildings# that provide articulation of a base in accordance with the following provisions:

(1) Recesses

Recesses shall occupy, in the aggregate, between 30 and 50 percent of the width of each eligible #story# of the base, and measure at least two feet in depth. In addition, the width of any individual recess provided within eight feet of the #street line# shall not exceed 25 percent of the width of the #street wall# of the base, unless such recess is provided in combination with an additional recess located beyond eight feet of the #street line#.

Furthermore, all recesses shall comply with the provisions of paragraph (b)(1) of this Section or paragraph (a)(1) of Section 35-64 (Special Tower Regulations for Mixed Buildings), as applicable. For each #street# frontage of a #building# with recesses provided in accordance with this paragraph, (c)(1), the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building# #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(2) Dormers

For each #street# frontage with dormers, provided in accordance with paragraph (b)(3) of this Section, that measure, at their lowest level, at least 50 percent of the width of the #street wall# of the highest #story# of the base, and measure, at their highest level, at least 25 percent of the width of the highest #story# of the base, and rise at least 25 feet above the base, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building# #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(3) Matching provision

For each #street# frontage that provides an extension of the #street wall# of a base that matches the height of an adjacent #building# in accordance with paragraph (b)(2)(i)(b) of this Section, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building# #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

However, the total percent of #lot coverage# of the tower portion of the #building# shall not be decreased by more than 2.0 percent, nor shall the minimum percent of total #building# #floor area# distribution below a level of 150 feet be reduced by more than 1.0 percent.

23-652 - Standard tower

LAST AMENDED
2/2/2011

Any #development# or #enlargement# that does not meet the location and #floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a standard tower in accordance with the regulations set forth in this Section.

At all levels, a tower shall be located not less than 15 feet from the #street line# of a #narrow street# and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over open areas not occupied by towers.

23-66 - Height and Setback Requirements for Quality Housing Buildings

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 shall apply to #Quality Housing buildings#. These provisions may be modified pursuant to the provisions of either Section 23-663 (Tower regulations in R9D and R10X Districts) or 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 23-665. Additional height and

setback provisions for #compensated developments# and #MIH developments#, as defined in Section 23-911, are set forth in Sections 23-951 and 23-952, respectively. The height of all #buildings or other structures# shall be measured from the #base plane#.

Where the City Planning Commission grants additional height to a #development# or #enlargement# subject to the provisions of Sections 23-662 or 23-664 pursuant to an authorization or special permit of this Resolution, the Commission may, in conjunction, increase the permitted number of #stories#.

23-661 - Street wall location

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b) or (c) of this Section shall apply to all #Quality Housing buildings#, as applicable.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the applicable #street wall# location provisions of paragraphs (a), (b) or (c) of this Section. Recesses, projections and other forms of articulation beyond the #street wall# locations established in paragraphs (a), (b) or (c) are permitted only in accordance with paragraph (d) of this Section.

R6A R7A R7D R7X R9D

(a) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the following shall apply:

(1) The #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage, that is both within 10 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.

(2) On #corner lots#, the #street wall# location provisions of paragraph (a)(1) shall apply along only one #street line#.

R6B R7B R8B

(b) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the following shall apply:

(1) On #zoning lots# with at least 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage, that is both within 15 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.

(2) On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, nor further from the #street line# than the furthest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage that is both within 15 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.

(3) On #corner lots#, the #street wall# regulations of (b)(1) or (b)(2), as applicable, shall apply along both #street# frontages, except that along one #street line# the #street wall# need not be located farther from the #street line# than five feet.

R8A R8X R9A R9X R10A R10X

(c) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following shall apply:

(1) Along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street# the #street wall# shall extend along the entire #street# frontage of a #zoning lot#. At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in Section 23-662 (Maximum height of buildings and setback regulations), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

(2) Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, at least 70 percent of the #street wall# shall be located within 15 feet of the #street line#.

R6 R7 R8 R9 R10

(d) #Street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

23-662 - Maximum height of buildings and setback regulations

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section.

The height of a #Quality Housing building# #or other structure# shall not exceed the maximum height limit specified for the applicable district set forth in paragraphs (a) or (b) of this Section, as applicable, except as specified elsewhere in this Chapter.

Basic #building# heights for #Quality Housing buildings# are set forth in paragraph (a) of this Section. Such heights may be increased in certain districts for #Quality Housing buildings# with #qualifying ground floors# pursuant to paragraph (b)(1) of this Section. For #Quality Housing buildings# with #qualifying ground floors# in R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions are set forth in paragraph (b)(2) of this Section.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the applicable district in paragraphs (a) or (b) of this Section, and shall be provided in accordance with paragraph (c) of this Section.

(a) Basic #building# heights

Table 1 in this paragraph sets forth the minimum and maximum base height, and maximum #building# height, for #Quality Housing buildings#.

TABLE 1

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT - FOR CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6A	40	60	70
R6B	30	40	50
R7A	40	65	80
R7B	40	65	75
R7D	60	85	100
R7X inside #Manhattan Core#	60	85	125
R7X outside #Manhattan Core#	60	85	120
R8A	60	85	120
R8B	55	65	75
R8X	60	85	150
R9A[1]	60	105	145
R9A[2]	60	95	135
R9D	60	85[4]	N/A[3]
R9X[1]	105	120	170
R9X[2]	60	120	160
R10A[1]	125	150	210
R10A[2]	60	125	185
R10X	60	85	N/A[3]

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT - FOR NON-

CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6[2]	30	45	55
R6[1] inside #Manhattan Core#	40	55	65
R6[1] outside #Manhattan Core#	40	65	70
R7[1] inside #Manhattan Core# R7[2]	40	65	75
R7[1] outside #Manhattan Core#	40	75	80
R8[2]	60	85	115
R8[1] inside #Manhattan Core#	60	85	120
R8[1] outside #Manhattan Core#	60	95	130
R9[1]	60	105	145
R9[2]	60	95	135
R10[1]	125	155	210
R10[2]	60	125	185

1 For #zoning lots# or portions thereof within 100 feet of a #wide street#

2 For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# or, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

3 #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with Section 23-663 (Tower regulations in R9D and R10X Districts)

4 For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet

(b) Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#

(1) Eligible buildings

Table 2 in this paragraph sets forth the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# within:

(i) R6 or R7 Districts without a letter suffix outside the #Manhattan Core# and within 100 feet of a #wide street#, or R8 or R10 Districts without a letter suffix within 100 feet of a #wide street#; or

(ii) R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

TABLE 2

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES FOR BUILDINGS IN CERTAIN DISTRICTS OUTSIDE THE MANHATTAN CORE WITH QUALIFYING GROUND FLOORS

FOR CONTEXTUAL DISTRICTS OUTSIDE THE MANHATTAN CORE				
District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6A	40	65	75	7
R6B	30	45	55	5
R7A	40	75	85	8
R7D	60	85	105	10
R7X	60	95	125	12
R8A	60	95	125	12
R8X	60	95	155	15
R9X[1]	105	125	175	17
R9X[2]	60	125	165	16
R10A[1]	125	155	215	21

FOR NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6[1] outside #Manhattan Core#	40	65	75	7
R7[1] outside #Manhattan Core#	40	75	85	8
R8[1] inside #Manhattan Core#	60	85	125	12
R8[1] outside #Manhattan Core#	60	95	135	13
R10[1]	125	155	215	21

[1] For #zoning lots# or portions thereof within 100 feet of a #wide street#

[2] For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

(2) Supplemental ground floor provisions for #buildings# in certain districts

For #Quality Housing buildings# in R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions shall apply as follows:

(i) Along typical #street wall# frontages

For #buildings#, or portions thereof, with a #street wall# width of 100 feet or less along a #street# frontage, #uses# on the first #story# shall comply with the ground floor #use# and depth requirements of Section 26-52. #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section 26-54 (Parking Wrap and Screening Requirements).

(ii) Along wide #street# frontages

For #buildings# with a #street wall# width exceeding 100 feet along a #street# frontage, at least 100 feet of such frontage shall comply with the provisions of paragraph (b)(2)(i) of this Section. For portions in excess of 100 feet, #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section 26-54. However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(c) Setback requirements

For all #Quality Housing buildings#, a setback shall be provided in accordance with the following regulations:

(1) At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in paragraph (b) of this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#.

(2) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.

(3) Notwithstanding the provisions of paragraph (c)(2) above, the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.

(4) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 (Permitted obstructions in certain districts) may penetrate a required setback area.

(5) In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.

23-663 - Tower regulations in R9D and R10X districts

LAST AMENDED
3/22/2016

R9D R10X

In the districts indicated, any #Quality Housing building# #or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be counted towards tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable #street wall# location and height and setback provisions of Sections 23-661 and 23-662, respectively, and provided that the tower portion complies with the following, as applicable:

(a) at all levels, such tower shall be set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;

(b) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower;

(c) in R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of between 50 percent and 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (c), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building#, perpendicular to each tower face. Required setback areas may overlap; and

(d) in R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel to, or within 45 degrees of being parallel to, such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

23-664 - Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors

LAST AMENDED
2/14/2018

R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to #Quality Housing buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of this Section. For the purposes of this Section, defined terms include those set forth in Sections 12-10 and 23-911. Additional height and setback provisions for #compensated developments# and #MIH developments#, as defined in Section 23-911, are set forth in Sections 23-951 and 23-952, respectively.

(a) Eligible #buildings#

The additional heights and number of #stories# permitted pursuant to this Section shall apply to:

(1) #buildings# on #zoning lots# in R10 Districts outside of #Inclusionary Housing designated areas#, where:

(i) in accordance with the provisions of paragraph (a) of Section 23-154 (Inclusionary Housing), the #zoning lot# achieves a #floor area ratio# of at least 11.0; and

(ii) such #zoning lot# includes a #compensated development# that contains #affordable floor area#;

(2) #buildings# on #zoning lots# in #Inclusionary Housing designated areas#, where:

(i) 50 percent or more of the #floor area# of the #zoning lot# contains #residential uses#; and

(ii) at least 20 percent of such #residential# #floor area# is #affordable floor area# provided in accordance with the provisions of paragraph (b) of Section 23-154;

(3) #MIH developments# on #MIH zoning lots# that also contain #MIH sites#, where such #MIH zoning lot# contains all #affordable floor area# required for such #MIH development#; or

(4) #buildings# on #zoning lots# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#.

(b) For certain #Quality Housing buildings# in all applicable districts

For #Quality Housing buildings# meeting the criteria of paragraph (a) of this Section, the maximum base and #building# heights and maximum number of #stories# established in Section 23-662 shall be modified by Table 1 below. Separate maximum #building# heights are set forth within the table for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

TABLE 1

MODIFIED MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS

FOR CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height for #Buildings or other Structures# with #non-qualifying ground floors# (in feet)	Maximum Height for #Buildings or other Structures# with #qualifying ground floors# (in feet)	Maximum Number of #Stories#
R6A	40	65	80	85	8
R7A	40	75	90	95	9
R7D	60	95	110	115	11
R7X[1]	60	105	140	145	14
R8A	60	105	140	145	14
R8X	60	105	170	175	17
R9A[2]	60	125	170	175	17
R9A[3]	60	125	160	165	16
R9X[2]	105	145	200	205	20
R9X[3]	60	145	190	195	19
R10A[2]	125	155	230	235	23
R10A[3]	60	155	210	215	21

FOR NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height for #Buildings or other Structures# with #non-qualifying ground floors# (in feet)	Maximum Height for #Buildings or other Structures# with #qualifying ground floors# (in feet)	Maximum Number of #Stories#

R6[4]	40	65	80	85	8
R7[2]	40	75	100	105	10
R7[5]	40	75	90	95	9
R8	60	105	140	145	14
R9[2]	60	125	170	175	17
R9[3]	60	125	160	165	16
R10[2]	125	155	230	235	23
R10[3]	60	155	210	215	21

1 In R7X Districts, the modified base heights, maximum #building# heights and number of #stories# are permitted only for #buildings# on #zoning lots# meeting the criteria of paragraphs (a)(3) or (a)(4) of this Section

2 For #zoning lots# or portions thereof within 100 feet of a #wide street#

3 For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street#, or for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

4 For #buildings# meeting the criteria of paragraph (a)(4) of this Section, and #buildings# meeting the other criteria of paragraph (a) of this Section on #zoning lots# located within 100 feet of a #wide street#

5 For #buildings# meeting the criteria of paragraph (a)(4) of this Section, on #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street#, and for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

(c) Alternative regulations for certain #Quality Housing buildings# in non-contextual districts

For #Quality Housing buildings# in R6 through R8 Districts without a letter suffix and in an R9-1 District, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 and paragraph (b) of this Section need not apply to:

(1) #buildings# on #MIH zoning lots# meeting the criteria of paragraph (a)(3) of this Section.

(2) #buildings# on #zoning lots# containing an #affordable independent residence for seniors# meeting the criteria of paragraph (a)(4) of this Section, where such #zoning lot# is located within 150 feet of the following types of transportation infrastructure:

(i) an elevated rail line;

(ii) an open railroad right of way;

(iii) a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land; or

(iv) an elevated #street# located on a bridge that prohibits direct vehicular access.

Such 150-foot measurement shall be measured perpendicular from the edge of such infrastructure.

In lieu thereof, the height of a #building or other structure#, or portion thereof, within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall not exceed the maximum base height specified for the applicable zoning district in Table 2 below. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of the #building or other structure# shall not exceed the maximum #building# height specified for the applicable district in the table, or the maximum number of #stories#, whichever is less.

TABLE 2

ALTERNATIVE MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS IN NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6	65	115	11
R7	75	135	13
R8	105	215	21
R9-1	125	285	28

23-665 - Additional regulations

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, for all #Quality Housing buildings#, the following additional regulations shall apply:

(a) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of Section 23-661.

(b) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 23-661 shall be mandatory along only one #street# frontage.

(c) The #street wall# location and minimum base height provisions of Sections 23-661 and 23-662, respectively, shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.

(d) The minimum base height provisions of Section 23-662 shall not apply to #buildings# #developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.

(e) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# in the manner prescribed in Section 23-661.

(f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the #street wall# location

and minimum base height regulations of Sections 23-661 and 23-662, respectively, or as modified in any applicable Special District, shall be modified as follows:

(1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 23-661, or as modified in any applicable Special District.

(2) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

(3) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 23-661, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(g) In R9D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(h) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-661 and 23-662, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

Regulations Applying in Special Situations

23-67 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED
3/22/2016

23-671 - Special provisions for zoning lots directly adjoining public parks

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Sections 23-63 (Height and Setback in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements) and 23-66 (Height and Setback Requirements for Quality Housing Buildings) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

23-672 - Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan

LAST AMENDED
3/22/2016

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts,

except R10A or R10X Districts, utilizing the basic height and setback requirements of Section 23-64 (Basic Height and Setback Requirements), shall also comply with the provisions of this Section.

The front #building# wall of all #buildings# on a #zoning lot# with any frontage on a #wide street#, shall extend along the entire #wide street# frontage of the #zoning lot# without a setback for a height of 125 feet above the #curb level# or the full height of the #building#, whichever is less. Above a height of 125 feet, the front #building# wall may be set back at least 10 feet on a #wide street# or 15 feet on a #narrow street#. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet. These mandatory front #building# wall requirements also apply to all #buildings# along all #street lines# of #narrow streets# within 50 feet of their intersection with the #street lines# of #wide streets#. For the next 20 feet along the #street line# of a #narrow street#, the mandatory front #building# wall requirements are optional. The height and setback regulations of the underlying district shall apply along #street lines#, or portions thereof, not subject to the front #building# wall requirements.

Front wall recesses are permitted above the level of the second #story# ceiling or 23 feet above #curb level#, whichever is less, provided that the aggregate width of all recesses at the level of any #story# does not exceed 50 percent of the width of the front wall. The depth of such recess shall not exceed 10 feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Front wall openings are permitted below the level of the second #story# ceiling, for entrances only.

The preceding #street wall# location provisions shall not apply along any #street# frontage of a #zoning lot# occupied by existing #buildings# whose #street walls# remain unaffected by alterations or #enlargements# to such existing #buildings#.

However, the provisions of this Section shall not apply to any #building# for which the City Planning Commission has granted a special permit pursuant to Section 74-95 (Modifications of Housing Quality Special Permits) nor shall it apply to any #building# located within the #Special Lincoln Square District# or within the former West Side Urban Renewal Area, excluding frontages along Central Park West or to the #block# bounded by Frederick Douglass Circle, Cathedral Parkway, Manhattan Avenue, West 109th Street and Central Park West. On application, the Commission may grant special authorization for minor modifications of the mandatory front wall provisions of this Section involving an #enlargement#, upon a showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

23-673 - Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

LAST AMENDED
3/22/2016

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the #Special Clinton District#, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres that include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback regulations, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, #open space# or #streets#. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

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

23-674 - Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan

LAST AMENDED
3/22/2016

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program. The underlying #bulk# regulations for #Quality Housing buildings# shall apply, except as follows:

(a) the maximum height of a #building or other structure# set forth in Section 23-662 shall be modified so that the maximum height of a

#building or other structure#, or portion thereof, within 100 feet of a #wide street# shall be 120 feet, and the maximum height of a #building or other structure#, or portion thereof, on a #narrow street# beyond 100 feet of a #wide street# shall be 105 feet; and

(b) the alternate height and setback regulations for certain #Quality Housing buildings# in non-contextual districts, as set forth in paragraph (c) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply to #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664.

23-675 - Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan

LAST AMENDED
11/30/2017

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the tower provisions of paragraph (a) of Section 23-65 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#. However, for #zoning lots# with #narrow street# frontages, such provisions shall be modified in accordance with the provisions of this Section.

(a) Tower modifications

The tower regulations of paragraph (a) of Section 23-651 shall be modified as follows:

(1) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the provisions of paragraph (a)(3) of Section 23-651 shall be modified to require at least 45 percent of the total #floor area# permitted on the #zoning lot# to be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #lot coverage# of the tower portion	Minimum percent of total #building floor area# distribution below the level of 150 feet
40.0 or greater	45.0
39.0 to 39.9	45.5
38.0 to 38.9	46.0
37.0 to 37.9	46.5
36.0 to 36.9	47.0
35.0 to 35.9	47.5
34.0 to 34.9	48.0
33.0 to 33.9	48.5

32.0 to 32.9	49.0
31.0 to 31.9	49.5
30.0 to 30.9	50.0

(2) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the tower setback provisions of paragraph (a)(4) of Section 23-651 shall be modified to permit such required setback along a #narrow street# to be reduced by one foot for every foot that the #street wall# is located beyond the #street line#. However, in no event shall a setback of less than seven feet in depth be provided.

(3) The tower location restrictions of paragraph (a)(5) of Section 23-651 shall not apply. In lieu thereof, towers shall be permitted on a #narrow street# beyond 100 feet of its intersection with a #wide street#.

(4) For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof on #zoning lots# with both #narrow street# and #wide street# frontage, that portion of a #zoning lot# located either within 125 feet from the #wide street# frontage along the short dimension of a #block# or within 100 feet from the #wide street# frontage along the long dimension of a #block#, shall be treated as a separate #zoning lot# from that portion beyond, with frontage along a #narrow street#.

(b) #Building# base modifications

The #building# base regulations of paragraph (b) of Section 23-651 shall be modified as follows:

(1) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 125 feet of its intersection with a #wide street#, the #street wall# location provisions of paragraph (b)(1)(ii) of Section 23-651 shall be modified to require that at least 70 percent of the #aggregate width of street walls# in the #building# base be located within eight feet of the #street line#.

(2) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 100 feet of its intersection with a #wide street#, the height of #street wall# provisions of paragraph (b)(2)(ii) of Section 23-651 shall be modified so that where the height of an adjacent #building# is between 60 feet and 85 feet, one of the three matching alternatives set forth in paragraphs (b)(2)(i)(a) through (b)(2)(i)(c) shall be applied.

(3) The dormer provisions of paragraph (b)(3) of Section 23-651 shall be modified to permit dormers on #narrow streets# beyond 70 feet of its intersection with a #wide street#.

23-68 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
8/14/1987

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 23-65 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

23-69 - Special Height Limitations

LAST AMENDED
6/29/1994

23-691 - Limited Height Districts

LAST AMENDED
6/29/1994

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level# or #Base Plane#, as Applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

23-692 - Height limitations for narrow buildings or enlargements

LAST AMENDED
3/22/2016

R7-2 R7D R7X R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

(a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;

(b) For #corner lots# bounded by only #narrow streets#, a height equal to the width of the narrowest of such #streets# on which such #street walls# front;

(c) For #corner lots# bounded by at least one #wide street#, a height equal to the width of the #widest street# on which it fronts, or 100 feet, whichever is less;

(d) The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded if:

(1) on a #wide street#, such portion of a #building# with a #street wall# less than 45 feet in width #abuts# an existing #building# with a #street wall# that exceeds such permitted heights. Such new #street walls# may reach the height of such #abutting building# or, where there are two #abutting# #buildings# that exceed such heights, such new #street wall# may reach the height of the tallest of such #abutting# #buildings#; or

(2) on a #narrow street#, such #street walls# #abut# two existing #buildings# with #street walls# that both exceed the heights permitted. Such new #street walls# may reach the height of the lowest of such #abutting buildings#; and

(3) such new #street walls# shall be fully contiguous at every level with such #abutting# #street walls#.

(e) In addition, the following rules shall apply:

(1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback and tower regulations of Sections 23-642, 23-65, 24-53, 24-54, 33-44 and 33-45 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

(2) The provisions of this Section shall not apply to #street walls# of permitted obstructions or #street walls# located beyond 100 feet of a #street line#.

(3) For the purposes of determining the width of a #street wall# :

(i) the width shall be the sum of the maximum widths of all #street walls# of a #building# at every level. The width of a #street wall# shall be the length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#;

(ii) #abutting# #buildings# on a single #zoning lot# may be considered a single #building#, except as set forth in paragraph (e)(6) of this Section.

(4) For #buildings# with #street walls# less than 45 feet in width that front only on a #narrow street# and #abut# two existing #buildings#, the #street wall# of such #building# shall be no closer to the #street line# than the #street wall# of the #abutting building# that is closest to the #street line#.

(5) On a #through lot# containing #buildings# with #street walls# less than 45 feet in width, the provisions of paragraphs (b) and (c) in Section 23-532 (Required rear yard equivalents) shall not apply.

(6) #Quality Housing buildings# shall be exempt from the provisions of this Section provided the width of the #street wall# at the maximum base height required by Sections 23-66 or 35-65 is at least 45 feet. For such #buildings#, a #street wall# that is less than 45 feet wide may be constructed above such base. For the purposes of this paragraph (e)(6), #abutting# #buildings# on a single #zoning lot# shall not be considered a single #building#. However, where all the requisite structural framing and all enclosing walls and roofs were completed for an #enlargement#, in accordance with a building permit issued prior to a September 11, 2007, Board of Standards and Appeals ruling (67-07-A) that resulted in the #enlargement# being ineligible for a certificate of occupancy, #abutting# #buildings# on a single #zoning lot# may be considered a single #building# provided such #zoning lot# is formed prior to August 2, 2011.

23-693 - Special provisions applying adjacent to R1 through R6B Districts

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, within 25 feet of an R1 through R5 District or an R6B District, the height of a #development# or #enlargement# of a #building#, or portions thereof, shall not exceed the height set forth in the table below for the applicable district.

	Height permitted within 25 feet of	
District	R1 through R5 District, other than R5D District (in feet)	R5D or R6B District (in feet)
R6 R6A R7[1] R7B R8B	45	55
R7[2] R7A R7D	55	65

R7X R8 R8A R8X R9 R10	65	65

[1] For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

[2] For #zoning lots# or portions thereof within 100 feet of a #wide street#

23-70 - MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT

LAST AMENDED
8/14/1987

23-71 - Minimum Distance Between Buildings on a Single Zoning Lot

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section. For the purposes of this Section, #abutting# #buildings# on a single #zoning lot# may be considered a single #building#.

However, these provisions do not apply:

(a) to the extent that such two #buildings# are separated from each other by a #rear yard equivalent# as set forth in Section 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable; or

(b) to space between a #single-family#, #two-family#, or three-family #residence# and a garage #accessory# thereto.

23-711 - Standard minimum distance between buildings

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be, in feet, as indicated in the following table:

	Maximum #Building# Height above #Base Plane# or #Curb Level#, as Applicable (in feet)				
Wall Condition*	25	35	40	50	Over 50
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50

Window to Window	40	45	50	55	60

* Wall condition shall be defined as:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

In addition, the following rules shall apply:

(a) the minimum distances set forth in this table shall be provided at the closest point between #buildings#;

(b) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;

(c) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;

(d) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements;

(e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart;

(f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a “front building,” and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building.” The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#; and

(g) for #buildings# existing on April 30, 2012, the minimum distances set forth in the table in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

Supplementary Regulations

23-72 - Subdivision of a Zoning Lot After Development

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, after any portion of a #zoning lot# has been #developed# under the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), such #zoning lot# may be divided into smaller #zoning lots# only if each resulting

#zoning lot# and #building# or #buildings# thereon comply with all the #bulk# regulations of the district in which they are located, except as provided in Article VII, Chapter 8.

23-80 - COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

LAST AMENDED
12/8/2005

Definitions and General Provisions

23-81 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

Basic Regulations

23-82 - Building Walls Regulated by Minimum Spacing Requirements

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, at any level at which two portions of a single #building# or #abutting# #buildings# on a single #zoning lot# are not connected one to the other, such portions shall be deemed to be two separate #buildings#, and the provisions set forth in Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot) shall apply. In applying such provisions, the height of the two portions shall be measured from the roof of the connecting portion of such #building# instead of from the #base plane# or #curb level#, as applicable.

23-83 - Building Walls Regulated by Other Than Minimum Spacing Requirements

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, to the extent that the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Requirements) do not apply, the minimum distance between different walls of the same #building# shall conform to the regulations set forth in the following Sections:

Section 23-84 (Outer Court Regulations)

Section 23-85 (Inner Court Regulations)

Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines)

Section 23-87 (Permitted Obstructions in Courts).

For the purposes of these Sections, #abutting# #buildings# on a single #zoning lot# shall be considered a single #building#.

However, these regulations shall not apply to any #single-# or #two-family# #detached# #residence#.

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

23-84 - Outer Court Regulations

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

23-841 - Narrow outer courts

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5

(a) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

However, in R3, R4 or R5 Districts, for #single-# and #two-family residences#, three #stories# or less in height, the width of such #outer court# shall be at least equal to the depth of such #outer court#.

R6 R7 R8 R9 R10

(b) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. However, the depth of an #outer court# may exceed its width in a small #outer court#, provided that:

(1) no #legally required windows# shall face onto such small #outer court# or any #outer court recess# thereof;

(2) such small #outer court# is located above the level of the first #story#;

(3) the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet; and

(4) where the perimeter walls of such small #outer court# exceed a height of 75 feet, as measured from the lowest level of such #outer court#, at least 50 percent of such perimeter walls above a height of 75 feet shall setback 10 feet from the court opening. However, the depth of such required setback may be reduced one foot for every foot the minimum dimension of such court exceeds a width of 10 feet.

23-842 - Wide outer courts

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5

(a) In the districts indicated, if an #outer court# is 30 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, if an #outer court# is 30 feet or more in width, an #outer court# may extend to any depth.

23-843 - Outer court recesses

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5

(a) In the districts indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, the width of an #outer court recess# shall be at least equal to the depth of such #outer court recess#, except that such width need not exceed 30 feet.

23-844 - Modification of court and side yard regulations in the area of the former Bellevue South Urban Renewal Plan in the Borough of Manhattan

LAST AMENDED
3/22/2016

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban Renewal Plan, for a #development# or #enlargement# on a #zoning lot# that adjoins a #zoning lot# including a #building# containing #residences# with #non-complying# #courts# along the common #side lot line#, the #court# regulations of Section 23-80 and the open area requirements of paragraph (c) of Section 23-462 (Side yards for all other buildings containing residences) may be modified to allow an open area at least eight feet wide to extend along a portion of the #side lot line#.

23-85 - Inner Court Regulations

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

23-851 - Minimum dimensions of inner courts

LAST AMENDED
3/22/2016

For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

R1 R2 R3 R4 R5

(a) In the districts indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet. In R1, R2 and R3 Districts, the area of an #inner court# shall not be less than 200 square feet and the minimum dimension of such #inner court# shall not be less than 12 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet.

However, the area and dimensions of an #inner court# may be reduced for a small #inner court#, provided that:

(1) no #legally required windows# shall face onto such small #inner court# or any #inner court recess# thereof;

(2) the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet; and

(3) where the perimeter walls of such small #inner court# exceed a height of 75 feet, as measured from the lowest level of such #inner court#, at least 50 percent of such perimeter walls above a height of 75 feet shall setback 10 feet from the court opening. However, the depth of such required setback may be reduced one foot for every foot the minimum dimension of such court exceeds a width of 10 feet.

23-852 - Inner court recesses

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5

(a) In the districts indicated, the width of an #inner court recess# shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, this provision shall not apply.

R6 R7 R8 R9 R10

(b) In the districts indicated, the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed 30 feet.

23-86 - Minimum Distance Between Legally Required Windows and Walls or Lot Lines

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, the minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to #legally required windows# in #buildings# containing #residences# :

(a) in R2X, R3, R4 or R5A Districts, with a maximum height of 35 feet and with a maximum of three units; and

(b) in other districts either:

(1) with a maximum height of 32 feet and with a maximum of three units; or

(2) with three #stories# if the lowest #story# is either a #basement# or is excluded from #floor area# by definition.

For the purposes of this Section, #abutting# #buildings# on the same #zoning lot# shall be considered a single #building#.

23-861 - General provisions

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-862 (Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts) or Section 23-863 (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a #legally required window# and:

(a) any wall;

(b) a #rear lot line#, or vertical projection thereof; or

(c) a #side lot line#, or vertical projection thereof;

shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a #legally required window# may open on any #outer court# meeting the requirements of Section 23-84 (Outer Court Regulations), except for small #outer courts# in R6 through R10 Districts, the provisions for which are set forth in paragraph (b) of Section 23-841 (Narrow outer courts).

However, for shallow #interior lots# in R6 through R10 Districts, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be reduced to equal the #rear yard# depth required pursuant to the provisions of Section 23-52 (Special Provisions for Shallow Interior Lots). However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 20 feet.

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, ramps for access by the handicapped, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and provided such obstructions will not reduce the minimum width of the open area by more than three feet.

23-862 - Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts

LAST AMENDED
4/30/2012

R9 R10

In the districts indicated, on a #corner lot# less than 10,000 square feet in #lot area#, a #legally required window# may open on a #yard# bounded on one side by a #front lot line# and having a minimum width of 20 feet, provided that the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not apply to such #yard#. However, awnings and other sun control devices, exterior wall thickness and solar energy systems on walls, as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted within such minimum distance.

23-863 - Minimum distance between legally required windows and any wall in an inner court

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 30 feet. However, such provisions shall not apply to small #inner courts#, the provisions for which are set forth in paragraph (b) of Section 23-851 (Minimum dimensions of inner courts).

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the #legally required window# for the full width of the rough window opening, between such window and a projection of such wall onto such horizontal plane.

23-87 - Permitted Obstructions in Courts

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following obstructions shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court# :

(a) Arbors or trellises;

(b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(c) Eaves, gutters, downspouts, window sills, or similar projections extending into such #court# not more than four inches;

(d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight inches;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#;

(e) Fences;

(f) Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(g) Flagpoles;

(h) Open terraces, porches, steps, ramps or lifts for people with physical disabilities;

(i) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

(1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:

(i) all generators and cogeneration equipment #accessory# to #buildings# other than #single-# or #two-family residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(ii) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(iii) where any equipment is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width

of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(i) an area equivalent to 25 percent of any #court# containing #legally required windows#;

(ii) in R1 through R5 Districts, a height of 10 feet above the lowest level of such #court#; and

(iii) in R6 through R10 Districts, a height of 15 feet above the lowest level of such #court#.

(j) Recreational or drying yard equipment;

(k) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), shall be permitted.

23-88 - Minimum Distance Between Lot Lines and Building Walls

LAST AMENDED
4/30/2008

23-881 - Minimum distance between lot lines and building walls in lower density growth management areas

LAST AMENDED
2/2/2011

In R1, R2, R3, R4-1 and R4A Districts within #lower density growth management areas#, the provisions of this Section shall apply to any #zoning lot# with two or more #buildings#, where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this Section, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a “front building,” and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building”. An open area with a minimum width of 15 feet shall be provided between any such “rear building” and the #side lot line# of an adjoining #zoning lot#, and an open area with a minimum width of 30 feet shall be provided between any such “rear building” and the #rear lot line# of an adjoining #zoning lot#. The permitted obstruction provisions of Section 23-44 for #side yards# shall apply where such open areas adjoin a #side lot line#, and the permitted obstruction provisions of Section 23-44 for #rear yards# shall apply where such open areas adjoin a #rear lot line#.

23-882 - Minimum distance between lot lines and building walls in R1 through R5 Districts

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5

In the districts indicated, for #corner lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.

23-89 - Open Area Requirements for Residences

LAST AMENDED
4/14/2010

23-891 - In R1 through R5 Districts

LAST AMENDED
4/30/2012

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# or #building segments# containing #residences#. All such #buildings# or #building segments# shall provide open areas in accordance with this Section. Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways, shall not be permitted within such open areas.

(a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the "rear wall" shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#.

(b) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall. However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.

23-892 - In R6 through R10 Districts

LAST AMENDED
3/22/2016

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

In the districts indicated, and for #Quality Housing buildings# in R6 through R10 Districts without a letter suffix, the area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, pursuant to the provisions of Section 28-23 (Planting Areas).

23-90 - INCLUSIONARY HOUSING

LAST AMENDED

23-91 - Definitions

LAST AMENDED
7/29/2009

For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

23-911 - General definitions

LAST AMENDED
3/22/2016

The following definitions shall apply throughout Section 23-90 (INCLUSIONARY HOUSING), inclusive:

Administering agent

An "administering agent" is the entity responsible for ensuring, pursuant to a #regulatory agreement#, that:

(a) each subject rental #affordable housing unit# is rented in compliance with such #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or

(b) each subject #homeownership affordable housing unit# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

Affordable floor area

(a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site# or #MIH site#, other than any #super's unit#, are #affordable housing units#, all of the #residential# #floor area#, or #community facility# #floor area# for a #supportive housing project#, in such #generating site# or #MIH site# is "affordable floor area."

(b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #generating site# is the sum of:

(1) all of the #residential# #floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus

(2) a figure determined by multiplying the #residential# #floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential# #floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential# #floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential# #floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.

(c) Where one or more of the #dwelling units# or #rooming units# in an #MIH site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #MIH site# is the sum of:

(1) all of the #residential# #floor area# of the #affordable housing units# in such #MIH site#; plus

(2) a figure determined by multiplying the #residential# #floor area# of the #eligible common areas# in such #MIH site# by a fraction, the numerator of which is all of the #residential# #floor area# of the #affordable housing units# in such #MIH site# and the denominator of which is the sum of the #residential# #floor area# of the #affordable housing units# in such #MIH site# plus the #residential# #floor area# of the #dwelling units# or #rooming units# in such #MIH site#, other than any #super's unit#, that are not #affordable housing units#.

Affordable housing

"Affordable housing" consists of:

(a) #affordable housing units#; and

(b) #eligible common areas#.

Affordable housing fund

With respect to the requirements of paragraph (d)(3)(v) of Section 23-154, the "affordable housing fund" is a fund administered by #HPD#, all contributions to which shall be used for development, acquisition, rehabilitation, or preservation of affordable housing, or other affordable housing purposes as set forth in the #guidelines#. Each contribution into such fund shall be reserved for use within the borough in which the #MIH development# making such contribution is located, and for a minimum of 10 years, shall be reserved for use in the same Community District in which the #MIH development# making such contribution is located. #HPD# shall issue a public report on the use of such fund no less frequently than on an annual basis.

Further provisions for the use of such funds may be set forth in the #guidelines#.

Affordable housing plan

An "affordable housing plan" is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing# on a #generating site#, pursuant to the provisions of Section 23-90, inclusive.

Affordable housing unit

An "affordable housing unit" is:

(a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:

(1) #low income households#;

(2) where permitted by paragraph (c) of Section 23-154 (Inclusionary Housing), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#;

(3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable; or

(4) #qualifying households#;

(b) a #rooming unit#, other than a #super's unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by #low income households#; or

(c) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 23-913, pursuant to a #regulatory agreement#, must be #dwelling units#.

Capital element

"Capital elements" are, with respect to any #generating site# or #MIH site#, the electrical, plumbing, heating and ventilation systems in such #generating site#, any air conditioning system in such #generating site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #generating site# and any other portions of such #generating site# or #MIH site# specified in the #guidelines#.

Compensated development

In areas other than #Mandatory Inclusionary Housing areas#, a "compensated development" is a #development#, an #enlargement# of more than 50 percent of the #floor area# of an existing #building# or, where permitted by the provisions of Section 98-262 (Floor area increase), a #conversion# of a #building#, or portion thereof, from non-#residential use# to #dwelling units#, that is located within a #compensated zoning lot#.

Compensated zoning lot

A “compensated zoning lot” is a #zoning lot# not located in a #Mandatory Inclusionary Housing area#, that contains a #compensated development# and receives an increased #floor area ratio#, pursuant to the provisions of Sections 23-154 and 23-90, inclusive.

Completion notice

A “completion notice” is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #generating site# or #MIH site# is complete and stating the #affordable floor area# of such #affordable housing#.

Eligible common area

In a #generating site#, “eligible common area” includes any #residential# #floor area# that is located within the perimeter walls of a #super’s unit#, and also includes any #residential# #floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential# #floor area# for which a user fee is charged to residents of #affordable housing units#.

In an #MIH site#, an #eligible common area# includes any #residential# #floor area# that is located within a #super’s unit#, and any #residential# #floor area# in such #MIH site# that is not located within any other #dwelling unit# or #rooming unit#, but shall not include any #residential# #floor area# for which a user fee is charged to residents of #affordable housing units#.

Floor area compensation

“Floor area compensation” is any additional #residential# #floor area# permitted in a #compensated development#, pursuant to the provisions of Sections 23-154 and 23-90, inclusive.

Generating site

A “generating site” is a #building# or #building segment# containing either #residential affordable floor area# or a #supportive housing project#, which generates #floor area compensation#. Non-#residential# #floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

A #generating site# may also be an #MIH site#, provided that no #floor area# that satisfies the requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 (Inclusionary Housing) may also generate #floor area compensation#.

Grandfathered tenant

A “grandfathered tenant” is any #household# that:

(a) occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and

(b) has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or

(c) in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been

certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

In #Mandatory Inclusionary Housing areas#, #grandfathered tenants# may include tenants of #buildings# on an #MIH site# that have been or will be demolished, as set forth in the #guidelines#.

Guidelines

The "guidelines" are the #guidelines# adopted by #HPD#, pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites or MIH Sites).

Household

Prior to #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a #household# is, collectively, all of the persons occupying such #affordable housing unit#.

HPD

"HPD" is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

Income band

An "income band" is a percentage of the #income index# that is the maximum income for a #qualifying household# at #initial occupancy# of an #affordable housing unit#. #Income bands# shall all be multiples of 10 percent of the #income index#, except for an #income band# at 135 percent of the #income index# provided pursuant to paragraph (d)(3)(iv) of Section 23-154 (Inclusionary Housing).

Income index

The "income index" is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for household size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

Initial occupancy

"Initial occupancy" is:

(a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or

(b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, #initial occupancy# is the #regulatory agreement date#.

Low income floor area

The “low income floor area" is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Low income household

A “low income household” is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

Low income limit

The “low income limit” is 80 percent of the #income index#.

Middle income floor area

The “middle income floor area” is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Middle income household

A “middle income household” is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

Middle income limit

The “middle income limit” is 175 percent of the #income index#.

MIH application

An “MIH application” is an application submitted to #HPD# that specifies how #affordable housing# will be provided on an #MIH site#, in compliance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

MIH development

An “MIH development” is a #development#, #enlargement# or #conversion# that complies with the provisions of paragraphs (d)(3)(i)

through (d)(3)(v) or (d)(5) of Section 23-154 (Inclusionary Housing), or provides #affordable housing# or a contribution to the #affordable housing fund# pursuant to such provisions as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

MIH site

An "MIH site" is a #building# containing #affordable floor area# that satisfies either the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in paragraphs (d)(3)(i) through (d)(3)(iv) and (d)(5), as applicable, of Section 23-154 (Inclusionary Housing) for an #MIH development# in a #Mandatory Inclusionary Housing area#, or such provisions as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

An #MIH site# may also be a #generating site#, provided that no #floor area# that satisfies the requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 may also generate #floor area compensation#.

MIH zoning lot

An "MIH zoning lot" is a #zoning lot# that contains an #MIH development#.

Moderate income floor area

The "moderate income floor area" is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Moderate income household

A "moderate income household" is a #household# having an income greater than the #low income limit# and less than or equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

Moderate income limit

The "moderate income limit" is 125 percent of the #income index#.

New construction affordable housing

"New construction affordable housing" is #affordable housing# that:

(a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;

(b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and

(c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

Permit notice

For #compensated developments#, a "permit notice" is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

(a) state the amount of #low income floor area#, #moderate income floor area# or #middle income floor area# attributable to such #generating site#;

(b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;

(c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# has utilized #public funding#; and

(d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

For #MIH developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for any #development#, #enlargement# or #conversion# subject to the special #floor area# requirements of paragraph (d) of Section 23-154 (Inclusionary Housing), or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements). Such #permit notice# shall state the amount of #affordable floor area# provided on an #MIH site# or the amount of #floor area# for which a contribution to the #affordable housing fund# has been made.

Preservation affordable housing

"Preservation affordable housing" is #affordable housing# that:

(a) is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and

(b) complies with the provisions of Section 23-961, paragraph (e)(Special requirements for rental preservation affordable housing) or Section 23-962, paragraph (f)(Special requirements for homeownership preservation affordable housing), as applicable.

Public funding

"Public funding" is any grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. #Public funding# shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

Qualifying household

A "qualifying household" is a #low income household#, #moderate income household# or #middle income household# that satisfies the applicable #income band# requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 (Inclusionary Housing) or as provided by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Regulatory agreement

A “regulatory agreement” is an agreement between #HPD# and the owner of the #affordable housing# or, for #MIH sites#, a restrictive declaration or other document as provided in the #guidelines#, that requires compliance with all applicable provisions of an #affordable housing plan# or #MIH application#, Section 23-90, inclusive, other applicable provisions of this Resolution and the #guidelines#.

Regulatory agreement date

The “regulatory agreement date” is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the #regulatory agreement date# is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

Regulatory period

The “regulatory period” is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use in a #compensated development#.

With respect to any #MIH site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #MIH site# satisfies the requirements of the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in paragraph (d) of Section 23-154 (Inclusionary Housing) for an #MIH development# or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

Substantial rehabilitation affordable housing

“Substantial rehabilitation affordable housing” is #affordable housing# that:

(a) is a #generating site# that existed on the #regulatory agreement date#; and

(b) complies with the provisions of Section 23-961, paragraph (f) (Special requirements for rental substantial rehabilitation affordable housing), or Section 23-962, paragraph (g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

Super’s unit

A “super’s unit” is, in any #generating site# or #MIH site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

23-912 - Definitions applying to rental affordable housing

LAST AMENDED
3/22/2016

The following definitions shall apply to rental #affordable housing# :

Legal regulated rent

A “legal regulated rent” is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing).

Maximum monthly rent

The “maximum monthly rent” is:

(a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#;

(b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and

(c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

For #MIH sites#, the #maximum monthly rent# for an #affordable housing unit# restricted to occupancy by a #qualifying household# is 30 percent of the #income band# applicable to that unit, divided by 12, minus any applicable utility allowance.

Monthly rent

The “monthly rent” is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing), to a tenant in an #affordable housing unit#.

Rent stabilization

“Rent stabilization” is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, #rent stabilization# shall be defined as set forth in the #guidelines#.

Rent-up

“Rent-up” is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, #rent-up# shall have the same meaning as #regulatory agreement date#.

Rent-up date

The “rent-up date” is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #rent-up date# is the #regulatory agreement date#.

Supportive housing project

A “supportive housing project” is a non-profit institution with sleeping accommodations, as specified in Section 22-13 (Use Group 3), where:

(a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#;

(b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and

(c) such #generating site# is not a #compensated development#.

However, with respect to the requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 (Inclusionary Housing), a #supportive housing project# is a #building# or a portion thereof that is a non-profit institution with sleeping accommodations, as specified in Section 22-13 restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#.

Supportive housing unit

A “supportive housing unit” is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

Utility allowance

A “utility allowance” is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

23-913 - Definitions applying to homeownership affordable housing

LAST AMENDED
3/22/2016

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section:

Appreciated price

The “appreciated price” for any #homeownership affordable housing unit# is the product of the #sale# or #resale# price of such #homeownership affordable housing unit# on the previous #sale date# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

Appreciation cap

The “appreciation cap” is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

(a) 125 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or

(b) 175 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or

(c) 200 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

For #MIH sites#, the multiple of the #income index# for #homeownership affordable housing units# occupied by #qualifying households# shall be as specified in the #guidelines#.

Appreciation index

The "appreciation index" is 100 until August 1, 2010. On or after August 1, 2010, the #appreciation index# shall be a number greater than 100, representing the cumulative increase in #resale# price of a #homeownership affordable housing unit# permitted pursuant to the annual rates of increase established by #HPD#.

#HPD# shall set the annual rate of increase at the same rate as the percentage change in the Consumer Price Index for all urban consumers, as defined by the U.S. Bureau of Labor Statistics, for the 12 months ended on June 30 of that year, plus one percent per year, but the annual rate of increase shall be no less than one percent per year. #HPD# shall adjust the Consumer Price Index component of the #appreciation index# on August 1 of each calendar year, commencing on August 1, 2010, based on the percentage change in the Consumer Price Index for the 12 months ended on June 30 of that calendar year. For a fraction of a year, the components of the #appreciation index# shall be set as specified in the #guidelines#. #HPD# may adjust the methodology for calculating the #appreciation index# not more than once every two years in accordance with the #guidelines#.

Commencement date

The "commencement date" is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# or #MIH site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #commencement date# is the #regulatory agreement date#.

Condominium association

A "condominium association" is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site# or #MIH site#.

Cooperative corporation

A "cooperative corporation" is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

Down payment

The "down payment" is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase a #homeownership affordable housing unit#.

Eligible buyer

An "eligible buyer" is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

(a) except in the case of #succession# :

(1) be, at the time of application for an initial #sale#, a #low income household#, #moderate income household#, #middle income household# or #qualifying household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage

payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income. However, for a #household# that resided on a #generating site# or #MIH site# on the date of submission of an #affordable housing plan#, #HPD# may waive the requirement that housing costs be not less than 25 percent of such #household's# income;

(2) be, at the time of application for a #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, #middle income household# or #qualifying household#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;

(3) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#. However, #HPD# may waive this requirement for a #household# that resided on a #generating site# or #MIH site# on the date of submission of an #affordable housing plan# to #HPD#; and

(4) meet such additional eligibility requirements as may be specified in the #guidelines#.

(b) in the case of #succession# :

(1) be, at the time of application, a #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #imputed mortgage payments#, utilities and property taxes for the subject #homeownership affordable housing unit# is not less than 25 percent of such #household's# income; and

(2) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit# or, for #MIH sites#, meets such qualifications for eligibility specified in the #guidelines#.

Family member

"Family member" shall have the meaning set forth in the #guidelines#.

Homeowner

A "homeowner" is a person or persons who:

(a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#; or

(b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

Homeownership

"Homeownership" is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

Imputed mortgage payment

An “imputed mortgage payment” is the maximum #mortgage payment# at prevailing interest rates for a qualifying #mortgage# that could be paid to purchase a #homeownership affordable housing unit# at the #maximum resale price#, calculated in accordance with the #guidelines#.

Initial price

The “initial price” is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time, pursuant to a #regulatory agreement#.

Maximum resale price

The “maximum resale price” for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

Monthly fees

The “monthly fees” are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit’s# share of the expenses of such #cooperative corporation# or #condominium association#, as permitted by the #regulatory agreement#.

Mortgage

A “mortgage” is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years at every #sale# and #resale#, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

Mortgage payment

The “mortgage payment” is any monthly repayment of principal and interest on a #mortgage#.

Resale

A “resale” is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to a #homeownership affordable housing unit# after the first #sale#.

Sale

A “sale” is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

Sale date

A “sale date” is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

Succession

“Succession” is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

23-92 - General Provisions

LAST AMENDED
3/22/2016

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and to enhance neighborhood economic diversity and thus to promote the general welfare. The requirements of this program are set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of Section 23-90, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

23-93 - Applicability

LAST AMENDED
7/29/2009

23-931 - Lower income housing plans approved prior to July 29, 2009

LAST AMENDED
3/22/2016

Any #lower income housing plan#, as defined by Section 23-93 prior to July 29, 2009, that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95, paragraph (e), as such Section existed prior to July 29, 2009, shall be governed solely by the regulations in effect prior to July 29, 2009, unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Section 23-953 (Additional requirements for compensated developments and MIH developments) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after July 29, 2009.

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 prior to July 29, 2009, provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to July 29, 2009, except as provided in this Section. Where such a #compensated development# is located in an R10 District outside of #Inclusionary Housing designated areas#, the provisions of paragraph (a) of Section 23-154 (Inclusionary Housing) shall not apply, and Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas) as such Section existed prior to July 29, 2009, shall apply.

Any #lower income housing plan#, as such term was defined prior to July 29, 2009, that has been approved by #HPD# prior to such date, and any legal document related thereto, may be modified by #HPD#, to apply the provisions of paragraph (b) (Monthly rent), of Section 23-961 to such #lower income housing plan#.

23-932 - R10 Districts

LAST AMENDED
3/22/2016

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing) and in all R10 Districts located in #Mandatory Inclusionary Housing areas#, pursuant to the provisions of paragraph (d) of such Section. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23-154, as applicable.

23-933 - Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas

LAST AMENDED
3/22/2016

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# within the special purpose district.

The Inclusionary Housing Program shall also apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-32 (Additional Considerations for Special Permit Use and Bulk Modifications), in Special Purpose Districts as set forth in Section 23-934 (Special permit approval in Special Purpose Districts) and in waterfront areas as set forth in Section 62-831 (General provisions).

#Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, with the applicable income mix options for each #Mandatory Inclusionary Housing area#, are listed in APPENDIX F of this Resolution.

23-934 - Special permit approval in Special Purpose Districts

LAST AMENDED3/22/2016

Where a special purpose district includes a provision to grant modification of #use# or #bulk# by special permit of the City Planning Commission, and an application for such special permit would allow a significant increase in #residential# #floor area# where the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, or where the area affected by the special permit is eligible to receive transferred development rights pursuant to the Hudson River Park Act, as amended, the Commission may modify the requirements of such paragraph (d).

23-94 - Methods of Providing Affordable Housing

LAST AMENDED
3/22/2016

(a) Except for #MIH developments#, #affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#. For #MIH developments#, #affordable housing# shall be either #new construction affordable housing# or a #conversion# from non-#residential# to #residential use#. Such #conversions# shall comply with the requirements of Section 23-90, inclusive, applicable to #new construction affordable housing#.

(b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.

(c) The amount of #affordable floor area# in any #generating site# or #MIH site# shall be determined based upon plans for such #generating site# or #MIH site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.

(d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# and the amount of qualifying #floor area# for any #income band# in an #MIH site# shall be determined by the same method as the calculation of #affordable floor area#.

(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

(f) An #MIH site# that is part of an #MIH zoning lot# and contains no #dwelling units# other than #affordable housing units# shall be either a #building# that:

(1) shares a common #street# entrance with another #building# on the #zoning lot# that contains #dwelling units# other than #affordable housing units#; or

(2) is independent, from grade at the #street wall line# to the sky, of any other #building# on the #zoning lot# containing #dwelling units# other than #affordable housing units#. Such #building# shall have its primary entrance on a #street# frontage that has primary entrances for other #residential buildings#, except where #HPD# determines that the primary entrance is located in a manner that does not stigmatize occupants of #affordable housing units#.

23-95 - Compensated Zoning Lots

LAST AMENDED
3/22/2016

The #residential floor area ratio# of a #compensated zoning lot# may be increased, and the #residential floor area ratio# of an #MIH zoning lot# shall be determined, in accordance with the applicable provisions of Section 23-154 (Inclusionary Housing).

23-951 - Height and setback for compensated developments in Inclusionary Housing designated areas

LAST AMENDED
3/22/2016

In #Inclusionary Housing designated areas#, the #compensated development# shall comply with the height and setback regulations of Sections 23-66 or 35-65 (Height and Setback Requirements for Quality Housing Buildings) as applicable, except that:

(a) in #Special Mixed Use Districts#, the #compensated development# shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# shall comply with the height and setback regulations of Section 23-66, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program;

(b) in R10 Districts without a letter suffix, the #compensated development# shall comply with the underlying height and setback regulations for such district; and

(c) on #waterfront blocks# and in R7-3 Districts, the #compensated development# shall comply with the special regulations applying in the #waterfront area# set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive.

23-952 - Height and setback in Mandatory Inclusionary Housing areas

LAST AMENDED
2/14/2018

In #Mandatory Inclusionary Housing areas#, the provisions of Section 23-951 shall apply to #MIH developments#, except as modified in this Section.

(a) In R9 Districts without a letter or number suffix, the regulations of Section 23-651 (Tower-on-a-base) may apply, provided such #MIH development# is on a #zoning lot# that meets the requirements set forth in paragraph (a) of Section 23-65 (Tower Regulations).

(b) In R6 through R9 Districts without a letter suffix within #Mandatory Inclusionary Housing areas#, the height and setback regulations of Section 23-64 (Basic Height and Setback Regulations) may apply, except that towers shall not be permitted in an R9-1 District. In addition, for R9 Districts without a letter or number suffix that do not meet the requirements of paragraphs (a) and (c) of Section 23-65 (Tower Regulations), the tower provisions of Section 23-652 (Standard tower) may apply, subject to the #lot coverage# provisions of Section 23-65. However, when the height and setback and tower regulations specified in this paragraph are utilized, the maximum #floor area ratio# on an #MIH zoning lot# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

23-953 - Additional requirements for compensated developments and MIH developments

LAST AMENDED
3/22/2016

(a) #Compensated development# or #MIH development# building permits

(1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# or an #MIH development#, based on the #affordable housing# or contribution to the #affordable housing fund# described in such #permit notice#.

(2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of the #regulatory agreement date# or the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded or any applicable alternate procedure has been completed. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development# or #MIH development#.

(b) #Compensated development# or #MIH development# certificates of occupancy

(1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# or #MIH development# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation# or satisfies the requirements of paragraph (d) of Section 23-154 (Inclusionary Housing) or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements). However, where any #story# of a #compensated development# or #MIH development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

(2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# or #MIH site# unless:

(i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or

(ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

23-96 - Requirements

LAST AMENDED
3/22/2016

#Affordable housing# in a #generating site# or #MIH site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of #generating site# or #MIH site# and #compensated zoning lot# or #MIH zoning lot#

Where a #generating site# or #MIH site# is not located within the #compensated zoning lot# for which it generates #floor area compensation# or the #MIH zoning lot#, as applicable:

(1) the #generating site# or #MIH site# and the #compensated zoning lot# or #MIH zoning lot#, as applicable, shall be located within the same Community District; or

(2) the #generating site# or #MIH site# and the #compensated zoning lot# or #MIH zoning lot#, as applicable, shall be located in adjacent community districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

However, special rules for the location of a #generating site# and a #compensated zoning lot# apply in Community District 1, Borough of Brooklyn, where the provisions of paragraph (a)(2) of this Section shall apply only to adjacent community districts located in the Borough of Brooklyn; in the #Special Clinton District#, pursuant to the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area); in the #Special Downtown Jamaica District#, pursuant to the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, pursuant to the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of #affordable housing units#

In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units# :

(1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and

(2) not more than one-third of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than one-third of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#. However, on a #residential story# with fewer than three #dwelling units# or #rooming units#, only one #dwelling unit# or #rooming unit# may be an #affordable housing unit#, unless not less than one #dwelling unit# or #rooming unit# on each floor is an #affordable housing unit#.

In an #MIH site#, where one or more of the #dwelling units# or #rooming units#, other than any #super's unit#, are not #affordable housing units#, the #affordable housing units# shall share a common primary entrance with the other #dwelling units# or #rooming units#.

In addition, except where all #affordable housing units# are rental #affordable housing# and all other #dwelling units# are #homeownership# housing, any #affordable housing units# other than #supportive housing units# or #affordable independent residences for seniors# shall be distributed on at least 65 percent of the #residential stories# of such #MIH site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, or for #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

(c) Bedroom mix of #affordable housing units#

(1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, are not #affordable housing units#, either:

(i) the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or

(ii) not less than 50 percent of the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain one or more bedrooms.

However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#. #HPD# may also waive such bedroom mix requirements for any #new construction affordable housing# that either is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section, or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

(2) Where all of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#. #HPD# may also waive these requirements for any #affordable housing# that is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

(3) All of the #supportive housing units# in a #generating site# or #MIH site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.

(4) For purposes of this paragraph, (c), inclusive, fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of #affordable housing units#

(1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# in a #generating site# shall contain not less than:

(i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or

(ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or

(iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or

(iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

For an #MIH site#, the average size of #affordable housing units# of a particular bedroom count shall be not less than either the average size of #dwelling units# that are not #affordable housing units# with the same number of bedrooms, or the minimum size specified above for a #dwelling unit# of a particular bedroom count, whichever is less.

However, these unit size requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#. #HPD# may also waive such unit size requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

For an #MIH site#, #HPD# may specify the method of measuring #floor area# within #affordable housing units# in the #guidelines#, compliant with Department of Buildings practice; and

(2) Where all of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

(3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) #Administering agent#

(1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.

(2) For #generating sites#, an #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either:

(i) the #affordable housing# is participating in a Federal, State or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#; or

(ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.

(3) For #MIH sites#, the #administering agent# may be selected as provided for #generating sites#, or #HPD# may require that the #administering agent# be selected from a list of qualified not-for-profit or public entities as specified in the #guidelines#.

(4) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.

(f) #Regulatory agreement#

The following provisions shall apply to #generating sites# :

(1) the #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary;

(2) the #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such

documentation shall include, but shall not be limited to, plans meeting the requirements of paragraph (c) of Section 23-94;

(3) the #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#;

(4) #affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#;

(5) the #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings; and

(6) where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law:

(i) appoint a receiver to manage such #generating site#; or

(ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.

(7) Where applicable in accordance with paragraph (b) (Monthly rent) of Section 23-961, the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

For #MIH sites#, the following provisions shall apply:

(8) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #MIH application# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.

(9) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# such documentation shall include, but shall not be limited to, plans meeting the requirements of paragraph (c) of Section 23-94.

(10) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #MIH site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #MIH application# for the entire #regulatory period#.

(11) Where applicable in accordance with paragraph (b) (Monthly rent) of Section 23-961, the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# or #MIH site# shall be entirely free of violations of record issued by any City or State agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) Insurance

The #affordable housing# in a #generating site# or #MIH site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# or #MIH site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under City, State or Federal programs.

(i) Duration of obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# or #MIH site# shall run with the #zoning lot# containing such #generating site# or #MIH site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless:

(1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed; or

(2) 100 percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) One #generating site# or #MIH site# may satisfy requirements for multiple #compensated zoning lots# or #MIH zoning lots#, as applicable

Any #generating site# or #MIH site# may contain #affordable housing# that satisfies the requirements of Section 23-90, inclusive, for more than one #compensated development# or #MIH development#, as applicable, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments# or in satisfying the #floor area# provisions for #zoning lots# in paragraph (d) of Section 23-154 (Inclusionary Housing).

(k) #Guidelines#

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of Section 23-90, inclusive.

23-961 - Additional requirements for rental affordable housing

LAST AMENDED
3/22/2016

The additional requirements of this Section shall apply to rental #affordable housing# on a #generating site# or #MIH site# for the entire #regulatory period#.

(a) Tenant selection

(1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable for #generating sites#, or to #qualifying households#, as applicable, for #MIH sites#. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.

(2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.

(3) A #low income household# or #qualifying household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, or by #qualifying households# of higher income levels, provided that the #administering agent# determines that such #low income household# or #qualifying household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

(b) Monthly rent

(1) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and

shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.

(i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.

(ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.

(2) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.

However, for #supportive housing units# or #affordable independent residences for seniors# on #MIH sites#, the #monthly rent# may exceed the #maximum monthly rent#, provided that it does not exceed the HUD Fair Market Rent for such unit, and that the #monthly rent#, less rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, does not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#.

(3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.

(4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.

(5) For any #affordable housing unit# subject to #rent stabilization#, the applicable #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to:

(i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount;

(ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts;

(iii) the nature of the tenant; or

(iv) any other reason.

(6) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether

such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.

(7) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

(1) Each #affordable housing unit# on a #generating site# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#. Each #affordable housing unit# on an #MIH site# shall be leased to and occupied by #qualifying households# for the entire #regulatory period#.

(2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household#, #middle income household# or #qualifying household#, as applicable.

(3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) #Affordable housing plan# and #MIH application#

The following shall apply to #affordable housing plans# :

(1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household's initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.

(2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:

(i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;

(ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and

(iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.

(3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the

earlier of:

(i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments; or

(ii) 45 days from the date that such proposal was submitted to the affected Community Board.

The following shall apply to #MIH applications# :

(4) An #MIH application# shall designate the initial #administering agent#, where applicable, and include the building plans, state the number, bedroom mix and #monthly rents# of the #affordable housing units# to be #developed# or #converted#, and include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 23-90, inclusive.

(5) A copy of any #MIH application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The additional requirements of this paragraph (e), shall apply to rental #preservation affordable housing# :

(1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;

(2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and

(6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(f) Special requirements for rental #substantial rehabilitation affordable housing#

The additional requirements of this paragraph, (f), shall apply to rental #substantial rehabilitation affordable housing# :

(1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;

(2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#,

to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and

(6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

23-962 - Additional requirements for homeownership affordable housing

LAST AMENDED
3/22/2016

The additional requirements of this Section shall apply to #homeownership affordable housing# on a #generating site# or #MIH site# for the entire #regulatory period#.

(a) Homeowner selection

(1) Upon #sale#, #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households#, #middle income households# or, for #MIH sites#, #qualifying households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.

(2) A #homeowner# may, with the prior approval of the #administering agent#, sublet a #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, #eligible buyer# or, for #MIH sites#, #qualifying households#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.

(3) A #homeowner# shall reside in the #homeownership affordable housing unit#, except as provided in paragraph (a)(2) of this Section.

(4) The restrictions in this paragraph, (a), on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this paragraph, (a), and the #guidelines#.

(b) Price

(1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in Section 23-913 (Definitions applying to homeownership generating sites).

(2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable. For #MIH sites#, #HPD# shall establish the #initial price# based on the

incomes of #qualifying households# in accordance with the #guidelines#.

(3) Prior to any #resale# of a #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.

(4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment#, as specified in the #guidelines#.

(5) A #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

(1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household#, #middle income household# or, for #MIH sites#, #qualifying household#, as applicable, and that upon #resale#, it is to an #eligible buyer#.

(2) The #administering agent# shall meet reporting requirements on each #sale# and #resale#, as set forth in the #guidelines#.

(3) Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of a #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) #Affordable housing plan# and #MIH application#

The following shall apply to #affordable housing plans# :

(1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.

(2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:

(i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;

(ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and

(iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.

(3) The requirements of Section 23-961, paragraph (d)(3), shall apply.

The following shall apply to #MIH applications# :

(4) An #MIH application# shall include the building plans; state the number and bedroom mix of the #homeownership affordable housing units# to be #developed# or #converted#, and the #initial price# of each #homeownership affordable housing unit#; and include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 23-90, inclusive.

(5) A copy of any #MIH application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Housing standards

The requirements of Section 23-96, paragraph (g), shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) Optional provisions for certain #new construction homeownership affordable housing#

In Community District 3, Borough of Manhattan, #HPD# may modify the requirements for #new construction homeownership affordable housing# to facilitate #development# on a site that has been disposed of pursuant to Article 16 of the General Municipal Law as set forth in this paragraph (g), inclusive.

(1) #HPD# may permit a #household# to occupy a #new construction homeownership affordable housing unit# as rental #affordable housing# if:

(i) no more than 120 days prior to the #regulatory agreement date#, such #household# occupied a #dwelling unit# or #rooming unit# in a #building# located on the #zoning lot# of such #new construction homeownership affordable housing#, pursuant to a lease or occupancy agreement to which one or more members of such #household# was a party or pursuant to a statutory tenancy;

(ii) no more than 120 days prior to the #regulatory agreement date#, the average rent for all occupied #dwelling units# or #rooming units# in such #building# did not exceed 30 percent of the #low income limit# divided by 12; and

(iii) after the #regulatory agreement date#, such #building# is demolished and replaced with #new construction homeownership affordable housing#.

(2) #HPD# may permit a #household# that is not an #eligible buyer#, but that meets the requirements of paragraph (f)(1) of this Section, to purchase a #new construction homeownership affordable housing unit# at #sale#, provided that such #household# is a #low income household#, #moderate income household# or #middle income household#, as applicable.

Where a #new construction homeownership affordable housing unit# is purchased at a nominal price, the #appreciated price# for such #homeownership affordable housing unit# shall be the product of the #initial price# of such #homeownership affordable housing unit# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

(g) Special requirements for #homeownership preservation affordable housing#

The additional requirements in this paragraph (g) shall apply to #homeownership preservation affordable housing# :

(1) on the #regulatory agreement date#, the #generating site# shall be an existing #building# containing #residences#;

(2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional requirements for rental affordable housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;

(4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and

(6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(h) Special requirements for #homeownership substantial rehabilitation affordable housing#

The additional requirements in this paragraph (h) shall apply to #homeownership substantial rehabilitation affordable housing# :

(1) on the #regulatory agreement date#, the #generating site# or #MIH site# shall be an existing #building#;

(2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;

(3) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;

(5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and

(7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

24-00 - APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

24-01 - Applicability of This Chapter

LAST AMENDED
3/22/2018

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #community facility building#, or to the #community facility# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

The #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# in any #Residence District# which contains a #residential building#, or to the #residential# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# or to #community facility# #uses# in #large-scale residential developments# are set forth in Article VII, Chapters 9 or 8, respectively.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

24-011 - Quality Housing Program

LAST AMENDED
3/22/2016

The applicability of the Quality Housing Program to #community facility buildings# or portions of #buildings# containing #community facility# #uses# is set forth in this Section, except as modified in Section 24-012 (Exceptions to the bulk regulations of this Chapter).

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #community facility building# or portion of a #building# containing #community facility# #uses# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. In all other R6, R7, R8, R9 or R10 Districts, if the #residential# portion of a #building# containing a #community facility# #use# is #developed# or #enlarged# pursuant to the Quality Housing Program, the entire #building# shall comply with the height and setback regulations for #Quality Housing

buildings# set forth in Article II, Chapter 3. However, for houses of worship in R8A, R8X, R9A, R9X, R10A and R10X Districts or, where located in #Quality Housing buildings# in other R8 through R10 Districts without a letter suffix, the #street wall# location provisions of Section 23-661 are optional.

For all such #buildings# using the height and setback regulations for #Quality Housing buildings#, any permitted obstruction listed in Section 24-51 that is not listed in Section 23-62 shall also be considered a permitted obstruction.

Special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 24-013 (Special provisions for certain community facility uses).

#Quality Housing buildings# shall comply with the additional provisions set forth in Article II, Chapter 8 (The Quality Housing Program). In R5D Districts, certain provisions of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

24-012 - Exceptions to the bulk regulations of this Chapter

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) #Buildings# used partly for #community facility# #uses#

Except as provided in paragraph (b) of this Section, in R3-1, R3A, R3X, R4-1, R4A, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility# #use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility# #use# and partly for #residential use# only where:

(1) such #community facility# #use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or

(2) such #building# has received an authorization pursuant to Section 24-04 (Modification of Bulk Regulations in Certain Districts).

(b) #Buildings# containing certain #community facility# #uses# in #lower density growth management areas#

(1) In R1 through R5 Districts in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:

(i) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or

(ii) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

(2) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3, shall apply, except that:

(i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;

(ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and

(iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section 12-10, pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.

(c) Special provisions for certain #community facility# #uses#

Special provisions for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3, are set forth in Section 24-013.

(d) #Quality Housing buildings#

For #Quality Housing buildings#, the provisions of Section 24-011 shall apply.

24-013 - Special provisions for certain community facility uses

LAST AMENDED
3/22/2016

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) In R1 and R2 Districts

In R1 and R2 Districts, where a #long-term care facility# is permitted pursuant to Section 74-901 (Long-term care facilities), the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (a) of Section 24-111 (Maximum floor area ratio for certain community facility uses), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

(2) In R3 through R5 Districts

In R3-2 Districts, and R4 or R5 Districts without a letter or number suffix, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) the #lot coverage# regulations of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall apply in lieu of the maximum #lot coverage# set forth in Section 23-144 (Affordable independent residences for seniors);

(ii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

(iii) in R3-2 Districts, the height and setback regulations of Section 24-50 shall apply in lieu of Section 23-60; and

(iv) in R5 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

In R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long-term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 24-111, except as permitted by the Commission pursuant to Section 74-903.

(3) In R6 through R10 Districts

In R6 through R10 Districts, the #bulk regulations# of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) in R6A Districts or R6 Districts without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;

(ii) in R7A Districts or R7 Districts without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6; and

(iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply.

In R6 through R10 Districts without letter suffixes, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

(4) Applicability of #affordable independent residences for seniors bulk# provisions

Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of this Chapter apply to #buildings#, or portions thereof, containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

(1) In R1 and R2 Districts

In R1 and R2 Districts the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (a) of Section 24-111, except as permitted by the Commission pursuant to Section 74-902.

(2) In R3 through R5 Districts and R6 through R10 Districts without a letter suffix

In R3 through R5 Districts, and in R6 through R9 Districts without a letter suffix, the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 24-111, except as permitted by the Commission pursuant to Section 74-903.

For #zoning lots# in R3-2, R4, R5, R6 and R7-1 Districts, except for R4-1, R4A, R4B, R5D and R6B Districts, with #buildings# containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section 24-162 shall not apply. In lieu thereof, the provisions of Section 24-161 shall apply.

In R10 Districts without a letter suffix, the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations shall be as set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage).

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied.

(3) In R6 through R10 Districts with a letter suffix

In R6 through R10 Districts with a letter suffix, the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, inclusive, shall apply.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts with a letter suffix, and the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts without a letter suffix, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

24-02 - General Purposes of Community Facility Bulk Regulations

LAST AMENDED
8/14/1987

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of the physical volume of buildings and their degree of lot coverage is established.

24-03 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

24-04 - Modification of Bulk Regulations in Certain Districts

LAST AMENDED
2/2/2011

R3-1 R3A R3X R4-1 R4A R4B R5B

In the districts indicated, except for #buildings# containing certain #community facility# #uses# in #lower density growth management areas#, as set forth in paragraph (b) of Section 24-012 (Exceptions to the bulk regulations of this Chapter), the City Planning Commission may authorize #developments# or #enlargements#, pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

(a) the design of the #development# or #enlargement# ensures adequate separation of #uses# and sufficient independent access to each #use#; and

(b) the #floor area# designated for #community facility# #use# is designed in a manner that is consistent with such #use# and physically distinguishes such space from that designated for #residential use#.

The Commission may prescribe additional safeguards to prevent the #conversion# of such #community facility# #use# to #residential use#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

24-05 - Street Tree Planting

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

24-06 - Planting Strips

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5

In the districts indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide and maintain a planting strip in accordance with Section 26-42.

24-10 - FLOOR AREA AND LOT COVERAGE REGULATIONS

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #floor area# and #lot coverage# regulations of this Section 24-10, inclusive, shall apply as follows.

For any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility# #use# shall not exceed the #floor area ratio# and #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), except as otherwise provided in the following Sections:

Section 24-111 (Maximum floor area ratio for certain community facility uses)

Section 24-112 (Special floor area ratio provisions for certain areas)

Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)

Section 24-14 (Floor Area Bonus for a Public Plaza)

Section 24-15 (Floor Area Bonus for Arcades)

Section 24-16 (Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses)

Section 24-17 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

24-11 - Maximum Floor Area Ratio and Percentage of Lot Coverage

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility# #use# shall not exceed the #floor area ratio# and #lot coverage# set forth in the table in this Section.

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# in an R9 or R10 District shall not exceed 12.0.

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R1 THROUGH R5 DISTRICTS

		#Lot coverage# (percent of #lot area#)	
District	#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#
R1	1.00	60	55
R2	1.00	60	55

R3	1.00	60	55
R4	2.00	60	55
R5 R5A R5B	2.00	60	55
R5D	2.00	80	60

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH R10 DISTRICTS FOR CONTEXTUAL DISTRICTS

		#Lot coverage# (percent of #lot area#)	
District	#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#
R6A	3.00	80	60
R6B	2.00	80	60
R7A	4.00	80	65
R7B	3.00	80	65
R7D	4.20	80	65
R7X	5.00	80	70
R8A	6.50	80	70
R8B	4.00	80	70
R8X	6.00	80	70
R9A	7.50	80	70
R9D	9.00	80	70

R9X	9.00	80	70
R10A	10.00	100	70
R10X	10.00	100	70

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH R10 DISTRICTS FOR NON-CONTEXTUAL DISTRICTS

		#Lot coverage# (percent of #lot area#)	
District	#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#
R6	4.80	70	65
R7-1	4.80	70	65
R7-2	6.50	70	65
R8	6.50	75	65
R9	10.00	75	65
R10	10.00	75	65

24-111 - Maximum floor area ratio for certain community facility uses

LAST AMENDED
3/22/2016

R1 R2

(a) In the districts indicated, for any #zoning lot# containing #community facility# #uses# other than those #uses# for which a permit is required pursuant to Sections 22-21 (By the Board of Standards and Appeals), 73-12 (Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts) and 73-13 (Open Uses in R1 or R2 Districts), or where #bulk# modification is permitted pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), the maximum #floor area ratio# shall not exceed the #floor area# permitted for #residential uses# by the applicable district regulations. The provisions of this paragraph shall not apply to #buildings#

for which plans were filed with the Department of Buildings prior to November 15, 1972, including any subsequent amendments thereof.

R3 R4 R5 R6 R7 R8 R9

(b) In R3 through R5 Districts, and in R6 through R9 Districts without a letter suffix, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with sleeping accommodations, and in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, the maximum #floor area ratio# on a #zoning lot# for #long-term care facilities# shall be as set forth in the table in this Section. Such maximum #floor area ratio# may be modified by special permit of the City Planning Commission pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

MAXIMUM FLOOR AREA RATIO FOR CERTAIN COMMUNITY FACILITY USES

District	Maximum #Floor Area Ratio# Permitted
R3	0.50
R4	0.75
R5 R5A R5B	1.27
R5D	2.00
R6	2.43
R7	3.44
R8	6.02
R9	7.52

24-112 - Special floor area ratio provisions for certain areas

LAST AMENDED
5/29/2019

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

(a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #uses# exclusively shall be 5.10;

(b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all

#zoning lots# shall be limited to a maximum #floor area ratio# of 10.0; and

(c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

(1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

24-113 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
3/22/2016

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

24-12 - Height and Application of Lot Coverage

LAST AMENDED
2/2/2011

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the portion of a #building# containing a #community facility# #use# located at any height up to but not exceeding 23 feet above #curb level# or #base plane#, where applicable, may be excluded in determining the percentage of #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage). Obstructions permitted under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.

24-13 - Floor Area Bonus for Deep Front and Wide Side Yards

LAST AMENDED
3/22/2016

R3 R4 R5

In the districts indicated, except R5D Districts, the maximum #floor area ratio# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased to the #floor area ratio# set forth in the table in this Section, if #yards# are provided as follows:

(a) on #interior lots#, a #front yard# not less than 30 feet in depth, and a #side yard# not less than 15 feet in width along any #side lot line#;

(b) on #corner lots#, two #front yards#, each not less than 30 feet in depth;

(c) on #through lots#, a #front yard# not less than 30 feet in depth along each #front lot line#, provided, however, that if the #rear yard equivalent# required for such #through lot# is provided as set forth in the alternative in paragraph (b) of Section 24-382 (Required rear yard equivalents), at least one #side yard# not less than 30 feet in width shall be provided in addition.

No portion of a #rear yard equivalent# that is also a #front yard# or a #side yard# as provided under this Section may contain any obstructions not permitted in a #front yard# or #side yard# under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

However, the provisions of this Section shall not apply to philanthropic or non-profit institutions with sleeping accommodations and #long-term care facilities#.

Districts	Maximum #Floor Area Ratio# Permitted
R3	1.60
R4	2.40
R5	2.40

24-14 - Floor Area Bonus for a Public Plaza

LAST AMENDED
10/17/2007

R9 R10

In the districts indicated, for #developments# or #enlargements# with 25 percent or less of the total #floor area# of the #building# allocated to #residential uses#, for each square foot of a #public plaza#, subject to the provisions of Section 37-70, provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by six square feet.

24-15 - Floor Area Bonus for Arcades

LAST AMENDED
10/17/2007

R9 R10

In the districts indicated, for #developments# or #enlargements# with 25 percent or less of the total #floor area# of the #building# allocated to #residential uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by three square feet.

24-16 - Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

24-161 - Maximum floor area ratio for zoning lots containing community facility and residential uses

LAST AMENDED
3/22/2016

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility# #use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and in R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

24-162 - Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

LAST AMENDED
3/22/2016

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4-1, R4A, R4B, R5D, R6A and R6B Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#. However, this Section shall not apply to #buildings#

containing #residences# and philanthropic or non-profit residences with sleeping accommodations, as set forth in Section 24-013 (Special provisions for certain community facility uses).

(a) For #buildings# containing #residential# and #community facility# #uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is greater than as set forth in Column A in the table in this Section, then the maximum ratio of #community facility# #floor area# in such #buildings# to the #lot area# of the #zoning lot# shall be as set forth in Column B in the table. The maximum #floor area ratio# for the #residential# portions of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

MAXIMUM COMMUNITY FACILITY FLOOR AREA RATIO FOR CERTAIN BUILDINGS CONTAINING COMMUNITY FACILITY AND RESIDENTIAL USES

District	COLUMN A	COLUMN B
	Ratio of #Floor Area# of #Building# to #Lot Area#	Maximum Ratio of #Floor Area# for #Community Facility Use# to #Lot Area#
R3-2	.50	.20
R4	.75	.40
R5B	1.25	.40
R5	1.25	.60
R6	2.50	1.00
R7-1	3.50	1.00

(b) For #buildings# containing #residential# and #community facility# #uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is not greater than as set forth in Column A in the table in paragraph (a), then the maximum ratio of the #community facility# #floor area# in such #buildings# to the #lot area# shall be as set forth in Section 24-11, inclusive. The maximum #floor area ratio# for the #residential# portion of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to #buildings# containing only #community facility# #uses# or only #residential uses#. The maximum #floor area ratio# permitted for a #building# containing only #community facility# #uses# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #building# containing only #residential uses# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(d) The total #floor area ratio# permitted for #community facility# #use# on the #zoning lot# shall be as set forth in Section 24-11, inclusive, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio#

permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

24-163 - Open space ratio for residential portion

LAST AMENDED
3/22/2016

R6 R7 R8 R9

In the districts indicated, the #zoning lots# containing #residences# shall have a minimum #open space ratio# as required under the provisions of Article II, Chapter 3. For the purposes of this Section:

(a) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;

(b) the #lot coverage# of the #residential# portion of the #building# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and

(c) the applicable #height factor#, if the maximum permitted #residential floor area ratio# is less than the total #floor area ratio# permitted for such #zoning lot#, shall be the #height factor# of the #residential# portion of the #building#.

24-164 - Location of open space for residential portion

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9

(a) In the districts indicated, the #open space# required for the #residential# portion of the #building# under the provisions of Article II, Chapter 3, may be at a level higher than 23 feet above #curb level#. Such #open space# may be provided at ground floor level or upon the roof of the #community facility# portion of such #building#, provided that the level of any #open space# may not be higher than two and one half feet below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of such #building#. #Open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#. For the purposes of this Section, #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) In the districts indicated, and in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-20 (RECREATION SPACE AND PLANTING AREAS) shall apply to #Quality Housing buildings#.

24-165 - Lot coverage for zoning lots containing community facility and residential uses

LAST AMENDED
2/2/2011

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for

#community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

24-166 - Balconies

LAST AMENDED
2/2/2011

R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 23-13 (Balconies) shall apply to any portion of a #building# used for living or sleeping accommodations.

24-17 - Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different maximum #floor area ratios# or different maximum percentages of #lot coverage#, on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

24-20 - APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES

LAST AMENDED
3/22/2016

In all districts, the maximum number of #dwelling units# on a #zoning lot# containing both #community facility# and #residential uses# shall

be as set forth in Section 23-24 (Special Provisions for Buildings Containing Multiple Uses).

24-30 - YARD REGULATIONS

LAST AMENDED
12/15/1961

General Provisions

24-31 - Applicability of Yard Regulations

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #yards# shall be provided as set forth in Sections 24-30 (YARD REGULATIONS) and 24-40

(SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES), inclusive.

For #zoning lots# with #residential# and #community facility# #uses#, #front yards# shall be provided pursuant to Article II, Chapter 3, where applicable, and #side yards# and #rear yards# shall be provided in accordance with this Chapter. Section 23-463 (Maximum aggregate width of street walls) shall apply to #zoning lots# with #residential# and #community facility# #uses#.

For the #residential# portion of a #building# with both #residential# and #community facility# #uses#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units#, where any window of such #dwelling units# faces onto such #rear yard#.

24-32 - Level of Yards and Measurement of Yard Width or Depth

LAST AMENDED
2/2/2011

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except as otherwise provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

In all #Residence Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

24-33 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
5/12/2021

In all #Residence Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

(1) Arbors or trellises;

(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(i) shall be limited to a maximum projection of 2 feet, 6 inches into such required #yard#; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(3) Canopies;

(4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on

April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

(7) Fences;

(8) Flagpoles;

(9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;

(10) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

(i) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:

(a) all generators and cogeneration equipment shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(b) all other types of equipment may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, the entirety of such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(c) where any equipment is located in a #front yard#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(ii) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(a) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;

(b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and

(c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;

(11) Solar energy systems, on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(12) Steps, and ramps or lifts for people with physical disabilities;

(13) Terraces or porches, open;

(14) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

(b) In any #rear yard# or #rear yard equivalent#:

(1) Balconies, unenclosed, subject to the provisions of Section 24-165;

(2) Breezeways;

(3) Any #building# or portion of a #building# used for #community facility# #uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, pursuant to Section 24-51 (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:

(i) in all #Residence Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;

(ii) in R1, R2, R3-1, R3A, R3X, R4-1 R4A or R4B Districts, any portion of a #building# used for any #community facility# #use#;

(iii) in all #Residence Districts# not listed in paragraph (b)(3)(ii) of this Section, beyond 100 feet of a #wide street#, any portion of a #building# used for a #community facility# #use# other than a #school#, house of worship, college or university, or hospital and related facilities;

(4) Fire escapes;

(5) Greenhouses, #accessory#, non-commercial, limited to one #story# or 15 feet in height above natural grade level, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard# or #rear yard equivalent# on a #zoning lot#;

(6) Parking spaces, off-street, #accessory# to a #community facility# #use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 15 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts;

(7) Recreation or drying yard equipment;

(8) Sheds, tool rooms or other similar #accessory buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;

(9) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #community facility# #use# or attached parking structure; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;

(10) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

Basic Regulations

24-34 - Minimum Required Front Yards

LAST AMENDED
6/29/2006

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet.

District	#Front Yard# (in feet)
R1	20
R2 R3 R4	15
R5	10
R5D	5*

* In R5D Districts, the provisions set forth in Section 23-45 (Minimum Required Front Yards) shall apply.

24-35 - Minimum Required Side Yards

LAST AMENDED
4/30/2012

R1 R2 R3 R4 R5

(a) In the districts indicated, if a #building# containing a #community facility# #use# has an #aggregate width of street walls# equal to 80 feet or less or, for #abutting# #buildings#, if the combined #aggregate width of street walls# of all such #abutting# #buildings# on a #zoning lot# is equal to 80 feet or less, then two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# or #buildings# have an #aggregate width of street walls# equal to more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of the #aggregate width of street walls#. The provisions of this paragraph (a) shall not apply in R5D Districts. In lieu thereof, the #side yard# regulations set forth in Sections 23-461 and 23-462, as applicable, shall apply.

R6 R7 R8 R9 R10

(b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide. Permitted obstructions pursuant to paragraph (a) of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

24-351 - Special provisions applying along district boundaries

LAST AMENDED
2/2/2011

R6 R7 R8 R9 R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated.

Rear Yards

24-36 - Minimum Required Rear Yards

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 24-37 (Special Provisions for Shallow Interior Lots), 24-38 (Special Provisions for Through Lots) or 24-39 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 24-361 (Beyond one hundred feet of a street line).

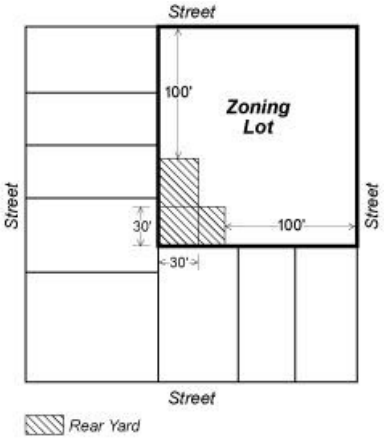
24-361 - Beyond one hundred feet of a street line

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

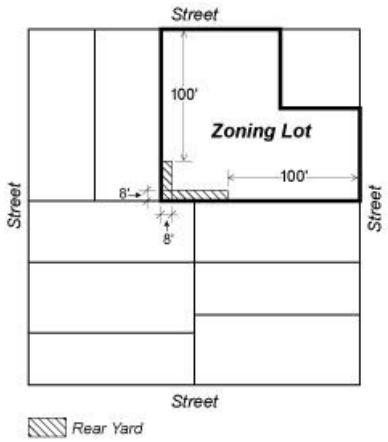
In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



ZONING LOT BOUNDED BY TWO OR MORE STREETS (NEITHER A CORNER LOT NOR A THROUGH LOT)

(c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

24-37 - Special Provisions for Shallow Interior Lots

LAST AMENDED
2/20/1964

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, if an #interior lot# consists entirely of a tract of land:

(a) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

(b) which is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be 10 feet.

24-38 - Special Provisions for Through Lots

LAST AMENDED
6/29/1994

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

24-381 - Excepted through lots

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) In the districts indicated, for all #buildings# and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion which is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

24-382 - Required rear yard equivalents

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

(a) an open area with a minimum depth of 60 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

(b) two open areas, each adjoining and extending along the full length of a #street line#, and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that:

(1) a corresponding increase in the depth of the open area along the other #street line# is made; and

(2) any required front setback areas are maintained; or

(c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 30 feet measured from each such #side lot line#.

However, in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# in other R6 through R10 Districts on any #through lot# at least 180 feet in depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

24-39 - Other Special Provisions for Rear Yards

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #rear yard# requirements set forth in Section 24-36 (Minimum Required Rear Yards) shall be modified, as set forth in this Section, inclusive.

24-391 - Within one hundred feet of corners

LAST AMENDED
4/30/2008

R6 R7 R8 R9 R10

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

24-392 - Along short dimension of block

LAST AMENDED
4/30/2008

R6 R7 R8 R9 R10

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

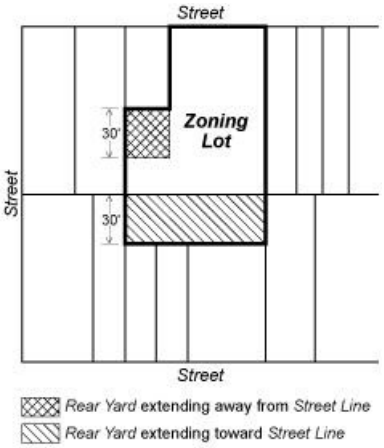
24-393 - For zoning lots with multiple rear lot lines

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

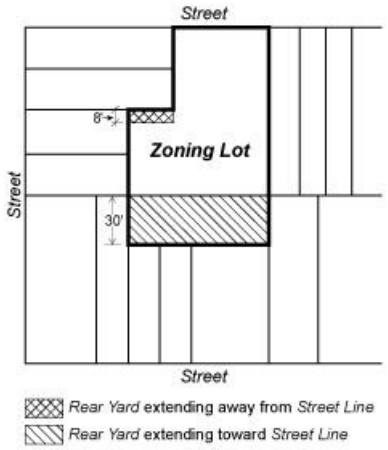
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



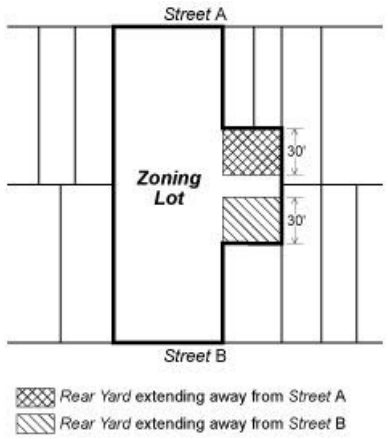
(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot

line# coincides with a #side lot line# of an adjoining #zoning lot#.



(c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(d) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



All Yards

24-40 - SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

LAST AMENDED
8/14/1987

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

24-41 - Modifications of Rear Yard Regulations

LAST AMENDED

4/30/2008

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 24-393 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

24-50 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the height and setback regulations of this Section 24-50, inclusive, shall apply as follows.

Height and setback regulations applicable to R1 through R5 Districts, except R5D Districts, are set forth in Section 24-521 (Front setbacks in districts where front yards are required). In R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. In R6, R7, R8, R9 or R10 Districts without a letter suffix, if the #residential# portion of a #building# containing a #community facility# #use# is #developed# or #enlarged# pursuant to the Quality Housing Program, the entire #building# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. For other #buildings# in R6 through R10 Districts without a letter suffix utilizing the provisions of this Chapter, height and setback regulations are set forth in Sections 24-522 (Front setbacks in districts where front yards are not required), 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations), as applicable.

In all districts, supplemental provisions are set forth in Sections 24-55 (Required Side and Rear Setbacks), 24-56 (Special Height and Setback Provisions for Certain Areas), 24-57 (Modifications of Height and Setback Regulations), 24-58 (Special Provisions for Zoning Lots Divided by District Boundaries) and 24-59 (Special Height Limitations), respectively.

24-51 - Permitted Obstructions

LAST AMENDED
4/30/2012

In all #Residence Districts#, the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure plane# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

(a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in

accordance with Section 23-62 (Permitted Obstructions);

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

(b) Balconies, unenclosed, subject to the provisions of Section 24-166;

(c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53 or 24-54 (Tower Regulations);

(d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

(e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four feet times the width, in feet, of the #street wall# of the #building# facing such frontage;

(2) all mechanical equipment shall be screened on all sides;

(3) such obstructions and screening are contained within a volume that complies with one of the following:

(i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph (f), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;

(g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;

(h) Flagpoles or aerials;

(i) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (k), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(l) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(n) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) in R1 through R5 Districts, a height of six feet;

(ii) in R6 through R10 Districts, a height of 15 feet; and

(iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;

(3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(o) Spires or belfries;

(p) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(r) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) the diameter of the swept area of the rotor does not exceed 15 feet;

(s) Window washing equipment mounted on a roof;

(t) Wire, chain link or other transparent fences.

Basic Regulations

24-52 - Maximum Height of Walls and Required Setbacks

LAST AMENDED
6/29/1994

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be as set forth in this Section, except as otherwise provided in Section 24-51 (Permitted Obstructions), 24-53 (Alternate Front Setbacks), 24-54 (Tower Regulations) or 23-692 (Height limitations for narrow buildings or enlargements).

24-521 - Front setbacks in districts where front yards are required

LAST AMENDED
3/22/2016

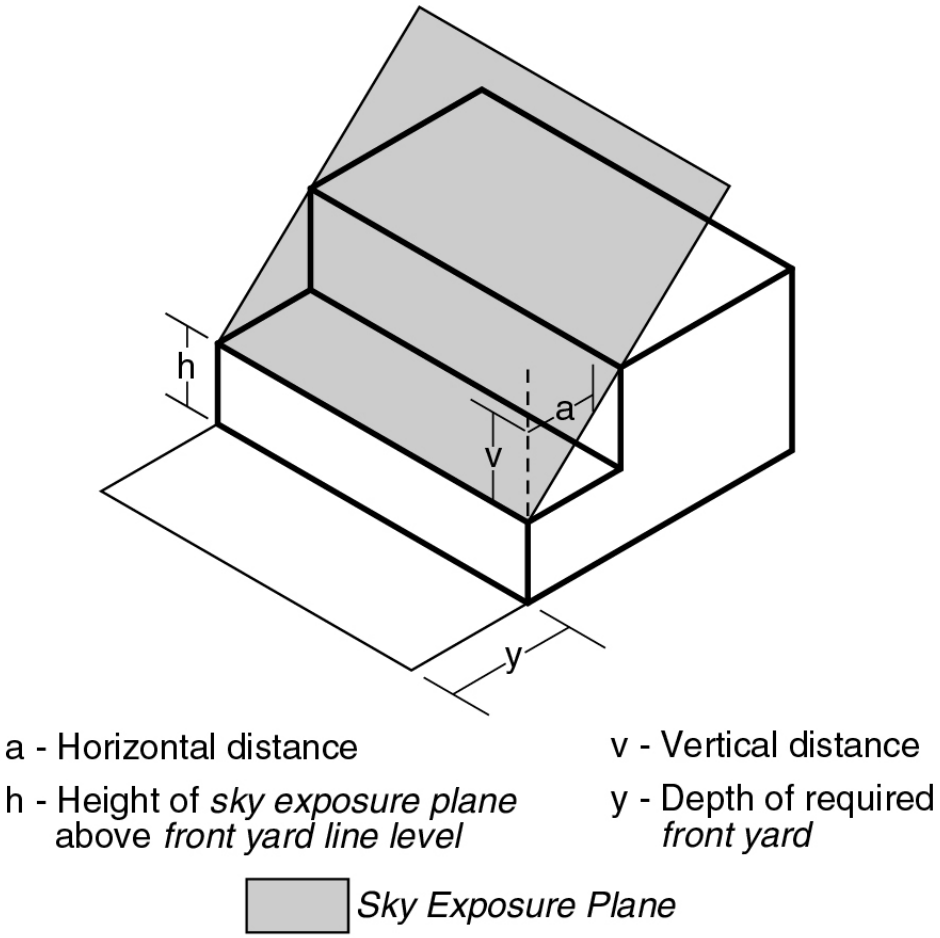
R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, where #front yards# are required, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

Height above #Front Yard Line# (in feet)	#Sky Exposure Plane#		District
	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)		
	On #Narrow Street#	On #Wide Street#	

	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	
25	1 to	1	1 to	1	R1 R2 R3
35	1 to	1	1 to	1	R4 R5



SKY EXPOSURE PLANE
R1, R2, R3, R4, R5 Districts

24-522 - Front setbacks in districts where front yards are not required

LAST AMENDED
3/22/2016

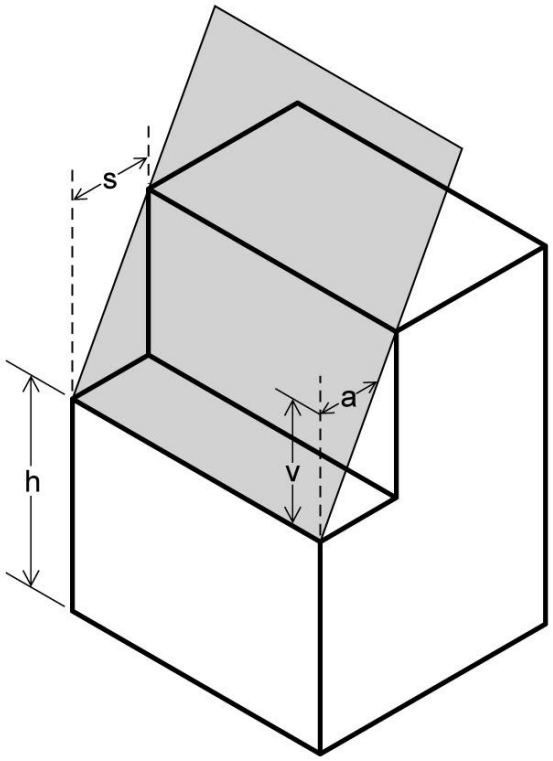
R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the table. Above such specified maximum height and beyond the #initial setback

distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or other structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to 1
R8, R9 or R10 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to 1



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE
R6, R7, R8, R9, R10 Districts

24-53 - Alternate Front Setbacks

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

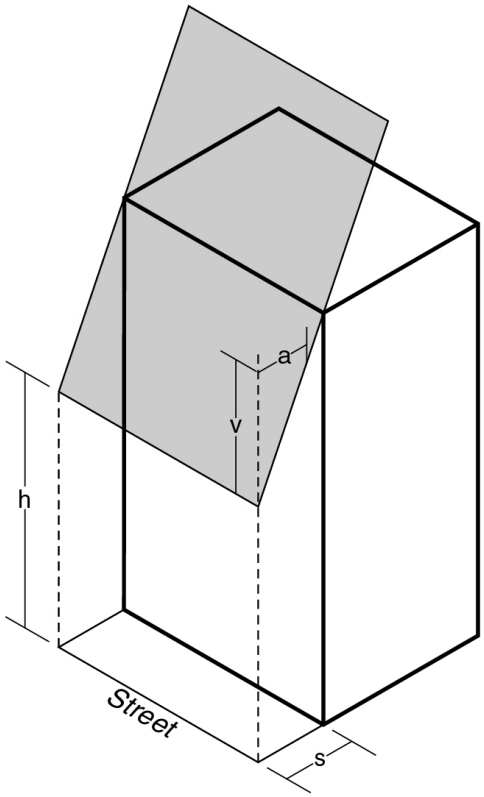
In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 24-52 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 24-51 (Permitted Obstructions) or 24-54 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 24-14 (Floor Area Bonus for a Public Plaza).

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8 R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



a - Horizontal distance

h - Height of *sky exposure plane* above *street line*

s - Depth of the optional front open area

v - Vertical distance

Sky Exposure Plane

24-54 - Tower Regulations

LAST AMENDED
3/22/2016

R7-2 R8 R9 R10

(a) In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, except as set forth in paragraph (b) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in this Section, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. (Such portion of a #building# that penetrates a #sky exposure plane# is hereinafter referred to as a tower.)

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

#Buildings# #developed# or #enlarged# with towers shall comply with either tower-on-a-base regulations or standard tower regulations as follows:

(1) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section 23-651 shall apply in R9 and R10 Districts to any such #building# that:

(i) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and

(ii) contains more than 25 percent of its total #floor area# in #residential use#.

If a portion of such #building# is #developed# or #enlarged# as a #tower# the entire #zoning lot# shall comply with the provisions of Section 23-651.

(2) Applicability of standard tower regulations

(i) In R7-2 and R8 Districts, the standard tower regulations of Section 23-652 shall apply only to #buildings# #developed# or #enlarged# as towers, where such towers are comprised, at every level, of only #community facility# #uses#.

(ii) In R9 and R10 Districts, the standard tower regulations of Section 23-652 shall apply to any #building# #developed# or #enlarged# as a tower that does not meet the location and #floor area# criteria of paragraph (a)(1) of this Section.

(b) Inapplicability of tower regulations

R7-2 R8 R9 R10

In the districts indicated, the provisions of this Section shall not apply to any #development# or #enlargement# located wholly or partly in a #Residence District# that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

24-55 - Required Side and Rear Setbacks

LAST AMENDED
4/30/2012

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-166 (Balconies); and awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

24-551 - Required side setbacks for tall buildings in low bulk districts

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5

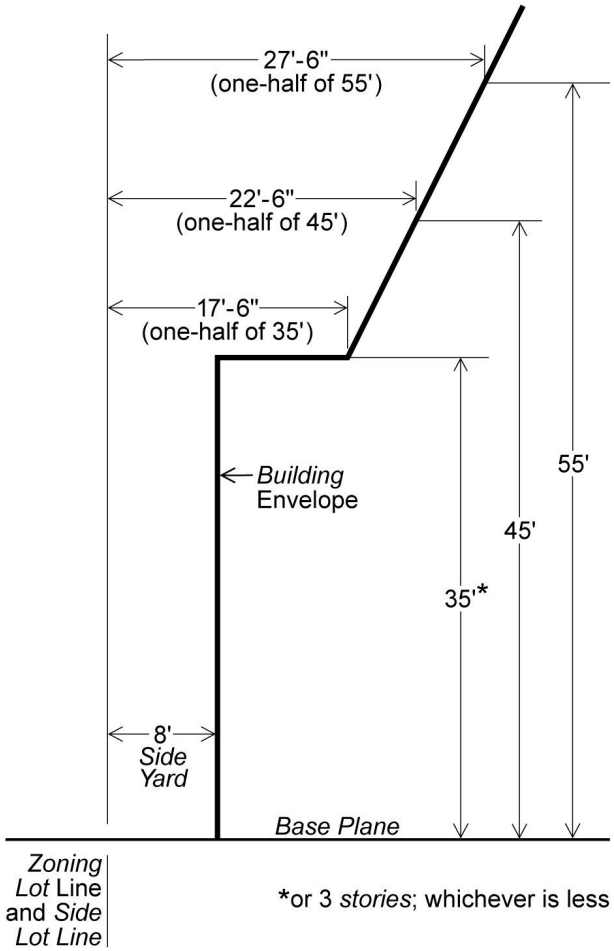
In the districts indicated, except R5D Districts, no #community facility# portion of any #building# that is more than 35 feet or

more than three #stories# above the level of a #side yard#, whichever is lower, shall be nearer to a #side lot line# bounding such #yard# than a distance equal to one-half the height above yard level of such portion of the #building#.

The following are permitted to project into any open area required under the provisions of this Section:

(a) parapet walls, not more than four feet high; and

(b) chimneys or flues, with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.



SIDE SETBACK REQUIREMENT

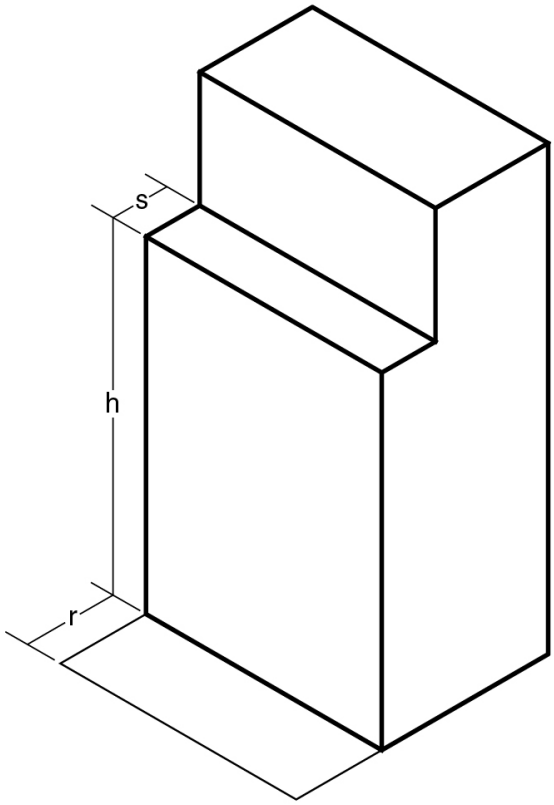
24-552 - Required rear setbacks for tall buildings

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, no portion of a #building# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 24-54.

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 24-382, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraphs (b) or (c) of Section 24-382, the requirements of this Section shall not apply.



h - Height of wall above *rear yard*
r - Depth of required *rear yard*
s - Depth of required *rear yard* setback

REAR SETBACK FOR TALL BUILDINGS

Regulations Applying in Special Situations

24-56 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED
11/30/2017

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all

#buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage#. However, such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan).

(c) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(d) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-674 (Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan).

24-57 - Modifications of Height and Setback Regulations

LAST AMENDED
11/30/2017

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) through (d) of Section 24-56, relating to height and setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses). However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 24-50, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

24-58 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
8/14/1987

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 24-54 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

24-59 - Special Height Limitations

LAST AMENDED

6/29/1994

24-591 - Limited Height Districts

LAST AMENDED
6/29/1994

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level# or #Base Plane#, as applicable
LH-1	50 feet
LH-lA	60 feet
LH-2	70 feet
LH-3	100 feet

24-592 - Height limitations for narrow buildings or enlargements

LAST AMENDED
3/22/2016

R7-2 R8 R9 R10

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

24-60 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

LAST AMENDED
12/15/1961

24-61 - General Provisions and Applicability

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions set forth in Sections 24-62 to 24-66, inclusive, relating to Court Regulations and

Minimum Distance between Windows and Walls or Lot Lines, shall apply only to #community facility buildings# or portions of #buildings# used for #community facility# #use# containing living accommodations with required windows. For the purposes of these Sections, a required window shall be deemed to be a window or part of a window that:

(a) opens into any room used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients; and

(b) is required to provide adequate light or ventilation to such room by any applicable law or statute.

The provisions of Sections 24-62 through 24-66, inclusive, and 24-68 shall apply only to portions of #buildings# at or above the sill level of the lowest required window. For the purposes of these Sections, #abutting# #buildings# on a single #zoning lot# shall be considered a single #building#.

24-62 - Minimum Dimensions of Courts

LAST AMENDED11/7/1968

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between different walls of the same #building# shall conform to the regulations set forth in the following Sections:

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines).

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

24-63 - Outer Court Regulations

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

24-631 - Narrow outer courts

LAST AMENDED
6/29/1994

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

24-632 - Wide outer courts

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if an #outer court# is 20 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 40 feet.

24-633 - Outer court recesses

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 40 feet.

24-64 - Inner Court Regulations

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

24-641 - Minimum dimensions of inner courts

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the area of an #inner court# shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet. For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed from directly above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

24-642 - Inner court recesses

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the width of an #inner court recess#:

(a) if 20 feet or less, shall be at least twice the depth of the recess; or

(b) if more than 20 feet but less than 40 feet, shall be at least equal to the depth of the recess; and

(c) need not be greater than 40 feet, whatever the depth of the recess.

24-65 - Minimum Distance Between Required Windows and Walls or Lot Lines

LAST AMENDED
4/30/2012

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less. For #buildings# existing on April 30, 2012, the minimum distances set forth in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness from each #building# wall, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

24-651 - General provisions

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 24-652 (Minimum distance between required windows and certain walls), the minimum distance between any required windows and:

(a) any wall;

(b) a #rear lot line#, or vertical projection thereof; or

(c) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window; provided, however, that a required window may open on any #outer court# meeting the requirements of Section 24-63 (Outer Court Regulations).

24-652 - Minimum distance between required windows and certain walls

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a required window opening on an #inner court# and any wall opposite such window on the same #zoning lot# or between a required window and any wall of any other #building# opposite such window on the same #zoning lot#, shall not be less than 20 feet, nor shall any such wall be nearer to such window than a distance equal to one-third the total height of such wall above the sill level of such window. Such minimum distance need not exceed 40 feet.

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the required window for the full width of the rough window opening between such window and a projection of such wall onto such horizontal plane.

For the purposes of this Section, at any level at which two portions of a single #building# are not connected one to the other, such portions shall be deemed to be two separate #buildings# and shall be subject to the provisions of this Section.

24-66 - Modifications of Court Regulations or Distance Requirements

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-61 to 24-65, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

24-67 - Special Provisions for Buildings Used Partly for Residential Uses

LAST AMENDED
6/29/1994

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #building# is used partly for #community facility# #use# and partly for #residential use#, the provisions of this Section and Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall apply to any portion of such #building# used for #residential uses#.

24-671 - Courts

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, at any level at which a #residential# portion of a #building# fronts upon a #court#, the provisions set forth in Section 23-83 (Building Walls Regulated by Other Than Minimum Spacing Requirements), shall apply to such #court#.

24-672 - Walls opposite legally required windows

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #legally required windows# in portions of #buildings# used for #residential use# shall be subject to the provisions set forth in Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines). The provisions of Section 23-863 (Minimum distance between legally required windows and any wall in an inner court) shall also apply to a #legally required window# opposite a wall of any other #building# on the same #zoning lot#.

For the purposes of this Section, at any level at which two portions of a single #building# are not connected one to the other, such portions shall be deemed to be two separate #buildings# and shall be subject to the provisions of Section 23-863.

24-68 - Permitted Obstructions in Courts

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall not be considered obstructions when located within a #court#:

(a) Arbors or trellises;

(b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(c) Eaves, gutters, downspouts, window sills or similar projections, extending into such #court# not more than four inches;

(d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight inches;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#;

(e) Fences;

(f) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer courts#;

Fire escapes in #outer court recesses#, not more than five feet in depth;

Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(g) Flagpoles;

(h) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

(1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:

(i) all generators and cogeneration equipment shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(ii) all other types of equipment may be unenclosed, provided that such equipment is located at least five feet

from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, the entirety of such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open; and

(iii) where any equipment at the ground floor level is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(i) an area equivalent to 25 percent of any #court# containing #legally required windows#;

(ii) in R1 through R5 Districts, a height of 10 feet above the lowest level of such #court#; and

(iii) in R6 through R10 Districts, a height of 15 feet above the lowest level of such #court#;

(i) Recreational or yard drying equipment;

(j) Steps, and ramps or lifts for people with physical disabilities;

(k) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(l) Terraces, open, porches or steps.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), shall be permitted.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Accessory Off-Street Parking and Loading Regulations

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 5 - Accessory Off-Street Parking and Loading Regulations

25-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

25-01 - General Purposes

LAST AMENDED
4/22/2009

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide needed space off the streets for parking in connection with new residences, to reduce traffic congestion resulting from the use of streets as places for storage of automobiles, to protect the residential character of neighborhoods, to provide for a higher standard of residential development within the City and thus to promote and protect public health, safety and general welfare.

25-02 - Applicability

LAST AMENDED
4/22/2009

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections.

25-021 - Applicability of regulations to non-profit hospital staff dwellings

LAST AMENDED
3/22/2016

In all districts, the regulations of this Chapter applicable to #community facility# #uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply, as follows:

(a) the regulations of an R5 District shall apply to #non-profit hospital staff dwellings# located in R1, R2 and R3 Districts;

(b) the regulations of an R6 District shall apply to #non-profit hospital staff dwellings# located in R4 and R5 Districts; and

(c) the regulations of an R10 District shall apply to #non-profit hospital staff dwellings# located in R6 through R10 Districts.

25-022 - Applicability of regulations to zoning lots in predominantly built-up areas

LAST AMENDED
2/2/2011

Off-street parking in #predominantly built-up areas# shall be provided as set forth in Section 25-23.

25-023 - Applicability of regulations in the Manhattan Core and Long Island City area

LAST AMENDED
5/8/2013

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

25-025 - Applicability of regulations to Quality Housing

LAST AMENDED
3/22/2016

On any #zoning lot# containing #residences# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts or their #commercial# equivalents, and on any #zoning lot# in other districts containing a #Quality Housing building#, all #accessory# off-street parking spaces shall comply with the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING).

25-026 - Applicability of regulations in the waterfront area

LAST AMENDED
2/14/2018

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District.

25-027 - Applicability of regulations in Community District 14, Queens

LAST AMENDED
3/22/2016

In Community District 14 in the Borough of Queens, R6 and R7 Districts shall be subject to the #accessory# off-street parking regulations of an R5 District, except that such requirement shall not apply to any #development# located within an urban renewal area established prior to August 14, 2008, or to #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS).

For the purposes of this Section, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided on any #story# located below 33 feet above the #base plane#.

25-028 - Applicability of regulations to certain community facility uses in lower density growth management areas

LAST AMENDED
1/18/2011

(a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or

#long-term care facilities#; or

(2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the provisions of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) in lieu of the following provisions:

(1) the parking location provisions of Sections 25-622 (Location of parking spaces in lower density growth management areas) and 25-623 (Maneuverability standards);

(2) the driveway and curb cut provisions of Sections 25-632 (Driveway and curb cut regulations in lower density growth management areas) and 25-634 (Curb cut regulations for community facilities);

(3) the open space provisions of Section 25-64 (Restrictions on Use of Open Space for Parking); and

(4) the screening provisions of Section 25-66 (Screening).

In addition, where the #uses# listed in paragraphs (a)(1) and (a)(2) of this Section result from a change of #use#, the provisions of Section 25-31 (General Provisions) shall be modified to require #accessory# off-street parking spaces for such #uses#. However, the requirements of Sections 25-31 and 25-624 may be modified for #zoning lots# containing #buildings# with such changes of #use# where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are necessary due to the location of existing #buildings# on the #zoning lot#, and such requirements have been complied with to the maximum extent feasible.

25-029 - Applicability of regulations in flood zones

LAST AMENDED
10/10/2013

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

25-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-11 - General Provisions

LAST AMENDED
12/9/1966

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, subject to the provisions set forth in the following Sections:

Section 25-12 (Maximum Size of Accessory Group Parking Facilities)

Section 25-15 (Maximum Spaces for Single-Family Detached Residences)

Section 25-16 (Maximum Spaces for Other Than Single-Family Detached Residences)

Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-49 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

25-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, no #group parking facility# #accessory# to #residences# shall contain more than 200 off-street parking spaces, and no such facility #accessory# to permitted #community facility# or #commercial# #uses# shall contain more than 150 off-street parking spaces, except as provided in Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

25-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that:

(a) access for such facility is located so as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;

(b) such facility has separate vehicular entrances and exits thereto, located not less than 25 feet apart;

(c) such facility, if #accessory# to a permitted #community facility# or #commercial use# is located on a #street# not less than 60 feet in width; and

(d) such facility, if #accessory# to a permitted #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

25-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/15/1961

25-141 - For hospitals

LAST AMENDED
6/27/1963

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the Board of Standards and Appeals may permit #group parking facilities# #accessory# to hospitals, with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

25-142 - For accessory# #uses in large-scale residential developments

LAST AMENDED
5/21/1975

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the City Planning Commission may permit #group parking facilities# #accessory# to #uses# in #large-scale residential developments# with more than the prescribed maximum of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), in accordance with the provisions of Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities).

25-15 - Maximum Spaces for Single-Family Detached Residences

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, not more than three off-street parking spaces shall be provided for a #single-family# #detached# #residence#, except on #zoning lots# with a #lot area# of 10,000 square feet or more. For the purposes of this Section, a driveway shall not be considered as off-street parking space.

25-16 - Maximum Spaces for Other Than Single-Family Detached Residences

LAST AMENDED
3/22/2016

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to all #dwelling units# in #buildings# containing #residences# other than #Quality Housing buildings# and #single-family# #detached# #residences#, except as provided in Section 25-17 (Modification of Maximum Spaces for Other Than Single-Family Detached Residences).

25-161 - In R3, R4 or R5 Districts

LAST AMENDED
3/22/2016

R3 R4 R5

In the districts indicated, not more than two off-street parking spaces shall be provided for each #dwelling unit#.

25-162 - In R6 or R7 Districts

LAST AMENDED
12/15/1961

R6 R7

In the districts indicated, on a #zoning lot# used for #residences#, not more than one off-street parking space shall be provided for every 300 square feet of #lot area#.

25-163 - In R8, R9 or R10 Districts

LAST AMENDED
12/15/1961

R8 R9 R10

In the districts indicated, on a #zoning lot# used for #residences#, not more than one off-street parking space shall be provided for every 225 square feet of #lot area#.

25-17 - Modification of Maximum Spaces for Other Than Single-Family Detached Residences

LAST AMENDED
2/2/2011

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-16 (Maximum Spaces for Other Than Single-Family Detached Residences) may be provided if the Commissioner of Buildings determines that:

(a) such additional spaces are needed for the occupants of #residences# to which such spaces are #accessory#, in order to prevent excessive on-street parking; and

(b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking areas to minimize adverse effects on the character of surrounding areas.

25-18 - Maximum Spaces for Permitted Community Facility or Commercial Uses

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, on a #zoning lot# used for permitted #community facility# or #commercial# #uses#, not more than one off-street parking space shall be provided for every 400 square feet of #lot area#, except as provided in Section 25-19 (Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses).

25-19 - Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses) may be provided if the Commissioner of Buildings determines that:

(a) such additional spaces are needed for the occupants, visitors, customers, or employees of the #use# or #uses# to which such spaces are #accessory#; and

(b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking area, to minimize adverse effects on the character of surrounding areas.

25-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

LAST AMENDED
12/15/1961

25-21 - General Provisions

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all #dwelling units# created after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit#:

Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 (Requirements Where Group Parking Facilities Are Provided)

Section 25-24 (Modification of Requirements for Small Zoning Lots)

Section 25-25 (Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units)

Section 25-28 (Special Provisions for Zoning Lots Divided by District Boundaries)

For #dwelling units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

In addition, #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to March 22,

2016, shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

For the purposes of calculating the number of required parking spaces for any #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space.

In the event that the number of #accessory# off-street parking spaces required under the provisions of these Sections exceeds the maximum number of spaces permitted under the provisions of Section 25-16 (Maximum Spaces for Other Than Single-Family Detached Residences), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

25-211 - Application of requirements to conversions and certain enlargements

LAST AMENDED
3/22/2016

R3 R4

(a) In the districts indicated, except for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, wherever additional #dwelling units# are created by #conversions# or #enlargements# of #residential buildings#, there shall be one off-street parking space provided on the #zoning lot# for each such additional #dwelling unit#. Such off-street parking spaces shall be in addition to any existing off-street parking spaces on the #zoning lot# and shall not be located in any common easement driveways or within a #front yard#. The provisions of Section 25-27 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall not apply to such #zoning lots#. Furthermore, such additional #dwelling units# shall be permitted only if the #zoning lot# complies with the provisions of Section 25-64 (Restrictions on Use of Open Space for Parking).

R4 R5

(b) In R5 Districts, and for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, the requirements of Section 25-21 (General Provisions) shall not apply to additional #dwelling units# created by #conversions# of #residential buildings# on #zoning lots# with less than 5,000 square feet of #lot area#, provided such #buildings# were constructed prior to April 14, 2010, and not subsequently #enlarged#.

R1 R2 R3 R4 R5 R6 R7-1 R7A R7B R7D R7X

(c) In the districts indicated, the requirements of Section 25-21 (General Provisions) shall not apply to #dwelling units# created by the change of non-#residential uses# to #residential uses# on #zoning lots# with less than 5,000 square feet of #lot area#.

R7-2 R8 R9 R10

(d) In the districts indicated, no #accessory# off-street parking is required for the creation of additional #dwelling units# within existing #buildings#.

25-22 - Requirements Where Individual Parking Facilities Are Provided

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7-1

(a) In the districts indicated, except in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in the case of #two#- or three-#family# #residences# in a #predominantly built-up area#, two #accessory# parking spaces per #building# shall be provided.

R1 R2 R3 R4-1 R4A

(b) In the districts indicated within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family# #residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and for all other #residences#, #accessory# off-street parking spaces shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

25-23 - Requirements Where Group Parking Facilities Are Provided

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where #group parking facilities# are provided, for all new #dwelling units#, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table. Such spaces shall be kept available to the residents of the #building#, in accordance with the provisions of Section 25-41 (Purpose of Spaces and Rental to Non-Residents).

PARKING SPACES REQUIRED WHERE
GROUP PARKING FACILITIES ARE PROVIDED

District	Percent of Total #Dwelling Units#
R1 R2 R3 R4-1 R4A	100[1]
R4 R4B R5A	100
R5	85
R6	70[2]
R5B R5D	66
R7-1	60[2]
R6A R6B R7-2 R7A R7B R7D R7X R8B[3]	50[2]

R8 R9 R10	40

1 In R1, R2, R3, R4-1 and R4A Districts within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and for all other #residences#, #accessory# off-street parking spaces shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#

2 In R6 or R7 Districts for #dwelling units# created pursuant to the Quality Housing Program, #accessory# off-street parking spaces shall be provided for at least 50 percent of the total number of such #dwelling units#

3 In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts

In a #predominantly built-up area# where #group parking facilities# are provided, #accessory# parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table:

District	Percent of Total #Dwelling Units#
R4 R5	66

25-231 - Modification of requirements to facilitate affordable housing

LAST AMENDED
3/22/2016

Within the #Transit Zone#, the City Planning Commission may permit a reduction in the parking requirements set forth in Section 25-23 in accordance with the provisions of Section 74-533 (Reduction of parking spaces to facilitate affordable housing).

25-24 - Modification of Requirements for Small Zoning Lots

LAST AMENDED
12/15/1961

R6 R7 R8 R9 R10

In the districts indicated, for small #zoning lots#, the requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions of this Section.

25-241 - Reduced requirements

LAST AMENDED
3/25/2010

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REDUCED REQUIREMENTS FOR

SMALL ZONING LOTS

District	#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#
R6 R7-1* R7B	10,000 square feet or less	50
R7-1 R7A R7D R7X		30
R7-2	10,001 to 15,000 square feet	30
R8** R9 R10		20

* Within #lower density growth management areas# in Community District 10, Borough of the Bronx

** In R8B Districts, the parking requirements may not be reduced.

25-242 - Waiver of requirements for small zoning lots in high bulk districts

LAST AMENDED
8/14/1987

R7-2 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-23 (Requirements where Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less, except in R8B Districts.

25-243 - Waiver of requirements for narrow zoning lots in certain districts

LAST AMENDED
6/29/1989

R3A R4-1

In the districts indicated, the requirements set forth in Section 25-22 (Requirements Where Individual Parking Facilities Are Provided) shall be waived for a #single-family residence# on an #interior lot# that has a width along a #street# less than 25 feet.

25-25 - Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units

LAST AMENDED

3/22/2016

The requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) may be reduced or waived for #income-restricted housing units#, #affordable independent residences for seniors#, or other government-assisted #dwelling units# in accordance with the provisions of this Section, inclusive. For the purposes of this Section, not more than one #dwelling unit# reserved for occupancy by a superintendent in a #building# otherwise comprised of #income-restricted housing units# shall also be considered an #income-restricted housing unit#.

In addition, the Board of Standards and Appeals may waive or modify the requirements set forth in Section 25-23 for government-assisted #dwelling units#, in accordance with the provisions of Section 73-435 (Reduction of parking spaces for other government-assisted dwelling units).

25-251 - Income-restricted housing units

LAST AMENDED
3/22/2016

Regulations applicable to #income-restricted housing units#, except where such units are located in an #affordable independent residence for seniors#, are set forth in this Section.

Within the #Transit Zone# no #accessory# off-street parking spaces shall be required for #income-restricted housing units# developed after March 22, 2016. Existing required or permitted accessory off-street parking spaces for #buildings# containing #income-restricted housing units# in receipt of a certificate of occupancy prior to March 22, 2016 shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016, except that the Board of Standards and Appeals may waive or modify such requirements in accordance with the provisions of Section 73-433 (Reduction of existing parking spaces for income-restricted housing units).

Outside the #Transit Zone#, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #income-restricted housing units# as set forth in the following table.

District	Parking requirement per #income-restricted housing unit# (in percent)
R3-2 R4	50.0
R5 R5B	42.5
R5D	35
R6 R7B	25
R7-1 R7-2 R7A R7D R7X R8B*	15.0
R8 R8A R8X R9 R10	12.0

* In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

25-252 - Affordable independent residences for seniors

LAST AMENDED
3/22/2016

Within the #Transit Zone#, no #accessory# off-street parking spaces shall be required for #dwelling units# in an #affordable independent residence for seniors developed# after March 22, 2016. Existing required or permitted accessory off-street parking spaces for #dwelling units# in #affordable independent residences for seniors# in receipt of a certificate of occupancy prior to March 22, 2016, shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016, except that such parking spaces may be removed provided that any new #dwelling units# created on the portion of the #zoning lot# previously occupied by such parking spaces shall be #income-restricted housing units#. Such requirement shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings.

Outside the #Transit Zone#, #accessory# off-street parking spaces shall be provided for at least 10 percent of the total number of #dwelling units# in an #affordable independent residence for seniors developed# after March 22, 2016. However, within #lower density growth management areas# in Community District 10 in the Borough of the Bronx, #accessory# off-street parking spaces shall be provided for at least 16 percent of the total number of #dwelling units# in R6 Districts and for at least 12.5 percent of the total number of #dwelling units# in R7-1 Districts. Existing required or permitted #accessory# off-street parking spaces for #dwelling units# in #affordable independent residences for seniors# in receipt of a certificate of occupancy prior to March 22, 2016, shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016. However, the Board of Standards and Appeals may reduce such requirements in accordance with the provisions of Section 73-434 (Reduction of existing parking spaces for affordable independent residences for seniors).

25-253 - Other government-assisted dwelling units

LAST AMENDED3/22/2016

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for government-assisted #dwelling units#, other than #income-restricted housing units#, in #developments# for which the Department of Housing Preservation and Development or the Housing Development Corporation has issued a negotiation letter on or before August 31, 2016, acknowledging that HPD or HDC is actively engaged with a project sponsor in reviewing financial pro formas with the intention to finance the project, and which receive New York City or New York State assistance to reduce total development cost by $10,000 or 10 percent, whichever is less, and limit maximum tenant income to the income limits established by the United States Department of Housing and Urban Development for New York City mortgagors assisted under Section 235 of the National Housing Act, as amended, #accessory# off-street parking spaces shall be provided for at least the percentage of the total number of government-assisted #dwelling units# set forth in the table in this Section.

District	Parking Spaces Required as a Percent of Total #Dwelling Units#
R3-2 R4	80

R5	70
R5D R6*	55
R6A R6B R7B	35
R7-1*	45
R7-2 R7A R7D R7X R8 R9 R10	25

* In R6 or R7-1 Districts which are #Quality Housing buildings#, the applicable district parking requirements shall be as follows:

District	Applicable District Parking Requirement
R6	R6A
R7-1	R7A

25-26 - Waiver of Requirements for Small Number of Spaces

LAST AMENDED
3/22/2016

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-21 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in this Section.

However, the following provisions shall apply:

(a) in R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006, and on the date of application for a building permit; and

(b) in R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on March 25, 2003, and on the date of application for a building permit.

25-261 - For developments or enlargements

LAST AMENDED
3/22/2016

R4B R5B R5D R6 R7 R8 R9 R10

For #developments# in R4B and R5B Districts, and for #developments# and #dwelling units# within #enlarged# portions of #buildings# in R5D, R6, R7, R8 R9 and R10 Districts, the maximum number of #accessory# off-street parking spaces for which requirements are waived is set forth in the following table:

District	Maximum Number of Spaces Waived
R4B R5B R5D	1
R6 R7-1* R7B	5
R7-2 R7A R7D R7X R8 R9 R10	15

* For #Quality Housing buildings# with #income-restricted housing units# utilizing the parking reductions of Section 25-251, or for #Quality Housing buildings# with other government-assisted #dwelling units# utilizing the parking reductions of Section 25-253, the maximum number of spaces waived shall be 15.

25-262 - For conversions

LAST AMENDED
2/2/2011

R6 R7-1 R7A R7B R7D R7X

In the districts indicated, for the creation of additional #dwelling units# or #rooming units# within existing #buildings#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces. However, the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

25-27 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
4/14/2010

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the requirements set forth in Section 25-21 (General Provisions) shall not apply to any #building# or #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

25-28 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
8/14/1987

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

25-30 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

LAST AMENDED
12/15/1961

25-31 - General Provisions

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all #development# after December 15, 1961, for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

(a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number);

(b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street);

(c) for houses of worship, in accordance with the provisions of Section 25-35 (Waiver for Locally Oriented Houses of Worship).

In the event that the number of #accessory# off-street parking spaces required under the provisions of this Section exceeds the maximum number of spaces permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #Use#	Parking Spaces Required in Relation to Specified Unit of Measurement	District
FOR COMMUNITY FACILITY USES:		
Agricultural #uses#, including greenhouses, nurseries or truck gardens	Square feet of #lot area# used for selling purposes: None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 1,000 sq ft	R1 R2 R3 R4 R5
	1 per 2,500 sq ft	R6 R7-1 R7B
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4	Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage. In #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements: None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 400 sq ft	R3
	1 per 500 sq ft	R4 R5
	1 per 800 sq ft	R6 R7-1 R7B
Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses;	Rated Capacity: None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 10 persons	R1 R2 R3 R4 R5

non-commercial recreation centers; or welfare centers, provided that in R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities	1 per 20 persons	R6 R7-1 R7B
College student dormitories, fraternity or sorority student houses	None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 6 beds	R1 R2 R3 R4 R5
	1 per 12 beds	R6 R7-1 R7B
Colleges, universities, or seminaries (a)Classrooms, laboratories, student centers or offices	Square feet of #floor area# : None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 1,000 - R1 R2 R3 R4 R5	
	1 per 2,000 - R6 R7-1 R7B	
(b)Theaters, auditoriums, gymnasiums or stadiums	Rated capacity:	
	None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 8 persons	R1 R2 R3 R4 R5
	1 per 16 persons	R6 R7-1 R7B

Hospitals and related facilities*	1 per 5 beds	R1 R2 R3 R4 R5
	1 per 8 beds	R6 R7-1 R7B
	1 per 10 beds	R7-2 R7A R7D R7X R8 R9 R10
Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room	None required	R6 R7 R8 R9 R10
	1 per 10 persons rated capacity	R1 R2 R3
	1 per 15 persons rated capacity	R4 R5
Libraries, museums or non-commercial art galleries**	Square feet of #floor area# : None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 1,000	R1 R2 R3 R4 R5
	1 per 2,000	R6 R7-1 R7B
Outdoor skating rinks	Square feet of #lot area# : None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 800 sq ft	R1 R2 R3 R4 R5
	1 per 2,000 sq ft	R6 R7-1 R7B
Outdoor tennis courts	None required	R7-2 R7A R7D R7X R8 R9 R10

	1 per 2 courts	R1 R2 R3 R4 R5
	1 per 5 courts	R6 R7-1 R7B
Philanthropic or non-profit institutions with sleeping accommodations; #long-term care facilities#, except that independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 25-20. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02	None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 10 beds	R1 R2 R3 R4 R5
	1 per 20 beds	R6 R7-1 R7B
#Schools#	Square feet of #floor area# : None required	R3 R4 R5 R6 R7 R8 R9 R10
	1 per 1,500 sq ft	R1 R2
For child care services in #lower density growth management areas#:	1 per 1,000 sq ft	R1 R2 R3 R4 R5
FOR ACCESSORY COMMERCIAL USES IN LARGE-SCALE RESIDENTIAL DEVELOPMENTS:		

Food stores with 2,000 or more square feet of #floor area# per establishment - #uses# in parking requirement category A in Use Group 6A	Square feet of #floor area# : None required	R7-2 R8 R9 R10
	1 per 100 sq ft	R1 R2 R3
	1 per 200 sq ft	R4 R5
	1 per 300 sq ft	R6 R7-1
General retail #uses# - food stores with less than 2,000 square feet of #floor area# or #uses# in parking requirement category B in Use Group 6A.	Square feet of #floor area# : None required	R7-2 R8 R9 R10
	1 per 150 sq ft	R1 R2 R3
	1 per 300 sq ft	R4 R5
	1 per 400 sq ft	R6 R7-1
Post offices	Square feet of #floor area# : None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 800 sq ft	R1 R2 R3
	1 per 1,200 sq ft	R4 R5
	1 per 1,500 sq ft	R6 R7-1 R7B
FOR USES PERMITTED BY SPECIAL PERMIT:		

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees	1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces	R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Docks for ferries	Parking requirement, as provided in Section 62-43	R3 R4 R5 R6 R7 R8 R9 R10
Fire or police stations	Square feet of #floor area# : None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 500 sq ft	R1 R2 R3 R4 R5
	1 per 800 sq ft	R6 R7-1 R7B
Riding academies or stables	Square feet of #floor area# : None required	R7-2 R7A R7D R7X R8 R9 R10
	1 per 500 sq ft	R1 R2 R3 R4 R5
	1 per 800 sq ft	R6 R7-1 R7B

* Requirements in the table are in addition to the area used for ambulance parking

** Requirements in the table apply only to the #floor area# not used for storage.

25-32 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

25-33 - Waiver of Requirements for Spaces Below Minimum Number

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 25-31 (General Provisions) or 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses# if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Districts	Number of Spaces
R1 R2 R3 R4 R5	10
R6 R7-1 R7B	25
R7-2 R7A R7D R7X R8 R9 R10	40

25-331 - Exceptions to application of waiver provisions

LAST AMENDED
1/18/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to the following types of #uses#:

Agricultural #uses#, including greenhouses, nurseries or truck gardens;

Ambulatory diagnostic or treatment health care facilities in R3, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital, as defined in the New York State Hospital Code or a #long-term care facility#, and shall apply where such #use# is located in such areas on any #zoning lot# in an R6 or R7 District in Community District 10, Borough of the Bronx;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts, child care services in R1, R2, R3, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions shall apply where child care services are located in such districts on the same #zoning lot# as a house of worship, and shall apply where child care services located in such districts on #zoning lots# that do not contain houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

25-34 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

25-35 - Waiver for Locally Oriented Houses of Worship

LAST AMENDED
9/9/2004

R1 R2 R3 R4 R5

In the districts indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

(a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;

(b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number); and

(c) such house of worship shall not include, as an #accessory# #use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person, in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory# #uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

25-36 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
9/9/2004

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

25-40 - RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-41 - Purpose of Spaces and Rental to Non-Residents

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to #residences# shall comply with the provisions of this Section.

25-411 - In R1 or R2 Districts

LAST AMENDED
12/15/1961

R1 R2

In the districts indicated, such spaces shall be designed and operated exclusively for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#.

25-412 - In all other Residence Districts

LAST AMENDED
9/29/2010

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, such spaces shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#.

However, such spaces may be:

(a) rented for periods of not less than one week and not more than one month to persons who are not occupants of the #residences# to which such spaces are #accessory# for the accommodation of the private passenger motor vehicles used by such non-residents, provided that such spaces are operated in accordance with the regulations promulgated by the Commissioner of Buildings, in a manner which will not adversely affect the residential character of the neighborhood; or

(b) occupied by #car sharing vehicles#, provided that:

(1) in R3-2 and R4 Districts, except R4-1, R4A and R4B Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all spaces in a #group parking facility# that contains 20 or more spaces; and

(2) in R5, R6, R7, R8, R9 and R10 Districts, except R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater.

Such spaces provided pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

25-42 - Use of Spaces Accessory to Permitted Non-Residential Uses

LAST AMENDED
9/29/2010

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared parking facilities for houses of worship). However, #car sharing vehicles# may occupy such spaces only pursuant to the provisions of paragraphs (a) and (b) of this Section.

R1 R2 R3 R4 R5A

(a) In the districts indicated, #car sharing vehicles# may occupy parking spaces #accessory# to a non-#residential use# in a #group parking facility# containing 20 spaces or more that is #accessory# to a college or university #use# listed in Use Group 3; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

R5 R5B R5D R6 R7 R8 R9 R10

(b) In the districts indicated, except R5A Districts, #car sharing vehicles# may occupy parking spaces #accessory# to a non-#residential use# in a #group parking facility# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

25-43 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted, except as provided in this Section in specified districts.

25-431 - Limited repairs or motor fuel sales permitted in specified districts

LAST AMENDED
2/2/2011

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, within a #completely enclosed# garage, #detached# from a #building# containing #residences# and containing not less than 150 #accessory# off-street parking spaces, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces.

25-50 - RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-51 - General Provisions

LAST AMENDED
9/9/2004

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility# #uses#, to #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-site Spaces for Residences)

Section 25-53 (Off-site Spaces for Permitted Non-residential Uses)

Section 25-54 (Joint and Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-site Parking Provisions)

25-52 - Off-site Spaces for Residences

LAST AMENDED
8/14/1987

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

(a) located in a district other than a #Residence District# or a C7 District, or provided in a joint facility located in a district other than an R1 or R2 District, on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 25-541 (Joint Facilities); and

(b) not further than the maximum distance from the #zoning lot# specified in Section 25-521.

25-521 - Maximum distance from zoning lot

LAST AMENDED
10/29/2007

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

District	Maximum Distance from #Zoning Lot#
R3 R4 R5 R6 R7-1 R7B	600 feet
R7-2 R7A R7D R7X R8 R9 R10	1,000 feet

25-53 - Off-site Spaces for Permitted Non-residential Uses

LAST AMENDED
9/9/2004

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section, inclusive.

25-531 - For houses of worship

LAST AMENDED
9/9/2004

R1 R2 R3 R4

In the districts indicated, all required off-street parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district, provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

25-532 - For permitted non-residential uses

LAST AMENDED

9/9/2004

R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an Rl, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial District# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

(a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and

(b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

25-54 - Joint and Shared Facilities

LAST AMENDED
9/9/2004

25-541 - Joint facilities

LAST AMENDED
9/9/2004

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

Section 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements);

(b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 25-52 (Off-Site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), or 73-45 (Modification of Off-site Parking Provisions); and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

25-542 - Shared parking facilities for houses of worship

LAST AMENDED
9/9/2004

R1 R2 R3 R4 R5

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

(a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;

(b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and

(c) all such spaces conform to all applicable regulations of the district in which they are located.

25-55 - Additional Regulations for Required Spaces When Provided Off Site

LAST AMENDED
9/9/2004

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses) or 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

(a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and the owner's heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

(b) Such spaces shall conform to all applicable regulations of the district in which they are located.

25-60 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-61 - General Provisions

LAST AMENDED
6/29/1994

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of the following Sections:

Section 25-62 (Size and Location of Spaces)

Section 25-63 (Location of Access to the Street)

Section 25-64 (Restrictions on Use of Open Space for Parking)

Section 25-65 (Surfacing)

Section 25-66 (Screening)

No portion of a #side lot ribbon# shall be less than eight feet wide and no portion shall be more than 10 feet wide on an #interior lot# or #through lot# and not more than 20 feet wide on a #corner lot#. If two #zoning lots# share a common #side lot ribbon# along a common #side lot line#, the width of a shared #side lot ribbon# must be at least eight feet.

Special regulations applying to #large-scale residential developments# are set forth in Article VII, Chapter 8, and to #large-scale community facility developments# in Article VII, Chapter 9.

25-62 - Size and Location of Spaces

LAST AMENDED
4/30/2012

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semi-detached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are required if such #accessory# parking spaces are located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility# #uses#, each required parking space in a parking area not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

25-621 - Location of parking spaces in certain districts

LAST AMENDED
2/2/2011

All #accessory# off-street parking spaces on #zoning lots# with #buildings# containing #residences# shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

(a) In the districts indicated, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

(1) a #semi-detached# #building# in an R3-1 or R4-1 District; or

(2) a #detached# #building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such driveway, and at least 18 feet of uninterrupted curb space along such #street#.

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached# #building# in an R3-1 or R4-1 District.

R3-2 R4 R5

(b) In the districts indicated, other than R4-1, R4A, R4B, R5A, R5B and R5D Districts, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations, provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:

(1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or

(2) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening), paragraphs (a) or (b), as applicable.

R4B R5B R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X

(c) In the districts indicated, #accessory# off-street parking spaces shall be located only within or to the side or rear of #buildings# containing #residences#. No parking spaces of any kind shall be permitted between the #street line# and the #street wall# of such #buildings# and their prolongations.

R6 R7 R8

(d) In the districts indicated without a letter suffix, the following provisions shall apply:

(1) for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building# #segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b) of this Section;

(2) for #zoning lots# containing #Quality Housing buildings# or #Quality Housing building# #segments#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (c) of this Section.

25-622 - Location of parking spaces in lower density growth management areas

LAST AMENDED
4/14/2010

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# in R1, R2, R3, R4-1 and R4A Districts within #lower density growth management areas#.

Required #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width.

For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

25-623 - Maneuverability standards for community facility uses

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section shall apply to:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in:

(1) an increase in the total number of parking spaces #accessory# to #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards, as set forth in paragraphs (b) and (c) of Section 36-58.

25-624 - Special parking regulations for certain community facility uses in lower density growth management areas

LAST AMENDED
1/18/2011

(a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and

(2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the following provisions:

(1) #Accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

(2) The maneuverability provisions of paragraphs (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#. No tandem parking shall be permitted.

(3) The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all such #zoning lots#, except that, for #zoning lots# with less than 75 feet of #street# frontage, a minimum distance of four feet from other curb cuts on adjacent #zoning lots# shall be maintained.

(4) For #zoning lots# in R1, R2, R3A, R3X, R3-1, R4-1 and R4A Districts with #buildings# containing child care services, a driveway shall be required for drop-off and pick-up of users of the child care facility. Such driveway shall have a minimum width of 15 feet and a maximum width of 18 feet and shall serve one-way traffic. Such driveway shall include a designated area for the drop-off and pick-up of users of the facility with a minimum length of 25 feet and a minimum width of 10 feet. Such drop-off and pick-up area shall #abut# a sidewalk with a

minimum width of four feet that connects to the child care facility entrance and all public sidewalks. No parking spaces shall be located within such driveway. Where the width of the #street# frontage of the #zoning lot# accessing such driveway is 75 feet or less, the minimum percentage of #front yard# required to be planted pursuant to Section 23-451 (Planting requirement) shall be reduced to 25 percent.

(5) For any #zoning lot# containing child care services, driveways and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #buildings#. For #zoning lots# containing ambulatory diagnostic or treatment health care facilities, driveways and open #accessory# off-street parking spaces may occupy no more than 66 percent of the #lot area# not covered by #buildings#.

(6) All parking areas not within a #building# shall be screened from adjoining #zoning lots# and #streets# by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

(7) Any lighting provided in off-street parking areas shall be directed away from #residences#.

25-625 - Special certification to modify the parking regulations for certain community facility uses in lower density growth management areas

LAST AMENDED
1/18/2011

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, the Chairperson of the City Planning Commission may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the parking regulations of paragraphs (b)(3), (b)(4), and (b)(5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), for any #enlargement# of a #building# containing a #use# listed in paragraphs (a) or (b) of this Section, or a change of #use# to, or an #extension# of, such #use#, provided that the applicant submits a site plan that demonstrates to the Chairperson that the location of the existing #building# on the #zoning lot# impedes compliance with the parking requirements of Sections 25-31 and 25-624, and that the Chairperson certifies to the Department of Buildings, that the #enlargement#, #extension# or change of #use# complies with such requirements to the maximum extent feasible.

(a) Ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and

(b) Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship and, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility# #use# on the #zoning lot#.

25-63 - Location of Access to the Street

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the entrances and exits for all permitted or required #accessory# #group parking facilities# with 10 or more spaces shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within

50 feet of such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base his determination on such report.

The waiver provisions of Sections 25-27 or 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

25-631 - Location and width of curb cuts in certain districts

LAST AMENDED
2/2/2011

All curb cuts on #zoning lots# with #buildings# containing #residences# shall comply with the provisions of this Section, except that, in #lower density growth management areas#, the provisions of Section 25-632 shall apply. The minimum width of a curb cut shall be eight feet, including splays. In addition, for #non-conforming# #buildings# in all districts, the provisions of Section 25-633 (Curb cut restrictions for certain buildings in R1 through R5 Districts) shall apply.

R2A

(a) In the district indicated, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.

R2X R3 R4 R5

(b) In the districts indicated, except R4B and R5B Districts, curb cuts shall comply with the following provisions:

(1) For #zoning lots# containing #residences# where not more than two #accessory# parking spaces are required:

(i) for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted;

(ii) for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street# frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 18 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be 10 feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

(iii) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 18 feet, including splays, shall serve both #side lot ribbons#; and

(iv) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing both on June 30, 1989, and April 14, 2010, that are less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#; or

(2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are required:

(i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16

feet of uninterrupted curb space along such #street#;

(ii) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to any #zoning lot# existing both on June 30, 1989 and April 14, 2010, that is less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained in front of such #zoning lot# along the #street#;

(iii) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet; and

(iv) except for paired driveways as set forth in paragraph (b)(2)(iii) of this Section, the maximum width of a curb cut accessing less than 50 parking spaces shall be 12 feet, including splays, and the maximum width of a curb cut accessing more than 50 parking spaces shall be 22 feet, including splays. However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

R4B R5B

(c) In the districts indicated, curb cuts are permitted only on #zoning lots# with at least 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#. Any such #zoning lot# may be subdivided; however, curb cuts are permitted only for a resulting subdivided #zoning lot# that has at least 40 feet of #street# frontage. For #detached#, #semi-detached# and #zero lot line buildings#, the width and location of curb cuts shall be in accordance with paragraph (b)(1), inclusive, of this Section. For #attached# #buildings# and #building segments#, and for multiple dwellings in R5B Districts, at least 34 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing on both June 30, 1989, and April 14, 2010, that are less than 76 feet wide and where at least 34 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

For #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#, curb cuts shall be prohibited.

R6 R7 R8

(d) In the districts indicated without a letter suffix, for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building# #segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b)(2), inclusive, of this Section.

R6 R7 R8

(e) In the districts indicated, except as provided for in paragraph (d) of this Section, only one curb cut, having a maximum width of 12 feet, including splays, shall be permitted on any #street# frontage of a #zoning lot#. However, where a curb cut accesses a #group parking facility# with 50 or more spaces, the maximum width of a curb cut shall be 22 feet, including splays, or alternatively, two curb cuts shall be permitted to access such #group parking facility#, each with a maximum width of 12 feet, including splays, and spaced at least 60 feet apart. For #zoning lots# subdivided after April 14, 2010, curb cuts shall only be permitted along the #street# frontage of such subdivided #zoning lot# where at least 34 feet of uninterrupted curb space is maintained, and shall comply with the width and spacing requirements of this paragraph, (e).

These curb cut provisions shall apply as follows:

(1) In R6, R7 and R8 Districts without a letter suffix, to non-#Quality Housing buildings# or non-#Quality Housing building# #segments#, any of which contain four or more #dwelling units#;

(2) In R6, R7 and R8 Districts without a letter suffix, to #Quality Housing buildings# or #Quality Housing building# #segments#;

(3) In R6A, R7A, R7D, R7X, R8A and R8X Districts, to all #buildings#; and

(4) In R6B, R7B and R8B Districts, to #zoning lots# occupied by a #building# with a #street wall# at least 40 feet in width or, for #zoning lots# with multiple #building segments#, only where such curb cut is in front of a #building segment# with a #street wall# at least 40 feet in width. On such #zoning lots#, curb cuts shall be permitted only on the #street# frontage that is at least 40 feet wide. On all other #zoning lots# in R6B, R7B and R8B Districts, curb cuts shall be prohibited.

(f) Modification of curb cut location requirements:

R2X R3 R4 R5 R6 R7 R8

(1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such reports.

R6 R7 R8

(2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:

(i) the proposed modification does not adversely affect the character of the surrounding area; and

(ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curbside parking spaces along the #street frontage# of the #zoning lot#.

25-632 - Driveway and curb cut regulations in lower density growth management areas

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family# #detached# #residence# with at least 60 feet of frontage along one #street# and, for such #residences# on #corner lots#, with at least 60 feet of frontage along two #streets#.

(a) For #zoning lots# with less than 33 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted.

(b) For #zoning lots# with at least 33 feet of frontage along a #street#, multiple curb cuts are permitted. The maximum width of a curb cut serving a driveway 12 feet or less in width shall be 10 feet, including splays. Driveways wider than 12

feet at any point within a #front yard# shall be accessed by a single curb cut with a minimum width of 17 feet and a maximum width, including splays, of 18 feet.

(c) The center line of each curb cut shall be coincident with the center line of the driveway that it serves.

(d) All driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on adjoining #zoning lots# provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet.

(e) All #zoning lots# with #buildings# containing #residences# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

(f) The requirements of paragraphs (d) and (e) of this Section may be waived where the Commissioner of Buildings certifies that, due to the location of driveways and curb cuts on adjacent #zoning lots#, there is no way to locate the driveways and curb cuts in compliance with this requirement of this Section, and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

(g) For multiple #buildings# on a single #zoning lot#, access to all parking spaces shall be provided entirely on the same #zoning lot#.

25-633 - Curb cut restrictions for certain buildings in R1 through R5 Districts

LAST AMENDED
2/2/2011

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

(a) In the districts indicated, curb cuts are prohibited for #attached# #buildings# except where such #building# is bounded on one side by a #side yard# at least eight feet in width. For such #buildings#, a curb cut shall be permitted only along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

R1 R2 R3A R3X R4A R5A

(b) In the districts indicated, for #semi-detached# #buildings#, a curb cut shall only be permitted along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

25-634 - Curb cut regulations for community facilities

LAST AMENDED
11/28/2007

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, any #development# or #enlargement# containing a #community facility# #use# with an unenclosed parking area shall comply with the provisions of this Section.

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

25-635 - Maximum driveway grade

LAST AMENDED
4/30/2008

R1 R2 R3 R4 R5

In the districts indicated, the maximum grade of a driveway shall not exceed 11 percent in any #front yard#. Driveways existing on April 30, 2008, which exceed a grade of 11 percent, may be used to access parking spaces required for #residences# constructed after April 30, 2008.

25-64 - Restrictions on Use of Open Space for Parking

LAST AMENDED
4/14/2010

Restrictions on the use of open space for parking and driveways are set forth in this Section, in accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space).

(a) In R1, R2, R3, R4-1, R4A and R4B Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more than 50 percent of the #lot area# not covered by #buildings# containing #residences#;

(b) In R4 Districts, except for R4-1, R4A and R4B Districts, and in R5 Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more than 66 percent of the #lot area# not covered by #buildings# containing #residences#; and

(c) In R6, R7, R8, R9 and R10 Districts without a letter suffix, driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may not use more than 50 percent of the required #open space# on any #zoning lot#. The provisions of this paragraph (c) shall not apply to #Quality Housing buildings#.

25-65 - Surfacing

LAST AMENDED
11/28/2007

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all open off-street parking spaces shall be surfaced with asphaltic or Portland cement concrete, or

other hard-surfaced dustless material, at least four inches thick, except that where required parking spaces are located in #side lot ribbons#, hard surface ribbons may be permitted. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

25-66 - Screening

LAST AMENDED
11/28/2007

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual garages with 10 spaces or more, that are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a)(1) of this Section.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

(b) In #lower density growth management areas#, all open parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The provisions of paragraphs (a) and (b) of this Section shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

25-67 - Parking Lot Landscaping

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:

(1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived, pursuant to Section 25-33, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #community facility# #uses# or curb cuts accessing #community facility# #uses# are shown on the site plan required pursuant to Section 25-623, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

25-68 - For Parking Facilities Containing Car Sharing Vehicles

LAST AMENDED
9/29/2010

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within 20 feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;

(b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and

(c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord."

Off-Street Loading Regulations

25-70 - GENERAL PURPOSES

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in residential areas within the city, and thus to promote and protect public health, safety and general welfare.

25-71 - Permitted Accessory Off-street Loading Berths

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions set forth in Sections 25-75 (Location of Access to the Street), 25-76 (Surfacing), and 25-77 (Screening).

25-72 - Required Accessory Off-street Loading Berths

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the following table for all #development# or #enlargement# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

After December 15, 1961, if the #use# of any #building or other structure# is #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the #enlarged# portion of such #building#.

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths	District
Hospitals and related facilities*	First 10,000	None	R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
	Next 290,000	1	
	Each additional 300,000 or fraction thereof	1	
#commercial# #uses# in #large-scale residential	First 8,000	None	R1 R2 R3 R4 R5 R6

developments#	Next 17,000	1	
	Next 15,000	1	
	Next 20,000	1	
	Next 40,000	1	
	Each additional 150,000 or fraction thereof	1	
#commercial# #uses# in #large-scale residential developments#	First 25,000	None	R7 R8 R9 R10
	Next 15,000	1	
	Next 60,000	1	
	Each additional 150,000 or fraction thereof	1	

* Requirements are in addition to area utilized for ambulance parking.

25-73 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7 shall apply.

25-74 - Size of Required Berths

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR REQUIRED ACCESSORY OFF-STREET LOADING BERTHS
(in feet)

	Length	Width	Vertical clearance
Hospitals and related facilities	33	12	12
#commercial# #uses# in #large-scale residential developments#	33	12	14

25-75 - Location of Access to the Street

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion.

The requirements for #accessory# off-street loading berths set forth in Section 25-72 (Required Accessory Off-street Loading Berths) shall not apply to any #building# as to which the Commissioner of Buildings certifies that there is no way to arrange the required berths to conform to the provisions of this Section.

The Commissioner of Buildings may refer such matters requiring certification to the Department of Transportation for report and may base his determination on such report.

25-76 - Surfacing

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

25-77 - Screening

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required open off-street loading berths shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# by either:

(a) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years;

or

(b) a wall or barrier or uniformly painted fence or fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

(1) shall be maintained in good condition at all times;

(2) may be interrupted by normal entrances and exits; and

(3) shall have no #signs# hung or attached thereto other than those permitted in Section 22-32 (Permitted Non-illuminated Accessory Signs).

25-80 - BICYCLE PARKING

LAST AMENDED
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section, inclusive, related to bicycle parking spaces shall apply to:

(a) #developments#;

(b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;

(c) #dwelling units# created by #conversions# of non-#residential# #floor area#;

(d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;

(e) new enclosed #accessory# #group parking facilities# with 35 or more automobile parking spaces; and

(f) open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more automobile parking spaces or are greater than 6,000 square feet in area.

In addition, the provisions of Section 25-85 (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

25-81 - Required Bicycle Parking Spaces

LAST AMENDED
4/22/2009

25-811 - Enclosed bicycle parking spaces

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section. For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL OR COMMUNITY FACILITY USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
Use Group 1	None required
Use Group 2	1 per 2 #dwelling units#
#Affordable independent residences for seniors#	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES*	
College or #school# student dormitories or fraternity and sorority student houses	1 per 2,000 square feet of #floor area#
Colleges, universities, or seminaries**	
(a) Classrooms, laboratories, student centers or offices	1 per 5,000 square feet of #floor area#
(b) Theaters, auditoriums, gymnasiums or stadiums	1 per 20,000 square feet of #floor area#
Libraries, museums or non-commercial art galleries	1 per 20,000 square feet of #floor area#

Monasteries, convents or novitiates; houses of worship, rectories or parish houses; Use Group 4B	None required
All other Use Group 3 and Use Group 4 #uses# not otherwise listed in this table	1 per 10,000 square feet of #floor area#

* #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group 2 #residential uses#

** Up to half of required spaces may be provided as unenclosed bicycle parking spaces pursuant to the requirements of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces)

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are #accessory# to:

(a) #buildings# or #building segments# containing 10 #dwelling units# or less;

(b) colleges, universities or seminaries where the number of required bicycle parking spaces is six or less;

(c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or

(d) all other #community facility# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

25-812 - Unenclosed bicycle parking spaces

LAST AMENDED
4/22/2009

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for open parking areas #accessory# to #community facility# #uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 25-67 (Parking Lot Landscaping), unenclosed #accessory# bicycle parking spaces shall be provided as follows:

(a) One bicycle parking space shall be provided for every 10 automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle parking space.

(b) Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

(c) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph, (c).

25-82 - Authorization for Reduction of Spaces

LAST AMENDED
4/22/2009

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces), or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

25-83 - Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces

LAST AMENDED
4/22/2009

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 25-84 (Certification for Off-site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely-anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

For colleges, universities or seminaries, one-half of required enclosed #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of paragraph (b) of Section 25-812 (Unenclosed bicycle parking spaces).

All bicycle parking spaces which are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces which are #accessory# to a #community facility# #use# shall be made available for the storage and independent access of the bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities shall be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to community facilities with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis.

25-84 - Certification for Off-site Bicycle Parking Spaces

LAST AMENDED
4/22/2009

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for colleges, universities, seminaries, hospitals and related facilities, except animal hospitals, #accessory# bicycle parking spaces required pursuant to Section 25-811 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

(a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#; and

(b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of a #building# entrance, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

25-85 - Floor Area Exemption

LAST AMENDED
3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section, shall be excluded from the calculation of #floor area#, provided that:

(a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 25-811 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver, or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly constructed; and

(b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
#Affordable independent residences for seniors#	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES*	
Philanthropic or non-profit institutions with sleeping accommodation	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences# and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site pursuant to Section 25-84 (Certification for Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

25-86 - Waiver or Reduction of Spaces for Subsidized Housing

LAST AMENDED
4/22/2009

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except in the Special Southern Hunters Point District, the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

(a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING PROGRAM) or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph;

(b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory# #group parking facility#,

(c) if permitted automobile parking spaces are provided, the required bicycle spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;

(d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and

(e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special Urban Design Regulations

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Chapter 6 - Special Urban Design Regulations

26-00 - APPLICABILITY OF THIS CHAPTER

LAST AMENDED
2/2/2011

The regulations of this Chapter shall apply:

(a) in R9 and R10 Districts, to #developments#, as defined in Section 26-13, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District or to any #Quality Housing building#;

(b) in R3, R4 and R5 Districts, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS), except where such #zoning lots#:

(1) consist entirely of #single-family detached residences#;

(2) are accessed by #private roads# that existed on February 6, 2002; or

(3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;

(c) in #lower density growth management areas#, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS);

(d) to #developments#, #enlargements# or #conversions# in all districts, as applicable, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS); and

(e) to #Quality Housing buildings# where supplemental ground floor level rules apply to #buildings# with #qualifying ground floors#, as set forth in Section 26-50 (SPECIAL GROUND FLOOR LEVEL PROVISIONS FOR QUALIFYING GROUND FLOORS).

26-10 - SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS

LAST AMENDED
2/2/2011

In R9 and R10 Districts, an application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation, drawn to a scale of at least one-sixteenth inch to a foot, of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, a central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

26-11 - General Purposes

LAST AMENDED
2/2/2011

The urban design guidelines are established to strengthen, at street level, the relationship of developments with existing buildings and to improve the quality of the streetscape by:

(a) maintaining the visual continuity of developments at street level;

(b) enhancing the visual character of the neighborhood; and

(c) reducing conflict between pedestrian and vehicular circulation.

26-12 - General Purposes of Sections 26-13 through 26-17

LAST AMENDED
2/2/2011

In harmony with the general purposes and intent of this Resolution and the general purposes of Section 26-11, the regulations of Sections 26-13 through 26-17, inclusive, are intended to:

(a) guide the location of arcades to assure horizontal continuity of developments with existing building arcades and to maintain visual continuity at street level;

(b) require transparency and/or articulation of front walls to improve the visual quality of the street;

(c) improve the quality of the street environment;

(d) limit the number and location of curb cuts, minimizing undue conflict between pedestrian and vehicular movements; and

(e) eliminate trash on sidewalks by requiring central refuse storage areas within the zoning lot.

26-13 - Definitions

LAST AMENDED
2/2/2011

For the purposes of Sections 26-10 through 26-17, inclusive, the following definitions shall apply:

Contiguous block

A "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

A "contiguous lot" is a #zoning lot# that shares a common #side lot line# with the #zoning lot# of the #development#.

Development

In addition to the definition of #development# set forth in Section 12-10 (DEFINITIONS), "development" shall also include an #enlargement# involving an increase in #lot coverage#.

26-14 - Horizontal Continuity

LAST AMENDED
2/2/2011

Horizontal continuity regulations set forth in this Section are intended to relate #developments# with existing #buildings#, at #street# level, in order to maintain visual and functional continuity relating to the following aspects.

26-141 - Arcades

LAST AMENDED
10/17/2007

#Arcades# shall be bonused only where the #zoning lot# of a #development# occupies:

(a) the entire #street line# of a #block# and when the #arcade# extends the full length of such #street# frontage; or

(b) a portion of the #street line# of a #block# and the contiguous #zoning lot# contains an #arcade# extending the full length of the #street# frontage, and no walls are existing where the two #arcades# abut; or where the contiguous #zoning lot# is vacant. Such #arcade# shall be located at the same elevation as the existing #arcade#.

#Arcades# may be interrupted by a bonusable #open space# such as a #publicly accessible open area#.

26-142 - Street wall articulation

LAST AMENDED
2/2/2011

When any #building# wall of a #development# that is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, at least 25 percent of the total surface area of such walls between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall if less than 12 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

26-15 - Curb Cuts

LAST AMENDED
2/6/2002

No curb cuts are permitted on #wide streets#. Curb cuts are permitted along #narrow streets# provided that no #zoning lot# has more than one curb cut on any #narrow street# frontage.

Additional curb cuts, in excess of one for each #narrow street# frontage, for #zoning lots# in excess of 30,000 square feet of #lot area#, or curb cuts on #wide streets# for #zoning lots# that have no #narrow street# frontage may be allowed, provided that the City Planning Commission and the Department of Transportation certify to the Commissioner of Buildings that such additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.

An application to the Commission for certification respecting any additional curb cut shall be made on a standard application form for such certification and shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut. The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such curb cuts.

In cases where a #zoning lot# has no #narrow street# frontage, the Commission may waive the applicable #accessory# off-street parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided).

The parking requirements set forth in Sections 25-21, 25-31 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

26-16 - Central Refuse Storage Area

LAST AMENDED
2/2/2011

All #developments# shall provide facilities for central trash storage within the #zoning lot#. Where such facilities are provided outside of a #building#, such facilities shall be screened by an enclosure containing materials compatible with the materials of the front #building# wall of the #development#.

In all cases, there shall be an area for central trash collection provided at the rate of 75 square feet for uncompressed garbage or 50 square feet for compressed garbage for each 10,000 square feet of #lot area#. Such area shall be ventilated.

26-17 - Streetscape Modifications

LAST AMENDED
2/6/2002

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Chapter. Such modifications will be allowed when the Commission finds that such modifications will enhance the design quality of the #development#.

26-20 - SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS

LAST AMENDED
2/2/2011

To provide for the orderly development of #residences# that are distant from #streets#, site planning requirements are established in Sections 26-20 through 26-27, inclusive. The regulations of this Section are intended to:

(a) optimize vehicular access within and among #zoning lots# containing #private roads#;

(b) regulate the size of and distance between curb cuts to minimize undue conflict between pedestrian and vehicular

movement;

(c) provide for sidewalks to facilitate social interaction and enhance pedestrian safety; and

(d) provide for tree planting along #private roads# in order to enhance the visual and environmental character of the neighborhood.

26-21 - Requirements for Private Roads

LAST AMENDED
2/2/2011

#Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops. The minimum width of a #private road# shall be 38 feet from curb to curb along its entire length or, where at least three #accessory# parking spaces are provided for every two #dwelling units# and no such spaces are located within the bed of a #private road#, the minimum width shall be 34 feet. The entrance to any #group parking facility# may be narrower than such minimum widths for a distance not to exceed 20 feet, and a #private road# may contain a landscaped median provided the paved width of such #private road# meets the minimum width required exclusive of such medians. The City Planning Commission may modify the required width of a #private road#, pursuant to Section 26-26 (Modification and Waiver Provisions).

26-22 - Requirements for Curbs and Curb Cuts

LAST AMENDED
2/6/2002

Curbs shall be provided along each side of the entire length of a #private road#.

A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#. Curb cuts providing access from #private roads# to parking spaces located outside the road bed of the #private road# shall not exceed a width of 18 feet, including splays.

A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.

26-23 - Requirements for Planting Strips and Trees

LAST AMENDED
4/30/2008

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip.

Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.

26-24 - Requirements for Sidewalks

LAST AMENDED
2/6/2002

A minimum four-foot wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting

strips. However, no sidewalk shall be required along that side of a #private road# that does not have a #building# wall facing it.

26-25 - Requirements for Open Areas Between Required Sidewalks and Buildings

LAST AMENDED
2/6/2002

An area open to the sky at least five feet in depth shall be provided between a required sidewalk and any #building#, except that any driveway or parking space located within such open area shall have a depth of at least 18 feet measured perpendicular to such sidewalk. Such open area shall be planted except for parking spaces and entryways to #buildings#. Where an open area at least 18 feet in depth is required, overhangs of #buildings# above the first #story# that project not more than three feet into the required open area are permitted, provided the lowest level of the overhang is at least seven feet above grade at the face of the #building#. Supports for such overhang are permitted, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the overhang.

26-26 - Modification and Waiver Provisions

LAST AMENDED
2/2/2011

(a) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:

(1) such modifications or waivers will enhance the design quality of the #zoning lot#;

(2) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and

(3) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet.

(b) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #zoning lots# within the #Special South Richmond Development District#, that:

(1) contain #designated open space# and a portion of the #waterfront esplanade#, where such #zoning lots#:

(i) have been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or

(ii) are conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or

(2) are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or

(3) have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in

accordance with Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.

In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #zoning lots# will be #developed# pursuant to a good site plan, and that adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping will be provided.

26-27 - Waiver of Bulk Regulations Within Unimproved Streets

LAST AMENDED
2/2/2011

In R3, R4 and R5 Districts, and in C1 and C2 Districts mapped within R3, R4 and R5 Districts, and in C3 Districts, the City Planning Commission may authorize the waiver of #bulk# regulations for:

(a) #zoning lots# with #private roads# that access at least 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law; and

(b) #zoning lots# with #private roads# that access fewer than 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #zoning lot# has received an authorization pursuant to paragraph (a) of Section 26-26;

The Commission may authorize the waiver of #bulk# regulations affected by such #streets# where #buildings# would be #non-complying# absent such waiver, provided the Board of Standards and Appeals has prescribed conditions pursuant to Section 35 of the General City Law which require the #buildings# or portions thereof to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such waivers shall only be as necessary to address #non-compliance# resulting from the location of the #buildings# within and outside the unimproved #streets#.

The Commission shall find that the #private roads# are adequate to serve present and future transportation needs and that, through the grant of such waivers, the #development# complies to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped, and that the #private road# system results in a good site plan.

26-30 - SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

LAST AMENDED
2/2/2011

For all #zoning lots# with #buildings# accessed by #private roads# in #lower density growth management areas#, the provisions of Sections 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superseded in accordance with the provisions of this Section.

26-31 - Yards

LAST AMENDED
2/2/2011

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Sections

23-40, inclusive, and 23-51, et seq., shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a #building# wall facing it. Furthermore, where a #building# on a #through lot# fronts upon a #street# and a #private road#, one #front yard# shall have a depth of at least 30 feet. Where such 30 foot #front yard# adjoins a #street#, such #yard# shall include a landscaped strip at least eight feet wide to screen the #yard# from such #street#, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type expected to form a year-round dense screen at least six feet high within three years.

26-32 - Minimum Distance Between Walls and Lot Lines

LAST AMENDED
4/30/2008

(a) Except in the Borough of Staten Island, the minimum distances set forth in Section 23-711 (Standard minimum distance between buildings) shall not apply between two #buildings# where each such #building# faces a #front yard# required pursuant to Section 26-31. In lieu thereof, such #buildings# shall be at least 13 feet apart.

(b) For the purposes of applying the provisions of Section 23-88 (Minimum Distance Between Lot Lines and Building Walls), the required curb of the #private road# shall be considered to be a #street line#.

26-33 - Entrances, Parking Location and Curb Cuts

LAST AMENDED
8/12/2004

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No required #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

(a) are perpendicular to the roadbed;

(b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed or within 20 feet of being opposite to one another; and

(c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and eight feet wide, within which a tree of at least three-inch caliper is planted.

All #accessory# off-street parking spaces shall comply with the parking location and curb cut regulations set forth in Section 25-632. For the purposes of applying such regulations, the #private road# shall be considered to be a #street#. In addition, the provisions of Sections 25-64 (Restrictions on Use of Open Space for Parking) and 25-66 (Screening) shall apply.

26-34 - Lighting, Signage and Crosswalks

LAST AMENDED
2/2/2011

All #private roads# shall provide street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

26-35 - Screening

LAST AMENDED
8/12/2004

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips shall be densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

26-36 - Modification and Waiver Provisions

LAST AMENDED
2/2/2011

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through 26-35, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

(a) such modifications result in a site plan that provides sufficient open areas for the residents;

(b) any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan; and

(c) such modifications will not impair the essential character of the surrounding area.

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

26-40 - STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS

LAST AMENDED
4/30/2008

26-41 - Street Tree Planting

LAST AMENDED
2/2/2011

In accordance with applicability requirements of underlying district regulations, one #street# tree, pre-existing or newly planted, shall be provided for every 25 feet of #street# frontage of the #zoning lot#. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the #street# adjacent to the #zoning lot#.

Where the Department of Parks and Recreation determines that such tree planting would be infeasible adjacent to the #zoning lot#, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, such tree shall be planted in an alternative location, to be selected by the Department of Parks and Recreation, except that if the Department of Parks and Recreation determines that no alternative location is available, or if no alternative location is provided within 30 days of an application for a Department of Parks and Recreation permit, such off-site tree shall be waived. Off-site trees shall be planted at alternative locations within:

(a) an existing empty #street# tree pit or planting strip; or

(b) an unpaved area owned by the City of New York.

All such alternative locations shall be within the Community District or one-half mile of such #zoning lot#.

In lieu of planting an off-site tree in an available alternative location, or in the event that planting adjacent to the #zoning lot# cannot be completed due to the season, funds equivalent to the cost of planting such tree, as established by rule of the Department of Parks and Recreation, may be deposited in an account of the City of New York. Such funds shall be dedicated to the planting of #street# trees by the City at an alternative location or, in the case of an off-season deposit, in front of the #zoning lot# at the next appropriate planting season.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

26-42 - Planting Strips

LAST AMENDED
4/30/2012

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement# or #converted building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover, except as provided in Section 26-421. Such planting strip shall be located adjacent to, and extend along, the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required.

26-421 - Modifications of planting strip requirements

LAST AMENDED
4/30/2012

Driveways are permitted to traverse planting strips. Planting strips may be interrupted by utilities and paved areas required for bus stops.

On #zoning lots# containing #schools#, permeable pavers or permeable pavement may be substituted for grass or ground cover, provided that, beneath such permeable pavers or pavement, there is structural soil or aggregate containing at least 25 percent pore space, or other kind of engineered system that absorbs stormwater, as acceptable to the Department of Transportation. Any area improved with permeable pavers or pavement pursuant to this paragraph shall be no less than three feet in width except where necessary for compliance with the Americans with Disabilities Act.

26-50 - SPECIAL GROUND FLOOR LEVEL PROVISIONS FOR QUALIFYING GROUND FLOORS

LAST AMENDED3/22/2016

26-51 - Applicability

LAST AMENDED3/22/2016

This Section, inclusive, specifies ground floor level requirements that establish ground floor #use# and depth requirements, the maximum width for certain #uses#, and parking wrap and screening requirements that apply to #Quality Housing buildings# in certain #Residence Districts# subject to supplemental provisions for #qualifying ground floors#.

26-52 - Ground Floor Use and Depth Requirements

LAST AMENDED3/22/2016

For #buildings#, or portions thereof, with ground floor #use# and depth requirements, #uses# on the first #story# of a #building#, and within 15 feet of the ground floor level #street wall#, shall be limited to #community facility uses#, except for lobbies, entrances and exits to #accessory# parking facilities, and entryways to subway stations, as applicable, provided in accordance with Section 26-53 (Maximum Width of Certain Uses). However, such minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

26-53 - Maximum Width of Certain Uses

LAST AMENDED3/22/2016

The maximum width of lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations shall be as set forth in this Section.

(a) Ground floor lobbies

Lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. However, the width of such lobbies need not be less than 10 feet.

(b) Entrances and exits to #accessory# parking facilities

Entrances and exits to #accessory# off-street parking facilities, where permitted on the #ground floor level#, or portion thereof, shall not exceed a #street wall# width equal to the sum of five feet plus the maximum curb cut width for the applicable district. Where no specified maximum curb cut width is set forth for the district, the curb cut regulations for #buildings# containing #residences# in R6 through R8 Districts with a letter suffix, found in paragraph (e) of Section 25-631 (Location and width of curb cuts in certain districts), shall be applied.

(c) Entryways to subway stations

Entryways to subway stations may be provided on the #ground floor level# of a #building# without restriction in #street wall# width.

26-54 - Parking Wrap and Screening Requirements

LAST AMENDED3/22/2016

All #accessory# off-street parking spaces on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.

(a) Along typical #street wall# frontages

For the ground floor level, or portions thereof, of #buildings# with a #street wall# width of 100 feet or less along a #street# frontage, any portion of an #accessory# off-street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall have a minimum depth of 15 feet, as measured perpendicular to the #street wall# of the #building#.

(b) Along wide #street wall# frontages

For portions of ground floor levels of #buildings# with a #street wall# width exceeding 100 feet along a #street# frontage, at least 100 feet of such frontage shall comply with the provisions of paragraph (a) of this Section. Any portion of such an #accessory# off-street parking facility that is located above #curb level# within the portion of such ground floor level #street wall# in excess of 100 feet, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or shall be subject to the following design requirements:

(1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;

(2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and

(3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, graphic or sculptural art, decorative screening or latticework or living plant material.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - The Quality Housing Program

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Chapter 8 - The Quality Housing Program

28-00 - GENERAL PURPOSES

LAST AMENDED
3/22/2016

The Quality Housing Program is established to foster the provision of multifamily housing and certain #community facilities# that:

(a) are compatible with existing neighborhood scale and character;

(b) provide on-site amenity spaces to meet the needs of its residents; and

(c) are designed to promote the security and safety of its residents.

28-01 - Applicability of this Chapter

LAST AMENDED
2/27/2020

The Quality Housing Program is a specific set of standards and requirements that, in conjunction with the #bulk# provisions for #Quality Housing buildings# set forth in Article II, Chapter 3, and Article III, Chapter 5, as applicable, apply to #buildings# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or some combination thereof as follows:

(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all such #buildings# shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter.

(b) In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all #developments# and #enlargements# of such #buildings# utilizing the Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the Quality Housing Program standards and requirements set forth in this Chapter.

(c) In R5D Districts, only the requirements set forth in Sections 28-12 (Refuse Storage and Disposal), 28-23 (Planting Areas) and 28-43 (Location of Accessory Parking) shall apply.

(d) In R6 through R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, for #developments# and #enlargements# of #community facility buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or portions of #buildings# containing such #uses#, where such #buildings# utilize the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts with a letter suffix, or the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts without a letter suffix, the Quality Housing Program standards and requirements of this Chapter shall apply, except that the provisions of Section 28-12 shall be optional.

(e) The provisions of this Chapter shall not apply to #dwelling units# #converted# pursuant to Article I, Chapter 5, unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

28-02 - Definitions

LAST AMENDED
3/22/2016

Dwelling unit

For the purposes of applying the provisions of this Chapter to philanthropic or non-profit institutions with sleeping accommodations and to #long-term care facilities#, the term “dwelling unit” shall include #dwelling units# and #rooming units#, as set forth in the New York City Housing Maintenance Code.

Vertical circulation core

A "vertical circulation core" is an elevator core (consisting of one or more elevators) or a central stairwell in a non-elevator #building#.

28-03 - Quality Housing Program Elements

LAST AMENDED
3/22/2016

The Quality Housing Program consists of four components: #building# interior, recreation space and planting, safety and security, and parking requirements.

The #building# interior component sets forth special refuse storage and disposal systems, and encourages laundry facilities and daylight in corridors.

The recreation and planting component establishes minimum space standards for indoor and outdoor recreation space and requires planting of open areas between the front #building# wall and the #street#.

The safety and security component encourages fewer #dwelling units# per corridor.

The parking component screens #accessory# parking spaces from the public realm.

Each #Quality Housing building# shall comply with the mandatory requirements of this Chapter.

28-10 - BUILDING INTERIOR

LAST AMENDED
3/22/2016

28-11 - Elevated Ground Floor Units

LAST AMENDED
3/22/2016

For all #Quality Housing buildings# with entryways at #curb level# that accommodate ramps, stairs or lifts to #dwelling units# that are elevated above #curb level# on the first #story# of the #building#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the floor level of such #dwelling units# and #curb level#. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each #building#.

28-12 - Refuse Storage and Disposal

LAST AMENDED
3/22/2016

In R6 through R10 Districts, #developments#, with nine or more #dwelling units# per #vertical circulation core#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# per #vertical circulation core#, shall comply with the provisions of this Section.

In R5D Districts, #developments# with nine or more #dwelling units# per #zoning lot#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# per #zoning lot#, shall comply with the provisions of this Section. Such provisions shall also apply to any #zoning lot# with less than nine units where such #zoning lot# and any adjacent #zoning lot# with a total of nine or more #dwelling units# are #developed# or #enlarged# under common ownership or control.

The storage of refuse shall occur entirely within an enclosed area on the #zoning lot# and appropriate locations within the #zoning lot# shall be delineated for this purpose: at least one for #residential uses#, #long-term care facilities# and philanthropic or non-profit institutions with sleeping accommodations, as applicable, and at least one for other #community facility# and #commercial uses#. #Residential# storage and removal locations shall be provided at the rate of 2.9 cubic feet per #dwelling unit#.

A refuse disposal room of not less than 12 square feet with no dimension less than three feet shall be provided on each #story# that has entrances to #dwelling units#. Twelve square feet of floor space allocated to such refuse disposal room shall be excluded from the definition of #floor area# per #story#.

28-13 - Laundry Facilities

LAST AMENDED
3/22/2016

If the #building# provides the following, then that portion of the laundry room which is used to meet these minimum requirements shall be excluded from the definition of #floor area#:

(a) at least one washing machine per 20 #dwelling units# and at least one dryer per 40 #dwelling units#;

(b) such machines are located in a room or rooms with an additional three square feet of unobstructed floor space equipped with chairs and tables for folding laundry for each machine provided;

(c) such rooms have at least one exterior wall with windows, or ceilings with skylights, measuring not less than 9.5 percent of the total floor space of the rooms;

(d) where windows are provided to meet such requirement, they face a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3; and

(e) where skylights are provided to meet such requirement, they are located in a #yard# or #court# that meets the regulations set forth in Article II, Chapter 3, and are unobstructed from their lowest level to the sky, except by permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).

28-14 - Daylight in Corridors

LAST AMENDED
3/22/2016

Fifty percent of the square footage of a corridor may be excluded from the definition of #floor area# if a window with a clear, non-tinted, glazed area of at least 20 square feet is provided in such corridor, provided that such window:

(a) shall be directly visible from at least 50 percent of the corridor or from the #vertical circulation core#. This standard shall be achieved when a visually unobstructed straight line can be drawn between such corridor, elevator or stairwell, and the window; and

(b) is facing a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3.

28-20 - RECREATION SPACE AND PLANTING AREAS

LAST AMENDED
3/22/2016

28-21 - Required Recreation Space

LAST AMENDED
3/22/2016

All #developments# with nine or more #dwelling units#, and #enlargements#, #extensions# or #conversions#, that result in nine or more #dwelling units#, shall provide at least the minimum amount of recreation space as set forth in the table in this Section.

The amount of recreation space required is expressed as a percentage of the total #residential# #floor area# or #community facility# #floor area# allocated to #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as applicable, of the #development#, #enlargement#, #extension# or #conversion#, and may be aggregated in one type, indoors or outdoors.

The floor space of indoor recreation space provided in accordance with the standards set forth in Section 28-22 (Standards for Recreation Space), not exceeding the amount required in the table, shall be excluded from the definition of #floor area#.

District	Minimum Required Recreation Space (as a percentage of the #residential# #floor area# or applicable #community facility# #floor area#)
R6 R7	3.3
R8 R9 R10	2.8

28-22 - Standards for Recreation Space

LAST AMENDED
3/22/2016

(a) All recreation space shall be accessible to the residents of the #building#. In a mixed use #building#, the recreation space shall be accessible only from the #residential# portion of the #building#, or the #community facility# portion of a #building# allocated to #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as applicable.

(b) The minimum dimension of any recreation space shall be 15 feet. The minimum size of any outdoor recreation space shall be 225 square feet, and the minimum size of any indoor recreation space shall be 300 square feet.

(c) Outdoor recreation space shall be open to the sky except that #building# projections, not to exceed seven feet in depth, may cover up to 10 percent of the outdoor recreation space, provided that the lowest level of the projection is at least 10 feet above the level of the outdoor recreation space.

(d) Any indoor recreation room located in a #story# shall have at least one exterior wall with windows, or ceiling with skylights, that measures not less than 9.5 percent of the total floor space of the room. Where windows are provided to meet such requirement, they shall face a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3. Where skylights are provided to meet such requirement, they shall be located in a #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3 and shall be unobstructed from their lowest level to the sky, except for permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).

28-23 - Planting Areas

LAST AMENDED
3/22/2016

The area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between non-#residential uses#, other than philanthropic or non-profit institutions with sleeping accommodations and #long-term care facilities#, and the #street line#. No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

28-30 - SAFETY AND SECURITY

LAST AMENDED
3/22/2016

28-31 - Density per Corridor

LAST AMENDED
3/22/2016

If the number of #dwelling units# served by a #vertical circulation core# and corridor on each #story# does not exceed the number set forth in the following table, 50 percent of the square feet of the corridor serving such #dwelling units# on such #story# may be excluded from the definition of #floor area#.

#Dwelling units# with entrance doors on more than one corridor (duplex and triplex units), may count each entrance door as a fraction of the total number of doors to such #dwelling unit# when determining the number of #dwelling units# served per corridor.

DENSITY OF DWELLING UNITS PER CORRIDOR

District	Number of #Dwelling Units# Served by a Corridor per #Story#

R6 R7	11
R8	10
R9 R10	8

28-40 - PARKING FOR QUALITY HOUSING

LAST AMENDED
3/22/2016

Except as modified by the provisions of this Section, #accessory# off-street parking shall be provided as set forth in the applicable underlying district regulations.

28-41 - Screening

LAST AMENDED
3/22/2016

All open #accessory# off-street #group parking facilities# shall be screened from #dwelling units#, adjacent #zoning lots# and #streets# in accordance with paragraph (a) of Section 25-66.

28-42 - Special Regulations for Off-site Accessory Parking

LAST AMENDED
3/22/2016

Off-site #accessory# parking spaces may be unenclosed, provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

28-43 - Location of Accessory Parking

LAST AMENDED
3/22/2016

On-site #accessory# off-street parking shall not be permitted between the #street line# and the #street wall# of a #building# or its prolongation.

However, on #through lots# measuring less than 180 feet in depth from #street# to #street#, #accessory# off-street parking may be located between the #street line# and any #street wall# located beyond 50 feet of such #street line#.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article III - Commercial District Regulations

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Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Statement of Legislative Intent

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Chapter 1 - Statement of Legislative Intent

31-00 - GENERAL PURPOSES OF COMMERCIAL DISTRICTS

LAST AMENDED
2/26/1967

The Commercial Districts established in this Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to provide sufficient space, in appropriate locations in proximity to residential areas, for local retail development catering to the regular shopping needs of the occupants of nearby residences, with due allowance for the need for a choice of sites;

(b) to provide appropriate space and, in particular, sufficient depth from a street, to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of local retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;

(c) to protect both local retail development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;

(d) to protect both local retail development and nearby residences against congestion, particularly in areas where the established pattern is predominantly residential but includes local retail uses on the lower floors, by regulating the intensity of local retail development, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;

(e) to provide sufficient and appropriate space and, in particular, sufficient depth from the street, to meet the needs of the city's expected future economy for modern commercial floor space in central, major or secondary commercial centers, including the need for off-street parking space in areas where a large proportion of customers come by automobile, with due allowance for the need for a choice of sites, and to encourage the natural tendency of commercial development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;

(f) to protect commercial development in central, major or secondary commercial centers, as far as is possible and appropriate in each area, against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;

(g) to protect commercial development in central, major or secondary commercial centers against congestion, as far as possible, by limiting the bulk of buildings in relation to the land around them and to one another, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;

(h) to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, with due allowance for the need for a choice of sites;

(i) to provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms, within proper standards;

(j) to protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings; and

(k) to promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

31-10 - PURPOSES OF SPECIFIC COMMERCIAL DISTRICTS

LAST AMENDED
12/15/1961

31-11 - C1 Local Retail Districts

LAST AMENDED
12/15/1961

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. Since these establishments are required in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting local service and manufacturing establishments which tend to break such continuity.

31-12 - C2 Local Service Districts

LAST AMENDED
12/15/1961

These districts are designed to provide for a wide range of essential local services not involving regular local shopping. Since these establishments are less frequently visited by customers, they tend to break the continuity of prime retail frontage and, therefore, hamper the development of convenient shopping. The permitted services create relatively few objectionable influences for nearby residential areas.

31-13 - C3 Waterfront Recreation District

LAST AMENDED
12/15/1961

This district is designed to provide for the growing recreational activities of pleasure boating and fishing by permitting rental, servicing and storage of boats in appropriate waterfront areas, normally adjacent to residential development.

31-14 - C4 General Commercial Districts

LAST AMENDED
12/15/1961

These districts comprise the City's major and secondary shopping centers, which provide for occasional family shopping needs and for essential services to business establishments over a wide area, and which have a substantial number of large stores generating considerable traffic. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting service and manufacturing establishments which tend to break up such continuity.

31-15 - C5 Restricted Central Commercial Districts

LAST AMENDED
4/9/1981

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage in the central business district, and which serve the entire metropolitan region. The district regulations also permit a few high-value custom manufacturing establishments which are generally associated with the predominant retail activities, and which depend on personal contacts with persons living all over the region. The district regulations are also designed to provide for continuous retail frontage.

31-16 - C6 General Central Commercial Districts

LAST AMENDED
4/9/1981

These districts are designed to provide for the wide range of retail, office, amusement service, custom manufacturing and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which generate a large volume of trucking.

31-17 - C7 Commercial Amusement District

LAST AMENDED
12/15/1961

This district is designed to permit large open commercial amusement parks and is mapped in only a few areas.

31-18 - C8 General Service Districts

LAST AMENDED
12/15/1961

These districts are designed to provide for necessary services for a wider area than is served by the Local Service Districts. Since these service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, they are incompatible with both residential and retail uses. New residential development is excluded from these districts.

31-20 - SPECIAL MIDTOWN DISTRICT

LAST AMENDED
5/13/1982

The regulations regarding C5P, C5-2.5, C5-3.5, C6-4.5, C6-6.5 and C6-7.5 Districts and any other underlying districts within the #Special Midtown District# are set forth in Article VIII, Chapter 1 (Special Midtown District).

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Use Regulations

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Use Regulations

32-00 - GENERAL PROVISIONS

LAST AMENDED
10/10/2013

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, including each #use# listed separately therein, are permitted in #Commercial Districts# as indicated in Sections 32-11 through 32-25, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 32-01 (Special Provisions for Adult Establishments).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residences# of Article II (Residence District Regulations).

All districts indicated in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the sections indicated in Column C.

Column A	Column B	Column C
C1 and C2 in R9A	R9	32-43
C1 and C2 in R10A	R10	32-43
C1-8A	C1-8	32-43
C1-9A	C1-9	32-43
C2-7A	C2-7	32-43
C2-8A	C2-8	32-43
C4-6A	C4-6	32-43
C4-7A	C4-7	32-43
C6-1A	C6-1	32-15 32-16 32-17 32-20 32-644

In a C8 District, any #use# listed in Use Group 11A or 16 that involves the production, processing, cleaning, servicing, testing or

repair of products, goods or materials shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28 inclusive, relating to Performance Standards.

In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in existing enclosed #buildings# erected prior to December 15, 1961, shall be considered conforming and shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28, inclusive, relating to Performance Standards. Such #uses# may be #extended# within #buildings# or into #abutting# #buildings# on the same #zoning lot#.

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The letters A, B, B1, C, D, E, F, G or H in the Parking Requirement Category following a #use# listed in Sections 32-14 to 32-25, inclusive, refer to the classification of #commercial# #uses# to determine required #accessory# off-street parking spaces as set forth in the table in Section 36-21 (General Provisions).

The #uses# listed in the various Use Groups set forth in Sections 32-11 to 32-25, inclusive, are also listed in alphabetical order in the Index at the end of this Resolution, for the convenience of those using the Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

In the area, which as a result of #zoning map# change 840260 ZMM is zoned C6-2A, existing lawful meat markets listed in Use Group 17A, in existing enclosed #buildings# erected prior to December 15, 1961, shall be a conforming #use#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

The following chart sets forth the Use Groups permitted in the various #Commercial Districts#.

USE GROUPS PERMITTED IN COMMERCIAL DISTRICTS																
Districts	Use Groups															
	#Residential#		#Community Facility#		Retail and #Commercial#											Gen. Service
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Local Retail C1	X	X	X	X	X	X										
Local Service C2	X	X	X	X	X	X	X	X	X					X		

Waterfront Recreation C3	X	X	X	X										X		
General Commercial C4	X	X	X	X	X	X		X	X	X		X				
Restricted Central Commercial C5	X	X	X	X	X	X			X	X	X					
General Central Commercial C6	X	X	X	X	X	X	X	X	X	X	X	X				
Commercial Amusement C7												X	X	X	X	
General Service C8				X	X	X	X	X	X	X	X	X	X	X		X

32-01 - Special Provisions for Adult Establishments

LAST AMENDED
9/9/2004

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

(a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.

(b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

(c) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a previously established #adult establishment#.

(d) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.

(e) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, #adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.

(f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d), and (e) of this Section, shall not be subject to the provisions of Section 52-77 (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

32-02 - Special Provisions for Hotels

LAST AMENDED12/9/2021

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of this Section. For the purposes of this Section, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

In all Districts, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-802 (Transient hotels within Commercial Districts) shall be applicable to:

(1) the #development# of a #transient hotel#;

(2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 9, 2021, did not contain such #use#; or

(3) an #enlargement# or #extension# of a #transient hotel# that existed prior to December 9, 2021, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

Notwithstanding the above, the provisions of this Section shall not apply to the following:

(1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;

(2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before December 9, 2021 and such application has been approved after January 1, 2018, provided that:

(i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and

(ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction); or

(3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before December 9, 2021, and has been approved by the Commission after January 1, 2018, provided that:

(i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and

(ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332. For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.

(c) Existing hotels

(1) Any #transient hotel# existing on December 9, 2021, shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-802 or other applicable section of this Resolution.

(2) The provisions of paragraph (c)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021, to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.

(3) In the event a casualty damages or destroys a #transient hotel# that was in such #use# as of December 9, 2021, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(d) Vesting regulations

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, the following provisions shall apply.

(1) If, on or before May 12, 2021, an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on or before December 9, 2022, the

Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. The application may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased beyond the amount approved.

(2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018, and has not received a permit contingent on zoning approval on or before December 9, 2022, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before December 9, 2022 a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.

(3) In the case of an application filed after December 9, 2021, for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of December 9, 2021, has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before December 9, 2023, the Department of Buildings has approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For the purposes of this paragraph, "substantially vacant" shall mean that at least 90 percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20 percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until December 9, 2031. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

32-10 - USES PERMITTED AS-OF-RIGHT

LAST AMENDED
12/15/1961

32-11 - Use Groups 1 and 2

LAST AMENDED
1/18/2011

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Sections 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#- or #two-family# #detached# or #zero lot line residences#.

In #lower density growth management areas# in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed buildings#. However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in Staten Island):

(a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#; or

(b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

32-12 - Use Group 3

LAST AMENDED
7/6/1972

C1 C2 C3 C4 C5 C6

Use Group 3, as set forth in Section 22-13.

32-13 - Use Group 4

LAST AMENDED
7/6/1972

C1 C2 C3 C4 C5 C6 C8

Use Group 4, as set forth in Section 22-14.

32-14 - Use Group 5

LAST AMENDED
8/16/1990

C1* C2** C4 C5 C6 C8

Use Group 5 consists of hotels used primarily for transient occupancy.

A. Transient Accommodations

#Hotels, transient#*** [PRC-H]

B. #Accessory# #uses#

* In a C1-1, C1-2, C1-3 or C1-4 District, a #transient hotel# shall not be permitted

** In a C2-1, C2-2, C2-3 or C2-4 District, each #transient hotel# shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#

*** Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

32-15 - Use Group 6

LAST AMENDED
3/26/2014

C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

(1) provide for a wide variety of local consumer needs; and

(2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

The #uses# listed in subgroup A are also permitted within a #large-scale residential development# to provide daily convenience shopping for its residents.

A. Convenience Retail or Service Establishments

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment [PRC-B]

Barber shops [PRC-B]

Beauty parlors [PRC-B]

Drug stores [PRC-B]

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds [PRC-B]

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime, and those which have #accessory# drive-through facilities[2] [PRC-B]

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores [PRC-Either A or B [3]]

Hardware stores [PRC-B]

Laundry establishments, hand or automatic self-service [PRC-B[1]]

Liquor stores, package [PRC-B]

Post offices [PRC-H]

Shoe or hat repair shops [PRC-B]

Stationery stores [PRC-B]

Tailor or dressmaking shops, custom [PRC-B]

Variety stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

B. Offices

Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental [PRC-B1]

Veterinary medicine for small animals, provided all activities are conducted within a #completely enclosed# #building#; where such #building# contains a #residential# #use#, no access shall be from an entrance serving the #residential# portion [PRC-B1]

C. Retail or Service Establishments

Antique stores [PRC-B]

Art galleries, commercial [PRC-B]

Artists' supply stores [PRC-B]

Automobile supply stores, with no installation or repair services [PRC-B]

Banks, including drive-in banks [PRC-B]

Bicycle sales [PRC-B]

Book stores [PRC-B]

Candy or ice cream stores [PRC-B]

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B1]

Cigar or tobacco stores [PRC-B]

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U. S. Coast Guard-certified capacity of the largest vessel using the dock [PRC-H]

Docks for water taxis, with a vessel capacity of up to 99 passengers. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U. S. Coast Guard-certified capacity of the largest vessel using the dock

Docks or mooring facilities for non-commercial pleasure boats [PRC-H]

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer[4] [PRC-B]

Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or fewer [PRC-B]

Electrolysis studios [PRC-B]

Fishing tackle or equipment, rental or sales [PRC-B1]

Florist shops [PRC-B]

Frozen food lockers[1] [PRC-B]

Furniture stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B1]

Furrier shops, custom [PRC-B]

Gift shops [PRC-B]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

Jewelry or art metal craft shops [PRC-B]

Leather goods or luggage stores [PRC-B]

Loan offices[1] [PRC-B1]

Locksmith shops[1] [PRC-B]

Medical or orthopedic appliance stores [PRC-B]

Meeting halls[1] [PRC-D]

Millinery shops [PRC-B]

Music stores [PRC-B]

Newsstands, open or enclosed [PRC-B]

Optician or optometrist establishments [PRC-B]

Paint stores [PRC-B]

Pet shops [PRC-B]

Photographic equipment or supply stores [PRC-B]

Photographic studios [PRC-B]

Picture framing shops [PRC-B]

Record stores [PRC-B]

Seed or garden supply stores [PRC-B]

Sewing machine stores, selling household machines only [PRC-B]

Shoe stores [PRC-B]

Sporting or athletic stores [PRC-B]

Stamp or coin stores [PRC-B]

Telegraph offices [PRC-B]

Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Toy stores [PRC-B]

Travel bureaus [PRC-B]

Typewriter stores [PRC-B]

Wallpaper stores [PRC-B]

Watch or clock stores or repair shops [PRC-B]

D. Public Service Establishments[5]

Court houses [PRC-C]

Electric or gas utility substations, open or enclosed, limited in each case to a site of not more than 10,000 square feet [1]

Fire or police stations [PRC-C]

Public utility stations for oil or gas metering or regulating[1]

Solar energy systems

Telephone exchanges or other communications equipment structures. In all districts the height above #curb level# of such structures not existing on December 15, 1961, shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.

Terminal facilities at river crossings for access to electric, gas, or steam lines[1]

Water or sewage pumping stations[1]

E. Clubs

Non-commercial clubs, without restrictions on activities or facilities [PRC-D]

F. #Accessory# #uses#

[1] In C5 Districts, a #use# in Use Group 6, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

[2] Eating or drinking places with #accessory# drive-through facilities shall be permitted in C1 Districts only as provided in Section 73-243, and shall not be permitted in C5 Districts

[3] Food stores with 2,000 square feet or more of #floor area# per establishment are classified in parking requirement category A and food stores with less than 2,000 square feet of #floor area# are classified in parking requirement category B, pursuant to Section 36-21 (General Provisions)

[4] Permitted in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3 and C5 Districts, only as provided in Section 73-241

[5] In a C6-1A District, #uses# in Use Group 6D are not permitted

32-16 - Use Group 7

LAST AMENDED
4/30/2012

C2 C6* C8

Use Group 7 consists primarily of home maintenance or repair services which:

(1) fulfill recurrent needs of residents in nearby areas;

(2) have a relatively small service area and are, therefore, widely distributed throughout the City; and

(3) are incompatible in primary retail districts since they break the continuity of retail frontage.

A. Transient Accommodations

#Motels#, #tourist cabins# or #boatels#** [PRC-H]

In C2 Districts, each #motel# or #tourist cabin# shall be located on a #zoning lot# in whole or in part within a 1,000 foot radius of the entrance or exit of a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#

B. Retail or Service Establishments

Bicycle rental or repair shops [PRC-B1]

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

Exterminators [PRC-B1]

Funeral establishments [PRC-H]

Gun repairs [PRC-B1]

Monument sales establishments, with incidental processing to order, but not including the shaping of headstones [PRC-C]

Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment [PRC-B1]

Refreshment stands, drive-in [PRC-H]

Sailmaking establishments [PRC-C]

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

Taxidermist shops [PRC-B1]

Trade embalmers [PRC-B1]

Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services [PRC-B1]

C. Wholesale Establishments

Wholesale establishments, with not more than 1,500 square feet of #accessory# storage per establishment [PRC-B1]

D. Auto Service Establishments

Automobile glass and mirror shops [PRC-B1]

Automobile seat cover or convertible top establishments, selling or installation [PRC-B1]

Electric vehicle charging stations and automotive battery swapping facilities [PRC-B1]

Tire sales establishments, including installation services [PRC-B1]

E. #Accessory# #uses#

* In a C6-1A District, #uses# in Use Group 7 are not permitted

** Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

32-17 - Use Group 8

LAST AMENDED
5/8/2013

C2 C4 C6 C8

Use Group 8 consists primarily of amusement or service establishments which:

(1) are appropriate in local service districts to serve nearby residential areas; or

(2) depend on a wide service radius and may appropriately be located in secondary or major commercial centers.

Since these establishments are generally patronized by customers for special purposes not associated with retail shopping, they are appropriate neither in local shopping areas nor in the restricted central commercial areas.

A. Amusements

*Billiard parlors or pool halls [PRC-D]

*Bowling alleys, limited to not more than 16 lanes per establishment [PRC-D]

Model car hobby center, including racing, limited to not more than 8,000 square feet of #floor area# per establishment [PRC-D]

Theaters [PRC-D]

In C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C6 and C8-4 Districts, in order to prevent obstruction of #street# areas, a new motion picture theater, in a new or existing #building#, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

B. Retail or Service Establishments

*Automobile driving schools [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Lumber stores, limited to 5,000 square feet of #floor area# per establishment exclusive of that #floor area# used for office and display area, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size [PRC-B1]

*Pawn shops [PRC-B1]

Television, radio, phonograph or household appliance repair shops [PRC-B]

*Upholstering shops dealing directly with consumers [PRC-B1]

C. Automotive Service Establishments

Automobile rental establishments, except that in the #Long Island City area#, as defined in Section 16-02 (Definitions), the number of automobiles that may be stored in such establishments in C2, C4 or C6 Districts shall not exceed 100 spaces and the maximum size in square feet of such storage area shall not exceed 200 times the number of parking spaces provided, exclusive of entrance/exit ramps

#Public parking garages# or #public parking lots# with a capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as of right in C6-1A Districts and such #public parking garages# are not permitted as of right in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

D. Public Service Establishments

Prisons [PRC-H]

E. #Accessory# #uses#

* In a C4 District, a #use# in Use Group 8, marked with an asterisk shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

32-18 - Use Group 9

LAST AMENDED
2/26/1998

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

(1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and

(2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery [PRC-C]

*Banquet halls [PRC-D]

*Blueprinting or photostatting establishments [PRC-B1]

*Business schools or colleges [PRC-B1]

*Catering establishments [PRC-B1]

*Clothing or costume rental establishments [PRC-B]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

**#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

*Musical instrument repair shops [PRC-B1]

Plumbing, heating or ventilating equipment showrooms, without repair facilities [PRC-B1]

*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production [PRC-B1]

Public auction rooms [PRC-D]

*Studios, art, music, dancing or theatrical [PRC-B]

*Trade, or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

*Typewriter or other small business machine sales, rental or repairs [PRC-B1]

*Umbrella repair shops [PRC-B]

*Wedding chapels [PRC-D]

B. Wholesale Establishments

Hair products for headwear, wholesaling including styling [PRC-B1]

Photographic developing or photographic printing establishments, limited to 2,500 square feet of #floor area# per establishment except that such #floor area# limitation shall not apply in C6 Districts provided such #use# conforms to the performance standards for M1 Districts and to the applicable regulations of Chapter 19 (Fire Prevention Code) of the Administrative Code [PRC-B1]

C. #Accessory# #uses#

* In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

** In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

32-19 - Use Group 10

LAST AMENDED
3/26/2014

C4 C5 C6 C8

Use Group 10 consists primarily of large retail establishments (such as department stores) that:

(1) serve a wide area, ranging from a community to the whole metropolitan area, and are, therefore, appropriate in secondary, major or central shopping areas; and

(2) are not appropriate in local shopping or local service areas because of the generation of considerable pedestrian, automobile or truck traffic.

A. Retail or Service Establishments

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B1]

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment [PRC-B]

Department stores [PRC-B]

Depositories for storage of office records, microfilm or computer tapes, or for data processing [PRC-G]

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) [PRC-H]

Dry goods or fabric stores, with no limitation on #floor area# per establishment [PRC-B]

Eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels [PRC-D]

Furniture stores, with no limitation on #floor area# per establishment [PRC-B1]

Office or business machine stores, sales or rental [PRC-B1]

Photographic or motion picture production studios [PRC-D]

Radio or television studios [PRC-D]

Television, radio, phonograph or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

B. Wholesale Establishments

Wholesale offices or showrooms, with storage restricted to samples [PRC-B1]

C. #Accessory# #uses#

32-20 - Use Group 11

LAST AMENDED
12/15/1961

C5 C6** C8

Use Group 11 consists of a few types of essentially custom manufacturing activities that:

(1) benefit from a central location and are appropriate in the central business district;

(2) generally do not create any significant objectionable influences; and

(3) involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

A. Manufacturing Establishments

*Art needlework, hand weaving or tapestries [PRC-F]

*Books, handbinding or tooling [PRC-F]

*Ceramic products, custom manufacturing [PRC-F]

*Clothing, custom manufacturing or altering for retail [PRC-F]

*Hair products, custom manufacturing [PRC-F]

*Jewelry manufacturing from precious metals [PRC-F]

*Medical, dental, drafting instruments, optical goods, or similar precision instruments [PRC-F]

*Musical instruments, except pianos and organs [PRC-F]

*Orthopedic or medical appliances, custom manufacturing [PRC-F]

*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production, provided that such #floor area# limitation shall not apply in C6 Districts [PRC-F]

*Watchmaking [PRC-F]

B. Wholesale or Similar Establishments

*Ship chandlers [PRC-F]

*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

C. #Accessory# #uses#

* In a C5 District, a #use# in Use Group 11, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

** In a C6-1A District, #uses# in Use Group 11 are not permitted

32-21 - Use Group 12

LAST AMENDED
5/8/2013

C4 C6 C7 C8

Use Group 12 consists primarily of fairly large entertainment facilities that:

(1) have a wide service area and generate considerable pedestrian, automotive or truck traffic; and

(2) are, therefore, appropriate only in secondary, major or central commercial areas.

Certain public service establishments are also included.

A. Amusements

Arenas or auditoriums, with capacity limited to 2,500 seats [PRC-D]

*Billiard parlor or pool halls [PRC-D]

*Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment [PRC-D]

**Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of

any capacity with dancing [PRC-D]

In C4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit pursuant to Section 73-244.

In C6-1, C6-2, C6-3 and C6-4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In these districts, the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residential District# boundary.

Historical exhibits, provided such #use# is contained within a #completely enclosed# #building# [PRC-D]

Indoor golf recreation centers [PRC-D]

Model car hobby center, including racing, with no limitation on #floor area# per establishment [PRC-D]

Public auction rooms [PRC-D]

Skating rinks, enclosed [PRC-D]

Stadiums, with capacity limited to 2,500 seats [PRC-D]

Trade expositions, with rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings [PRC-D]

B. Retail Establishments

Antique stores [PRC-B]

Art gallery, commercial [PRC-B]

Book stores [PRC-B]

Candy or ice cream stores [PRC-B]

Cigar and tobacco stores [PRC-B]

Delicatessen stores [PRC-B]

Drug stores [PRC-B]

Gift shops [PRC-B]

Jewelry or art metal craft shops [PRC-B]

Music stores [PRC-B]

Newsstands [PRC-B]

Photographic equipment stores [PRC-B]

Record stores [PRC-B]

Stationery stores [PRC-B]

Toy stores [PRC-B]

C. Public Service Establishments

Police stations [PRC-C]

Water or sewage pumping stations

D. Automotive Service Establishments

#Public parking garages# or #public parking lots# with capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as-of-right in C7 Districts and such #public parking garages# are not permitted as-of-right in C4-5, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

E. #Accessory# #uses#

* In a C4 District, a #use# in Use Group 12, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244

32-22 - Use Group 13

LAST AMENDED
4/6/1978

C7 C8

Use Group 13 consists of open or low coverage #uses#, mostly open amusement establishments, which either:

(1) generate noise and traffic, particularly at night, and are therefore not appropriate in local retail or local service areas; or

(2) attract customers for special purposes not associated with retail shopping, and are therefore not appropriate in local, secondary, major or central shopping areas.

A. Amusements, Open or Enclosed

Camps, overnight or outdoor day [PRC-H]

Children's amusement parks, provided that the total area of the #zoning lot# shall not exceed 10,000 square feet, and that no amusement attractions shall be located within 20 feet of a #Residence District# boundary [PRC-E]

Circuses, carnivals or fairs of a temporary nature [PRC-E]

Commercial beaches or swimming pools [PRC-E]

Golf driving ranges [PRC-E]

Miniature golf courses [PRC-E]

Outdoor roller skating rinks [PRC-E]

Outdoor skateboard parks, provided that the total area of the #zoning lot#, excluding the area used for #accessory# off-street parking spaces, shall not exceed two acres, and provided further that temporary enclosure of the skating runs, such as air supported structures, shall not be permitted [PRC-E]

Outdoor skating rinks [PRC-E]

Theaters [PRC-D]

B. Retail Establishments

Banquet halls [PRC-D]

Catering establishments [PRC-B1]

Refreshment stands, drive-in [PRC-H]

C. Service Establishments

Boat fuel sales, open or enclosed, without restriction as to location [PRC-C]

D. #Accessory# #uses#

32-23 - Use Group 14

LAST AMENDED
3/26/2014

C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

Bicycle rental or repair shops [PRC-B1]

Bicycle sales [PRC-B]

Boat fuel sales, open or enclosed, restricted to location within 10 feet of a boat dock berth [PRC-C]

Boat launching facilities for non-commercial pleasure boats

Boat rentals, open or enclosed [PRC-H]

Boat showrooms or sales, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed# #building# only if located at a distance greater than 100 feet from a #Residence District# boundary [PRC-C]

Boat storage, repair, or painting, including the incidental sale of boats, boat parts, or accessories, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed# #building# only if located at a distance greater than 100 feet from a #Residence District# boundary [PRC-C]

Candy or ice cream stores [PRC-B]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) [PRC-H]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2, C3 Districts; 500 in C7, C8-1, C8-2, C8-3 Districts; 2,500 in C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot#.

Docks for water taxis, with a vessel capacity up to 99 passengers. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U.S. Coast Guard-certified capacity of the largest vessel using the dock

Docks or mooring facilities for non-commercial pleasure boats [PRC-H]

Fishing tackle or equipment, rental or sales [PRC-B1]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Sailmaking establishments [PRC-C]

Sale or rental of sporting goods or equipment, including instruction in skiing, sailing or skin diving [PRC-B]

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities [PRC-D]

C. #Accessory# #uses#

32-24 - Use Group 15

LAST AMENDED

7/23/2008

C7

Use Group 15 consists of large open commercial amusement establishments which:

(1) generate considerable noise or traffic; and

(2) are appropriate only in a few areas designated for open amusement parks.

A. Amusements

Amusement arcades [PRC-E]

Amusement parks, children's, with no limitation on #floor area# per establishment [PRC-E]

Animal exhibits [PRC-E]

Ferris wheels, roller coasters, whips, parachute jumps, merry-go-rounds or similar open midway attractions [PRC-E]

Freak shows, wax museums, dodgem scooters or similar open or enclosed midway attractions [PRC-E]

Open booths with games of skill or chance, including shooting galleries [PRC-E]

32-25 - Use Group 16

LAST AMENDED
12/19/2017

C8

Use Group 16 consists of automotive and other necessary semi-industrial #uses# which:

(1) are required widely throughout the city; and

(2) involve offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare or other objectionable influences, making such #uses# incompatible with #residential# #uses# and other #commercial# #uses#.

A. Retail or Service Establishments

Animal hospitals or kennels [PRC-B1]

Animal pounds or crematoriums [PRC-C]

Automobile, motorcycle, trailer or boat sales, open or enclosed [PRC-C]

Blacksmith shops [PRC-C]

Building materials sales, open or enclosed, limited to 10,000 square feet of #lot area# per establishment, provided that not more than 5,000 square feet of such #lot area# is used for open storage [PRC-B1]

Carpentry, custom woodworking or custom furniture making shops [PRC-B1]

Crematoriums, human [PRC-C]

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of #lot area# per establishment [PRC-B1]

Fuel, ice, oil, coal or wood sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment [PRC-B1]

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units [PRC-B1]

Machinery rental or sales establishments [PRC-B1]

Mirror silvering or glass cutting shops [PRC-B1]

Motorcycle or motor scooter rental establishments [PRC-C]

Poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only [PRC-B1]

Riding academies, open or enclosed [PRC-C]

Sign painting shops, with no limitation on #floor area# per establishment [PRC-B1]

Silver plating shops, custom [PRC-B1]

Soldering or welding shops [PRC-Bl]

Stables for horses [PRC-C]

Tool, die or pattern making establishments, or similar small machine shops [PRC-B1]

Trade schools for adults [PRC-B1]

B. Automotive Service Establishments

Automobile, truck, motorcycle or #trailer# repairs [PRC-C]

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than 10 automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed# #building#

C. Vehicle Storage Establishments

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps [PRC-G]

Dead storage of motor vehicles

Public transit yards, open or enclosed, including #accessory# motor fuel pumps [PRC-G]

D. Heavy Service, Wholesale, or Storage Establishments

Carpet cleaning establishments [PRC-F]

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment [PRC-F]

Laundries, with no limitation on type of operation [PRC-F]

Linen, towel or diaper supply establishments [PRC-F]

Moving or storage offices, with no limitation as to storage or #floor area# per establishment* [PRC-G]

Packing or crating establishments [PRC-G]

Photographic developing or printing with no limitation on #floor area# per establishment [PRC-C]

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment [PRC-G]

Warehouses* [PRC-G]

Wholesale establishments, with no limitation on #accessory# storage [PRC-C]

E. #Accessory# #uses#

* In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of Section 42-121 (Use Group 16D self-service storage facilities).

32-30 - USES PERMITTED BY SPECIAL PERMIT

LAST AMENDED
12/15/1961

32-31 - By the Board of Standards and Appeals

LAST AMENDED
8/12/2004

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

C4-1

Amusement arcades [PRC-E]

C2 C4 C6 C7

#Automotive service stations#, open or enclosed, with sites of not less than 7,500 square feet per establishment, and provided that facilities for lubrication, minor repairs, or washing are permitted only if located within a #completely enclosed# #building#

C1 C2 C3

Camps, overnight or outdoor day [PRC-H]

C8

Children's amusement parks, with sites of not less than 10,000 square feet nor more than 75,000 square feet per establishment [PRC-E]

C3

Commercial beaches [PRC-E]

C3

Commercial swimming pools [PRC-E]

C1-1 C1-2 C1-3 C3

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime, which have #accessory# drive-through facilities [PRC-B]

C1-1 C1-2 C1-3 C3

Eating or drinking establishments, including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, or outdoor table service, which have #accessory# drive-through facilities [PRC-B]

C1-1 C1-2 C1-3 C1-4 C2-1 C2-2 C2-3 C2-4 C3 C5

Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less [PRC-B]

C3

Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less [PRC-B]

C2 C3 C4* C6-4**

Eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

C1 C2 C3 C4 C5 C6 C7 C8

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

C1 C4

Funeral establishments [PRC-H]

C6

Newspaper publishing establishments

C1 C2 C3 C4 C5 C6 C7 C8

Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

C1 C2 C3 C4 C5 C6 C7 C8

Radio or television towers, non-#accessory#

C2 C6 C7

Riding academies or stables [PRC-C]

C1 C2 C3 C4 C5 C6 C7 C8

Sand, gravel or clay pits

C8

#Schools#, provided they have no living or sleeping accommodations

C1

Theaters, limited to a maximum capacity of 500 persons [PRC-D]

* In C4 Districts, such #use# is permitted within 100 feet of a #Residence District# boundary, only as provided in Section 73-244

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, such #use# is permitted only as provided in Section 73-244

32-32 - By the City Planning Commission

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LAST AMENDED
5/12/2021

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

C8
Amusement parks, children's, with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

C4 C6 C7 C8
Arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats [PRC-D]

C2
Automobile rental establishments, open

Bus stations:

C1 C2 C4 C6 C7 C8
With less than 10 berths

C4 C6
With 10 or more berths

C2 C3 C4 C5 C6 C7 C8
Docks for #gambling vessels#, pursuant to Section 62-838

C6
Docks for passenger ocean vessels, pursuant to Section 62-832

C7 C8
Drive-in theaters, with a maximum capacity of 500 automobiles

C3 C4 C5 C6 C7 C8
Heliports

C4 C6 C7 C8
Indoor interactive entertainment facilities with eating and drinking [PRC-D]

C1 C2
#Long-term care facilities#, in C1 and C2 Districts mapped within R1 and R2 Districts.

C1 C2 C3 C4 C5 C6 C7
#Long-term care facilities# in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more

However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)

C1 C2 C3 C4 C5 C6 C7
#Non-profit hospital staff dwellings#, located not more than 1,500 feet from the non-profit or voluntary hospital

#Public parking garages#*:

C1
Limited in capacity to 100 spaces

C2-1 C2-2 C2-3 C2-4 C4-1 C4-2 C4-3 C4-4 C7 C8-1 C8-2 C8-3
With capacity of more than 150 spaces

C2-5 C2-6 C2-7 C2-8 C4-5 C4-6 C4-7 C5 C6 C7 C8-4
With any capacity

#Public parking lots#*:

C1
Limited in capacity to 100 spaces

C2 C4 C6 C7 C8
With capacity of more than 150 spaces

C5 C7
With any capacity

C1 C2 C3 C4 C5 C6 C7 C8
Public transit, railroad or electric utility substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres

C8
Racetracks

C1 C2 C3 C4 C5 C6 C7 C8
Railroad passenger stations

C2-7 C6
Research and development facility, scientific, in C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts

C1 C2 C3 C4 C5 C6 C7 C8
Seaplane bases

C1 C2 C3 C4 C5 C6 C7 C8
Sewage disposal plants

C4 C6 C7 C8
Trade expositions, with a rated capacity for more than 2,500 persons [PRC-D]

C8
Trucking terminals or motor freight stations with sites in excess of 20,000 square feet per establishment [PRC-G]

C1 C2 C3 C4 C5 C6 C7 C8
#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

* In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

32-40 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
12/15/1961

32-41 - Enclosure Within Buildings

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions) and 36-61 (Permitted Accessory Off-street Loading Berths), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

32-411 - In C1, C5, C6-5 or C6-7 Districts

LAST AMENDED
12/15/1961

C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# except for store fronts or

store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building# upon the adoption of initial rules governing the Permanent Open Restaurants program by an authorized agency following authorizing legislation by the City Council.

32-412 - In other Commercial Districts

LAST AMENDED
1/20/1965

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

32-413 - Health and fitness establishments

LAST AMENDED

C1 C2 C3 C4 C5 C6

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

(a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and

(b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

(1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

32-42 - Location Within Buildings

LAST AMENDED
12/15/1961

32-421 - Limitation on floors occupied by commercial uses

LAST AMENDED
2/26/2014

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building# occupied on one or more of its upper #stories# by #residential# #uses# or by #community facility# #uses#, no #commercial# #uses# listed in Use Group 6, 7, 8, 9 or 14 shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial# #uses# may extend to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial# #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14.

However, in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts, non-#residential# #uses# listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970. For #buildings# constructed in such districts prior to September 17, 1970, located in Community District 6 in the Borough of Manhattan, such non-#residential# #uses# may occupy the lowest two #stories# in such #building#, provided that:

(a) the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the second #story# has not been occupied by a #community facility# #use#, a #dwelling unit# or a #rooming unit#, notwithstanding the certificate of occupancy, if any, for a continuous period from May 1, 2013, until a certification has been issued pursuant to this Section; and

(b) the second #story# of at least one other #building# on the same #block# frontage is occupied by a #use# listed in Use Groups 6, 7, 8, 9 or 14.

32-422 - Location of floors occupied by commercial uses

LAST AMENDED
2/2/2011

C4 C5 C6

In the districts indicated, in any #building#, or portion of a #building# occupied by #residential# #uses#, #commercial# #uses# listed in Use Group 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 may be located only on a #story# below the lowest #story# occupied in whole or in part by such #dwelling units# or #rooming units#, except that this limitation shall not preclude the location of any such #commercial# #use# below the level of the first #story# ceiling, or the extension of a permitted #sign#, other than an #advertising sign#, #accessory# to such #commercial# #use#, to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#.

32-423 - Limitation on ground floor location

LAST AMENDED
3/22/2016

C4 C5

In the districts indicated, #uses# in the Use Groups listed in the following table and marked with asterisks in the Use Group listing shall be located only as follows and as set forth in the following table:

(a) on a floor above or below the ground floor; or

(b) on the ground floor, but not within 50 feet of any #street wall# of the #building# and with no #show window# facing on the #street#.

District	Use Group in Which Limitation Applies
C4	8, 9 or 12
C5	6, 9 or 11

32-43 - Ground Floor Use in Certain Locations

LAST AMENDED
12/21/2005

32-431 - Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts

LAST AMENDED
3/22/2016

C1-8A C1-9A C2-7A C2-8A C4-6A C4-7A

In the districts indicated, and in C1 and C2 Districts mapped within R9A and R10A Districts, #uses# within #stories# that have a floor level within five feet of #curb level# fronting on a #wide street# shall be limited to non-#residential# #uses# except for Type 1 lobbies, and entryways to subway stations provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses).

Non-#residential# #use# shall have a depth of at least 15 feet from the #street wall#. Such minimum depth requirement may be reduced, however, to the minimum extent necessary, to accommodate a vertical circulation core, or structural columns associated with upper #stories# of the #building#. No more than 8,000 square feet shall be devoted to Use Group 6B within #stories# that have a floor level within five feet of #curb level#.

The provisions of Section 32-512 (For corner lots) shall not apply.

The provisions of this Section shall not apply within Community Board 7, Borough of Manhattan.

32-432 - Ground floor use in Community Board 7, Borough of Manhattan

LAST AMENDED
3/22/2016

Within the boundaries of Community Board 7 in the Borough of Manhattan, when a #development#, #enlargement# or change of #use# is located in an R10 equivalent #Commercial District#, #uses# within #stories# that have a floor level within five feet of #curb level# fronting on a #wide street# shall be limited to non-#residential# #uses#, except for Type 1 lobbies, and entryways to subway stations provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses).

32-433 - Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island

LAST AMENDED
3/22/2016

C1 C2 C4

In all C1, C2 and C4 Districts in the Borough of Staten Island, ground floor #uses# shall conform with the provisions of this Section.

(a) Ground floor level #use# requirements

(1) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, as defined in Section 37-311, #uses# on the ground floor level, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential# #uses# except for Type 1 lobbies, and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). Any #accessory# off-street parking spaces located on the ground floor level shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).

(2) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, as defined in Section 37-311, all #uses# permitted by the underlying district shall be permitted on the ground floor level, provided that any #accessory# off-street parking spaces located on the ground floor level shall be wrapped or screened in accordance with the provisions of Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

(b) #Non-conforming buildings#

#Buildings# containing #non-conforming# #residential uses# on the ground floor shall be permitted to #enlarge# without regard to the #use# regulations of this Section, provided that such #enlargement# complies with the provisions of the #residential yard# regulations set forth in Section 23-40.

32-434 - Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts

LAST AMENDED
3/22/2016

C4-5D C6-3D

In the districts indicated and in C2 Districts mapped within R7D or R9D Districts, #uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to non-#residential# #uses# which shall extend along the entire width of the #building#, except for Type 1 lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). Such non-#residential# #uses# comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy #stories# that have a floor level within five feet of #curb level# provided they comply with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). Loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage and, if such #building# fronts on both a #wide street# and a #narrow street#, such

loading berth shall be located only on a #narrow street#.

In C4-5D and C6-3D Districts, and in C2 Districts mapped within R7D or R9D Districts, each ground floor level #street wall# in a #building# #developed# or #enlarged# on the ground floor level shall comply with the glazing provisions set forth in Section 37-34 (Minimum Transparency Requirements).

32-435 - Ground floor use in high density Commercial Districts

LAST AMENDED
3/22/2016

The regulations of this Section shall apply to any #development# occupied by #predominantly residential use#, constructed after April 21, 1977, located on any #zoning lot# within C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts. However, this Section shall not apply within any Special Purpose District nor shall it apply to any #Quality Housing building#, except as otherwise set forth herein.

An application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation drawn to a scale of at least one-sixteenth inch to a foot of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #signs#, other than #advertising signs#, #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

(a) Definitions

For the purposes of this Section, the following definitions shall be applicable.

Contiguous block

For the purposes of this Section, inclusive, a “contiguous block” is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

For the purposes of this Section, inclusive, a “contiguous lot” is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.

Development

For the purposes of this Section, inclusive, in addition to the definition of #development# in Section 12-10 (DEFINITIONS), “development” shall also include an #enlargement# involving an increase in #lot coverage#.

Predominantly residential use

For the purposes of this Section, inclusive, a “predominantly residential use” means a #building# having a #residential# #floor area# in excess of 50 percent of the total #building# #floor area#.

(b) Applicability of Article II, Chapter 6

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines), shall

apply to any #development# occupied by #predominantly residential use#, except as modified by the provisions of this Section. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to #Commercial Districts#.

(c) Retail Continuity

For #buildings# with front #building# walls that are at least 50 feet in width and front upon a #wide street#, a minimum of 50 percent of the width of such front #building# wall shall be occupied at the ground floor level by #commercial# #uses#, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, #uses# which occupy such 50 percent of the front #building# wall shall be limited to those listed in Use Groups 6A, 6C and 6F, excluding banks and loan offices, except that in C4-6 Districts only, such #uses# may additionally include those listed in Use Groups 8A, 8B and 10A. All #uses# permitted by the underlying district regulations are permitted in the remaining 50 percent of the front #building# wall.

Such requirement of #commercial# #uses# for a minimum of 50 percent of the front #building# wall may be waived, or additional #uses# permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that an adequate supply of such #uses# already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional #uses# for a completed #building#, where #floor area# has been designated for occupancy for such #commercial# #uses#, establish that a good faith effort has been made to secure tenancy by such #uses#.

(d) Ground floor transparency and articulation

When any #building# wall which is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, ground floor level transparency shall be provided in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 12 feet in height, shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief. Plants shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Design Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

(e) Sign regulations

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the

signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such modifications will enhance the design quality of the #street wall#.

32-44 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
2/22/1990

32-441 - Definitions

LAST AMENDED
6/23/2005

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section or in Section 98-01.

32-442 - Use of railroad or transit air space

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6 C7 C8

(a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), or a railroad passenger station permitted by the Commission as set forth in Section 74-62 (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-681 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-681 may be changed to another #use# listed in a permitted Use Group and no additional special permit from the Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the #zoning lot# definition in Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

(b) When the #use# of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential# or #community facility development# or a #large-scale general development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:

(1) the proposed #zoning lots#, indicated by a map describing the boundaries of the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and

(2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land, or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot#, which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).

Prior to granting any #zoning lot# authorization relating to such right-of-way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

(c) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-16 (Air Space Over a Railroad or Transit Right-of-way or Yard).

32-50 - SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED
12/15/1961

32-51 - Limitations on Business Entrances, Show Windows or Signs

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the location of primary business entrances, #show windows# or #signs# shall be subject to the provisions of this Section.

For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot# notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

(a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;

(b) service entrances, or other entrances less than 3 feet, 6 inches in width;

(c) windows other than #show windows#; or

(d) ventilators, fire escapes or other appurtenances required by law.

32-511 - For zoning lots with single frontage

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within a distance of 20 feet from frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof within the #Commercial District# is less than 30 feet in length, the minimum distance shall be reduced to 10 feet. For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section 73-50 (Special Provisions Applying Along District Boundaries).

32-512 - For corner lots

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no primary business entrance, #show window#, or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows# or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

(a) if the total length of the #block# face containing such frontage is less than 220 feet;

(b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or

(c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

32-52 - Exceptions for Integrated Developments Divided by District Boundaries

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Commercial District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

(a) is divided by a boundary between the #Commercial District# and a #Residence District#; or

(b) is currently in the same ownership as adjoining property located in a #Residence District# and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Commercial District#, as evidenced by deed restrictions filed in an office of record binding the owner and the owner's heirs and assigns.

32-60 - SIGN REGULATIONS

LAST AMENDED
12/15/1961

32-61 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

32-62 - Permitted Signs

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #signs# other than #advertising signs# are permitted subject to the provisions of the following Sections:

Section 32-64 (Surface Area and Illumination Provisions)

Section 32-65 (Permitted Projection or Height of Signs)

Section 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 32-67 (Special Provisions Applying along District Boundaries)

Section 32-68 (Permitted Signs on Residential or Mixed Buildings)

Section 32-69 (Additional Sign Regulations for Adult Establishments)

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

32-63 - Permitted Advertising Signs

LAST AMENDED
2/2/2011

C6-5 C6-7 C7 C8

In the districts indicated, #advertising signs# are permitted subject to the applicable provisions of the following Sections:

Section 32-64 (Surface Area and Illumination Provisions)

Section 32-65 (Permitted Projection or Height of Signs)

Section 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 32-67 (Special Provisions Applying along District Boundaries)

Section 32-68 (Permitted Signs on Residential or Mixed Buildings).

32-64 - Surface Area and Illumination Provisions

LAST AMENDED
2/27/2001

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

> #Illuminated# non-#flashing signs# other than #advertising signs# located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any #zoning lot# and limited to not more than three such #signs# in any window.

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination which exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences#, #loft dwellings# or #joint living-work quarters for artists#.

32-641 - Total surface area of signs

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#,

shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 32-642.

32-642 - Non-illuminated signs

LAST AMENDED
1/20/1965

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding those shown in the following table are permitted:

District	Maximum Surface Area
C3	50 square feet
C1 C2	Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 150 sq. ft. for #interior# or #through lots# or 150 sq. ft. on each frontage for #corner lots#.
C5-1 C5-2 C5-3 C5-5	Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 200 sq. ft. for #interior# or #through lots# or 200 sq. ft. on each frontage for #corner lots#.
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 sq. ft. for #interior# or #through lots# or 500 sq. ft. on each frontage for #corner lots#.
C8	Six times the #street# frontage of the #zoning lot# (in feet), but in no event more than 750 sq. ft. for each #sign#.
C6-5 C6-7 C7	No restrictions as to size

32-643 - Illuminated non-flashing signs

LAST AMENDED
12/15/1961

C1 C2

In the districts indicated, #illuminated# non-#flashing signs# are permitted with a total #surface area# (in square feet) not exceeding three times the #street# frontage of the #zoning lot# in feet, but in no event shall the total #surface area# exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

32-644 - Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts

LAST AMENDED
6/21/1973

C4 C5-4 C6 C7

In the districts indicated, #illuminated# or #flashing signs# with total #surface areas# not exceeding those shown in the following table are permitted:

District	Maximum Surface Area (in square feet)
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.
C6-5 C6-7 C7	No restrictions as to size

However, in a C6-1A District, #flashing signs# are not permitted.

32-645 - Illuminated or flashing signs in C8 Districts

LAST AMENDED
4/8/1998

C8

In the district indicated, #illuminated# or #flashing signs#, other than #advertising signs#, and #advertising signs# with indirect illumination, are permitted, provided that the total #surface area# of all such #signs# (in square feet) shall not exceed five times the #street# frontage of the #zoning lot# (in feet) and that the #surface area# of each #sign# shall not exceed 500 square feet.

32-65 - Permitted Projection or Height of Signs

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

32-651 - Permitted projection in C6-5, C6-7 or C7 Districts

LAST AMENDED
4/8/1998

C6-5 C6-7 C7

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than eight feet.

32-652 - Permitted projection in all other Commercial Districts

LAST AMENDED
4/8/1998

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#.

32-653 - Additional regulations for projecting signs

LAST AMENDED
2/27/2001

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

(a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.

(b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# in a district other than a C6-5, C6-7 or C7 District shall project more than 48 inches above nor more than 12 inches below such marquee.

32-654 - Height of signs in C8 Districts

LAST AMENDED
12/15/1961

C8

In the district indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 58 feet.

32-655 - Height of signs in all other Commercial Districts

LAST AMENDED
1/20/1965

C1 C2 C3 C4 C5 C6 C7

In the districts indicated, no permitted #sign# shall extend above #curb level# at a height greater than the following:

Districts	Maximum Height (in feet)
C1 C2 C3 C5-1 C5-2 C5-3 C5-5	25
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9	40
C6-5 C6-7 C7	No restriction as to height

32-656 - Height of signs above roof

LAST AMENDED
1/20/1965

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9

In the districts indicated, no #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

32-657 - Roof signs

LAST AMENDED
4/8/1965

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9

In the districts indicated, no #signs# shall be permitted on the roof of any #building#.

32-66 - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

LAST AMENDED
2/27/2001

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

32-661 - Additional regulations for signs other than advertising signs

LAST AMENDED
2/27/2001

C6-5 C6-7 C7 C8

In the districts indicated, and within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, no permitted #sign# that is within view of such arterial highway or #public park# shall exceed 500 square feet of #surface area#.

Beyond 200 feet from such arterial highway or #public park#, the surface area of such #signs# may be increased one square foot for each linear foot such #sign# is located from the arterial highway or #public park#.

Upon application, these requirements shall be waived, provided that the Chairperson of the City Planning Commission certifies that:

(a) such waiver is limited to a single, non-#flashing sign# that is located on a #zoning lot# not less than one and one-half acres; and

(b) all other permitted #signs# located on such #zoning lot# that are subject to the provisions of this Section conform with all the #sign# regulations applicable in C1 Districts.

32-662 - Additional regulations for advertising signs

LAST AMENDED
2/27/2001

C6-5 C6-7 C7 C8

In all districts, as indicated, no #advertising sign# shall be located, nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed within 200 feet of an arterial highway or of a #public park# with an area of one half acre or more, if such #advertising sign# is within view of such arterial highway or #public park#. For the purposes of this Section, arterial highways shall include all highways which are shown on the Master Plan of Arterial Highways and Major Streets, as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply. Beyond 200 feet from such arterial highway or #public park#, an #advertising sign# shall be located at a distance of at least as many linear feet therefrom as there are square feet of #surface area# on the face of such #sign#. However, in all districts as indicated, the more restrictive of the following shall apply:

(1) Any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on May 31, 1968.

(2) Any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968 and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height, and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.

32-663 - Advertising signs on waterways

LAST AMENDED
2/27/2001

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Commercial Districts# and within view from an arterial highway. For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

32-67 - Special Provisions Applying Along District Boundaries

LAST AMENDED
4/8/1998

C2 C3 C4 C5 C6 C7 C8

In the districts indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, no #advertising sign# that faces at an angle of less than 165 degrees away from such #Residence District# or park boundary shall be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections 32-62 through 32-68, inclusive, relating to Sign Regulations.

32-68 - Permitted Signs on Residential or Mixed Buildings

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, any #use# listed in Use Group 1 or 2 shall conform to the #sign# regulations for #Residence Districts# set forth in Sections 22-32 through 22-34. In #residential# or #mixed buildings#, #residential sign# regulations shall apply to the #residential# portion.

Where non-#residential# #uses# are permitted to occupy two floors of the #building#, all #signs# #accessory# to non-#residential# #uses# located on the second floor shall be non-#illuminated signs#, and shall be located below the level of the finished floor of the third #story#.

32-69 - Additional Sign Regulations for Adult Establishments

LAST AMENDED
4/8/1998

C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7 C8

#Signs#, other than #advertising signs#, for #adult establishments# are permitted only as set forth in this Section and are limited to locations in the districts indicated.

All permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with all the #sign# regulations applicable in C1 Districts as set forth in this Chapter, except that the provisions of Section 32-64 (Surface Area and Illumination Provisions) shall not apply. In lieu thereof, the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more

than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# non-#flashing signs#.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-00 - APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

33-01 - Applicability of This Chapter

LAST AMENDED
10/10/2013

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #community facility# #uses# in #large-scale residential developments# are set forth in Article VII, Chapter 8 and special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 9.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-13, paragraph (b) and 33-15, paragraph (a).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area#, to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

33-011 - Quality Housing Program

LAST AMENDED
3/22/2016

The applicability of the Quality Housing Program to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use# is set forth in this Section.

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-

9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article III, Chapter 5. Special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 33-012 (Special provisions for certain community facility uses).

33-012 - Special provisions for certain community facility uses

LAST AMENDED
3/22/2016

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 or C2 Districts mapped within R1 or R2 Districts, where a #long-term care facility# is permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) the #lot coverage# provisions of Section 23-144 shall not apply;

(ii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

(iii) the #yard# regulations of Sections 33-20 and 33-30 shall apply in lieu of Sections 23-40 and 23-50;

(iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section 33-40 shall apply in lieu of Section 23-60; and

(v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of

Article II, Chapter 3.

In C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, or in C3A Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (d) or (e) of Section 33-121, as applicable, except as permitted by the Commission pursuant to Section 74-903.

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;

(ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;

(iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

(iv) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section 35-532 (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and

(v) the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

(4) Applicability of #affordable independent residences for seniors# #bulk# provisions

Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of this Chapter apply to #buildings#, or portions thereof, containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraph (b) of Section 33-121, except as permitted by the Commission pursuant to Section 74-902.

(2) #Commercial Districts# with a residential equivalent of an R3 through R10 District

In C1 or C2 Districts mapped within R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (d) or (e) of Section 33-121, except as permitted by the Commission pursuant to Section 74-903.

In other #Commercial Districts# with a residential equivalent of R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (a) and (b) of Section 33-123 (Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts), as applicable, except as permitted by the Commission pursuant to Section 74-903.

In C1 or C2 Districts mapped within R10 Districts or in #Commercial Districts# with a residential equivalent of an R10 District, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in the tables of Sections 33-121 or 33-123, as applicable.

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied. However, the provisions of Section 23-66 are modified by Section 35-65 (Height and Setback Requirements for Quality Housing Buildings).

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section 35-65, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

33-02 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

33-03 - Street Tree Planting in Commercial Districts

LAST AMENDED
9/7/2017

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Bay Street Corridor District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

#Special East Harlem Corridors District#;

#Special Grand Concourse District#;

#Special Hillsides Preservation District#;

#Special Hudson Yards District#;

#Special Little Italy District#;

#Special Long Island City Mixed Use District#;

#Special Ocean Parkway District#;

#Special South Richmond Development District#;

(c) #enlargements#, pursuant to the Quality Housing Program, of #single-# or #two-family residences# by 20 percent or more;

(d) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or

(e) construction of a detached garage that is 400 square feet or greater.

The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C and 16D.

33-04 - Lower Density Growth Management Areas

LAST AMENDED
1/18/2011

For areas designated as #lower density growth management areas#, pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area; Private road)

Section 22-14 (Use Group 4 – Ambulatory diagnostic or treatment health care facilities)

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 33-121 (In districts with bulk governed by Residence District bulk regulations)

Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District)

Section 36-21 (General Provisions)

Section 36-231 (In districts with high, medium or low parking requirements)

Section 36-27 (Waiver for Certain Small Zoning Lots)

Section 36-521 (Size of spaces)

Section 36-581 (Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND); inclusive

Section 73-125 (Ambulatory diagnostic or treatment health care facilities)

Section 107-412 (Special bulk regulations for certain community facility uses in lower density growth management areas)

Section 107-42 (Minimum Lot Area and Lot Width for Residences)

Section 107-464 (Side yards for permitted non-residential use)

Section 107-62 (Yard, Court and Parking Regulations)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article I, Chapter 2)

33-05 - Outdoor Table Service Areas

LAST AMENDED2/24/2022

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

33-10 - FLOOR AREA REGULATIONS

LAST AMENDED
12/15/1961

33-11 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

33-12 - Maximum Floor Area Ratio

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in this Section, except as otherwise provided in the following Sections:

Section 33-13 (Floor Area Bonus for a Public Plaza)

Section 33-14 (Floor Area Bonus for Arcades)

Section 33-15 (Floor Area Bonus for Front Yards)

Section 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 20 percent.

In addition, the following limitations on maximum permitted #floor area# shall apply:

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A

(a) In contextual Commercial Districts

In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9D, R9X, R10A or R10X Districts, no #floor area# bonuses are permitted.

(b) In Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in Manhattan, in R10 equivalent #Commercial Districts# without a letter suffix, the maximum #floor area ratio# shall not exceed 10.0.

(c) In C6-1A Districts

In C6-1A Districts, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 50 percent.

(d) In C6-4X Districts

In C6-4X Districts, a #floor area# bonus shall only be permitted for a #public plaza# pursuant to Section 33-13.

33-121 - In districts with bulk governed by Residence District bulk regulations

LAST AMENDED
3/22/2016

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for a #zoning lot# containing a #commercial# or #community facility# #use#, the maximum #floor area ratio# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	Column A For #Zoning Lots# Containing only #Commercial# #use#	Column B For #Zoning Lots# Containing only #Community facility# #use#	Column C For #Zoning Lots# Containing both #Commercial# and #Community facility# #uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00	1.60	1.60
R4 R5	1.00	2.00	2.00

R5D R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.20	4.20
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8 R8A	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9D	2.00	9.00	9.00
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

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* In R8B Districts, within the boundaries of Community District 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #use# exclusively shall not exceed 5.10

In addition, the following provisions shall apply:

(a) For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# set forth in Column A.

(b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility# #uses# on a #zoning lot# containing both #commercial# #uses# and #community facility# #uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)

(c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in

Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS) shall be 1.2.

(d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, or in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, for any #zoning lot# containing #long-term care facilities#, the total #floor area# for all such #community facility# #uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 (Maximum floor area ratio for certain community facility uses) or, for #Quality Housing buildings#, as set forth in Section 23-153, unless modified pursuant to Section 74-903.

(e) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #uses# and partly for #long-term care facilities# in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, or philanthropic or non-profit institutions with sleeping accommodations in C1 or C2 Districts mapped within R3 through R9 Districts, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# as set forth for the applicable #Residence District# within which such #Commercial District# is mapped in Column A. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111 or, for #Quality Housing buildings#, as set forth in Section 23-153, exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, as set forth in Column A, the provisions of paragraph (b) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section 74-903.

33-122 - Commercial buildings in all other Commercial Districts

LAST AMENDED
10/11/2012

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing only #commercial# #uses# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7 C8-2 C8-3	2.00
C4-2A C4-3A	3.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6	3.40

C4-4A C4-4L C4-5A C4-5X C5-1	4.00
C4-5D	4.20
C8-4	5.00
C6-1 C6-2 C6-3	6.00
C6-3D	9.00
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

33-123 - Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

LAST AMENDED
3/22/2016

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing #community facility# #uses#, or for a #zoning lot# containing both #commercial# and #community facility# #uses#, shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.00
C4-1	2.00
C8-1	2.40
C4-2A C4-3A	3.00
C1-6A C2-6A C4-4A C4-4L C4-5A	4.00
C4-5D	4.20

C4-2 C4-3 C8-2	4.80
C4-5X	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C6-1 C6-2 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C1-8X C2-7X C6-3D C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# in Section 33-122.

In addition, the following provisions shall apply:

(a) In all #Commercial Districts# except C8 Districts, or districts with a residential equivalent of an R10 District, for any #zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for such #community facility# #use# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 (Maximum floor area ratio for certain community facility uses) or, for #Quality Housing buildings#, as set forth in Section 23-153, applying the equivalent #Residence District# (indicated in Section 34-112) for the #Commercial District# in which such #use# is located, unless modified pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

(b) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #use# and partly for philanthropic or non-profit institutions with sleeping accommodations in #Commercial Districts# other than C8 Districts, or #Commercial Districts# with a residential equivalent of an R10 District, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# by the applicable district regulations. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111 or, for #Quality Housing buildings#, as set forth in Section 23-153, exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, the provisions of paragraph (b) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section 74-903.

33-124 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
10/17/2007

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction in size of existing public amenities

In all #Commercial Districts#, no existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

33-13 - Floor Area Bonus for a Public Plaza

LAST AMENDED
2/2/2011

C1-8 C1-9 C2-7 C2-8

(a) #Zoning lots# containing #community facility# #uses#

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, for #zoning lots# containing #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, may be increased by six square feet.

C4-7 C5-2 C5-3 C5-4 C5-5 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

(b) #Zoning lots# containing only #commercial# #uses#

In the districts indicated, for #zoning lots# containing only #commercial# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #commercial# #use# may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9	10 square feet
C4-7 C5-2 C5-4 C6-1A C6-4 C6-5 C6-8	6 square feet
C6-1 C6-2 C6-3	4 square feet

C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

(c) #Zoning lots# containing #community facility# #uses# or both #commercial# and #community facility# #uses#

In the districts indicated, for #zoning lots# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9	10 square feet
C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8	6 square feet
C6-1 C6-2	4 square feet

33-14 - Floor Area Bonus for Arcades

LAST AMENDED
2/2/2011

C4-7 C5-2 C5-3 C5-4 C5-5 C6

(a) In the districts indicated, for #zoning lots# containing #commercial# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #commercial# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
C4-7 C5-2 C5-3 C5-4 C5-5 C6-1A C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	3 square feet
C6-1 C6-2 C6-3	2 square feet

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

(b) In the districts indicated, and in C1 or C2 Districts when mapped within an R9 or R10 District, for #zoning lots# containing #community facility# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
C1 or C2 when mapped within R9 or R10 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	3 square feet
C6-1 C6-2	2 square feet

33-15 - Floor Area Bonus for Front Yards

LAST AMENDED
10/17/2007

33-151 - In districts with bulk governed by Residence District bulk regulations

LAST AMENDED
2/2/2011

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R1, R2, R3, R4 or R5 District, except R5D Districts, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, may be increased to the #floor area ratio# set forth in the following table provided that:

(a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;

(b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or

(c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
Within R1, R2, R3-1, R3A or R3X Districts	1.60
Within R4 or R5 Districts	2.40

33-152 - In certain other Commercial Districts

LAST AMENDED
10/17/2007

C3 C4-1

In the districts indicated, the provisions set forth in Section 33-151 shall also apply as set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.60
C4-1	2.40

33-16 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
10/17/2007

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different maximum #floor area ratios# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

33-20 - YARD REGULATIONS

LAST AMENDED
12/15/1961

Definitions and General Provisions

33-21 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

33-22 - Level of Yards

LAST AMENDED
12/15/1961

In all #Commercial Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

33-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
5/12/2021

In all #Commercial Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

(1) Arbors or trellises;

(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#,

excluding a #basement#, all such awnings and other sun control devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(3) Canopies;

(4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

(7) Fences;

(8) Flagpoles;

(9) Parking spaces for automobiles or bicycles, off-street, open, #accessory# ;

(10) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that all equipment shall not exceed a height of 23 feet above #curb level# ;

(11) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(12) Steps, and ramps or lifts for people with physical disabilities;

(13) Terraces or porches, open;

(14) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

(b) In any #rear yard# or #rear yard equivalent#:

(1) Balconies, unenclosed, subject to the provisions of Section 24-166;

(2) Breezeways;

(3) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of

such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 33-42 (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;

(4) Fire escapes;

(5) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 33-42, shall be permitted above such an #accessory# #building#, or portion thereof;

(6) Solar energy systems:

(i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility# #use# or attached parking structure;

(ii) on the roof of a #building# permitted as an obstruction to such #yard#, shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;

(iii) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# that is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

33-24 - Measurement of Yard Width or Depth

LAST AMENDED
12/15/1961

In all #Commercial Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

33-25 - Minimum Required Side Yards

LAST AMENDED
4/30/2012

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided at any level, it shall be either:

(a) at least eight feet wide at every point; or

(b) at least five feet wide at every point, with an average width of eight feet, such average being the mean of the width of the

open area at its narrowest point and its width at its widest point, provided that:

(1) such widest point shall be on a #street line#;

(2) no portion of a #building# shall project beyond a straight line connecting such two points; and

(3) in the case of a #zoning lot# bounded by a #side lot line# extending from #street# to #street#, such average shall be computed and such open area shall be provided as though each half of such #side lot line# bounded a separate #zoning lot#.

Permitted obstructions pursuant to paragraph (a) of Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

33-26 - Minimum Required Rear Yards

LAST AMENDED
4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

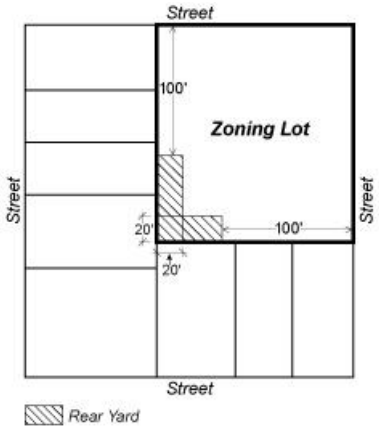
In all districts, as indicated, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 33-27 (Special Provisions for Shallow Interior Lots), 33-28 (Special Provisions for Through Lots) or 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 33-261 (Beyond one hundred feet of a street line).

33-261 - Beyond one hundred feet of a street line

LAST AMENDED
4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

(33-261.1, 43-261.1)

ZONING LOT BOUNDED BY TWO OR MORE STREETS (NEITHER A CORNER LOT NOR A THROUGH LOT)
(33-261.2, 43-261.1)

Regulations Applying to Special Situations

33-27 - Special Provisions for Shallow Interior Lots

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, if an #interior lot# consists entirely of a tract of land:

(a) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(b) which is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of such #interior lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of 50 feet or less.

33-28 - Special Provisions for Through Lots

LAST AMENDED
4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

33-281 - Excepted districts

LAST AMENDED
4/30/2008

C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-4

In the districts indicated, no #rear yard# regulations shall apply to any #through lot#, except as otherwise provided in Section 33-303 (For zoning lots with multiple rear lot lines).

33-282 - Excepted through lots

LAST AMENDED
12/15/1961

C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3

In the districts indicated, no #rear yard# regulations shall apply to any #through lots# which extend less than 110 feet in maximum depth from #street# to #street#.

33-283 - Required rear yard equivalents

LAST AMENDED
9/30/2009

C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3

In the districts indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

(a) an open area with a minimum depth of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts. In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X or R10 Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or

(b) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; except that in C1 or C2 Districts the depth of such required open area along one #street line# may be decreased provided that a corresponding increase of the depth of the open area along the other #street line# is made; or

(c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

33-29 - Special Provisions Applying along District Boundaries

LAST AMENDED
2/8/1962

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries

of #Residence Districts# except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

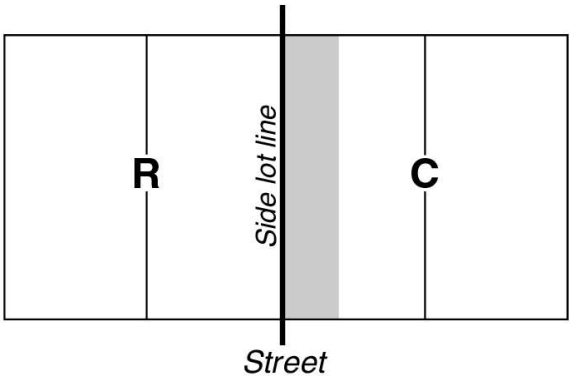
33-291 - Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

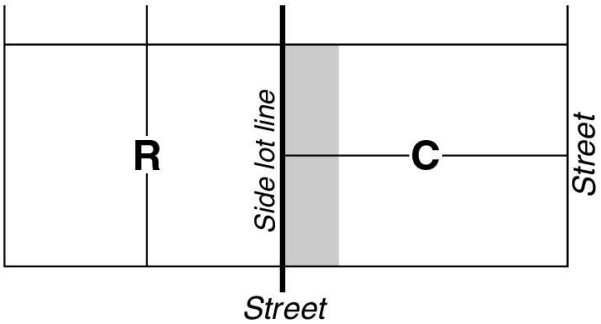
LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District an open area not higher than #curb level# shall be provided within the #Commercial District# with at least the width or depth set forth in the following table. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width or Depth of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8
C8	15





Required Open Area
8' or 15' width or depth

District Boundary

REQUIRED YARD ALONG DISTRICT BOUNDARY COINCIDENT WITH SIDE LOT LINES
(33 - 291)

33-292 - Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

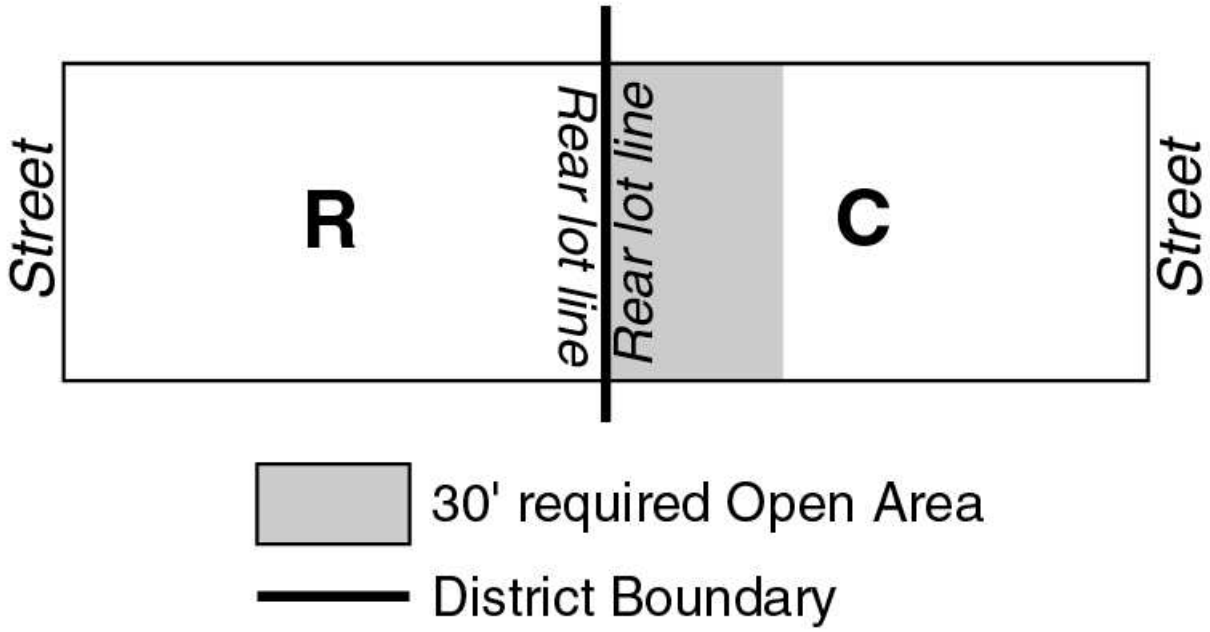
LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at a level not higher than indicated in the following table, shall be provided along such boundary and within the #Commercial District#. Such an open area shall not be used for storage or processing of any kind.

REQUIRED DEPTH OF YARD

Districts	Maximum Level of #Yard#	Depth (in feet)
C1 C2 C3 C4 C5 C6 C7	23 feet above #curb level#	30
C8	#Curb level#	30



REQUIRED YARD ALONG DISTRICT BOUNDARIES COINCIDENT WITH REAR LOT LINES
(33 - 292)

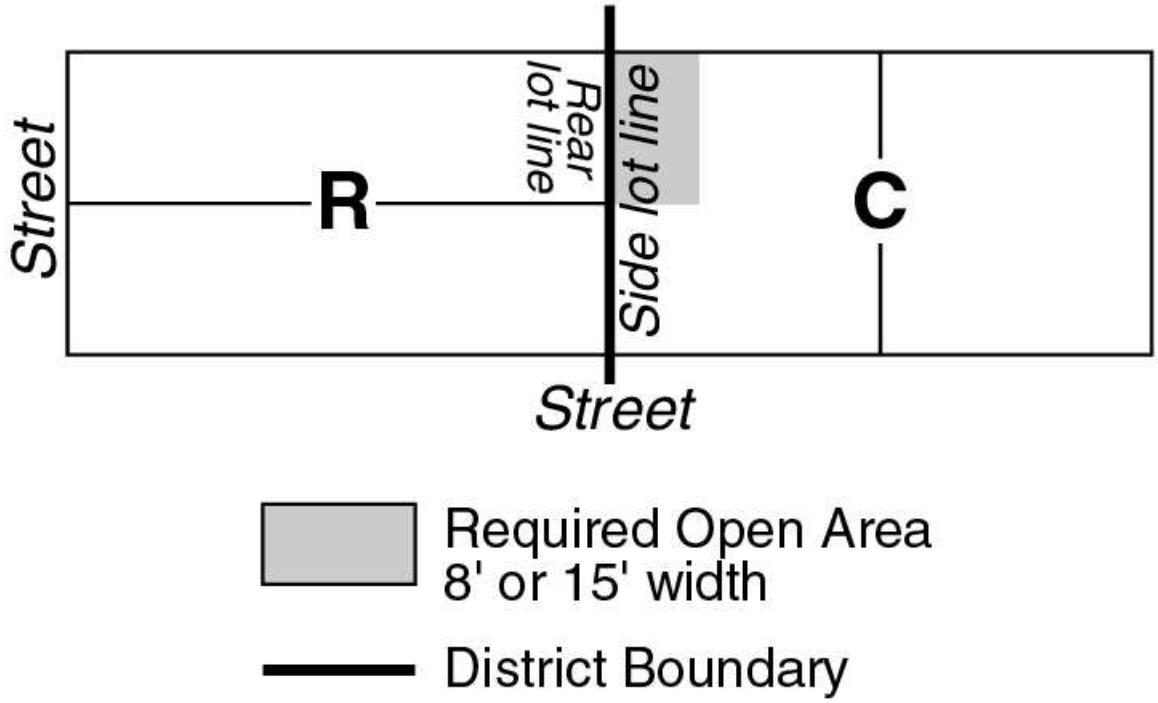
33-293 - Required yards along district boundary coincident with side lot line of zoning lot in a Commercial District

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of a #side lot line# of a #zoning lot# in a #Commercial District# that coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at #curb level# of at least the width set forth in the following table shall be provided along such boundary within the #Commercial District#. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8
C8	15



REQUIRED YARD ALONG DISTRICT BOUNDARIES
(33 - 293)

33-30 - OTHER SPECIAL PROVISIONS FOR REAR YARDS

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the #rear yard# requirements set forth in Section 33-26 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

33-301 - Within one hundred feet of corners

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

33-302 - Along short dimension of block

LAST AMENDED
5/20/1965

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

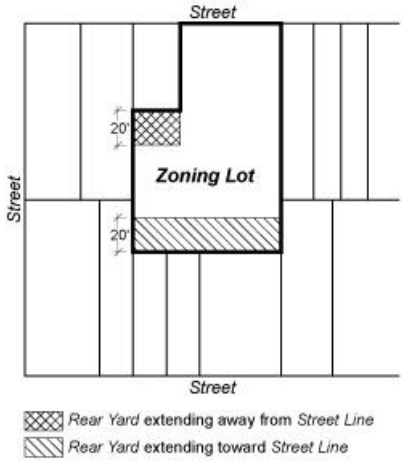
33-303 - For zoning lots with multiple rear lot lines

LAST AMENDED
4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

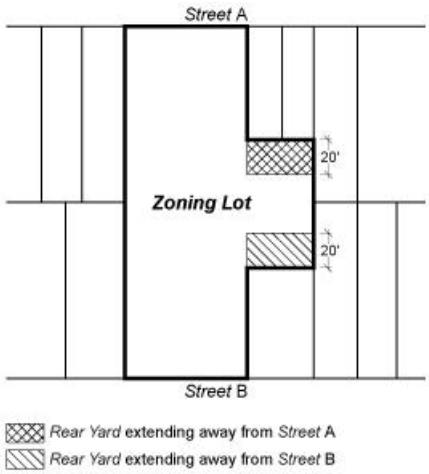
(a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



(33-303a)

(b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c)

33-31 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different #yard# regulations, the provisions set forth in Article VII, Chapter 7 shall apply.

33-32 - Modifications of Yard Regulations

LAST AMENDED
4/30/2008

C5-5 C6-8 C6-9

(a) In the districts indicated, the regulations set forth in Sections 33-26 through 33-30, inclusive, relating to #rear yard# regulations, may be modified in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

C1 C2 C3 C4 C5 C6 C7 C8

(b) In all districts, the regulations set forth in Section 33-303 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

33-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED

All #buildings# in #Commercial Districts# shall comply with the height and setback regulations set forth in this Section, inclusive. However, the height and setback regulations of this Section, inclusive, shall not apply in C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts. In lieu thereof, all #buildings# in such districts shall comply with the applicable #residential# height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, as modified by Article III, Chapter 5.

33-41 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

33-42 - Permitted Obstructions

LAST AMENDED
4/30/2012

In all #Commercial Districts#, the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

(a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with paragraph (j) of this Section.

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

(b) Balconies, unenclosed, subject to the provisions of Section 24-166;

(c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 33-43, 33-44 or 33-45 (Tower Regulations);

(d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;

(e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the

maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

(2) all mechanical equipment shall be screened on all sides;

(3) such obstructions and screening are contained within a volume that complies with one of the following:

(i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (f), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;

(g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;

(h) Flagpoles or aerials;

(i) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(l) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(n) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) in #Commercial Districts# mapped within R1 through R5 Districts and in C3 and C4-1 Districts, a height of six feet;

(ii) in all other #Commercial Districts# and #Commercial Districts# mapped within R6 through R10 Districts, a height of 15 feet; and

(iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;

(3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(o) Spires or belfries;

(p) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(r) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided that:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) in districts where new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;

(s) Window washing equipment mounted on a roof;

(t) Wire, chain link or other transparent fences.

33-43 - Maximum Height of Walls and Required Setbacks

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in this Section. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in this Section. The regulations of this Section shall apply except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations), 33-49 (Special Height Limitations), inclusive, 74-85 (Special Height and Setback Regulations) or 85-04 (Modifications of Bulk Regulations).

33-431 - In C1 or C2 Districts with bulk governed by surrounding Residence District

LAST AMENDED
3/22/2016

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #buildings# other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#			
			Height above the #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within R1, R2, R3, R4, R5, R5A or R5B Districts							

20	15	30 feet or two #stories#, whichever is less	30	1	to 1	1	to 1
Within R6 or R7 Districts							
20	15	60 feet or four #stories#, whichever is less	60	2.7	to 1	5.6	to 1
Within R8, R9 or R10 Districts							
20	15	85 feet or six #stories#, whichever is less	85	2.7	to 1	5.6	to 1

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

In C1 or C2 Districts mapped within R1, R2 or R3 Districts in the Borough of Staten Island or in Community District 10 in the Bronx, for #buildings# containing ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), the maximum height of a front wall or other portion of a #building# within the #initial setback distance# shall be 35 feet, or three #stories#, whichever is less. However, such increased height shall only be permitted beyond 20 feet of a #Residence District# boundary or beyond 20 feet of any portion of a #building# containing a #residential use# located in a #Commercial District#.

33-432 - In other Commercial Districts

LAST AMENDED
3/22/2016

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, for #buildings# other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure#, except as otherwise set forth in this Section, shall be as set forth in the

following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

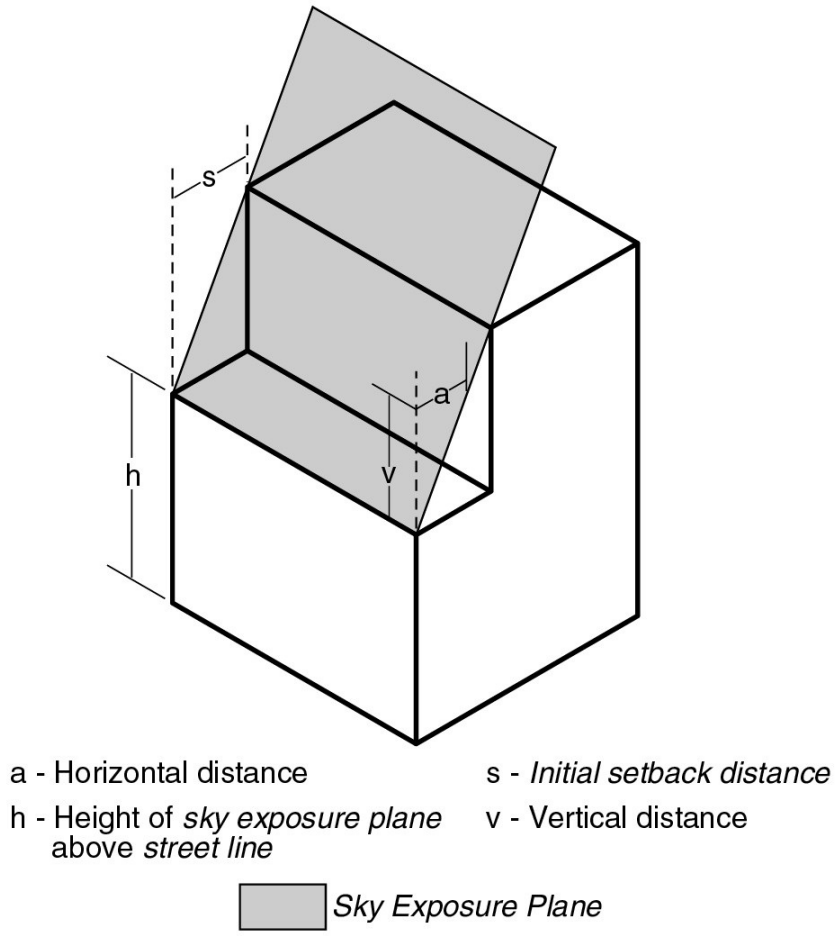
#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above the #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within C3 C4-1 C8-1 Districts							
20	15	30 feet or two #stories#, whichever is less	30	1	to 1	1	to 1
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C7 C8-2 C8-3 Districts							
20	15	60 feet or four #stories#, whichever is less	60	2.7	to 1	5.6	to 1
Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C5 C6 C8-4 Districts							
20	15	85 feet or six #stories#, whichever is less	85	2.7	to 1	5.6	to 1

However, in accordance with the provisions of Section 32-42 (Location within Buildings), in C1, C2 or C3 Districts, no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial# #use#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height

above #street line# shall be 35 feet.

In C1-6, C2-6, C4-4 or C4-5 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial# #use#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.



SKY EXPOSURE PLANE IN OTHER COMMERCIAL DISTRICTS
(23 - 632, 24 - 522, 33 - 432, 43 - 43)

33-433 - Special height and setback regulations

LAST AMENDED
3/22/2016

(a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District7, Borough of Manhattan).

(b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to Section 23-674 (Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan).

(c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements of Section 23-60.

33-44 - Alternate Front Setbacks

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, for #buildings# other than #Quality Housing buildings#, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

33-441 - In C1 or C2 Districts with bulk governed by surrounding Residence District

LAST AMENDED
6/29/2006

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within R1, R2, R3, R4, R5, R5A or R5B Districts						
15	10	30	1.4	to 1	1.4	to 1

Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8, R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the height above #street line# shall be 35 feet.

33-442 - In other Commercial Districts

LAST AMENDED
2/2/2011

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

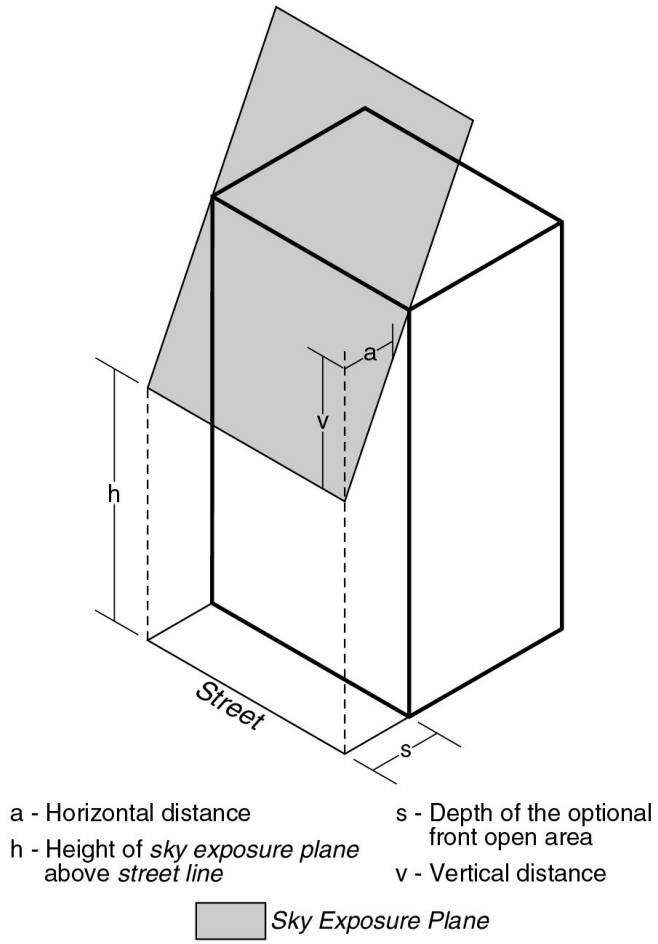
ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within C3 C4-1 C8-1 Districts						
15	10	30	1.4	to 1	1.4	to 1
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C7 C8-2 C8-3 Districts						

15	10	60	3.7	to 1	7.6	to 1
Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C5 C6 C8-4 Districts						
15	10	85	3.7	to 1	7.6	to 1

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, the maximum height above #street line# shall be 35 feet or three #stories#, whichever is less.



ALTERNATE SKY EXPOSURE PLANE

(23-64, 24-53, 33-442, 43-44)

Supplementary Regulations

33-45 - Tower Regulations

LAST AMENDED
12/15/1961

33-451 - In certain specified Commercial Districts

LAST AMENDED
3/22/2016

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

In the districts indicated, any #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 33-454 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, except where the provisions set forth in Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets) or 33-456 (Alternate setback regulations on lots bounded by two or more streets) or 33-457 (Tower setbacks on narrow blocks) are applicable and where the option is taken to be governed by such provisions, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section 33-454 for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

Unenclosed balconies, subject to the provisions of Section 24-166 (Balconies), are permitted to project into or over open areas not occupied by towers.

33-452 - Community facility buildings in C1 or C2 Districts when mapped within R7-2, R8, R9 or R10 Districts

LAST AMENDED
6/29/1994

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R7-2, R8, R9 or R10 District, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

33-453 - Community facility buildings in certain specified Commercial Districts

LAST AMENDED
6/29/1994

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C5-1 C6-1 C6-2 C6-3 C8-3 C8-4

In the districts indicated, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Section 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

33-454 - Towers on small lots

LAST AMENDED
12/15/1961

C1 C2 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

In the districts indicated, a tower permitted under the provisions of Sections 33-451, 33-452 or 33-453 may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

33-455 - Alternate regulations for towers on lots bounded by two or more streets

LAST AMENDED

2/2/2011

C5-3 C5-5 C6-6 C6-7 C6-9

In the districts indicated, if a #zoning lot# is bounded by at least two #street lines#, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in this Section, provided that, except as otherwise set forth in Section 33-457 (Tower setbacks on narrow blocks), all portions of any #building# or #buildings# on such #zoning lot#, including such tower, are set back from #street lines# as required in this Section.

(a) The maximum percent of #lot area# that may be occupied by such tower, shall be the sum of 40 percent plus one-half of one percent for every .10 by which the #floor area ratio# of such #zoning lot# is less than the #floor area ratio# permitted under the provisions of Sections 33-12 (Maximum Floor Area Ratio), 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades). The maximum #lot coverage# for any tower built under the provisions of this Section or for any #building# or #buildings# on any #zoning lot# occupied by such tower shall be 55 percent of the #lot area# of such #zoning lot#.

(b) At all levels, including ground level, such #building# shall be set back from the #street line# as follows:

(1) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0667 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-13 or 33-14, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

(2) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .10 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-13 or 33-14, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

(c) If a #zoning lot# occupies an entire #block#, the maximum setback, set forth in paragraph (b) of this Section, of 45 feet on each #narrow street# bounding the #zoning lot# may be reduced by one foot for every six feet of setback provided on a #wide street# bounding the #zoning lot# in addition to the setbacks otherwise required for #wide streets# as set forth in such paragraph, provided that no setback on a #narrow street# resulting from such reduction shall be less than 35 feet or one-tenth the #aggregate width of street walls# of the tower, whichever shall require the greater setback.

(d) The additional setbacks on #wide streets# set forth in paragraph (c) of this Section may be provided entirely on one #wide street# or divided in any proportion among any two #wide streets# bounding the #zoning lot#.

(e) Notwithstanding any other provision set forth in this Section, no #building# or portion of a #building# built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

33-456 - Alternate setback regulations on lots bounded by two or more streets

LAST AMENDED
2/2/2011

C5-3 C5-5 C6-6 C6-7 C6-9

In the districts indicated, except as otherwise set forth in Section 33-457 (Tower setbacks on narrow blocks), if a #zoning lot# is bounded by at least two #street lines#, a tower occupying not more than the percent of #lot area# set forth in Section 33-451 (In

certain specified Commercial Districts) or 33-454 (Towers on small lots), may be set back from a #street line# as follows:

(a) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0333 for each .10 by which the #floor area ratio# of the #zoning lot# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-13 or 33-14, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

(b) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .05 for each .10 by which the #floor area ratio# of the #zoning lot# is less than the #floor area ratio# permitted under the provisions of Sections 33-12 (Maximum Floor Area Ratio), 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades), provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

(c) Notwithstanding any other provisions set forth in this Section, no tower built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

33-457 - Tower setbacks on narrow blocks

LAST AMENDED
4/22/1965

C5-3 C5-5 C6-6 C6-7 C6-9

In the districts indicated, if a #zoning lot# is bounded by at least three #street lines#, and any two of the #street lines# are opposite to each other and parallel or within 45 degrees of being parallel to each other, and their average distance apart is 150 feet or less, the minimum distance a tower is required to be set back from such opposite #street lines# under the provisions of Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets) or Section 33-456 (Alternate setback regulations on lots bounded by two or more streets), is reduced in accordance with the following table:

TOWER SETBACKS ON NARROW BLOCKS

	Reduction of Required Tower Setback	Minimum Setback for Tower Built under Provisions of this Section
On #narrow street#	30 percent or 10 feet, whichever is less	15 feet
On #wide street#	40 percent or 10 feet, whichever is less	10 feet

33-46 - Special Provisions for Zoning Lots Directly Adjoining Public Parks

LAST AMENDED
6/29/1994

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the front height and setback regulations specified in Section 33-43 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, this Section shall not apply to a #public park# more than 75 percent of which is paved.

33-47 - Modification of Height and Setback Regulations

LAST AMENDED
12/15/1961

33-471 - Commercial and community facility uses

LAST AMENDED
1/20/1965

C5-5 C6-8 C6-9 C8

In the districts indicated, for #commercial# or #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

33-472 - Community facility uses

LAST AMENDED
7/6/1972

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-40 through 33-45, inclusive, relating to Height and Setback Regulations in accordance with the provisions of Section 73-64 (Modifications for community facility uses). However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

33-48 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
8/14/1987

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 33-45 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

33-49 - Special Height and Setback Limitations

LAST AMENDED
2/2/2011

33-491 - Limited Height Districts

LAST AMENDED
6/29/1994

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height Above #Curb Level# or #Base Plane#, as Applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

33-492 - Height limitations for narrow buildings or enlargements

LAST AMENDED
2/2/2011

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4D C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R7-2, R7D, R7X, R8, R9 and R10 Districts, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

33-50 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

LAST AMENDED
12/15/1961

Basic Regulations

33-51 - Minimum Dimensions of Courts for Community Facility Buildings

LAST AMENDED

C1 C2 C3 C4 C5 C6 C8

In all districts, as indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section 24-61 (General Provisions and Applicability)

Section 24-62 (Minimum Dimensions of Courts)

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section 24-66 (Modifications of Court Regulations or Distance Requirements)

Section 24-67 (Special Provisions for Buildings Used Partly for Residential Uses)

Section 24-68 (Permitted Obstructions in Courts).

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

34-00 - APPLICABILITY AND DEFINITIONS

LAST AMENDED
7/26/2001

34-01 - Applicability of This Chapter

LAST AMENDED
3/22/2018

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, in C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply to #residential buildings#.

In C4-4L Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for C4-4L Districts in Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply to #residential buildings#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for new #residential# #development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

34-011 - Quality Housing Program

LAST AMENDED
3/22/2016

(a) In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply

with applicable #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, except as modified by Section 34-20 (EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS). In addition, #Quality Housing buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

(b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix or other #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# set forth in paragraph (a) of this Section may, as an alternative, be applied to a #building# under the same conditions set forth in Sections 23-011 and 34-112.

(c) In #Commercial Districts#, for #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).

34-02 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

34-10 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

LAST AMENDED
12/15/1961

34-11 - General Provisions

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations of Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 through 34-24, relating to Exceptions to Applicability of Residence District Controls.

34-111 - Residential bulk regulations in Cl or C2 Districts whose bulk is governed by surrounding Residence District

LAST AMENDED
12/15/1961

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence District# within which such #Commercial Districts# are mapped apply, except that when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts

apply.

34-112 - Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

LAST AMENDED
3/22/2016

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Districts	Applicable #Residence District#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-6A C2-6A C4-4A C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C6-3D	R9D

C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

34-113 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
10/17/2007

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which no #floor area# bonus has been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction in size of existing public open areas

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

34-20 - EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

LAST AMENDED
12/15/1961

34-21 - General Provisions

LAST AMENDED
7/26/2001

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section 34-11 (General Provisions) are modified by the provisions of Sections 34-22 (Modification of Floor Area and Open Space Regulations), 34-23 (Modification of Yard Regulations) and 34-24 (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

34-22 - Modification of Floor Area and Open Space Regulations

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-10 (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

34-221 - Maximum floor area ratio

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade)

Section 34-225 (Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan).

34-222 - Change of use

LAST AMENDED
6/12/1996

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# and maximum #floor area ratio# shall not apply to such change of #use#.

34-223 - Floor area bonus for a public plaza

LAST AMENDED
2/2/2011

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

In the districts indicated, except for #Quality Housing buildings#, for each square foot of #public plaza# provided in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) may be increased by six square feet.

34-224 - Floor area bonus for an arcade

LAST AMENDED
2/2/2011

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, except for #Quality Housing buildings#, for each square foot of #arcade# provided in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) may be increased by three square feet.

34-225 - Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan

LAST AMENDED
3/22/2016

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential# #floor area ratio# may be increased pursuant to the Inclusionary Housing provisions of Sections 23-154 and 23-90.

34-23 - Modification of Yard Regulations

LAST AMENDED
7/26/2001

34-231 - Modification of front yard requirements

LAST AMENDED
7/26/2001

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #front yard# shall be required for any #residential building#.

34-232 - Modification of side yard requirements

LAST AMENDED
4/30/2012

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided, such open area shall have a width of not less than eight feet. Permitted obstructions, pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

34-233 - Special provisions applying along district boundaries

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

(a) In the districts indicated, if a #Commercial District# boundary coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District and a #side lot line# of any adjoining #zoning lot# in such #Commercial District#, a #front yard# is required for the portion of such #zoning lot# in the #Commercial District# within 25 feet of the district boundary. The depth of such #front yard# shall be equal to the required depth of a #front yard# in the adjacent #Residence District#.

C1 C2 C3 C4 C5 C6

(b) In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# with a width of at least eight feet is required for a #residential building# on a #zoning lot# within the #Commercial District#.

In addition, the provisions of paragraph (e) of Section 34-24 shall apply to such #building#.

34-24 - Modification of Height and Setback Regulations

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

(a) Application of #sky exposure planes#

In the districts indicated, except as set forth in paragraph (a) of Section 34-233 (Special provisions applying along district boundaries), no #front yard# is required for any #residential building# in a #Commercial District#. Therefore, in applying the height and setback regulations in a #Commercial District#, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. In cases where the provisions of paragraph (a) of Section 34-233 apply, the #sky exposure plane# is measured from a point above the #front yard line#.

C1 C2

(b) When mapped within R3 or R4A Districts

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #residential buildings#.

(c) When mapped within R4, R4-1 or R4B Districts

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #residential buildings#.

C4-2F C4-4 C4-5 C4-6 C4-7 C5 C6

(d) Special provisions for narrow #buildings#

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (4) of Section 23-692 shall not apply.

C1 C2 C3 C4 C5 C6

(e) Special provisions applying along district boundaries

The portion of a #Quality Housing building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the provisions of Section 23-693 (Special provisions applying adjacent to R1 through R6B Districts).

C1 C2 C4 C5 C6

(f) For #Quality Housing buildings#

In the districts indicated, for #buildings# utilizing the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, the height and setback provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified by the provisions of Section 35-65, and, for #buildings# containing #affordable independent residences for seniors#, the permitted obstructions set forth in Section 23-44 shall be modified by the provisions of Section 35-532.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

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Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

35-00 - APPLICABILITY AND DEFINITIONS

LAST AMENDED
12/15/1961

35-01 - Applicability of this Chapter

LAST AMENDED
3/22/2018

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial# #use# or a #community facility# #use#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

However, in C3A Districts, except for #community facility# #uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility# #use# and partly for #residential use#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 35-23.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts l and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

35-011 - Quality Housing Program

LAST AMENDED
3/22/2016

(a) In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, and the applicable provisions of Article II, Chapter 8 (Quality Housing Program). In C1 and C2 Districts mapped within R5D Districts, only those

regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter), shall apply.

(b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix and in other #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied under the same conditions set forth in Sections 23-011, 35-22 and 35-23, provided that:

(1) the entire #building# complies with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter; and

(2) the entire #building# complies with the applicable provisions of Article II, Chapter 8 (Quality Housing Program).

(c) In C1 through C6 Districts, special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 35-012 (Special provisions for certain community facility uses).

(d) In #Commercial Districts#, for #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).

35-012 - Special provisions for certain community facility uses

LAST AMENDED
3/22/2016

The provisions of this Section shall apply to #zoning lots# with #mixed buildings# containing #long-term care facilities#, or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 or C2 Districts mapped within R1 or R2 Districts, where a #long-term care facility# is permitted pursuant to Section 74-901 (Long-term care facilities), the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) the #lot coverage# provisions of 23-144 shall not apply;

(ii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

(iii) the #yard# regulations of Sections 33-20 and 33-30 shall apply in lieu of Sections 23-40 and 23-50;

(iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section 33-40 shall apply in lieu of Section 23-60; and

(v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit provisions of Section 74-903 (Certain community facility uses in R3 through R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, or in C3A Districts, the applicable #bulk# regulations of this Chapter shall apply to #mixed buildings# containing #long-term care facilities#. The maximum #floor area ratio# for such #long-term care facilities# shall be as set forth for certain #community facility# #uses# in paragraphs (d) and (e) of Section 33-121, as applicable, except as permitted by the Commission pursuant to Section 74-903.

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;

(ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;

(iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

(iv) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section 35-532 (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and

(v) the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 shall be used to determine the applicable #residential bulk#

regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit provisions of Section 74-903.

(4) Applicability of #affordable independent residences for seniors bulk# provisions

Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and "rooming units", as set forth in the Housing Maintenance Code.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of Article III, Chapter 3 and this Chapter shall apply to #mixed buildings# containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

(1) Special #floor area ratio# provisions for the portion of a #mixed building# that contains a philanthropic or non-profit institution with sleeping accommodations are set forth in paragraph (b) of Section 33-012 (Special provisions for certain community facility uses).

(2) For #buildings# in C1 or C2 Districts mapped within R6 and R7-1 Districts, except for R6A and R6B Districts, containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section 35-311 (Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts) shall not apply. In lieu thereof, the provisions of Section 35-31 (Maximum Floor Area Ratio) shall apply.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

35-02 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

35-10 - GENERAL PROVISIONS

LAST AMENDED
2/2/2011

Except as otherwise provided in this Chapter, the portions of a #building# used for #residential use# are subject to the #bulk#

regulations set forth in Article II, Chapter 3, and the portions of a #building# used for #commercial# or #community facility# #use# are subject to the #bulk# regulations set forth in Article III, Chapter 3.

Special provisions applying to #mixed buildings# or #zoning lots# with multiple #buildings# subject to the provisions of this Chapter are set forth in Sections 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), inclusive, 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive, 35-40 (APPLICABILITY OF DENSITY REGULATIONS), inclusive, 35-50 (MODIFICATION OF YARD REGULATIONS) and 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS),inclusive.

35-20 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

LAST AMENDED
2/2/2011

35-21 - General Provisions

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations set forth in Article II, Chapter 3 shall apply to all #residential# portions of #buildings# in accordance with the provisions and modifications set forth in the remaining Sections of this Chapter. The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

35-22 - Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District

LAST AMENDED
3/22/2016

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #buildings#, except:

(a) when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply;

(b) when such districts are mapped within an R5D District, the supplemental provisions of paragraph (b)(2) of Section 35-652 shall apply to the ground floor level of a #building# providing a #qualifying ground floor# in lieu of paragraph (b)(2) of Section 23-662; and

(c) when such districts are mapped within R6, R7, R8, R9 or R10 Districts, the height and setback regulations of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings), shall be modified by the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for #Quality Housing buildings#.

35-23 - Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

LAST AMENDED

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

(a) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, for #Quality Housing buildings# the height and setback regulations of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings), inclusive, shall be modified by the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings).

In C4-2F, C4-4, C4-5, C4-6, C4-7, C5 or C6 Districts, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (e)(4) of Section 23-692 shall not apply.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# and #residential buildings# on #zoning lots# subject to the provisions of this Chapter shall be subject to the #bulk# regulations for #Quality Housing buildings#.

District	Applicable #Residence District#
C3	R3-2
C3A	R3A
C4-1	R5
C4-2 C4-3 C6-1A	R6
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-7 C4-2F C6-2	R8
C1-8 C2-7 C6-3	R9
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

(b) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of Section 23-66, inclusive, shall be modified by the provisions of Section 35-65.

District	Applicable #Residence District#
C4-2A C4-3A	R6A
C1-6A C2-6A C4-4A C4-4L C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7A C4-4D C6-2A	R8A
C1-8A C2-7A C6-3A	R9A
C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

35-30 - APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

LAST AMENDED
2/2/2011

35-31 - Maximum Floor Area Ratio

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility# #use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on

the #zoning lot#. Special rules for certain areas are set forth in Section 35-35 (Special Floor Area Ratio Provisions for Certain Areas).

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential# #floor area ratio# may be increased pursuant to the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility# #uses# shall be the base #floor area ratio# set forth in Section 23-154 for the applicable district.

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility# #uses# shall be either the base #floor area ratio# set forth in Section 23-154 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial# #uses# in such district, whichever is less.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-154 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

35-311 - Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts

LAST AMENDED
3/22/2016

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility# #uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations, as set forth in Section 35-012 (Special provisions for certain community facility uses).

(a) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

	COLUMN A	COLUMN B

District	Maximum Ratio of #Floor Area# in #Building# to #Lot Area#	Maximum Ratio of #Floor Area# in #community facility# #use# to #Lot Area#
C1 or C2 mapped in R6	2.5	1.0
C1 or C2 mapped in R7-1	3.5	1.0

(b) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# that do not exceed the applicable ratio set forth in Column A in the table in paragraph (a) of this Section, the maximum #floor area ratio# for the #community facility# portion of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to any #building# that does not contain both #community facility# and #residential uses#. The maximum #floor area ratio# permitted for the #commercial# or #community facility# portions of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d).

(d) The total #floor area ratio# permitted for #commercial# or #community facility# #use# on the #zoning lot# shall be as set forth in Article III, Chapter 3, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

35-312 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
10/17/2007

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction in size of existing public amenity

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

35-32 - Open Space Ratio for Residential Portions of Buildings

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, a #zoning lot# containing a #residential building# or the #residential# portion of a #mixed building# shall have a minimum #open space ratio# as required under the provisions of Sections 35-21 through 35-23, relating to Section 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), except as otherwise provided in this Section.

For the purposes of this Section:

(a) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;

(b) the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and

(c) the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

35-33 - Location of Open Space

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the #open space# required for a #residential building# or the #residential# portion of a #mixed building# under the provisions of Section 35-32 (Open Space Ratio for Residential Portions of Buildings) may be at a level higher than 23 feet above #curb level#. Such #open space# may be provided at ground floor level or upon the roof of:

(a) the non-#residential# portion of a #mixed building#;

(b) a #commercial building#; or

(c) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed building#;

provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of such #mixed building#. #Open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

35-331 - Open space restrictions in C4-1 Districts

LAST AMENDED3/22/2016

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, open off-street parking spaces which are #accessory# to #commercial# #uses# are not permitted obstructions within required #open space#.

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, #open space# provided on the roof of a #commercial building# that would otherwise qualify as #open space# shall be subject to authorization by the City Planning Commission. In permitting such roof area to qualify as #open space#, the Commission shall find that:

(a) the location and layout of the roof area is directly accessible, useable and restricted for the residential occupants and their guests for whom no admission charge or membership fee is charged;

(b) such roof area contains recreational facilities, seating areas and landscaping; and

(c) all mechanical equipment or emissions therefrom are screened and no intake or exhaust duct faces directly into the #open space#.

35-34 - Floor Area Bonus for a Public Plaza or Arcade

LAST AMENDED
2/2/2011

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #building# may be applied, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

(a) Prohibition of #public plaza# and #arcade# bonuses

(1) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

(2) Within the boundaries of Community District 7, Borough of Manhattan, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

C1-8 C1-9 C2-7 C2-8

(b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, the bonus

provisions of Section 33-13 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

(c) In the districts indicated, except C6-4X Districts, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-152 (Basic regulations for R10 Districts) may be increased by six square feet.

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

(d) In the districts indicated, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections 33-13 and 33-14 shall apply.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9

(e) In the districts indicated, the provisions of Sections 33-13 and 33-14 shall apply.

C6-4X

(f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

35-341 - Arcades

LAST AMENDED
2/2/2011

C1-8 C1-9 C2-7 C2-8

(a) In the districts indicated, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 33-14 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C5 C6

(b) In the districts indicated, the provisions of Section 33-14 shall apply.

35-35 - Special Floor Area Ratio Provisions for Certain Areas

LAST AMENDED
2/14/2018

35-351 - Special floor area regulations in C6-3 Districts within Community District 1, Borough of the Bronx

LAST AMENDED
2/14/2018

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for #MIH developments# or #affordable independent residences for

seniors#, the #residential# #floor area ratio# shall be that for an R9-1 District set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) or in Section 23-155 (Affordable independent residences for seniors), as applicable.

35-352 - Special floor area regulations for certain districts

LAST AMENDED
5/29/2019

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a residential equivalent of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

(a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

35-40 - APPLICABILITY OF DENSITY REGULATIONS

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# on a #zoning lot# shall equal the maximum #residential# #floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS). For the purposes of such calculation, the maximum #residential# #floor area# permitted on the #zoning lot# shall equal the applicable total #floor area# permitted on the #zoning lot#, minus the amount of non-#residential# #floor area# and #floor area# allocated to #affordable independent residences for seniors#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of density regulations to #mixed buildings#.

For a #mixed building# in a #predominantly built-up area# of a C1 District mapped within an R5 District, the maximum permitted #commercial# #floor area ratio# (FAR) is 1.0, the maximum permitted #community facility# FAR is 2.0 and the maximum permitted #residential# FAR is 1.65, provided the total FAR for all #uses# on the #zoning lot# does not exceed 2.0, pursuant to Section 35-30. On a 10,000 square foot #zoning lot# #developed# with 1.0 FAR of #commercial# #use# and 0.2 FAR of #community facility# #use#, the maximum #residential# #floor area ratio# permitted for such #mixed building# is 0.8. The maximum number of #dwelling units# permitted on the #zoning lot# is 9 (10,000 x 0.8 divided by a factor of 900, pursuant to Section 23-22).

For a #mixed building# where the #residential# portion is #developed# pursuant to the optional Quality Housing Program on a #wide street# in a C2 District mapped within an R7-1 District outside the #Manhattan Core#, the maximum permitted #commercial# FAR is 2.0, the maximum permitted #community facility# FAR is 4.8 (or 1.0 if the total FAR of the #mixed building# exceeds 3.5), and the maximum permitted #residential# FAR is 4.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 4.8, pursuant to Section 35-30. On a 15,000

square foot #zoning lot# #developed# with 1.0 FAR of #commercial# #use# and 1.0 FAR of #community facility# #use#, the maximum #residential# #floor area ratio# permitted for such #mixed building# is 2.8. The maximum number of #dwelling units# permitted on the #zoning lot# is 62 (15,000 x 2.8 divided by a factor of 680, pursuant to Section 23-22).

For a #mixed building# in a C4-6 District #developed# with a #public plaza# where less than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, the maximum permitted #commercial# FAR is 4.08 (3.4 plus a 20 percent increase for a #public plaza#), the maximum permitted #community facility# FAR is 12.0 (10.0 plus a 20 percent increase for a #public plaza#), and the maximum permitted #residential# FAR is 10.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 12.0, pursuant to Section 35-30. On a 20,000 square foot #zoning lot# #developed# with 7.0 FAR of #community facility# #use# and no #commercial# #use#, the maximum #residential# #floor area ratio# permitted on such #zoning lot# is 5.0. The maximum number of #dwelling units# permitted on the #zoning lot# is 147 (20,000 x 5 divided by a factor of 680, pursuant to Section 23-22).

35-50 - MODIFICATION OF YARD REGULATIONS

LAST AMENDED
3/22/2016

In #mixed buildings# with differing #yard# or #rear yard equivalent# requirements for different #uses#, the applicable #residential# #yard# and #rear yard equivalent# regulations shall apply at the lowest #story# containing #dwelling units# with windows facing onto such #residential# #yard# or #rear yard equivalent#, as applicable.

35-51 - Modification of Front Yard Requirements

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required, except that the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) shall apply to portions of a #zoning lot# within 25 feet of a #Commercial District# boundary which coincides with a #side lot line# of a #zoning lot# in an R1 through R5 District.

35-52 - Modification of Side Yard Requirements

LAST AMENDED
4/30/2012

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts), no #side yard# shall be required although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet. Permitted obstructions, pursuant to paragraph (a) of Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

However, in C3A Districts, #side yards# shall be provided in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

35-53 - Modification of Rear Yard Requirements

LAST AMENDED
4/30/2012

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential# #rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, shall be permitted, pursuant to Section 23-62 (Permitted Obstructions).

35-531 - Residential rear yard equivalents in certain districts

LAST AMENDED
10/11/2012

In C4-4L Districts, for #through lots# that have a maximum depth of 180 feet or less and are bounded by a #street# containing an elevated rail line, no #residential# #rear yard equivalent# shall be required.

35-532 - Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors

LAST AMENDED
3/22/2016

A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be a permitted obstruction within a #rear yard# or #rear yard equivalent# on #zoning lots# in C1 or C2 Districts mapped within R6 through R10 Districts, other than R6B, R7B or R8B Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, other than R6B, R7B or R8B Districts, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less, and provided that such space shall be accessible to all residents of the #building#.

35-54 - Special Provisions Applying Adjacent to R1 Through R5 Districts

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, on #zoning lots# adjacent to #zoning lots# in R1, R2, R3, R4 or R5 Districts, a #side yard# at least eight feet wide shall be provided along the entire length of the common #side lot line#. Such #side yard# may be used for #accessory# parking.

35-60 - MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
2/2/2011

35-61 - Applicability

LAST AMENDED
2/14/2018

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive, shall apply to any #zoning lot# subject to the provisions of this Chapter.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent).

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Provisions for Certain Areas).

In C1 or C2 Districts mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 (Permitted Obstructions) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as modified by Section 35-65. In C1 or C2 Districts mapped in R6 through R10 Districts without a letter suffix, or in other #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #residential# portion of a #building# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 (Basic Height and Setback Requirements) or 23-65 (Tower Regulations), as modified by Sections 35-63 and 35-64, as applicable, or the entire #building# may be #developed# or #enlarged# pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

35-62 - Commercial Districts With an R1 Through R5 Residential Equivalent

LAST AMENDED
3/22/2016

C1 C2 C3 C4

In C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts, height and setback regulations are modified as follows:

(a) no #front yard# is required for any portion of a #building# in a #Commercial District#, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of #buildings or other structures# is governed by #sky exposure planes#, such #sky exposure plane#, which in a #Residence District# would be measured from a point above the #front yard line#, may be measured from a point above the #street line#. The maximum height of a front wall within the #initial setback distance# permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height;

(b) in cases where the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#;

(c) in C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be applied;

(d) in C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be applied; and

(e) in C3A Districts, the height and setback regulations applicable to R3A Districts shall apply.

35-63 - Basic Height and Setback Modifications

LAST AMENDED
3/22/2016

C1 C2 C4 C5 C6

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, and in #Commercial Districts# with a residential equivalent of R6 through R10 without a letter suffix, height and setback regulations are modified as follows:

(a) no #front yard# is required for any portion of a #building# in a #Commercial District#, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of #buildings or other structures# is governed by #sky exposure planes#, such #sky exposure plane#, which in a #Residence District# would be measured from a point above the #front yard line#, may be measured from a point above the #street line#. The maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height;

(b) in cases where the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#; and

(c) in C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 23-642 (Alternate front setbacks) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#.

35-64 - Special Tower Regulations for Mixed Buildings

LAST AMENDED
3/22/2016

C1 C2 C4 C5 C6

In the districts indicated without a letter suffix, when a #mixed building# is subject to tower regulations, the #residential# tower regulations of paragraphs (a) and (b) or the #commercial# tower regulations of paragraph (c) of this Section shall apply to the entire #building#.

(a) In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, a #mixed building# that meets the location and #floor area# criteria of paragraph (a) of Section 23-65 (Tower Regulations) shall be governed by the provisions of Section 23-651 (Tower-on-a-base), except that the #building# base regulations of paragraph (b) of Section 23-651 shall be modified, as follows:

(1) On a #wide street#, and on a #narrow street# within 30 feet of its intersection with a #wide street#, the entire width of the #street wall# of a base shall be located on the #street line#.

However, to allow for articulation of corners at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

(2) On a #narrow street# beyond 30 feet of its intersection with a #wide street#, the #street wall# of a base shall be located within eight feet of a #street line#.

(3) On a #wide street#, recesses above the ground floor are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet, within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

(4) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

(b) In C4-6, C5-1 or C6-3 Districts, the #residential# portion of a #mixed building# that in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 23-65, may be constructed in conformance with the provisions of Section 23-652 (Standard tower), provided the following conditions are met:

(1) at least 65 percent of the total allowable #floor area# on a #zoning lot# under the applicable district regulations is occupied by #residential uses#;

(2) all #uses# within such #mixed building# comply with the provisions of Section 32-42 (Location Within Buildings); and

(3) only the #residential# portion of such #mixed building# penetrates the #sky exposure plane# as set forth in Sections 33-432 or 33-442 (In other Commercial Districts).

(c) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the tower regulations applicable to any #mixed building# shall be the regulations set forth in Section 33-45.

However, in C4-7, C5-2, C5-4, C6-4, C6-5 or C6-8 Districts, when no more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations applicable to the #residential# portion of such #mixed building# may be governed by Section 23-652 or, for towers on small lots, the percentages set forth in Section 23-65.

All #uses# within such #mixed building# shall comply with the provisions of Section 32-42.

35-65 - Height and Setback Requirements for Quality Housing Buildings

LAST AMENDED
3/22/2016

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

35-651 - Street wall location

LAST AMENDED
3/22/2016

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b), (c) or (d) of this Section shall apply to all #Quality Housing buildings#, as applicable.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the applicable #street wall# location provisions of paragraphs (a), (b), (c) or (d) of this Section. Recesses, projections and other forms of articulation beyond the #street wall# locations established in paragraphs (a), (b), (c) or (d) are permitted only in accordance with paragraph (e) of this Section.

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X

(a) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, the following shall apply:

(1) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Sections 35-652 and 23-662 (Maximum height of buildings and setback regulations), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#;

(2) existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less;

(3) for #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#; and

(4) where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

(b) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1, C2, C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652 and 23-662, or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection, or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.

In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

(2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is lower, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.

(3) Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

C4-4L

(c) In C4-4L Districts, the #street wall# location provisions of paragraph (a) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.

(1) A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of Section 35-65, inclusive.

(2) At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street#

containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

C6-3D

(d) In the district indicated, and in C1 or C2 Districts when mapped within R9D Districts, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

The following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

(2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is less, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.

(3) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

C1 C2 C4 C5 C6

(e) #Street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b), (c) or (d) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular from the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

35-652 - Maximum height of buildings and setback regulations

LAST AMENDED
3/22/2016

C1 C2 C4 C5 C6

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section.

The height of a #Quality Housing building# #or other structure# shall not exceed the maximum height limit specified for the applicable district set forth in paragraphs (a) or (b) of this Section, as applicable, except as specified in paragraph (d) of this Section and elsewhere in this Chapter.

Basic building heights for #Quality Housing buildings# are set forth in paragraph (a) of this Section. Such heights may be increased in certain districts for #Quality Housing buildings# with #qualifying ground floors# pursuant to paragraph (b)(1) of this Section. For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions are set forth in paragraph (b)(2) of this Section.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified in paragraphs (a) or (b) of this Section, and shall be provided in accordance with the provisions set forth in paragraph (c) of Section 23-662, except as modified in paragraph (c) below.

(a) Basic #building# heights

For #Quality Housing buildings#, the minimum and maximum base height, and maximum height of a #building or other structure# shall be as specified in paragraph (a) of Section 23-662 (Maximum height of buildings and setback regulations) for the #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the Tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

(b) Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#

(1) Eligible #buildings#

Table 2 in paragraph (b) of Section 23-662 sets forth the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# within:

(i) #Commercial Districts# mapped within, or with a residential equivalent of, R6 or R7 Districts without a letter suffix outside the #Manhattan Core# and within 100 feet of a #wide street#, or R8 or R10 Districts without a letter suffix within 100 feet of a #wide street#;

(ii) #Commercial Districts# mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

(2) Supplemental ground floor provisions for #buildings# in certain districts

For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions shall apply as follows:

(i) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, as defined in Section 37-311, #uses# on the first #story#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies in C1 or C2 Districts, Type 2 lobbies in C4, C5 or C6 Districts, entrances and exits to #accessory# parking spaces, and entryways to subway stations, where applicable, provided in accordance with Section 37-33 (Maximum Width of Certain Uses). #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). Each ground floor level #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(ii) Along #secondary street frontages#

For #buildings# or portions thereof, with #secondary street frontage#, as defined in Section 37-311, #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section 37-35. However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(c) Setback modifications

(1) In C6-3D Districts, the provisions for R9D Districts set forth in Section 23-662 shall apply, except that:

(i) the setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#; and

(ii) where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the following shall apply:

(i) a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 25 feet or two #stories#, whichever is lower, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is lower; and

(ii) dormers shall not be a permitted obstruction within such setback distance.

(d) Maximum height modifications

(1) In C6-3D and C6-4X Districts, the maximum base heights for the applicable residential equivalents may be exceeded in accordance with the tower regulations of Section 35-653.

(2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height for a #building# with a #qualifying ground floor# shall be 105 feet or ten #stories#, whichever is less. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 100 feet.

35-653 - Tower regulations

LAST AMENDED
3/22/2016

C6-3D C6-4X

In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-65 (Tower Regulations), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable provisions of Section 35-651 (Street wall location) and the setback provisions of Section 35-652 (Maximum height of buildings and setback regulations), and provided that the tower portion complies with the provisions of paragraphs (a), (b) and (c) of Section 23-663 (Tower regulations).

35-654 - Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors

LAST AMENDED
2/14/2018

C1 C2 C4 C5 C6

In the districts indicated, the provisions of this Section shall apply to #Quality Housing buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors).

For all such #Quality Housing buildings#, the maximum base and #building# heights established in Sections 35-652 and 23-662 (Maximum height of buildings and setback regulations) shall be modified in accordance with the table in paragraph (b) of Section 23-664 for the #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). Separate maximum #building# heights are set forth within such table for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#. However:

(a) for C4-4L Districts, the maximum #building height# shall be increased to 115 feet for #buildings# with #qualifying ground floors#, or 11 #stories#, whichever is lower, for #buildings# with #non-qualifying ground floors#. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 110 feet; and

(b) for such #Quality Housing buildings# in C1 or C2 Districts mapped within R6 through R8 Districts without a letter suffix or within an R9-1 District, or in other #Commercial Districts# with a residential equivalent of an R6 though R8 District without a suffix, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that meet the criteria set forth in:

(1) paragraph (a)(3) of Section 23-664; or

(2) paragraph (a)(4) of Section 23-664 and such #zoning lots# are located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

In lieu thereof, the alternative height and setback regulations set forth in paragraph (c) of Section 23-664 shall apply.

35-655 - Additional regulations

LAST AMENDED
3/22/2016

C1 C2 C4 C5 C6

In the districts indicated, for #Quality Housing buildings#, the following additional provisions shall apply:

(a) Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of Section 35-651.

(b) On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 35-651 shall be mandatory along only one #street# frontage. However, in C4-4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.

(c) The #street wall# location and minimum base height provisions of Sections 35-651 and 35-652, respectively, shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.

(d) The minimum base height provisions of Section 35-652 shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.

(e) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or #enlargement# in the manner prescribed in this Section.

(f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:

(1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 35-652, or as modified in any applicable Special District.

(2) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of Section 35-652, provided that such height not exceed 150 feet and provided that such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

(3) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 35-651, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(g) In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(h) For the purposes of applying the #street wall# location regulations of paragraph (b) of this Section, any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.

(i) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-651 and 35-652, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

35-66 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED
2/14/2018

Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (a) of Section 35-64 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan), except that the #building# base modifications set forth in paragraphs (a)(1) through (a)(3) of Section 35-64 shall apply.

35-661 - Special height and setback regulations in certain C6-3 Districts within Community District 1, Borough of the Bronx

LAST AMENDED
2/14/2018

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residence for seniors#, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 shall not apply. In lieu thereof, the height and setback regulations for an R9-1 District set forth in paragraph (c) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), shall apply.

35-662 - Special height and setback provisions in C6-2A and C6-3X Districts along Atlantic Avenue within Community District 8, Borough of Brooklyn

†

LAST AMENDED9/23/2021

In C6-2A and C6-3X Districts in Community District 8, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

35-663 - Special height and setback provisions in C6-3A Districts along Atlantic Avenue within Community District 3, Borough of Brooklyn

†

LAST AMENDED11/23/2021

In C6-3A Districts in Community District 3, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Accessory Off-Street Parking and Loading Regulations

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Chapter 6 - Accessory Off-Street Parking and Loading Regulations

36-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

36-01 - General Purposes

LAST AMENDED
4/22/2009

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide parking spaces off the streets sufficient to give necessary access to developing centers of commerce outside the high density central areas, to reduce traffic congestion caused by parking on the streets, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development within the City and thus to promote and protect public health, safety and general welfare.

36-02 - Applicability of District Regulations

LAST AMENDED
4/22/2009

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections. In addition, the regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

36-021 - Applicability of regulation to non-profit hospital staff dwellings

LAST AMENDED
3/22/2016

In all districts, the regulations of this Chapter applicable to #community facility# #uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply, as follows:

(a) the regulations of a C4-1 District shall apply to #non- profit hospital staff dwellings# located in C1 or C2 Districts mapped within R1, R2 and R3 Districts, and to C3 Districts;

(b) the regulations of a C4-2 District shall apply to #non- profit hospital staff dwellings# located in C1 or C2 Districts mapped within R4 and R5 Districts, and to C4-1 and C8-1 Districts; and

(c) the regulations of a C4-7 District shall apply to #non- profit hospital staff dwellings# located in C1 or C2 Districts mapped within R6 through R10 Districts, and to C1- 6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4- 5, C4-6, C4-7, C5, C6, C8-2, C8-3 and C8-4 Districts.

36-022 - Applicability of regulations of C6-1A Districts

LAST AMENDED
6/29/1994

In C6-1A Districts, the parking requirements of C4-4 Districts as set forth in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) shall apply to #commercial# or #community facility# #uses#. However, for all office #uses# listed in Use Group 6B of Section 32-15 (Use Group 6), there shall be one parking space per 4,000 square feet of #floor area#.

36-023 - Applicability of regulations in C4-1 Districts

LAST AMENDED
2/2/2011

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, all #group parking facilities# that are #accessory# to #commercial developments# or #enlargements# shall be subject to authorization by the City Planning Commission to assure that the layout of such parking spaces is arranged and located in relation to the #use# or #uses# to which such spaces are #accessory#, so as to provide adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

For such #zoning lots#, the Commission may also authorize a reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #use# proposed.

Furthermore, notwithstanding the applicability requirements of Sections 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), paragraph (a), and 37-91, the Commission shall find that such #group parking facilities# of any size comply with the maneuverability and landscaping provisions of Sections 36-58 and 37-90 (PARKING LOTS), inclusive. For #group parking facilities accessory# to #enlargements#, the Commission may authorize modifications or waivers of such provisions, provided the Commission finds that:

(a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;

(b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;

(c) the amount of interior planting islands and their distribution throughout the parking lot have been provided to the maximum extent practicable; and

(d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscape architects in considering such modifications.

36-024 - Applicability of regulations in the Manhattan Core and the Long Island City area

LAST AMENDED
5/8/2013

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off- street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

36-026 - Applicability of regulations to Quality Housing

LAST AMENDED
3/22/2016

On any #zoning lot# containing a #Quality Housing building#, all #accessory# off-street parking spaces shall comply with the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING), inclusive.

36-027 - Applicability of regulations in the waterfront area

LAST AMENDED
2/14/2018

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 Districts, the #accessory# off- street parking regulations of R7-2 Districts shall apply to #residential uses#.

36-028 - Applicability of regulations in flood zones

LAST AMENDED
10/10/2013

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

36-03 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

36-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

36-11 - General Provisions

LAST AMENDED
2/9/1994

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as otherwise provided in Section 85-03 (Modifications of Use Regulations), #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 36-12 (Maximum Size of Accessory Group Parking Facilities). Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-49 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

36-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #accessory# #group parking facility# shall contain more than 150 off-street parking spaces or, in the case of a #Quality Housing building#, more than 200 spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 (Accessory Off-street Parking Spaces in Public Garages).

36-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

(a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;

(b) if #accessory# to a #commercial# or #community facility# #use#, is located on a #street# not less than 60 feet in width; and

(c) if #accessory# to a #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 (Accessory Off- street Parking Spaces in Public Garages).

36-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 (Accessory Off- street Parking Spaces in Public Garages).

36-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

LAST AMENDED

36-21 - General Provisions

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# after December 15, 1961, for the #commercial# or #community facility# #uses# listed in the table. If an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development# or #enlargement#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations

(a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number);

(b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street);

(c) for houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally Oriented Houses of Worship);

(d) for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), pursuant to Section 36-27 (Waiver for Certain Small Zoning Lots) in the Borough of Staten Island and Community District 10 in the Borough of the Bronx.

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#	Parking Spaces Required in Relation to Specified Unit of Measurement	Districts
FOR COMMERCIAL USES		

Court houses	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 500 sq. ft. of #floor area#	C1-1 C2-1 C3 C4-1
	1 per 800 sq. ft. of #floor area#	C1-2 C2-2 C4-2 C8-1
	1 per 1,000 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3 C8-2
	1 per 2,000 sq. ft. of #floor area#	C1-4 C2-4 C4-4 C4-5D C8-3
Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC-A in Use Group 6	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 100 sq. ft. of #floor area#	C1-1 C2-1 C4-1
	1 per 200 sq. ft. of #floor area#	C1-2 C2-2 C4-2 C8-1
	1 per 300 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3 C7 C8-2
	1 per 1,000 sq. ft. of #floor area#	C1-4 C2-4 C4-4 C4-5D C8-3
General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#. #Uses# in PRC-B in Use Group 6, 8, 9, 10 or 12 or when permitted	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

by special permit; or #uses# in PRC-B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14 or 16	1 per 150 sq. ft. of #floor area#[1]	C1-1 C2-1 C3 C4-1
	1 per 300 sq. ft. of #floor area#[1]	C1-2 C2-2 C4-2 C8-1
	1 per 400 sq. ft. of #floor area#[1]	C1-3 C2-3 C4-2A C4-3 C7 C8-2
	1 per 1,000 sq. ft. of #floor area#	C1-4 C2-4 C4-4 C4-5D C8-3
Light manufacturing or semi-industrial #uses#. #Uses# in PRC-F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees	None required	C5 C6 C8-4
	1 per 1,000 sq. ft. of #floor area#, or 1 per 3 employees, whichever will require a larger number of spaces	C8-1 C8-2 C8-3
Low traffic-generating #uses#. #Uses# in PRC-C in Use Group 6, 7, 9, 12, 13, 14 or 16 or when permitted by special permit	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 400 sq. ft. of #floor area#	C1-1 C2-1 C3 C4-1
	1 per 600 sq. ft. of #floor area#	C1-2 C2-2 C4-2 C8-1
	1 per 800 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3 C7 C8-2
	1 per 1,000 sq. ft. of #floor area#	C1-4 C2-4 C4-4 C4-5D C8-3

Places of assembly. #Uses# in PRC-D in Use Group 6, 8, 9, 10, 12, 13 or 14 or when permitted by special permit	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 4 persons rated capacity	C1-1 C2-1 C3 C4-1
	1 per 8 persons rated capacity	C1-2 C2-2 C4-2 C8-1
	1 per 12 persons rated capacity	C1-3 C2-3 C4-2A C4-3 C7 C8-2
	1 per 25 persons rated capacity	C1-4 C2-4 C4-4 C4-5D C8-3
Open commercial amusements. #Uses# in PRC-E in Use Group 13 or 15, or when permitted by special permit	None required	C8-3 C8-4
	1 per 500 sq. ft. of #lot area#[2]	C3 C8-1
	1 per 2,000 sq. ft. of #lot area#[2]	C7 C8-2
Storage or miscellaneous #uses#. #Uses# in PRC-G in Use Group 10 or 16, or when permitted by special permit, and with a minimum of 10,000 square feet of #floor area# or 15 employees	None required	C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 2,000 sq. ft. of #floor area#[3], or 1 per 3 employees, whichever will require a lesser number of spaces	C4-1 C4-2 C4-3 C4-4 C4-5D C8-1 C8-2 C8-3

Other #commercial# #uses#. #Uses# in PRC-H in Use Group 5, 6, 7, 8, 9, 10, 13 or 14, or when permitted by special permit #Boatels#	1 per 2 guest rooms or suites	C2 C3 C6 C8
Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees	1 per 2,000 sq. ft. of #lot area#, or 1 per 3 employees; whichever will require a lesser number of spaces	C1 C2 C3 C7 C8
Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; or passenger ocean vessels	(see Section 62-43 for parking requirement)	
Funeral establishments	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C6 C8-4
	1 per 200 sq. ft. of #floor area#	C1-1 C2-1 C4-1
	1 per 400 sq. ft. of #floor area#	C1-2 C2-2 C4-2 C8-1
	1 per 600 sq. ft. of #floor area#	C1-3 C4-3 C1-4 C4-4 C2-3 C2-4 C4-2A C4-5D C8-2 C8-3
Hotels (a) For that #floor area# used for sleeping accommodations	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 4 guest rooms or suites	C2-1 C4-1

	1 per 8 guest rooms or suites	C2-2 C4-2 C8-1
	1 per 12 guest rooms or suites	C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3
(b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 4 persons-rated capacity	C2-1 C4-1
	1 per 8 persons-rated capacity	C2-2 C4-2 C8-1
	1 per 12 persons-rated capacity	C2-3 C4-2A C4-3 C8-2
	1 per 25 persons-rated capacity	C2-4 C4-4 C4-5D C8-3
#Motels# or #tourist cabins#	1 per guest room or suite	C2 C6 C8
Post offices	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
	1 per 800 sq. ft. of #floor area#	C1-1 C2-1 C3 C4-1
	1 per 1,200 sq. ft. of #floor area#	C1-2 C2-2 C4-2 C8-1
	1 per 1,500 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3 C8-2

	1 per 2,000 sq. ft. of #floor area#	C1-4 C2-4 C4-4 C4-5D C8-3
Prisons	None required	C4-4 C4-5 C4-6 C4-7 C6 C8-3 C8-4
	1 per 10 beds-rated capacity	C4-1 C4-2 C8-1
	1 per 20 beds-rated capacity	C4-2A C4-3 C8-2
Refreshment stands, drive-ins	1 per 50 sq. ft. of #floor area#	C2-1 C2-2 C2-3 C7 C8-1 C8-2
	1 per 100 sq. ft. of #floor area#	C2-4 C2-5 C2-6 C2-7 C2-8 C6 C8-3 C8-4
FOR COMMUNITY FACILITY USES		
Agricultural #uses#, including greenhouses, nurseries or truck gardens	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4
	1 per 1,000 sq. ft. of #lot area# used for selling purposes	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 2,500 sq. ft. of #lot area# used for selling purposes	C1-3 C2-3 C4-2A C4-3 C8-2
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4	None required	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

	1 per 150[1] sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1-1 C2-1 C3 C4-1
	1 per 300[1] sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1-2 C2-2 C4-2 C8-1
	1 per 400[1] sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1-3 C2-3 C4-2A C4-3 C7 C8-2
	1 per 1,000 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1-4 C2-4 C4-4 C4-5D C8-3
	1 per 400 sq. ft. of #floor area# when located above the first #story# ceiling	C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts
	1 per 400 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage, when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility# #uses#	C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx
Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in #lower density growth management areas#	1 per 1000 sq. ft. when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility# #uses#	C1-1, C1- 2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4
	1 per 10 persons-rated capacity	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 20 persons-rated capacity	C1-3 C2-3 C4-2A C4-3 C7 C8-2
College student dormitories and fraternity or sorority student houses	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
	1 per 6 beds	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2
	1 per 12 beds	C1-3 C2-3 C4-2A C4-3
Colleges, universities, or seminaries (a) For that #floor area# used for classrooms, laboratories, student centers or offices	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4
	1 per 1,000 sq. ft. of #floor area#	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 2,000 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3 C8-2
(b) For that #floor area# used for theaters, auditoriums, gymnasiums or stadiums	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4
	1 per 8 persons-rated capacity	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1

	1 per 16 persons-rated capacity	C1-3 C2-3 C4-2A C4-3 C7 C8-2
Hospitals and related facilities[4]	1 per 5 beds	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 8 beds	C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3
	1 per 10 beds	C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room	None required	C1 and C2 Districts mapped within R6, R7, R8, R9 or R10 Districts, C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2A C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4
	1 per 10 persons-rated capacity	C1 and C2 Districts mapped within R1, R2 or R3 Districts, C3 C4-1
	1 per 15 persons-rated capacity	C1 and C2 Districts mapped within R4 and R5 Districts, C4-2 C8-1
Libraries, museums or non-commercial art galleries[5]	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
	1 per 1,000 sq. ft. of #floor area#	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2
	1 per 2,000 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3

Outdoor skating rinks	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4
	1 per 800 sq. ft. of #lot area#	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 2,000 sq. ft. of #lot area#	C1-3 C2-3 C4-2A C4-3 C7 C8-2
Outdoor tennis courts	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4
	1 per 2 courts	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 5 courts	C1-3 C2-3 C4-2A C4-3 C7 C8-2
Philanthropic or non-profit institutions with sleeping accommodations; #long-term care facilities#, except that independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off- street parking requirements of Section 36-30. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02	None required	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
	1 per 10 beds	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2
	1 per 20 beds	C1-3 C2-3 C4-2A C4-3

NOTE: PRC = Parking Requirement Category

1 The parking requirements for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in PRC-B1

may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1)

2 In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees

3 For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

4 Requirements are in addition to area utilized for ambulance parking

5 Requirements apply only to the #floor area# not used for storage

36-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions).

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Sections 73-431 (Reduction of parking spaces for houses of worship) or 73-432 (Reduction of parking spaces for places of assembly).

36-23 - Waiver of Requirements for Spaces Below Minimum Number

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements for #accessory# off-street parking spaces shall be subject to the waiver provisions of this Section.

36-231 - In districts with high, medium or low parking requirements

LAST AMENDED
3/22/2016

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and

except as otherwise provided in Section 36-27 (Waiver for Certain Small Zoning Lots), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial# #uses# in parking requirement category A, B, B1, C, D, E or H, or to permitted #community facility# #uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the# zoning lot# is less than the number of spaces set forth in the following table:

Districts	Number of Spaces
C1-1 C2-1 C3 C4-1	10
C1-2 C2-2 C4-2 C8-1	15
C1-3 C2-3 C4-2A C4-3 C7 C8-2	25

36-232 - In districts with very low parking requirements

LAST AMENDED
6/21/1973

C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

In all districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or Section 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to:

(a) #commercial# #uses# in parking requirement category A or B, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than 40, or 100 in the case of C6-1A Districts; or

(b) #commercial# #uses# in any one of parking requirement categories B1, C, D, E or H, or a permitted #community facility# #use#, if the number of #accessory# off-street parking spaces required for the #uses# in each such category or for each such #community facility# #use# is less than 40.

36-233 - Exceptions to application of waiver provisions

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the waiver provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

(a) #Manufacturing# or semi-industrial #uses# in parking requirement category F in Use Group 11 or 16.

(b) Storage or miscellaneous #uses# in parking requirement category G in Use Group 16, or when permitted by special permit.

(c) The following other #commercial# #uses# in parking requirement category H in Use Group 7 or 13, or when permitted

by special permit:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins# Refreshment stands, drive-in.

(d) The following #community facility# #uses#:

Agricultural #uses#, including greenhouses, nurseries, or truck gardens

Outdoor tennis courts.

36-24 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

36-25 - Waiver for Locally Oriented Houses of Worship

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C8

In the districts indicated, the requirements set forth in Sections 36-21 (General Provisions) and 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

(a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;

(b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number); and

(c) such house of worship shall not include, as an #accessory# #use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons- rated

capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the certificate of occupancy for such house of worship be marked or amended to provide that #accessory# #uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

36-26 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off- street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

36-27 - Waiver for Certain Small Zoning Lots

LAST AMENDED
1/18/2011

C1-1 C1-2 C2-1 C2-2 C4-1 C4-2

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts and in C4-1 and C4-2 Districts, in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a #lot area# of 4,000 square feet or less with #buildings# containing either ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.

36-30 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

LAST AMENDED

36-31 - General Provisions

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all #dwelling units# constructed after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit#:

Section 36-32 (Requirements Where Individual Parking Facilities Are Provided)

Section 36-33 (Requirements Where Group Parking Facilities Are Provided)

Section 36-34 (Modification of Requirements for Small Zoning Lots)

Section 36-35 (Modification of Requirements for Income- Restricted Housing Units or Affordable Independent Residences for Seniors)

Section 36-37 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements)

Section 36-39 (Special Provisions for Zoning Lots Divided by District Boundaries)

For #dwelling units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

In addition, #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to March 22, 2016, shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

36-311 - Application of requirements to conversions in C1 or C2 Districts

LAST AMENDED
3/22/2016

C1 C2

(a) In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6 or R7 Districts, except R7-2 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.

(b) In the districts indicated, where such districts are mapped within R7-2, R8, R9 or R10 Districts, the requirements of Section 36-31 shall not apply to the additional #dwelling units# created by #conversions# on #zoning lots# of any size.

36-312 - Application of requirements to conversions in C3, C4, C5 and C6 Districts

LAST AMENDED

C3 C4-1 C4-2 C4-3

(a) In the districts indicated, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.

C4-4 C4-5 C4-6 C4-7 C5 C6

(b) In the districts indicated, no #accessory# off-street parking is required for additional #dwelling units# created by #conversion# within #buildings# existing prior to December 15, 1961.

36-32 - Requirements Where Individual Parking Facilities Are Provided

LAST AMENDED
12/15/1961

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5 C3 C4-1 C4-2 C4-3

In the districts indicated, where #group parking facilities# are not provided, the requirements for #accessory# off-street parking spaces are as set forth in this Section.

36-321 - In C1 or C2 Districts governed by surrounding Residence District bulk regulations

LAST AMENDED
4/14/2010

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, where such districts are mapped within R1, R2, R3, R4 or R5 Districts, and where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#.

36-322 - In C3 or C4 Districts

LAST AMENDED
9/28/2004

C3 C4-1 C4-2 C4-3

In the districts indicated, where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in C3A Districts, the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided) and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

36-33 - Requirements Where Group Parking Facilities Are Provided

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for #residences# #developed# under single ownership or control where #group parking facilities# are provided, the number of required #accessory# off-street parking spaces is as set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided), for the applicable #Residence District#, as determined in accordance with Section 35-22 or 35-23. For the purpose of determining the number of required #accessory# off-street parking spaces for such #residences# in C1-6, C2-6, C4-4, C4-5 and C6-1 Districts, the regulations of an R7-2 District shall apply. For C1 or C2 Districts mapped within #lower density growth management areas#, the number of required #accessory# off-street parking spaces for such #residences# shall be 100 percent of the number of new #dwelling units#, and for C1 or C2 Districts mapped within R5A and R5B Districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R5 District without a letter suffix.

36-34 - Modification of Requirements for Small Zoning Lots

LAST AMENDED
2/9/1994

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities Are Provided), shall be modified in accordance with the provisions set forth in this Section.

36-341 - Reduced requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

LAST AMENDED
3/22/2016

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off- street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

District within which C1 or C2 District is Mapped	#Lot Area#	Parking Spaces Required as a Percent of total #Dwelling Units#
R6 R7-1* R7B	10,000 square feet or less	50
R7-1 R7A R7D R7X		30
R7-2	10,001 to 15,000 square feet	30
R8** R9 R10		20

* In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community District 10, Borough of the Bronx

** In R8B Districts, the parking requirements may not be reduced

36-342 - Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts

LAST AMENDED
3/22/2016

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off- street parking spaces is as set forth in the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

District	#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#
C4-2 C4-3	10,000 square feet or less	50
C1-6 C2-6 C4-4 C4-5 C6-1	10,001 to 15,000 square feet	30
C1-7 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9		20

36-343 - Waiver of requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

LAST AMENDED
8/14/1987

C1-4 C1-5 C2-4 C2-5

In the districts indicated, when mapped within an R7-2, R8, R9 or R10 District, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less, except in R8B Districts.

36-344 - Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts

LAST AMENDED
12/15/1961

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less.

36-345 - Waiver of requirements for small zoning lots in certain districts in the Borough of Staten Island

LAST AMENDED
1/18/2011

C1 C2

In the districts indicated mapped within R4, R5 and R6 Districts in the Borough of Staten Island, for #zoning lots# with a #lot area# of 4,000 square feet or less, no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.

36-35 - Modification of Requirements for Income-Restricted Housing Units or Affordable Independent Residences for Seniors

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the number of required #accessory# off-street parking spaces is as set forth in Section 25-25 (Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units) for the applicable #Residence District#, as determined in accordance with Sections 35-22 or 35- 23.

36-36 - Waiver of Requirements for Small Number of Spaces

LAST AMENDED
3/22/2016

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall be subject to the waiver provisions of this Section.

36-361 - In C1 or C2 Districts governed by surrounding Residence District bulk regulations

LAST AMENDED
2/2/2011

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, where such districts are mapped within R6, R7, R8, R9 or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the #Residence District# within which the #Commercial District# is mapped.

NUMBER OF SPACES FOR WHICH REQUIREMENTS ARE WAIVED

#Residence District# within which C1 or C2 District is Mapped	Maximum Number of Spaces Waived
R5D	1
R6 R7-1* R7B	5
R7-2 R7A R7D R7X R8 R9 R10	15

* For #Quality Housing buildings# with #income-restricted housing units# utilizing the parking reductions of Section 25-251, or for #Quality Housing buildings# with other government-assisted #dwelling units# utilizing the parking reductions of Section 25-253, the maximum number of spaces waived shall be 15.

However, the following provisions shall apply:

(a) In C1 or C2 Districts mapped within R5D Districts, the provisions of this Section shall apply only to #zoning lots# existing both on June 29, 2006, and on the date of application for a building permit; and

(b) In C1 or C2 Districts mapped within R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on March 25, 2010, and on the date of application for a building permit.

36-362 - In other C1 or C2 Districts or in C4, C5 or C6 Districts

LAST AMENDED
3/22/2016

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table:

Districts	Maximum Number of Spaces Waived
C4-2 C4-3	5
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6	15

36-363 - For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations

LAST AMENDED
2/2/2011

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated*, where such districts are mapped within R6, R7-1, R7A, R7B, R7D or R7X Districts, the requirements set forth in Section 36-311 (Application of requirements to conversions in C1 or C2 Districts) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is 20 spaces or less, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

* No #accessory# off-street parking is required for additional #dwelling units# created by #conversions# in C1 or C2 Districts mapped within R7-2, R8, R9, or R10 Districts. See Section 36-311 (Application of requirements to conversions in C1 or C2 Districts)

36-364 - For conversions in C4 Districts

LAST AMENDED
2/2/2011

C4-2 C4-3

In the districts indicated*, the requirements set forth in Section 36-312 (Application of requirements to conversions in C3, C4, C5 and C6 Districts) shall be waived, if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is 20 spaces or less, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

* No #accessory# off-street parking is required for additional #dwelling units# created by #conversions# in the districts not indicated in Section 36-312 (Application of requirements to conversions in C3, C4, C5 and C6 Districts).

36-37 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for House of Worship or Places of Assembly).

36-38 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
4/14/2010

C1 C2 C3 C4 C5 C6

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base his determination on such report.

36-39 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
8/14/1987

C1 C2 C3 C4 C5 C6

In the districts indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

36-40 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

36-41 - General Provisions

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off- street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility# #uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 36-42 (Off-site Spaces for Residences)

Section 36-43 (Off-site Spaces for Commercial or Community Facility Uses)

Section 36-44 (Joint and Shared Facilities)

Section 36-45 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the

provisions of Section 36-57 (Accessory Off-street Parking Spaces in Public Garages).

36-42 - Off-site Spaces for Residences

LAST AMENDED
7/6/1972

C1 C2 C3 C4 C5 C6

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

(a) located in a district other than a #Residence District#, or provided in a joint facility located in a district other than an R1 or R2 District on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 36-44 (Joint and Shared Facilities); and

(b) not further than the maximum distance from the #zoning lot# specified in this Section.

36-421 - Maximum distance from zoning lot

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

District	Maximum Distance from the #Zoning Lot#
C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3	600 feet
C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6	1,000 feet

36-43 - Off-site Spaces for Commercial or Community Facility Uses

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off- street parking spaces #accessory# to #commercial# or #community facility# #uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses# but within the same district

or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

36-44 - Joint and Shared Facilities

LAST AMENDED
9/9/2004

36-441 - Joint facilities

LAST AMENDED

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 36-21 (General Provisions)

Section 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements)

Section 36-31 (General Provisions);

(b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 36-42 (Off-Site Spaces for Residences), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses) or 73-45 (Modification of Off-site Parking Provisions); and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

36-442 - Shared parking facilities for houses of worship

LAST AMENDED
9/9/2004

In C1 or C2 Districts mapped within R1, R2, R3, R4 or R5 Districts and in C3, C4-1, C4-2 and C8-1 Districts, required

#accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

(a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;

(b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and

(c) all such spaces conform to all applicable regulations of the district in which they are located.

36-45 - Additional Regulations for Required Spaces When Provided Off Site

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off- street parking spaces are provided off the site in accordance with the provisions of Sections 36-42 (Off-site Spaces for Residences), 36-43 (Off-site Spaces for Commercial or Community Facility Uses) or 36-44 (Joint and Shared Facilities), the following additional regulations shall apply:

(a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#; and

(b) such spaces shall conform to all applicable regulations of the district in which they are located.

36-46 - Restrictions on Use of Accessory Off-street Parking Spaces

LAST AMENDED
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

(a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#, may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons or may be occupied by #car sharing vehicles#, only as set forth in the following paragraphs:

(1) In C1 or C2 Districts mapped within #Residence Districts#

In C1 or C2 Districts mapped within R3, R4 or R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces. In C1 or C2 Districts mapped within R5 Districts, except R5A Districts, and in R6, R7, R8, R9 or R10 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater.

(2) In C1 or C2 Districts not mapped within #Residence Districts#, or in C3, C4, C5, C6 Districts

In the districts indicated, except C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater. In C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces.

Such spaces provided pursuant to paragraph (a) of this Section shall be made available to the occupants of the

#residences# to which they are #accessory# within 30 days after written request is made to the landlord.

(b) #Car sharing vehicles# may occupy off-street parking spaces #accessory# to a non-#residential use# in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

In addition, the rental of such spaces to non-residents shall be subject to the restrictions applying to the specified districts as set forth in Sections 36-461 and 36-462, except that such restrictions shall not apply to spaces occupied by #car sharing vehicles#.

36-461 - Restrictions on rental of spaces accessory to residences in C1 or C5 Districts

LAST AMENDED
12/15/1961

C1 C5

In the districts indicated, off-street parking spaces #accessory# to #residences# shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#, provided, however that rental for shorter periods may be permitted by the Board of Standards and Appeals in accordance with the provisions of Section 73-47 (Rental of Accessory Off-street Parking Spaces to Non-Residents).

36-462 - Restrictions on rental of spaces accessory to residences in C3 Districts

LAST AMENDED
12/15/1961

C3

In the district indicated, off-street parking spaces #accessory# to #residences# shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.

36-47 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However, where such parking spaces are provided in a #building or other structure#, unattached to the #building# containing #residences#, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

36-50 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF- STREET PARKING SPACES

LAST AMENDED
12/15/1961

36-51 - General Provisions

LAST AMENDED
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of Section 36-50, inclusive.

Special regulations applying to #large-scale community facility developments# or #large-scale residential developments# are set forth in Article VII, Chapter 9 or 8, respectively.

36-52 - Size, Location and Identification of Spaces

LAST AMENDED
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

36-521 - Size of spaces

LAST AMENDED
4/30/2012

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, for #commercial# or #community facility# #uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING

LOTS) shall also apply.

36-522 - Location of parking spaces in certain districts

LAST AMENDED
10/11/2012

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# in C1, C2, C4, C5 and C6 Districts without a letter suffix, all #accessory# off-street parking spaces shall comply with the provisions of this Section.

(a) #Buildings# other than #mixed buildings#

For any #block# front that is entirely within a #Commercial District#, #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation. Where a #zoning lot# is bounded by more than one such #street line#, this provision shall apply along only one #street line#.

(b) #Mixed buildings#

For #mixed buildings#, all #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation.

36-523 - Identification of car sharing vehicles

LAST AMENDED
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within 20 feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;

(b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and

(c) where such parking facility contains #accessory# #residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord".

36-53 - Width of Curb Cuts and Location of Access to the Street

LAST AMENDED
4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the entrances and exits of all permitted or required #accessory# #group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission, certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Sections 36-24 or 36-38 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

36-531 - Location of curb cuts in C1 or C2 Districts mapped within R5D Districts

LAST AMENDED
6/29/2006

In C1 or C2 Districts mapped within R5D Districts, a minimum distance of 34 feet of uninterrupted curb space shall be provided between all curb cuts constructed after June 29, 2006.

Furthermore, no curb cuts shall be permitted on the ## frontage of any #zoning lot# existing on June 29, 2006, with access to a #narrow street#.

36-532 - Location and width of curb cuts accessing residential parking spaces in certain districts

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all curb cuts accessing off-street parking spaces #accessory# to #residences# in C1 and C2 Districts mapped within R1 through R8 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section 34-112 or 35-23, as applicable, the applicable #Residential District# is R3, R4, R5, R6, R7 or R8.

(a) All such curb cuts shall comply with the provisions of Section 25-631 (Location and width of curb cuts in certain districts), as set forth for the applicable #building#, #building segment# and #Residence District#. All #buildings# containing #residences# in C1 and C2 Districts mapped within R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts shall comply with the provisions set forth in Section 25-631 for an R3-2 District;

(b) All such curb cuts shall be prohibited on the #wide street# frontage of any #zoning lot# existing on April 14, 2010, with access to a #narrow street#; and

(c) Where a #Commercial District# with only #narrow street# frontage is mapped along the short end of a #block#, and a #zoning lot# existing on April 14, 2010, has access to both the short and long ends of such #block#, all such curb cuts shall be prohibited along the #street line# of the short end of such #block#.

36-54 - Restrictions on Use of Required Residential Open Space for Parking

LAST AMENDED
2/2/2011

C1-1 C1-2 C1-3 C1-4 C1-5 C1-6 C1-7 C1-8 C2-1 C2-2 C2-3 C2-4 C2-5 C2-6 C2-7 C3 C4-1 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C6-3

In the districts indicated, except for C1 or C2 Districts when mapped within an R10 District, in accordance with the provisions of Sections 34-11 or 35-21 (General Provisions), not more than 50 percent of the required #open space# on any #zoning lot# with a #building# containing #residences# may be used for driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths.

36-55 - Surfacing

LAST AMENDED
11/28/2007

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

36-56 - Screening

LAST AMENDED
11/28/2007

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

(a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including such #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances or exits; and

(d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

Paragraph (a) of this Section shall not apply at the #street line# of #zoning lots# where the requirements of Section 37-921 (Perimeter landscaping) apply.

36-57 - Accessory Off-Street Parking Spaces in Public Garages

LAST AMENDED
6/23/1966

C1 C2 C4 C5 C6 C7 C8

In the districts indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-511 (In C1 Districts), 74-512 (In other Districts), or 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

36-58 - Parking Lot Maneuverability and Curb Cut Regulations

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

(a) Applicability

In all districts, as indicated, the provisions of this Section shall apply to:

(1) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#; and

(2) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:

(i) the total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(ii) the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(3) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least

70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

In addition, all #public parking lots# shall comply with the curb cut requirements of paragraph (c) of this Section.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in this Section.

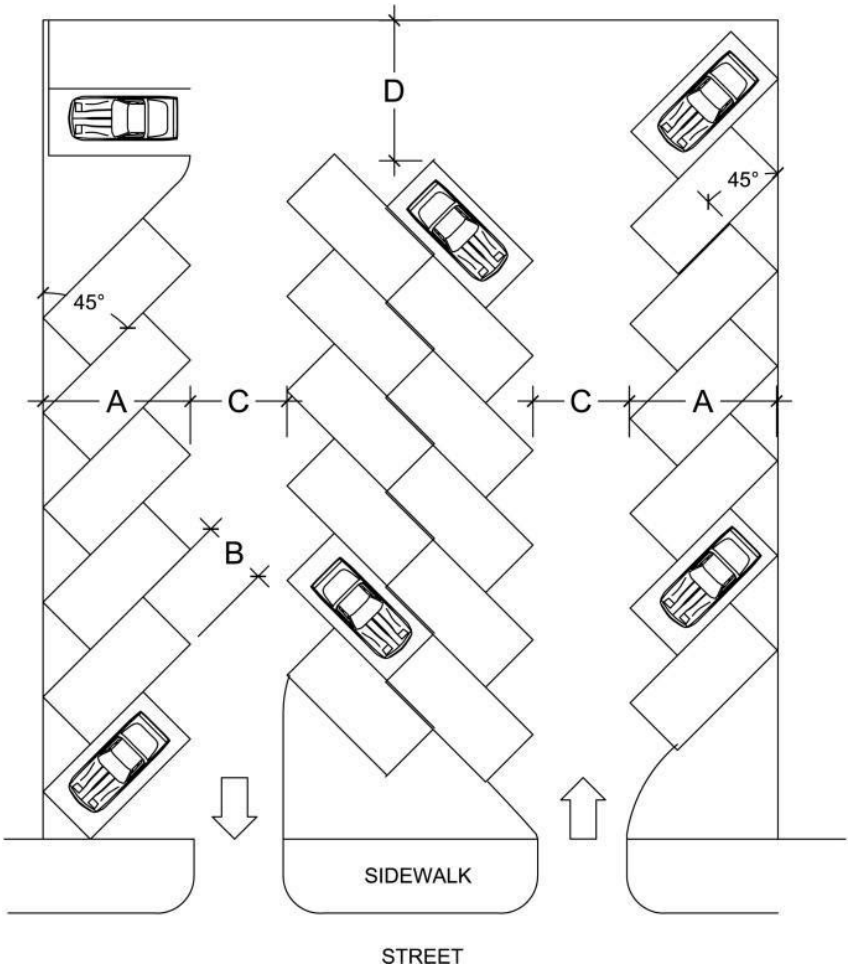
(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

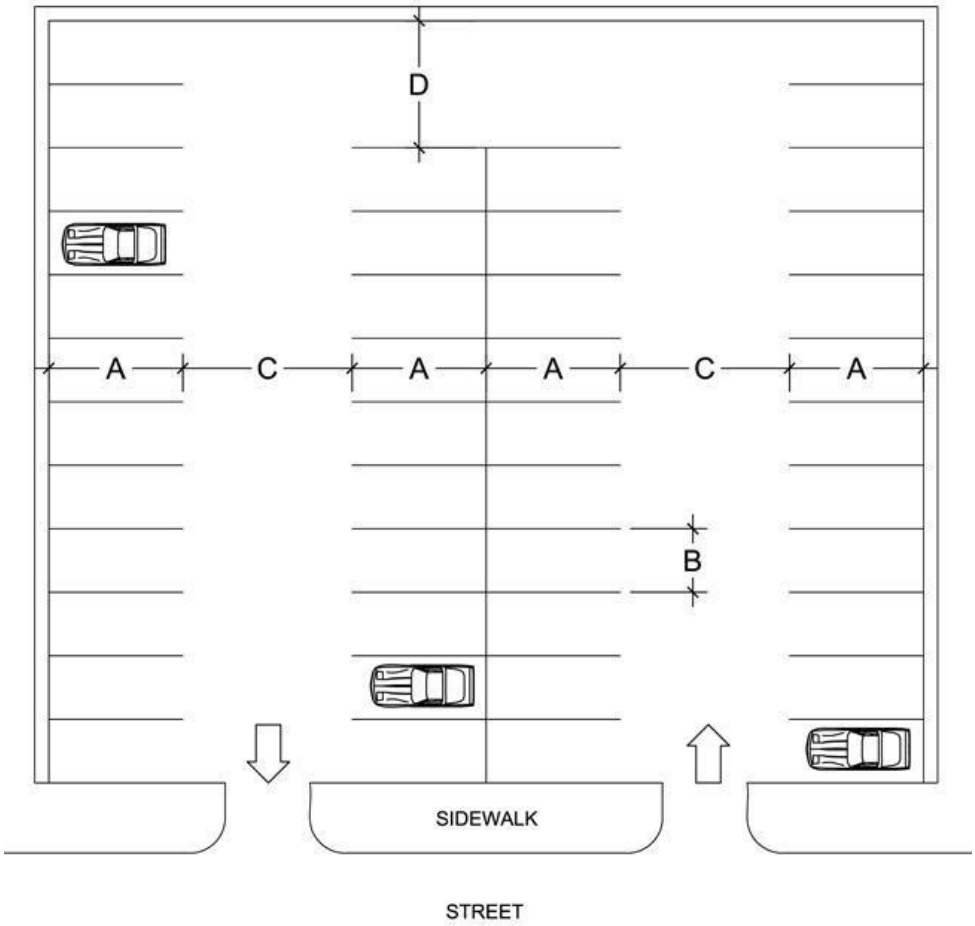
	A	B	C	D
Angle of Park	Minimum length	Minimum Width	Minimum Travel Lane	Minimum Turnaround
0*	8'-6"	20'-0"	13'-2"	N/A
0**	8'-6"	20'-0"	23'-3"	N/A
45	17'-1"	8'-6"	12'-10"	18'-0"
50	17'-8"	8'-6"	13'-2"	17'-6"
55	18'-1"	8'-6"	13'-7"	17'-3"
60	18'-5"	8'-6"	14'-6"	17'-0"
65	18'-7"	8'-6"	15'-4"	17'-3"
70	18'-8"	8'-6"	16'-5"	17'-6"
75	18'-7"	8'-6"	17'-10"	18'-0"
90	18'-0"	8'-6"	22'-0"	22'-0"

* Figures given are for one-way traffic

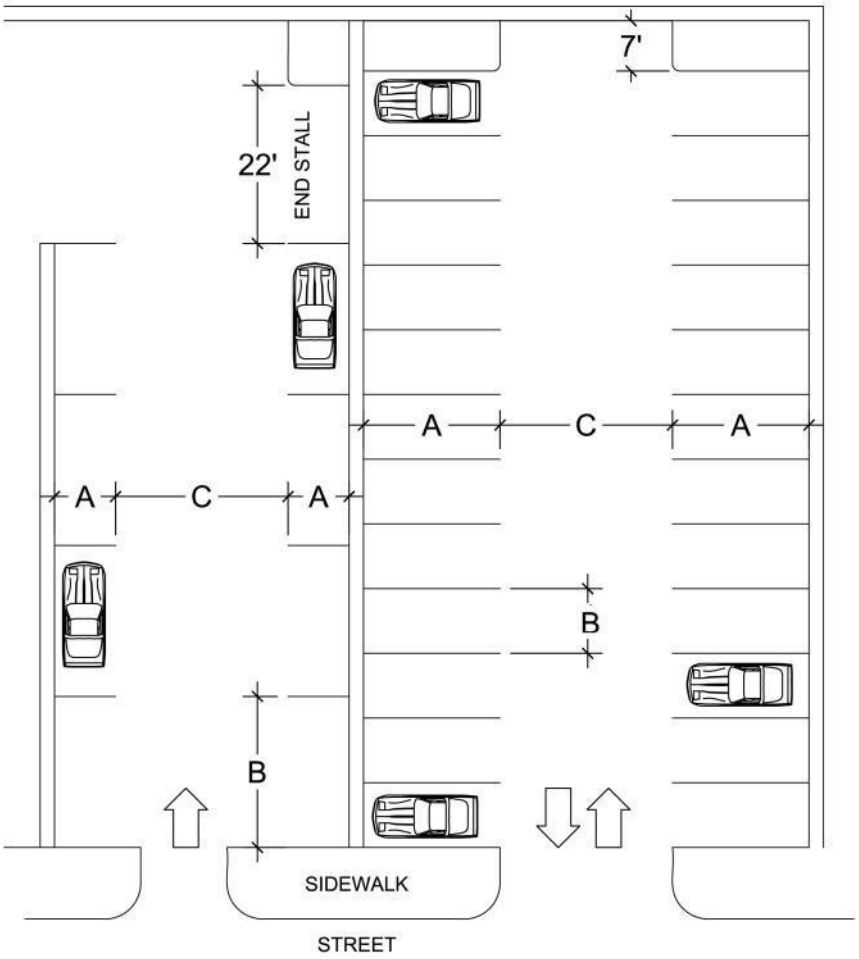
** Figures given are for two-way traffic



45 DEGREE PARKING LAYOUT (36-58b.1)



90 DEGREE PARKING LAYOUT (36-58b.2)



PARALLEL PARKING/DEAD-END PARKING (36-58b.3)

(c) Curb Cuts

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street# frontage, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed, prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

36-581 - Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

LAST AMENDED
3/22/2016

C1 C2 C4

(a) In C1, C2 and C4 Districts in the Borough of Staten Island or in Community District 10 in the Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or

(2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the following provisions:

(1) Notwithstanding the applicability provisions of paragraph (a) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), the maneuverability provisions of paragraph (b) and the curb cut provisions of paragraph (c) of such Section shall apply to all #group parking facilities#, open or enclosed. No tandem parking or attended parking shall be permitted.

(2) In addition to the screening requirements for open parking areas in Section 36-56, any parking area covered by a roof shall be screened from adjoining #zoning lots# in #Residence Districts# and from adjacent #streets# in accordance with the following provisions:

(i) Screening shall consist of a wall or barrier or uniformly painted fence of fire resistant material at least six feet high above finished grade and may be interrupted by normal entrances or exits;

(ii) Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the surface is open. No chain link fencing shall be permitted. Such screening shall be maintained in good condition at all times;

(iii) Where the exterior wall of a parking facility facing a #street# has an opaque area with a width greater than 40 feet and a height greater than six feet, such area shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be applied to a minimum height of 15 feet above adjoining grade or the height of the wall, whichever is less;

(iv) For parking areas covered by a roof, where at least half of the surface area of such roof serves as children's play space for #buildings# containing child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), such covered parking area shall not be considered an "open parking area" for the purposes of Section 37-90 (PARKING LOTS), inclusive, and shall therefore not require perimeter or interior landscaping pursuant to such Section. In lieu thereof, such covered parking area shall be screened in accordance with paragraph (b)(2) of this Section.

36-59 - Cross Access Connections in the Borough of Staten Island

LAST AMENDED
6/10/2009

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as “cross access connections” and shall be provided in accordance with the requirements of this Section, inclusive.

36-591 - Applicability

LAST AMENDED
6/10/2009

Cross access connections shall be required for:

(a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;

(b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area; or

(c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility# #uses# is increased and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate cross access connections in accordance with the requirements of Sections 36-593 and 36-594.

36-592 - Certification of cross access connections

LAST AMENDED
6/10/2009

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of Section 36-59, inclusive, have been met.

36-593 - Site planning criteria for cross access connections

LAST AMENDED
6/10/2009

Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).

(a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.

(b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.

(c) The connection shall have a grade not greater than 15 percent.

(d) The connection shall be placed in an area that is not blocked by an existing #building or other structure# that is within

50 feet of the #lot line# or other boundary of the subject property.

(e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.

No screening or landscaping along a #lot line# shall be required in the connection area.

36-594 - Establishment of location of required cross access connection

LAST AMENDED
6/10/2009

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such #lot line# or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. The location of the required cross access connection shall be established as follows:

(a) where an easement has not been previously recorded against any adjacent property in accordance with Section 36-595, an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified pursuant to Section 36-593. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations identified; or

(b) where an easement has been previously recorded against an adjacent property in accordance with Section 36-595, an easement providing for at least one cross access connection meeting the criteria set forth in Section 36-593 shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross access connection along such #lot line# or other boundary, the owner of the subject property shall select one of these locations for the cross access connection.

Each property owner shall construct their portion of the cross access connection in accordance with the requirements of Sections 36-593 and 36-595.

If such cross access connection has been established in a location that contained parking spaces upon the effective date of the easement, as set forth in Section 36-595, such connection shall be counted as four required parking spaces and shall be separated from any adjacent parking spaces by a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet. Such planting islands shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping).

36-595 - Recordation and notice requirements

LAST AMENDED
6/10/2009

An easement through all required cross access connections for vehicular passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non- customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property, the owner of the subject property shall notify the owner of the adjacent property of the easement location selected by sending such owner a copy of the

recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property owner shall further notify the adjacent property owner that the cross access connection must be constructed on the adjacent property within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property, or permit sign-off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property has been duly notified. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property.

36-596 - Certification that no connection is required, relocation of previously certified connections and voluntary connections

LAST AMENDED
6/10/2009

(a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:

(1) grade changes greater than 15 percent;

(2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or

(3) wetlands or trees with a caliper of six inches or more.

(b) Relocation of previously certified connection

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

(c) Certification for voluntary connection

The Chairperson may certify a non-required cross access connection provided such connection complies with all requirements of Section 36-59, inclusive.

36-597 - Authorizations for waivers or modifications of cross access connections

LAST AMENDED
6/10/2009

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

(a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or

(b) site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

36-60 - OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in commercial areas within the City, and thus to promote and protect public health, safety and general welfare.

36-61 - Permitted Accessory Off-street Loading Berths

LAST AMENDED
2/9/1994

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 36-682 (Location of access to the street), 36-683 (Restrictions on location of berths near Residence Districts), 36-684 (Surfacing) and 36-685 (Screening).

36-62 - Required Accessory Off-street Loading Berths

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #developments# or #enlargements# after December 15, 1961, for the #uses# listed in the table, except as otherwise provided in Section 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) or 36-64 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses), as a condition precedent to the #use# of such #development# or #enlargement#.

After December 15, 1961, if the #use# of any #building or other structure# or #zoning lot# is changed or #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the changed or #enlarged# portion of such #building# or of the #lot area# used for such #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS, ENLARGEMENTS OR CHANGES OF USE

District	Type of #Use#	For #Floor Area#	Required Berths
C1 C2 C3 C4 C5 C6 C8	Hospitals and related facilities[1] or prisons	First 10,000 sq. ft. Next 290,000 sq. ft. Each additional 300,000 sq. ft. or fraction thereof	None 1 1
C1 C2 C4 C6 C8	Funeral establishments	First 10,000 sq. ft. Next 20,000 sq. ft. Any additional amount	1 1 1
C1[2] C2[2] C3 C4-1 C4-2 C4-3 C8-1 C8-2	Hotels, offices or court houses	First 25,000 sq. ft. Next 75,000 sq. ft. Next 200,000 sq. ft. Each additional 300,000 sq. ft. or fraction thereof	None 1 1 1
C1[3] C1-6 C1-7 C1-8 C1-9 C2[3] C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4	Hotels, offices or court houses	First 100,000 sq. ft. Next 200,000 sq. ft. Each additional 300,000 sq. ft. or fraction thereof	None 1 1

C1[2] C2[2] C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2	#commercial# #uses# All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 12B, 14A or 16A All amusement #uses# listed in Use Group 8A or 12A All automotive service #uses# listed in Use Group 7D	First 8,000 sq. ft. Next 17,000 sq. ft. Next 15,000 sq. ft. of floor area Next 20,000 sq. ft. Next 40,000 sq. ft. Each additional 150,000 sq. ft. or fraction thereof	None 1 1 1 1 1
C1[3] C1-6 C1-7 C1-8 C1-9 C2[3] C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4	#commercial# #uses# All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 12B, 14A or 16A All amusement #uses# listed in Use Group 8A or 12A All automotive service #uses# listed in Use Group 7D	First 25,000 sq. ft. Next 15,000 sq. ft. Next 60,000 sq. ft. Each additional 150,000 sq. ft. or fraction thereof	None 1 1 1
C2[2] C4-1 C4-2 C4-3 C8-1 C8-2	Service, wholesale, manufacturing, or storage #uses# All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, or 16D All #manufacturing# #uses# listed in Use Group 11A	First 8,000 sq. ft. Next 17,000 sq. ft. Next 15,000 sq. ft. Next 20,000 sq. ft. Next 20,000 sq. ft. Each additional 80,000 sq. ft. or fraction thereof	None 1 1 1 1 1

C2[3] C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4	Service, wholesale, manufacturing, or storage #uses# All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, or 16D All #manufacturing# #uses# listed in Use Group 11A	First 15,000 sq. ft. Next 25,000 sq. ft. Next 40,000 sq. ft. Each additional 80,000 sq. ft. or fraction thereof	None 1 1 1

[1] Requirements in this table are in addition to area utilized for ambulance parking

[2] Mapped within R1, R2, R3, R4, R5, R6

[3] Mapped within R7, R8, R9, R10

36-63 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, if any #building# or #zoning lot# contains two or more #uses# having different requirements for loading berths as set forth in Section 36-62 (Required Accessory Off-street Loading Berths), and if:

(a) the #floor area# of each separate #use# is less than the minimum #floor area# for which berths are required; and

(b) the total #floor area# of all the #uses# for which berths are required is greater than the smallest amount of #floor area# for which berths are required for any of the #uses# individually;

off-street loading berths shall be provided as if the total #floor area# of the #uses# for which berths are required were used for that #use# for which the most berths are required.

36-64 - Wholesale, Manufacturing, or Storage Uses Combined With Other Uses

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as provided in Section 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), if any #building# or #zoning lot# is used partly for wholesale, #manufacturing# or storage #uses# or any combination of such #uses#, and partly for any other #uses# set forth in the table in Section 36-62 (Required Accessory Off-street Loading Berths), at least 50 percent of the #floor area# in the #building# shall be subject to the

requirements set forth for wholesale, #manufacturing# or storage #uses#, and the remainder shall be subject to the other applicable requirements.

36-65 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 36-682 (Location of access to the street):

Section 36-62 (Required Accessory Off-street Loading Berths)

Section 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements)

Section 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses).

The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

36-66 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

36-67 - Joint Loading Berths Serving Two or More Buildings

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

(a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Sections 36-62 (Required Accessory Off-street Loading Berths), 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) or3664 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses);

(b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the

Commissioner of Buildings.

36-68 - Additional Regulations for Permitted or Required Berths

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section.

36-681 - Size of required berths

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all required #accessory# off- street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR REQUIRED ACCESSORY OFF-STREET LOADING BERTHS

(in feet)

		Length	Width	Vertical Clearance
#commercial# #uses#*		33	12	14
Funeral establishments		25	10	8
Hospitals and related facilities or prisons		33	12	12
Hotels, offices or court houses		33	12	12
Wholesale, manufacturing or storage #uses#:	with less than 10,000 sq. ft. of #floor area#	33	12	14

	with 10,000 sq. ft. or more of #floor area#	50	12	14

* As set forth in the table in Section 36-62 (Required Accessory Off-street Loading Berths)

36-682 - Location of access to the street

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

The waiver provisions of Section 36-65 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

36-683 - Restrictions on location of berths near Residence Districts

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths onto the #street# shall be less than 30 feet from the district boundary.

36-684 - Surfacing

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

36-685 - Screening

LAST AMENDED
4/8/1998

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths that are located on #zoning lots# adjacent to the boundary of a #Residence District#:

(a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire- resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances and exits; and

(d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

36-70 - BICYCLE PARKING

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of this Section, inclusive, relating to bicycle parking spaces shall apply to:

(a) #developments#;

(b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;

(c) #dwelling units# created by #conversions# of non-#residential# #floor area#;

(d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;

(e) new enclosed #accessory# #group parking facilities# with 35 or more automobile parking spaces; and

(f) open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more automobile parking spaces or are greater than 6,000 sq. ft. in area.

In addition, the provisions of Section 36-75 (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

Bicycle parking spaces shall be provided in accordance with the requirements set forth in this Section, inclusive, as a condition precedent to the #use# of such #development#, #enlargement#, #conversion#, #group parking facility# or open parking area.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

36-71 - Required Bicycle Parking Spaces

LAST AMENDED
4/22/2009

36-711 - Enclosed bicycle parking spaces

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the

#accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL, COMMUNITY FACILITY OR COMMERCIAL USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
Use Group 1	None required
Use Group 2	1 per 2 #dwelling units#
#Affordable independent residences for seniors#	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES[1]	

College or #school# student dormitories or fraternity and sorority student houses	1 per 2,000 square of #floor area#
Colleges, universities or seminaries[2]	
(a) Classrooms, laboratories, student centers or offices	1 per 5,000 square feet of #floor area#
(b) Theaters, auditoriums, gymnasiums or stadiums	1 per 20,000 square feet of #floor area#
Libraries, museums or non-commercial art galleries	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates; required houses of worship, rectories or parish houses; Use Group 4B	None required
All other Use Group 3 and Use Group 4 #uses# not otherwise listed in this table	1 per 10,000 square feet of #floor area#
FOR COMMERCIAL USES	
Use Group 6B	1 per 7,500 square feet of #floor area#
General retail or service #uses#. Use Groups 5A, 6A, 6C, 6E, 7A, 7B, 7D, 8B, 9A, 10A, 12B, 13B, 14A (except docks for vessels, other than #gambling vessels#) or 14B; eating and drinking establishments in all Use Groups; automobile rental establishments	1 per 10,000 square feet of #floor area#
Use Groups 8A, 12A (except eating and drinking establishments); theaters	1 per 20,000 square feet of #floor area#

#Public parking garages#	1 per 10 automobile parking spaces
Use Groups not specified above, and all other #commercial# #uses# not otherwise listed	None required

[1] #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group 2 #residential uses#

[2] Up to half of required spaces may be provided as unenclosed bicycle parking spaces, pursuant to the requirements of Section 36-73

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are accessory to:

(a) #buildings# containing 10 #dwelling units# or less;

(b) colleges, universities or seminaries where the number of required enclosed bicycle parking spaces is six or less;

(c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or

(d) all other #community facility# or #commercial# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

36-712 - Unenclosed bicycle parking spaces

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 37-91, unenclosed bicycle parking spaces shall be provided as follows:

(a) One bicycle parking space shall be provided for every 10 automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space.

Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

(b) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph(c).

36-72 - Authorization for Reduction of Spaces

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

36-73 - Restrictions on Operation, Size and Location of Bicycle Parking Spaces

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 36-74 (Certification for Off-site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating “Bicycle Parking.”

All required bicycle parking spaces that are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces that are #accessory# to a #commercial# or #community facility# #use# shall be made available for the storage and independent access of bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities must be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to #community facilities# with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock, or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis.

(a) For colleges, universities or seminaries, one-half of required #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of paragraph (b) of Section 36-712 (Unenclosed bicycle parking spaces).

(b) For #public parking garages#, the required information plaque shall be provided at each point of bicycle entry to the #public parking garage#, mounted with its center between four and six feet above the ground, directly visible and unobstructed from the #street#. The entry plaque shall contain a bicycle symbol which is 12 inches square in dimension with a highly contrasting background, as shown in this paragraph, (b). The symbol shall match exactly the symbol

provided in the Required Signage Symbols file at the Department of City Planning website.

(36–73)

36-74 - Certification for Off-site Bicycle Parking Spaces

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for colleges, universities, seminaries, hospitals and related facilities, except animal hospitals, #accessory# bicycle parking spaces required pursuant to Section 36-711 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

(a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#; and

(b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of an entrance of the #building#, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

36-75 - Floor Area Exemption

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section shall be excluded from the calculation of #floor area#, provided that:

(a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 36-711 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly constructed; and

(b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
#Affordable independent residences for seniors#	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES	
Philanthropic or non-profit institutions with sleeping accommodations	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences#; and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site, pursuant to Section 36-74 (Certification for Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

36-76 - Waiver or Reduction of Spaces for Subsidized Housing

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except in the #Special Willets Point District# and the #Special St. George District#, the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

(a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph, (a);

(b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory# #group parking facility#,

(c) if permitted automobile parking spaces are provided, the required bicycle parking spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;

(d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and

(e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special Urban Design Regulations

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 7 - Special Urban Design Regulations

37-00 - GENERAL PURPOSES

LAST AMENDED
3/22/2018

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

The provisions of this Chapter shall apply as follows:

(a) Section 37-10 sets forth applicability of Article II, Chapter 6 to zoning lots accessed by private roads in C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts;

(b) Section 37-20, inclusive, sets forth special regulations for lower density growth management areas in the Borough of Staten Island;

(c) Section 37-30, inclusive, sets forth special streetscape provisions that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIV;

(d) Section 37-40, inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;

(e) Section 37-50, inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;

(f) Section 37-60, inclusive, sets forth provisions for publicly accessible open areas such as plazas, residential plazas and urban plazas created prior to October 17, 2007;

(g) Section 37-70, inclusive, sets forth provisions for public plazas;

(h) Section 37-80 sets forth provisions for arcades; and

(i) Section 37-90, inclusive, sets forth provisions for certain open parking areas, including landscaping.

37-10 - APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS

LAST AMENDED
2/2/2011

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) shall apply to any #zoning lot# with #buildings# accessed by #private roads#, except where such #zoning lot# contains #private roads# constructed prior to February 6, 2002. In addition, the open area between #buildings# and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial# #uses#.

However, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

37-20 - SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE

BOROUGH OF STATEN ISLAND

LAST AMENDED
12/21/2005

37-21 - Special Screening Requirements Between Residential and Non-Residential Uses

LAST AMENDED
12/21/2005

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential uses# shall be screened from adjoining #zoning lots# containing only #residential uses# by a planting strip at least five feet wide along the common #side lot line#, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such #buildings# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

37-30 - SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS

LAST AMENDED
10/17/2007

37-31 - Applicability

LAST AMENDED
5/12/2021

Section 37-30, inclusive, specifies #ground floor level# requirements that establish consistent standards for a minimum depth for certain #uses#, a maximum width for certain #uses#, minimum transparency requirements, and parking wrap and screening requirements, and minimum requirements for blank walls that apply in conjunction with requirements set forth for certain #Commercial Districts# in the supplemental #use# provisions of Section 32-40, inclusive, for #Quality Housing buildings# in certain #Commercial Districts# subject to supplemental provisions for #qualifying ground floors#; for certain #Manufacturing Districts# in Section 42-485 (Streetscape provisions); for #zoning lots# subject to the off-street parking regulations in the #Manhattan Core# in Article I, Chapter 3; for #zoning lots# subject to the special provisions for waterfront areas and, FRESH food stores, and #flood zones# in Article VI, Chapters 2 and, 3, and 4 respectively; and for #zoning lots# subject to the provisions of certain Special Purpose Districts.

However, the ground floor depth requirements for certain #uses# and minimum transparency requirements of Sections 37-32 and 37-34, respectively, shall not apply to:

(a) #zoning lots# in #Commercial Districts# with a #lot width# of less than 20 feet, as measured along the #street line#, provided such #zoning lots# existed on March 22, 2016, and on the date of application for a building permit; or

(b) any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

37-311 - Definitions

LAST AMENDED3/22/2016

The following definitions shall apply throughout Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive.

Ground floor level

For the purposes of Section 37-30, inclusive, the "ground floor level" shall refer to a #building's# lowest #story#.

Primary street frontage

For the purposes of Section 37-30, inclusive, a "primary street frontage" shall be the portion of the #ground floor level# #street# frontage along any of the following:

(a) a #wide street#;

(b) a narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or

(c) a #narrow street# within 50 feet of a #wide street#.

Secondary street frontage

For the purposes of Section 37-30, inclusive, a "secondary street frontage" shall be a #ground floor level# #street# frontage, or portion thereof, subject to the provisions of Section 37-30, inclusive, that is not a #primary street frontage#.

37-32 - Ground Floor Depth Requirements for Certain Uses

LAST AMENDED
2/2/2011

The minimum depth for required ground floor non-#residential uses#, as applicable, shall be as set forth in this Section, except as set forth in Section 37-31 (Applicability).

Required #ground floor level# non-#residential uses# along a #primary street frontage# or a designated retail street specified in a Special Purpose District, as applicable, shall have a minimum depth of 30 feet, as measured perpendicular to the #ground floor level# #street wall#. However, such minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

37-33 - Maximum Width of Certain Uses

LAST AMENDED
2/2/2011

The maximum width of lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations is set forth in this Section.

(a) Ground floor lobbies

(1) Type 1

Where Type 1 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. However, the width of such lobbies need not be less than 10 feet.

(2) Type 2

Where Type 2 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 40 linear feet of #street wall#, whichever is less. However, the width of such lobbies need not be less than 20 feet.

(b) Entrances and exits to #accessory# parking facilities

Entrances and exits to #accessory# off-street parking facilities, where permitted on the #ground floor level#, or portion thereof, shall not exceed a #street wall# width equal to the sum of five feet plus the maximum curb cut width for the applicable district. Where no specified maximum curb cut width is set forth for the district, the curb cut regulations for #buildings# containing #residences# in R6 through R8 Districts with a letter suffix in paragraph (e) of Section 25-631 (Location and width of curb cuts in certain districts) shall be applied.

(c) Entryways to subway stations

Entryways to subway stations may be provided on the #ground floor level# of a #building# without restriction in #street wall# width.

37-34 - Minimum Transparency Requirements

LAST AMENDED
2/2/2011

The #ground floor level# #street wall# along a #primary street frontage# or a designated retail street set forth in a Special Purpose District, as applicable, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, except as set forth in Section 37-31 (Applicability).

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level# #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet. The maximum width of a portion of the #ground floor level# #street wall# without transparency shall not exceed 10 feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, entryways to subway stations, as applicable, or doors accessing emergency egress stairwells and passageways.

37-35 - Parking Wrap and Screening Requirements

LAST AMENDED
2/2/2011

All #accessory# off-street parking spaces on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.

(a) Along #primary street frontages#

For #ground floor levels#, or portions thereof, fronting along a #primary street frontage# or a designated retail #street# set forth in a Special Purpose District, as applicable, any portion of an #accessory# off-street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #commercial#, #community facility# or #residential# #floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall have a minimum depth of 30 feet, as measured perpendicular to the #street wall# of the #building#.

(b) Along #secondary street frontages#

For #ground floor levels#, or portions thereof, fronting along a #secondary street frontage# or 50 feet beyond a designated retail #street# set forth in a Special Purpose District, as applicable, off-street parking facilities, or portions thereof, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or shall be subject to the following design requirements:

(1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;

(2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and

(3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, graphic or sculptural art, decorative screening or latticework, or living plant material.

37-36 - Special Requirements for Blank Walls

LAST AMENDED
5/12/2021

Where visual mitigation elements are required on a blank wall along the #ground floor level# #street wall# in accordance with other streetscape provisions in this Resolution, such blank wall shall be covered by one or more of the following mitigation elements set forth in this Section.

37-361 - Blank wall thresholds

LAST AMENDED
5/12/2021

The height and width of blank walls and the applicable percent coverage of mitigation elements are set forth in this Section. Blank wall surfaces shall be calculated on the #ground floor level# #street wall# except in the #flood zone#, blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation# as defined in Section 64-11(Definitions).

The different types of blank walls are established below and the type of blank wall that applies is determined by the provisions of each applicable Section.

(a) Type 1

Where Type 1 blank wall provisions apply, a “blank wall” shall be a #street wall#, or portions thereof, where no

transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 50 feet.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section 37-362 (Mitigation elements).

The maximum width of a portion of such blank wall without visual mitigation elements shall not exceed 10 feet. In addition, where such blank wall exceeds a #street wall# width of 50 feet, such rules shall be applied separately for each 50-foot interval.

(b) Type 2

Where Type 2 blank wall provisions apply, a “blank wall” shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section 37-362. In addition, where such blank wall exceeds a #street wall# width of 50 feet, such rules shall be applied separately for each 50-foot interval.

(c) Type 3 or Type 4

Where Type 3 or Type 4 blank wall provisions apply, a “blank wall” shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 15 feet for Type 3 or for a continuous width of at least five feet for Type 4.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section 37-362. In addition, where such blank wall exceeds a #street wall# width of 25 feet, such rules shall be applied separately for each 25-foot interval.

37-362 - Mitigation elements

LAST AMENDED
5/12/2021

The following mitigation elements shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations.

(a) Surface treatment

Where utilized as a visual mitigation element the following shall apply:

(1) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, decorative screening or latticework, or living plant material shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of the mitigation requirement.

(2) Surface texture

Surface texture that recesses or projects a minimum of one inch from the remaining surface of the #street wall# shall be provided. The height or width of any individual area that recesses or projects shall not be greater than 18 inches. Each linear foot of wall treatment shall constitute one linear foot of the mitigation requirement.

(b) Linear treatment

Where utilized as a visual mitigation element the following shall apply:

(1) Planting

Planting, in the form of any combination of perennials, annual flowers, decorative grasses or shrubs, shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of the mitigation requirement. Such planting bed, or planter boxes shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area, including planters spaced not more than one foot apart, shall have a width of at least five feet.

(2) Benches

Fixed benches, with or without backs, shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of the mitigation requirement. Any individual bench shall have a width of at least five feet and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(3) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall# as follows. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(i) Where bicycle racks are oriented so that the bicycles are placed parallel to the #street wall#, each bicycle rack so provided shall satisfy five linear feet of the mitigation requirement.

(ii) Where bicycle racks are oriented so that bicycles are placed perpendicular or diagonal to the #street wall#, each bicycle rack so provided shall satisfy the width of such rack, as measured parallel to the #street wall#, of the mitigation requirement.

(4) Tables and chairs

In #Commercial Districts# and M1 Districts, fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of the mitigation requirement.

37-40 - OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

LAST AMENDED
5/29/2019

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special

Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section 118-50, the #Special East Harlem Corridors District# as described in Section 138-33, and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50. In addition, for #developments or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections 66-22 (Special Use Regulations) through 66-25 (Special Streetscape Regulations) may be applied.

STATION	LINE
The Bronx	
161st Street**	Grand Concourse
Manhattan	
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street-Penn Station	8th Avenue
59th Street/Lexington Avenue-60th St.	Lexington Avenue and Broadway-60th Street

* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

** Access stairways to elevated portions of a station complex are exempt from this requirement

37-41 - Standards for Location, Design and Hours of Public Accessibility

LAST AMENDED
10/17/2007

In addition to the standards set forth in the current station planning guidelines as issued by New York City Transit, the following standards shall also apply:

(a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from, a public sidewalk or pedestrian circulation space as defined in Section 37-50. Any such pedestrian circulation space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

The relocated or renovated entrance may be provided within a #building# but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted toward the #floor area# of the #enlargement# or #development#.

(b) Design standards

The relocated or renovated entrance shall have a stair width of at least eight feet for each run.

Where two or more existing stairway entrances are being relocated or renovated as part of the same #development# or #enlargement#, the new entrance or entrances shall have total stair widths equal to or greater than the sum of the stair widths of those existing stairway entrances, but in no case may any stair be less than eight feet in width.

The relocated entrance may be relocated within a #public plaza#, provided that the minimum width of each stair is 10 feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated entrance within a #public plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #public plaza#.

For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with a #public plaza# or an #arcade# in accordance with the provisions of Sections 37-53 (Design Standards for Pedestrian Circulation Spaces) or 37-80 (ARCADES).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of five feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet, 6 inches from finished floor to finished ceiling, including all lighting fixtures and #signs#.

The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a relocated entrance may be constructed within the #street#.

(c) Hours of public accessibility

The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by New York City Transit.

37-42 - Administrative Procedure for a Subway Stair Relocation or Renovation

LAST AMENDED
2/2/2011

For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued, unless the following criteria are met:

(a) for a relocated entrance, such plan includes a stair relocation plan and related documents that require:

(1) construction of the new stair entrance in accordance with such plan;

(2) demolition of above-ground elements of the existing entrance;

(3) sealing of the existing entrance at the sidewalk level; and

(4) maintenance of the work performed on the relocated or renovated entrance; or

(b) for a renovated entrance, such plan includes a renovation plan and related documents that require:

(1) renovation of the entrance in accordance with such plan; and

(2) maintenance of the work performed on the renovated entrance; and

(c) such plan and related documents bear New York City Transit's approval; and

(d) such plan is accompanied by a certified copy of an agreement, as recorded between New York City Transit and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York and is accompanied by the Register's receipt of recordation; and

(e) no permanent certificate of occupancy shall be issued for the #building# either altered or #developed#, as set forth in Section 37-40, or #enlarged#, that is subject to the subway stair relocation requirement or is counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50, inclusive, unless and until all of the work required under paragraph (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings.

37-43 - Modification of Requirements for a Relocated or Renovated Subway Stair

LAST AMENDED
10/17/2007

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Sections 32-435 (Ground floor use in high density Commercial Districts) and 37-41 (Standards for Location, Design and Hours of Public Accessibility) or 37-70 (PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification to these provisions.

37-44 - Waiver of Requirements

LAST AMENDED
10/17/2007

The provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) may be waived by joint certification of New York City Transit and the Chairperson of the City Planning Commission that major construction problems or operating design considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.

37-50 - REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

LAST AMENDED
10/17/2007

All pedestrian circulation space required pursuant to the provisions of any special purpose district shall comply with the provisions of this Section, as such may be modified by the terms of the special district.

37-51 - Amount of Pedestrian Circulation Space

LAST AMENDED
2/2/2011

The minimum amount of pedestrian circulation space to be provided for #developments# or #enlargements# shall be determined by the following table:

MINIMUM PEDESTRIAN CIRCULATION SPACE REQUIREMENTS

Size of #zoning lot#	Required area of pedestrian circulation space
5,000 to 20,000 sq. ft.	1 sq. ft. per 350 sq. ft. of new #floor area#
Above 20,000 sq. ft.	1 sq. ft. per 300 sq. ft. of new #floor area#

37-52 - Types of Pedestrian Circulation Space

LAST AMENDED

10/17/2007

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, #transit volumes# and improvements to #mass transit stations#, through #block# connection or #public plaza#. For the purposes of this Section, defined terms additionally include those in Section 66-11 (Definitions).

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	x	x	x
#Building# entrance recess area	x	x	x
Corner arcade	x		
Corner circulation space	x		
Relocation or renovation of subway stair	x	x	x
Sidewalk widening	x	x	x
#Transit volumes# and improvements to #mass transit stations#	x	x	x
Through #block# connection	x	x	
#Public plaza#	x	x	x

Minimum design standards for each type of pedestrian circulation space and, where applicable, the maximum amount of each type of pedestrian circulation space that may be counted toward meeting the requirements of Section 37-51 (Amount of Pedestrian Circulation Space) are set forth in Section 37-53 (Design Standards for Pedestrian Circulation Spaces).

37-53 - Design Standards for Pedestrian Circulation Spaces

LAST AMENDED
12/19/2019

(a) Arcade

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES). In lieu thereof, the provisions of this Section shall apply.

An arcade is a continuous covered space that adjoins and extends along a #front lot line#, is at the same elevation as the adjoining sidewalk, is open for its entire length to the sidewalk except for columns and is accessible to the public at all times. An arcade shall be provided on the #wide street# frontage of a #zoning lot# of a #development# or #enlargement# where the #zoning lot# lies directly adjacent to an existing arcade on a #wide street#, except where an existing #building# without an arcade extends along a portion of the #wide street front lot line# of the #zoning lot# containing the #development# or #enlargement#. Where an arcade abuts another arcade, there shall be a clear, unobstructed passage between both arcades.

An arcade shall meet the following requirements:

(1) Dimensions

An arcade with columns shall have a minimum clear width of 10 feet, exclusive of all columns, and a maximum width of 15 feet, inclusive of columns. No column width shall be greater than five feet. Columns shall be spaced along the #street# with a minimum clear width between columns of 15 feet. An arcade shall have a clear height of not less than 12 feet and not more than 30 feet.

(i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:

(a) it has a continuous, unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater; and

(b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.

(ii) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent #zoning lot#, matching it in width and alignment, and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater.

(iii) On a #corner lot# fronting on a #narrow street#, an arcade is permitted only if it extends for the full length of the #street# frontage, with the exception of a driveway for a required loading berth located at the #side lot line# of the #zoning lot#, or if the arcade provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: a corner arcade, a #publicly accessible open area#, an off-street rail mass transit access improvement, an intersecting sidewalk widening, an intersecting #street#, a relocated or renovated subway entrance, a through #block# connection or a through #block# galleria.

(iv) On a #wide street#, an arcade shall be permitted, provided that:

(a) the arcade extends along the full length of the #street line# between intersecting #streets#; or

(b) in the case of an arcade that occupies less than the entire #street# frontage between intersecting #streets#, on a full #block# front #zoning lot#, unobstructed pedestrian flow along the entire frontage is provided on the #zoning lot# by the arcade in combination with one or more of the following #open spaces# with which the arcade connects at one or both ends: a corner circulation space, a #publicly accessible open area# or an intersecting sidewalk widening; or

(c) in the case of an arcade whose #zoning lot# occupies less than the entire #street# frontage between intersecting #streets#, the arcade connects with an existing arcade of matching width and alignment, a #publicly accessible open area# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire #block# front is provided by the arcade in combination with such existing spaces.

(2) Full #block# front arcade

When a #zoning lot# occupies a full #block# front, both ends of the arcade on that #street# frontage shall be open and accessible directly from the sidewalk of the intersecting #street# or any other qualifying pedestrian circulation space.

(3) Permitted obstructions

Except for #building# columns, and exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), an arcade shall be free from obstructions of any kind.

(4) Specific prohibitions

No vehicular driveways, except as permitted under paragraph (a)(1) (Dimensions) of this Section, parking spaces, passenger drop-offs, loading berths or trash storage facilities are permitted within an arcade, nor shall such facilities be permitted immediately adjacent to an arcade.

(5) Illumination

All existing and new arcades shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise.

(b) #Building# entrance recess area

A #building# entrance recess area is a space that adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the #building's# lobby entrance or to the entrance to a ground floor #use#.

A #building# entrance recess area shall meet the following requirements:

(1) Dimensions

A #building# entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the #street line# at a #building's# lobby entrance and a maximum length of 30 feet parallel to the #street line# at a ground floor #use# entrance. It shall have a maximum depth of 15 feet measured from the #street line# and shall have a minimum depth of 10 feet measured from the #street line#.

(2) Permitted obstructions

Any portion of a #building# entrance recess area under an overhanging portion of the #building# shall have a

minimum clear height of 15 feet. It shall be free of obstructions except for exterior wall thickness pursuant to Section 33-23, and #building# columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a #building# column and a wall of the #building#, there shall be a clear path at least five feet in width.

(3) Permitted overlap

A #building# entrance recess area may overlap with an arcade, a corner arcade, a corner circulation space or a sidewalk widening, and may adjoin or overlap and connect directly without obstruction to another #building# entrance recess area except that, on any one #street# frontage, each lobby or ground floor #use# shall connect to only one #building# entrance recess area.

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES). In lieu thereof, a corner arcade shall be a small covered space adjoining the intersection of two #streets# at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner arcade shall meet the following requirements:

(1) Dimensions

(i) a corner arcade shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#; and

(ii) the height of a corner arcade shall be not less than 12 feet and a clear path at least 12 feet wide shall be provided from one #street line# to another #street line#.

(2) Permitted obstructions

Except for #building# columns, and exterior wall thickness pursuant to Section 33-23, a corner arcade shall be free from obstructions of any kind.

(3) Specific prohibitions

The specific prohibitions pertaining to an arcade as described in paragraph (a)(4) of this Section shall also be applicable to a corner arcade.

(4) Permitted overlap

A corner arcade may overlap with an arcade; however, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

(d) Corner circulation space

A corner circulation space is a small #open space# on a #zoning lot#, adjoining the intersection of two #streets#, at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner circulation space shall meet the following requirements:

(1) Dimensions

A corner circulation space shall have the same minimum dimensions as a corner arcade, as described in paragraph (c)(1) of this Section.

(2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, #building# columns, #street# trees, planters, vehicle storage, parking or trash storage. However, exterior wall thickness may be added pursuant to Section 33-23. No gratings, except for drainage, shall be permitted.

(3) #Building# entrances

Entrances to ground level #uses# are permitted from a corner circulation space.

An entrance to a #building# lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# that bound the corner circulation space.

(4) Permitted overlap

A corner circulation space may overlap with a sidewalk widening.

(e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), inclusive, one and one-half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

(f) Sidewalk widening

A sidewalk widening is a continuous, paved, open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the #wide street# frontage of a #zoning lot# of a #development# or #enlargement# where all existing #buildings# on the same #block# frontage, whether on the same or another #zoning lot#, provide sidewalk widenings.

A sidewalk widening shall meet the following requirements:

(1) Dimensions

A sidewalk widening shall have a width of no less than five feet nor more than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire length to a sidewalk.

A sidewalk widening shall extend along the full length of the #front lot line# except for the portion of the #front lot line# interrupted by an existing #building# which is located at a #side lot line# or, in the case of a full

#block# frontage, located at the intersection of two #streets#.

A required sidewalk widening on a #wide street# shall connect directly to any existing adjoining sidewalk widening and shall extend the entire length of the #front lot line#.

The width of such a required sidewalk widening shall equal that of the existing adjoining sidewalk widening. If there is more than one such existing sidewalk widening, the width of such a required sidewalk widening shall equal that of the existing sidewalk widening that is longest.

A sidewalk widening is permitted on a #wide street# when not adjacent to an existing sidewalk widening only if either the sidewalk widening extends along the #street line# of the #wide street# for the full length of the #block# front, or the #zoning lot# is a #corner lot# and the sidewalk widening extends along the full length of the #street line# of the #wide street# to its intersection with the #street line# of the other #street# on which the #zoning lot# fronts.

Except for the permitted interruptions, as set forth in paragraph (f)(2) of this Section, a sidewalk widening is permitted on a #narrow street# only if it has a length of at least 100 feet.

(2) Permitted interruptions

Interruptions of the continuity of a qualifying sidewalk widening shall be permitted only under the following conditions:

(i) by an arcade that has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening;

(ii) if overlapped by a corner circulation space or a #building# entrance recess area that permits uninterrupted pedestrian flow;

(iii) if overlapped by a #public plaza#, provided that the overlapping portion of such #public plaza# conforms to the design standard of a sidewalk widening;

(iv) by an off-street subway entrance, provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#;

(v) if overlapped by the queuing space of a relocated or renovated subway entrance, provided that the queuing space for the entrance leaves at least a five foot uninterrupted width of sidewalk widening along the entire length of the queuing space; or

(vi) by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, a through #block# galleria or a #through block public plaza# at such a #side lot line#, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted toward meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section, for exterior wall thickness pursuant to Section 33-23, and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such

elements and any attachments thereto are at least eight feet above #curb level#.

(4) Specific prohibitions

No #street# trees are permitted on a sidewalk widening. No vehicle storage, parking or storage of trash is permitted on a sidewalk widening. Gratings may not occupy more than 50 percent of the sidewalk widening area nor be wider than one half the width of the sidewalk widening.

(5) Special design treatment

When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet nor less than five feet along the sidewalk widening from its termination.

The transition area shall receive special design treatment which may include, but is not limited to, landscaping, sculpture or #building# transparency. The transition area shall be designed to effect a gradual change of the sidewalk widening width to match the #street wall# line of the existing #building# at the sidewalk widening's termination. This may be accomplished by a curved or diagonal edge of paving along a landscaped bed, the use of stepped edges of the #building# or other architectural treatment of the #building# or paving which avoids an abrupt visual termination of the sidewalk widening. Such special design treatment may be considered a permitted obstruction.

(g) #Transit volumes# and improvements to #mass transit stations#

Where #transit volumes# or improvements to #mass transit stations# are provided pursuant to the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), each square foot of mass transit access may constitute one square foot of required pedestrian circulation space, not to exceed 3,000 square feet. For the purposes of this paragraph, defined terms include those in Section 66-11 (Definitions).

(h) Through #block# connection

A through #block# connection is a paved, open or enclosed space providing unobstructed access to the #building's# main lobby and connecting, in a straight, continuous, unobstructed path, two parallel or nearly parallel #streets#.

Up to a maximum of 3,000 square feet of a through #block# connection may count toward the minimum pedestrian circulation space requirement.

A through #block# connection shall meet the following requirements:

(1) Location

(i) A through #block# connection shall be located at least 150 feet from the intersection of two #streets#.

(ii) Where the #zoning lot# or a portion thereof is directly across a #street# from, and opposite to, an existing through #block# connection on an adjacent #block# and the existing connection is at least 150 feet from the intersection of two #streets#, the alignment of the new through #block# connection shall overlap with that of the existing connection. Such existing connection may also be a through #block# galleria, #through block public plaza# or any through #block# circulation area with a minimum width of 12 feet,

which is located within a #building#.

(iii) Where there are already two through #block# connections located on the same #block#, a new through #block# connection shall not count toward meeting the pedestrian circulation space requirement.

(iv) No through #block# connection shall be permitted on any portion of a #zoning lot# occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission, or occupied by a #building# whose designation as a landmark or interior landmark has been calendared for public hearing and is pending before the Landmarks Preservation Commission.

(2) Design standards for a through #block# connection

(i) A through #block# connection shall provide a straight, continuous, unobstructed path at least 15 feet wide. If covered, the clear, unobstructed height of a through #block# connection shall not be less than 15 feet. Exterior wall thickness, as set forth in Section 33-23, shall be a permitted obstruction to such path.

(ii) At no point shall the level of a through #block# connection be more than five feet above or below #curb level#. In all cases, the through #block# connection must provide a clear path, accessible to people with disabilities, through its entire length.

(iii) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.

(iv) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the #building's# main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.

(v) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the #building's# main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.

(vi) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.

(vii) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# is open for business and shall have posted, in prominent, visible locations at its entrances, #signs# meeting the standards set forth in paragraph (h)(2)(viii) of this Section.

(viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:

(a) For an unenclosed through #block# connection, the public access information shall be an entry plaque located at the entrance to the through #block# connection at each #street# frontage. The entry plaque shall contain:

(1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and

required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and

(2) an international Symbol of Access for people with disabilities that is at least three inches square.

The entry plaque shall be mounted with its center five feet above the elevation of the nearest walkable pavement on a wall or a permanent freestanding post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the through #block# connection, in a position that clearly identifies the entry to the connection.

(b) For an enclosed through #block# connection or a portion thereof:

(1) a public space symbol and required text as described in paragraph (h)(2)(viii)(a) of this Section, shall be mounted with its center five feet above the elevation of the nearest walkable pavement;

(2) lettering stating "PUBLIC ACCESS TO ____ STREET," indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol and required text; and

(3) lettering not more than two inches or less than one and a half inches in height stating "Open" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol and required text.

The above required information shall be permanently affixed on the glass panel of the entry doors of the through #block# connection clearly facing the direction of pedestrian flow. The information shall be located not higher than six feet or lower than three feet above the level of the pedestrian path at the entry.

(i) #Public plaza#

A maximum of 30 percent of the area of a #public plaza# that faces a #street# intersection, or provides access to a major #building# entrance, may be counted toward meeting the pedestrian circulation space requirement.

A maximum of 3,000 square feet of a #through block public plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #public plazas#, the first 10 feet of depth from the #street line# may be counted toward meeting the pedestrian circulation space requirement, provided that the #public plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #public plazas# shall comply with Section 37-70 (PUBLIC PLAZAS), inclusive.

Any area of permitted overlap between pedestrian circulation spaces or other amenities shall be counted only once toward meeting the required amount of pedestrian circulation space. Unobstructed access shall be provided between

overlapping spaces.

37-54 - Modification of Design Standards of Pedestrian Circulation Spaces Within Existing Buildings

LAST AMENDED
10/17/2007

The City Planning Commission may authorize a modification of any required minimum amount of pedestrian circulation space to be provided on #wide street# frontages and design standards, as indicated, for the following required pedestrian circulation spaces, to be provided within or under an existing #building# to remain on a #zoning lot#:

(a) Arcade: minimum width, minimum height, obstructions, minimum clear width between obstructions, minimum length, column sizes

(b) #Building# entrance recess area: minimum length, minimum depth from #street line#, minimum height, obstructions, clear space between obstructions and clear space between obstructions and #building# wall

(c) Corner arcade or corner circulation space: minimum depth, minimum width of clear path, minimum height, obstructions

(d) Through #block# connection: minimum width of unobstructed path, minimum height, through #block# level.

The Commission may authorize a modification of design standards for pedestrian circulation spaces when the following findings are met:

(1) a modification is needed because of the inherent constraints of the existing #building#;

(2) the modification is limited to the minimum needed because of the inherent constraints of the existing #building#; and

(3) the pedestrian circulation space as modified shall be equal in area, and substantially equivalent, to the required space in terms of quality, effectiveness and suitability for public use.

37-60 - PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007

LAST AMENDED
10/17/2007

37-61 - Design Standards

LAST AMENDED
12/19/2019

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to October 17, 2007, are located in APPENDIX E of this Resolution.

Notwithstanding the foregoing, the applicable provisions of APPENDIX E shall be superseded as follows:

(a) all #plazas#, #residential plazas# and #urban plazas# shall provide an information plaque that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting

background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York;

(b) the introduction of moveable tables and chairs pursuant to Section 37-626 (Moveable tables and chairs) shall be permitted within #plazas#, and shall not constitute a design change pursuant to Section 37-625 (Design changes).

37-62 - Changes to Existing Publicly Accessible Open Areas

LAST AMENDED
10/17/2007

37-621 - Elimination or reduction in size of non-bonused open area

LAST AMENDED
10/17/2007

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza#, #residential plaza# or #urban plaza#, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

37-622 - Elimination or reduction in size of bonused open area

LAST AMENDED
10/17/2007

No existing #plaza#, #residential plaza# or #urban plaza# shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

37-623 - Nighttime closings

LAST AMENDED
10/17/2007

The City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

37-624 - Kiosks and open air cafes

LAST AMENDED
10/17/2007

Kiosks and open air cafes may be placed within an existing #plaza#, #residential plaza# or #urban plaza# upon certification by the Chairperson of the City Planning Commission, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

37-625 - Design changes

LAST AMENDED
6/21/2016

Except as otherwise provided in Sections 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions), 91-83 (Retail Uses Within Existing Arcades) and 91-841 (Authorization for retail uses within existing arcades), design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

37-626 - Moveable tables and chairs

LAST AMENDED
12/19/2019

Publicly accessible tables and chairs shall be considered permitted obstructions within #plazas# that have not received a certification by the Chairperson of the City Planning Commission pursuant to Section 37-625 (Design changes), provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

(a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #plazas# with a depth of 10 feet or less, as measured perpendicular from the #street line#, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet.

37-70 - PUBLIC PLAZAS

LAST AMENDED
10/17/2007

#Public plazas# are open areas on a #zoning lot# intended for public use and enjoyment. The standards contained within Sections 37-70 through 37-78, inclusive, are intended to serve the following specific purposes:

(a) to serve a variety of users of the #public plaza# area;

(b) to provide spaces for solitary users while at the same time providing opportunities for social interaction for small groups; and

(c) to provide safe spaces, with maximum visibility from the #street# and adjacent #buildings# and with multiple avenues for ingress and egress.

All #public plazas# shall comply with the provisions of Section 37-70 through 37-78, inclusive. These provisions may be modified pursuant to Section 74-91 (Modification of Public Plazas).

37-71 - Basic Design Criteria

LAST AMENDED
10/17/2007

37-711 - Definitions

LAST AMENDED
10/17/2007

Corner public plaza

A “corner public plaza” is a #public plaza# that is located on an intersection of two or more #streets#.

Through block public plaza

A “through block public plaza” is a #public plaza# or portion of a #public plaza# that is not a #corner public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

37-712 - Area dimensions

LAST AMENDED
6/10/2009

A #public plaza# shall contain an area of not less than 2,000 square feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade#.

Any non-bonused open area located adjacent to a #public plaza#, other than an open area bounding a #street line# used for pedestrian access, must either:

(a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least six feet in height; or

(b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.

37-713 - Locational restrictions

LAST AMENDED
7/20/2017

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the

two or more open areas.

Additional provisions regarding the location of a #public plaza# are set forth in the #Special Midtown District#, the #Special Lower Manhattan District# and the #Special Downtown Brooklyn District#.

37-714 - Restrictions on orientation

LAST AMENDED
10/17/2007

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 45 degrees of the direction indicated. To front on a #street# means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

(a) Where the major portion of a #public plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.

(b) No major portion of a #public plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.

(c) A #corner public plaza# must have its major portion, as defined in paragraph (b) of Section 37-715, front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

However, the orientation restrictions may be modified if the Chairperson of the City Planning Commission finds that the orientation regulations would conflict with mandatory #street wall# regulations or that the modifications would result in better access to light and air for the #public plaza#.

37-715 - Requirements for major portions of public plazas

LAST AMENDED
10/17/2007

The major portion of a #public plaza# is the largest area of the #public plaza# and the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from within all portions of the #public plaza# and from adjoining public spaces. Major portions shall occupy no less than 75 percent of the total #public plaza# area.

(a) All contiguous #public plaza# areas on a #zoning lot# shall be considered as one #public plaza#.

(b) The shape and dimensions of a #public plaza# shall be such that all points within the major portion shall be visible when viewed perpendicular from each adjacent #street#. #Corner public plazas# that front on two #streets# that do not meet at a 90 degree angle must be fully visible when viewed perpendicular from one adjoining #street# and at least 50 percent of the #public plaza# must be visible when viewed perpendicular to the other adjoining #street#. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade. Points within #public plazas# that front on three intersecting streets shall be treated as two #corner public plazas#.

The major portion of a #public plaza# shall be at least 75 percent of the #public plaza's# total area, except that in the case of a #through block public plaza#, pursuant to Section 37-717, a line drawn within 25 feet of the midblock line shall

divide the #through block public plaza# into two areas that must separately meet all requirements of the #public plaza# regulations. The major portion of the #public plaza# shall be subject to the proportional requirements set forth in paragraphs (c) and (d) of this Section.

(c) The major portion of a #public plaza# shall have a minimum average width and depth of 40 feet. For #public plazas# that front on only one #street#, no more than 20 percent of the #public plaza# area may have a width of less than 40 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #public plaza# fronts.

(d) For major portions of #public plazas#, the maximum width measured parallel to any one #street# shall not be greater than three times the average depth of the #public plaza# measured perpendicular to the #street line# or the average width measured parallel to any one #street# shall not be greater than three times the maximum depth of the #public plaza# measured perpendicular to the #street line#.

37-716 - Requirements for minor portions of public plazas

LAST AMENDED
10/17/2007

Minor portions of #public plazas# are secondary areas that allow for additional flexibility in the shape and configuration of a #public plaza#. Minor portions shall not occupy more than 25 percent of the total area of the #public plaza#. The width of a minor portion shall be measured parallel to the line separating the major and minor portions. The depth of a minor portion shall be measured perpendicular to the line separating the major and minor portions. The provisions of Section 37-715 (Requirements for major portions of public plazas) shall not apply to such minor portions and the following regulations shall apply:

(a) The minor portion shall have a minimum average width and depth of 15 feet.

(b) The minor portion must be directly adjacent to the major portion.

(c) All points within the minor portion must be visible from within the major portion when viewed perpendicular to the line separating the major and minor portions.

(d) The minor portion must front directly on a #street# adjoining the major portion, unless the minor portion has:

(1) a width to depth ratio of at least 3:1; and

(2) its longest dimension contiguous with the major portion.

37-717 - Regulations for through block public plazas

LAST AMENDED
10/17/2007

#Through block public plazas# shall be treated as two #public plazas# separated at a line drawn within 25 feet of the midblock line.

Where any #building# wall or walls adjoin a #through block public plaza# or through #block# portion of a #public plaza# and where such wall or walls exceed 120 feet aggregate length, a minimum 10 foot setback at a height between 60 and 90 feet is required for the full length of the #building# wall.

#Through block public plazas# shall contain a circulation path at least 10 feet in width, connecting the two #streets# on which the #public plaza# fronts, as specified in Section 37-723.

37-718 - Paving

LAST AMENDED
10/17/2007

The paving of the #public plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the #public plaza#.

37-72 - Access and Circulation

LAST AMENDED
10/17/2007

37-721 - Sidewalk frontage

LAST AMENDED
4/30/2012

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

(a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:

(1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and

(2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

(b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

37-722 - Level of plaza

LAST AMENDED
10/17/2007

The level of a #public plaza#, inclusive of major and minor portions, shall not at any point be less than the average elevation of #curb level# of the nearest adjoining #street# nor more than two feet above the average #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#. However, a #public plaza# with an area of 10,000 square feet or more may additionally have a maximum of 20 percent of its area at an elevation more than two feet above, but not more

than four feet above #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#, provided that such higher portion may not be located within 25 feet of any #street line#. #Public plazas# that front on #streets# with slopes greater than 2.5 percent along the frontage of the #public plaza# may not at any point be more than one foot below the #curb level# of the adjoining #street#.

37-723 - Circulation paths

LAST AMENDED
10/17/2007

Circulation paths within #public plazas# shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the #public plaza# and shall, at a minimum, connect all #streets# on which the #public plaza# fronts and all major elements of the #public plaza#, including seating areas, #building# entrances, approved open air cafes and kiosks, and significant design features of the #public plaza#. A minimum of one such circulation path shall be provided of at least eight feet clear width. Circulation paths shall extend to at least 80 percent of the depth of the major portion of the #public plaza#, measured perpendicular from each #street line#. #Through block public plazas# shall provide at least one circulation path with a minimum width of 10 feet connecting each #street# on which the #public plaza# fronts. Trees planted flush to grade, light stanchions, trash receptacles, and public space signage shall be considered permitted obstructions within circulation paths; however, all trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-742.

37-724 - Subway entrances

LAST AMENDED
6/10/2009

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk frontage).

37-725 - Steps

LAST AMENDED
10/17/2007

Any steps provided within the #public plaza# must have a minimum height of four inches and a maximum height of six inches. Steps must have a minimum tread of 17 inches; steps with a height of five inches, however, may have a minimum tread of 15 inches.

37-726 - Permitted obstructions

LAST AMENDED
4/30/2012

(a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions;

permitted awnings, canopies or marquees; permitted freestanding #signs#; play equipment; exterior wall thickness added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed in this paragraph, (a), shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721 (Sidewalk frontage).

(b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50 percent

For #public plazas# 10,000 square feet or more in area: 50 percent

For #public plazas# 10,000 square feet or more in area with a permitted open air cafe: 60 percent.

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

Trees planted flush-to-grade in accordance with the provisions of Section 37-742 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than six inches. Exterior wall thickness added pursuant to Section 33-23 in any #publicly accessible open area# or #public plaza# built prior to April 30, 2012, shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

(c) Canopies, awnings, marquees and sun control devices

(1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:

(i) has a maximum area of 250 square feet;

(ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;

(iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and

(iv) does not contain vertical supports.

Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining #streets# and the adjacent #building#. However, canopies, awnings and marquees associated with entrances to #buildings# containing #residences# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

(2) Sun control devices may be located within a #public plaza#, provided that all such devices:

(i) shall be located above the level of the first #story# ceiling;

(ii) shall be limited to a maximum projection of 2 feet, 6 inches;

(iii) shall have solid surfaces that, in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail, pursuant to Section 33-42 (Permitted Obstructions);

(d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment and #building# trash storage facilities

No garage entrances, driveways, parking spaces, passenger drop offs or loading berths shall be permitted within a #public plaza#. No #building# trash storage facilities are permitted within a #public plaza#, nor shall any #building# trash storage facility be accessed or serviced through the #public plaza#. If garage entrances, parking spaces, passenger drop offs, driveways, loading berths or #building# trash storage facilities are located near or adjoin a #public plaza#, they shall be separated from it by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #public plaza#.

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on any #building# wall fronting upon the #public plaza#, unless such exhaust vents are more than 15 feet above the level of the adjacent #public plaza#. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially, visually and audibly, conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza#, provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

37-727 - Hours of access

LAST AMENDED
10/17/2007

All #public plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing, pursuant to the provisions of this Section.

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of an existing or new #publicly accessible open area#, if the Commission finds that:

(a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;

(b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open areas as documented by the applicant;

(c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;

(d) any approved design element that limits public access, as specified in paragraph (e) of this Section, shall not impede public circulation, visual or physical access within the #publicly accessible open area# or between the #publicly accessible

open area# and other public areas during hours of public operation;

(e) a design element that limits public access shall:

(1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;

(2) not exceed five feet in height;

(3) be fully removed from the #publicly accessible open area# during the hours of public access; however, barriers not to exceed 3 feet, 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;

(4) not involve stanchions or cabinets for barrier storage located with the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;

(5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and

(6) be substantially transparent;

(f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section 37-751, paragraph (c). However, if an open air cafe or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air cafe or kiosk;

(g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the standards set forth for #public plazas#;

(h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section 37-77.

In order to promote increased public use of the public open areas, the Commission may require, or the applicant may request, additional improvements to the existing #publicly accessible open area#, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-73. In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open areas# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including but not limited to materials, dimensions, and configuration or any design element that limits public access, the storage location for the design element that limits public access during the hours of public operation of the #public plaza#, and the hours of the #publicly accessible open area's# accessibility to the public. All such plans for #publicly accessible open areas#, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Commission, and the filing and recording of such instrument shall be a precondition for the nighttime closing of any #publicly accessible open area#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot#, issued after the recording date.

The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on

such application, it must be done within 45 days of receipt of such application.

The Commission shall file any such authorization with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

37-728 - Standards of accessibility for persons with disabilities

LAST AMENDED
6/10/2009

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or new.

37-73 - Kiosks and Open Air Cafes

LAST AMENDED
6/21/2016

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

(a) Kiosks

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the calculation of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days in accordance with conditions set forth in paragraph (c) of this Section.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

(b) Open air cafes

Where an open air cafe is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the total area of the #publicly accessible open area#. #Publicly accessible open areas# less than 10 feet in width that are located between

separate sections of the same open air cafe or between sections of an open air cafe and a kiosk that provides service for such cafe must be included in the calculation of the maximum aggregate area of the open air cafe. Open air cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than one third of any #street# frontage of the #publicly accessible open area# and may not contain any required circulation paths. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#, except where there are planters or walls approved pursuant to a prior certification for an open air cafe. Subject to the foregoing exception, fences, planters, walls, fabric dividers or other barriers that separate open air cafe areas from the #publicly accessible open area# or sidewalk are prohibited. All furnishings of an open air cafe, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air cafe is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may be used by the public without restriction. No kitchen equipment shall be installed within an open air cafe; kitchen equipment, however, may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

The exterior corners of the border of the space to be occupied by an open air cafe shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the cafe border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the cafe corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

Open air cafes shall be located at the same elevation as an adjoining #public plaza# and sidewalk area, except for platforms that shall not exceed six inches in height.

(c) Certification

Kiosks and open air cafes may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

(1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;

(2) such #use# complements desirable #uses# in the surrounding area;

(3) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted;

(4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;

(5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;

(6) for kiosks and open air cafes located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;

(7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such cafe; and

(8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design changes) shall be required, except that within the #Special Lower Manhattan District#, design changes to a #publicly accessible open area# pursuant to the provisions of Section 91-832 (Plaza improvements) as part of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) or a certification pursuant to Section 91-837 (Subsequent design changes) may satisfy the requirements in paragraph (c)(6) of this Section.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

37-74 - Amenities

LAST AMENDED
10/17/2007

All #public plazas# shall provide amenities, as listed in Sections 37-741 through 37-748, inclusive. All required amenities shall be considered permitted obstructions within the #public plaza#.

37-741 - Seating

LAST AMENDED
6/10/2009

Standards for seating within #public plazas# are intended to facilitate the provision of abundant, comfortable and accessible seating throughout the #public plaza#, including, more specifically, as follows:

(a) to provide a broad variety of seating types and configurations;

(b) to accommodate individual users engaged in solitary activities as well as groups engaged in social activities;

(c) to provide a comfortable and safe seating surface by providing smooth, even and level surfaces with rounded edges;

(d) to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps;

(e) to provide ample opportunity for social seating as a basic seating type that consists of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction.

There shall be a minimum of one linear foot of seating for each 30 square feet of #public plaza# area.

A minimum of one linear foot of the required seating for every two linear feet of #street# frontage must be located within 15 feet of the #street line#. At least 50 percent of this seating shall have backs and at least 50 percent of the seats with backs shall face the #street#.

Seating requirements may be satisfied by the following seating types: moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps. All #public plazas# shall provide at least two different types of seating. #Public plazas# greater than 5,000 square feet in area shall provide at least three different types of seating. #Public plazas# greater than 10,000 square feet in area must provide moveable seating as one of the required seating types.

Not more than 50 percent of the linear seating capacity may be in moveable seats that may be stored between the hours of sunset and sunrise, where the City Planning Commission has authorized a limitation on the hours of access pursuant to Section 37-727.

Devices or forms affixed or incorporated into planter ledges, steps, sills or other horizontal surfaces that would otherwise be suitable for seating that are intended to prevent or inhibit seating (such as spikes, metal bars, or pointed, excessively rough, or deliberately uncomfortable materials or forms) shall be prohibited.

Deterrents to skateboards, rollerblades and other wheeled devices are permitted on seating surfaces if they do not inhibit seating, maintain a minimum distance of five feet between deterrents, and are integrated into the seating surface at the time of manufacture or construction or should be constructed of materials that are consistent with the materials and finish quality of the seating surface.

The following standards shall be met for all required seating:

(1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(2) Seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.

(3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.

(4) Moveable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.

All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed or otherwise secured while the #public plaza# is open to the public; moveable chairs, however, may be removed during the nighttime hours of 9:00 p.m. to 7:00 a.m.

(5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of required seating in the #public plaza#. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of the #public plaza#.

(6) Seating in open air cafes shall not count towards meeting the seating requirement of this Section.

(7) Seats that face walls must be a minimum of six feet from such wall.

37-742 - Planting and trees

LAST AMENDED
6/10/2009

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

At least 20 percent of the area of a #public plaza# shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls.

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

For all #public plazas#, at least 50 percent of required trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of 2 feet, 6 inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical outlets or conduits shall not be located within the required porous area of any tree planted flush-to-grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches.

Planting beds shall have a soil depth of at least 18 inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall adjoins two or more walking surfaces with different elevations.

Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least five feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

All planted areas shall either be automatically irrigated or shall consist of species that do not require regular watering.

All planted areas located above subsurface structures such as #cellars# or garages shall have drainage systems to prevent collection and pooling of water within planted areas.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #public plazas# in accordance with Section 26-41 (Street Tree Planting). The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. If the Department of Parks and Recreation determines that the tree planting requirements of this paragraph are infeasible, the number of required #street# trees that cannot be planted shall be planted in accordance with the off-site tree provisions set forth in Section 26-41 or within the #public plaza#.

37-743 - Lighting and electrical power

LAST AMENDED
2/2/2011

#Public plazas# shall be illuminated to provide for safe use and enjoyment of all areas of the #public plaza#. Special attention should be provided in lighting steps and other changes in elevation and areas under tree canopies and permitted canopies within the #public plaza#.

#Public plazas# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas, including sidewalks directly adjacent to the #public plaza#, and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. All lighting sources used to satisfy this illumination requirement shall be located outdoors on the subject #zoning lot#. Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise, including #public plazas# that are authorized to close at night. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution, with light levels indicated at intervals of no more than every 20 square feet, shall be part of the required detailed design plans. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of a #public plaza#.

All lighting sources that illuminate the #public plaza# and are mounted on or located within #buildings# adjacent to the #public plaza# shall be shielded from direct view. In addition, all lighting within the #public plaza# area shall be shielded to minimize any adverse effect on surrounding #residences#.

37-744 - Litter receptacles

LAST AMENDED
10/17/2007

One litter receptacle shall be provided for every 1,500 square feet of #public plaza# area, up to a maximum of 6,000 square feet. Plazas greater than 6,000 square feet in area must provide an additional litter receptacle for every additional 2,000 square feet of #public plaza# area. #Public plazas# that contain open air cafes or kiosks providing food service shall provide one additional litter receptacle for each 1,500 square feet of #public plaza# area occupied by such outdoor eating area. All litter receptacles must have a volume capacity of at least 25 gallons and shall be located in visible and convenient locations. All top or side openings must

have a minimum dimension of 12 inches. Litter receptacles shall be provided within 50 feet of required seating areas in the #public plaza#.

37-745 - Bicycle parking

LAST AMENDED
10/17/2007

All #public plazas# shall provide parking for at least two bicycles. #Public plazas# greater than 10,000 square feet in size must provide parking for at least four bicycles. Bike racks must be provided on the sidewalk directly adjacent to the #public plaza# in accordance with Department of Transportation standards, unless the Department of Transportation has determined that the sidewalk area adjacent to the #public plaza# cannot accommodate the required bicycle parking.

37-746 - Drinking fountains

LAST AMENDED
10/17/2007

A minimum of one drinking fountain shall be provided in all #public plazas#.

37-747 - Public space signage

LAST AMENDED
10/17/2007

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems).

37-748 - Additional amenities

LAST AMENDED
10/17/2007

#Public plazas# between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and #public plazas# greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the #public plaza#.

(a) Artwork

Artwork that is provided as an additional amenity must integrate with the design of the #public plaza#. Artwork shall not interfere with public access, circulation or visual openness within the #public plaza# or between the #public plaza# and adjoining public areas. Artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#;

(b) Moveable tables and chairs, as described in paragraph (4) of Section 37-741;

(c) Water features (such as fountains, reflecting pools, waterfalls);

(d) Children's play area;

(e) Equipment provided as part of children's play areas must be designed and constructed in accordance with applicable United States Consumer Products Safety Commission standards and best practices, including installation of protective

surfaces and barriers. All barriers surrounding play areas shall be designed to allow for the adequate supervision of children at play and shall in all cases be substantially transparent and no more than 3 feet, 6 inches in height;

(f) Game tables and associated seating; or

(g) Food service, including:

(1) food service in a retail space directly accessible from the major portion of the #public plaza#; or

(2) an open air cafe or kiosk, as described in Section 37-73.

#Public plazas# greater than 10,000 square feet in area and associated with a #commercial building# must include a food service as one of the three additional required amenities.

37-75 - Signs

LAST AMENDED
10/17/2007

37-751 - Public space signage systems

LAST AMENDED
12/19/2019

The following public space signage systems shall be required for all #public plazas#:

(a) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #public plaza#. On each #street# frontage occupied by the #public plaza#, a minimum of one entry plaque shall be provided for every 40 feet of linear #street# frontage occupied by the #public plaza#. The entry plaque shall contain:

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

(2) lettering at least one inch in height stating the words "Open 24 hours" or, if a nighttime closing has been authorized, pursuant to Section 37-727, shall contain the words "Open" followed by the approved hours of operation; and

(3) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

(b) Information plaque

An information plaque constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. The information plaque shall consist of:

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

(2) the words, in lettering one-half inch in height, "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section 37-727, the words, in lettering one-half inch in height, "Open" followed by the approved hours of operation;

(3) in lettering three-eighths of an inch in height, the words "This public plaza contains:" followed by the total linear feet of seating, the type and quantity of trees, the number of bike racks, the number of drinking fountains and the number of any additional required amenities, such as moveable seating;

(4) in lettering three-eighths of an inch in height, the name of the current owner of the #building# and the name, address, phone number and email address of the person designated to maintain the #public plaza#;

(5) in lettering three-eighths of an inch in height, the statement, "Complaints or Questions: Call 311 and reference the #public plaza# at [insert building address]"; and

(6) the statement, "This public plaza is accessible to persons with disabilities."

(c) Hours of access plaque

On each #street# frontage occupied by the #public plaza# and where the City Planning Commission has authorized a limitation on the hours of access for a #public plaza#, pursuant to the provisions of Section 37-727, a minimum of one hours of access plaque shall be provided for every 40 linear feet of approved barrier that limits public access. The hours of access plaque shall be located on the barrier that limits public access to the #public plaza# and shall consist of:

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

(2) the statement: "Open" followed by the approved hours of operation.

All required public space signage shall be fully opaque, non-reflective and constructed of permanent, highly durable materials such as steel or stone.

All lettering provided on required public space signage shall be in a clear, bold, sans-serif, non-narrow font such as Arial, Helvetica or Verdana, solid in color with a minimum height of three-quarters of an inch, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

37-752 - Prohibition signs

LAST AMENDED
10/17/2007

To ensure a safe and comfortable environment for all #public plaza# users, a maximum of one prohibition or “Rule of Conduct” #sign# may be located within the #public plaza#. Such #sign# shall not exceed one foot square in dimension, may not be freestanding, and shall contain no lettering greater than three-quarters of an inch in height.

Such #sign# shall not prohibit behaviors that are consistent with the normal public use of the #public plaza# such as lingering, eating, drinking of non-alcoholic beverages or gathering in small groups. No behaviors, actions, or items may be listed on such #sign# that are otherwise illegal or prohibited by municipal, State or Federal laws.

37-753 - Accessory signs

LAST AMENDED
6/10/2009

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS), except as provided below:

(a) each establishment fronting on the #public plaza# shall be permitted to have not more than one #sign# affixed to the #building# wall fronting on the #public plaza#.

(b) all #signs# shall be non-#illuminated#;

(c) all #signs# shall contain only the #building# or establishment name and address;

(d) all #signs# #accessory# to retail #uses# affixed to #building# walls may not exceed four square feet in size;

(e) not more than three #accessory# #signs# may be located within the #public plaza#, of which one may be freestanding. All such #signs#, including structures to which they are affixed, shall not be higher than three feet above the level of the adjoining public access area. Such #signs# shall not exceed an area of two square feet. In addition, no portion of such #sign#, including structures to which they are affixed, shall exceed a width of 16 inches facing a #street#, and 24 inches when not facing a #street#. For #corner public plazas#, such limitations shall apply to only one #street# frontage. If such #sign# is associated with a #building# used for office #use#, such #sign# shall contain only the names of principal building tenants and shall also contain the public space symbol as described in Section 37-751 and the words “Open to Public” in lettering at least two inches in height; and

(f) all #signs# located on permitted canopies or awnings within the #public plaza# shall contain only the #building# or establishment name and shall not exceed a height of one foot.

37-76 - Mandatory Allocation of Frontages for Permitted Uses

LAST AMENDED
6/10/2009

(a) Ground floor level uses

At least 50 percent of the total frontage of all new #building# walls fronting on a #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall:

(1) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the establishment and the #public plaza#;

(2) have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and

(3) occupy such frontage for the life of the increased #floor area# of the bonused #development#.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

As an alternative, where retail or service establishments located in an existing #building# front upon a #public plaza# or an #arcade# adjoining a #public plaza#, at least 50 percent of the total frontage of all #building# walls fronting on the #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall comply with the provisions of paragraphs (a)(1), (a)(2) and (a)(3) of this Section.

(b) Public entrances

A public entrance to the principal use of the #building# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a #building# entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the new #building# walls on the major and minor portions of the #public plaza#, whichever is less, but in no case shall #building# entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

(c) Transparency

All new #building# walls fronting on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of the surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area of a new or existing #building# wall fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be screened with planting to a minimum height of 15 feet above the #public plaza#.

37-77 - Maintenance

LAST AMENDED
6/10/2009

The #building# owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the location of permitted obstructions pursuant to Section 37-726, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

37-78 - Compliance

LAST AMENDED
2/2/2011

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# or #enlargement# that includes a #public plaza#, nor shall any permit be issued by the Department of Buildings for any change to a #plaza#, #residential plaza# or #urban plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Sections 37-625 or 37-70, as applicable.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #public plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to demonstrate compliance with the provisions of Sections 37-625 or 37-70, as applicable.

All plans for #public plazas# or other #publicly accessible open areas# that are the subject of a certification pursuant to Section 37-625 shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #public plaza#, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. No temporary or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, and any #public plaza# for which a certification was granted prior to June 10, 2009, may be provided in accordance with the regulations in effect on the date of such certification.

(b) Periodic compliance reporting

No later than June 30 of the year, beginning in the third calendar year following the calendar year in which certification was made and at three-year intervals thereafter, the Director of the Department of City Planning and the affected Community Board shall be provided with a report regarding compliance of the #publicly accessible open area# with the regulations of Sections 37-625 or 37-70, as applicable, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered architect, landscape architect or professional engineer, in a format acceptable to the Director and shall include, without limitation:

(1) a copy of the original #public plaza# or design change certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;

(2) a statement that the #publicly accessible open area# has been inspected by such registered architect, landscape architect or professional engineer and that such open area is in full compliance with the regulations under which

it was approved as well as the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to this Chapter, or non-compliance with such regulations and plans;

(3) an inventory list of amenities required under the regulations under which the #publicly accessible open area# was approved and the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to Section 37-70, together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;

(4) photographs documenting the condition of the #publicly accessible open area# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

Compliance reporting pursuant to this paragraph, (b), shall be a condition of all certifications granted pursuant to Section 37-70.

(c) Compliance reports at time of application

Any application for a certification or authorization involving an existing #publicly accessible open area# shall include a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #publicly accessible open area# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

(1) such report shows non-compliance with the regulations under which the #publicly accessible open area# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #publicly accessible open area#; or

(2) the #publicly accessible open area# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the #publicly accessible open area#, which plan shall set forth the means by which future compliance will be ensured.

(d) Failure to comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section 37-70 or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

(e) Special regulations for an #urban plaza# in the #Special Lower Manhattan District#

In addition, the Chairperson of the City Planning Commission may certify any #urban plaza# that is the subject of application N070416ZCM, filed in conjunction with application C070415ZSM, and such #urban plaza# may be

provided in accordance with the regulations of Section 37–04, inclusive, in effect on April 23, 2007, as modified by the special regulations for such #urban plaza# as set forth in Article IX, Chapter 1 (Special Lower Manhattan District) and in the following provisions:

(1) #Floor area# bonus for an #urban plaza# in the #Special Lower Manhattan District#

A #floor area# bonus for such #urban plaza#, pursuant to Section 91-22, may be permitted for a #development# or #enlargement# located within 50 feet of the #street line# of a #street# subject to the regulations for #street wall# continuity Type 2B.

(2) #Street wall# regulations for an #urban plaza# in the #Special Lower Manhattan District#

The #street wall# regulations for #street wall# continuity "Type 2" in the #Special Lower Manhattan District# shall be superseded by #street wall# continuity Types 2A and 2B as indicated on Map 2 in Appendix A of Article IX, Chapter 1.

37-80 - ARCADES

LAST AMENDED
12/19/2019

The provisions of this Section shall apply to all #developments# an #enlargements# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15, 33-14 or 43-14.

(a) General provisions

An #arcade# shall be #developed# as a continuous covered space extending along a #street line#, or #publicly accessible open area#. An #arcade# shall be open for its entire length to the #street line# or #publicly accessible open area#, except for #building# columns and tables and chairs provided pursuant to Section 37-81 (Moveable tables and Chairs). Such #arcade# shall be unobstructed to a height of not less than 12 feet, and either:

(1) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the #publicly accessible open area# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #publicly accessible open area# on which it fronts, whichever is the lesser distance; or

(2) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

(b) Permitted elevation

Such an #arcade# shall not at any point be above the level of the #street#, or #publicly accessible open area# that it adjoins, whichever is higher. Any portion of an #arcade# occupied by #building# columns shall be considered to be part of the area of the #arcade# for the purposes of computing a #floor area# bonus.

(c) Permitted parking, drop offs or loading berths

No off-street parking spaces, passenger drop offs, driveways or off-street loading berths are permitted anywhere within an #arcade# or within 10 feet of any bonusable portion thereof. By certification, the Commission may permit such activity in the immediate vicinity of an #arcade# provided such activity will not adversely affect the functioning of the #arcade#. In no event shall such vehicular areas be eligible for an #arcade# bonus.

(d) Hours of operation

#Arcades# shall be accessible to the public at all times.

(e) Signage

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

37-81 - Moveable Tables and Chairs

LAST AMENDED
12/19/2019

Publicly accessible tables and chairs shall be considered permitted obstructions within an #arcade#, provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

(a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #arcades# with a depth of 10 feet or less, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet. For the purpose of such calculation, the depth of an #arcade# shall be measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#.

37-90 - PARKING LOTS

LAST AMENDED
11/28/2007

37-91 - Applicability

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that

contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:

(1) a total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of Section 37-90, inclusive, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all landscaped areas required pursuant to this Section within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #commercial# or #community facility# #uses# or curb cuts accessing #commercial# or #community facility# #uses# are shown on the site plan required pursuant to Section 36-58, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to demonstrate compliance with the provisions of this Section.

Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to November 28, 2007, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

37-92 - Landscaping

LAST AMENDED
11/28/2007

37-921 - Perimeter landscaping

LAST AMENDED
2/2/2011

All open parking areas with 18 spaces or more or 6,000 square feet or more in area that front upon a #street# shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

The perimeter landscaped area shall comply with the following requirements:

(a) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands required pursuant to Section 37-922 (Interior landscaping). The perimeter landscaped area shall be comprised of soil with a depth of at least two feet, six inches, measured from the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. The perimeter landscaped area shall have an inverted slope to allow a minimum of six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. A raised curb shall edge the perimeter landscaped area, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (a), would be infeasible for a perimeter landscaped area, such drainage provisions may be waived. In lieu thereof, such perimeter landscaped area shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (b) of this Section shall apply to such perimeter landscaped areas, except that plantings need not be selected from the lists in Section 37-963.

(b) Plantings

(1) Parking lot frontage

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. All required groundcover shall be selected from the list in Section 37-963.

(2) Sidewalk frontage

The remainder of the perimeter landscaped area shall be densely planted with shrubs at a distance of 24 inches on center and maintained at a maximum height of three feet above the surface of the adjoining public sidewalk. All required shrubs shall be selected from the list in Section 37-963.

(3) Trees

One two-inch caliper tree shall be provided for every 25 feet of open parking area #street# frontage. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such perimeter trees shall be staggered wherever possible with #street# trees, but in no event shall perimeter trees be planted closer than 15 feet on center or within three feet to a perimeter screening area curb. Furthermore, a radius distance of at least 20 feet shall be maintained between trunks of perimeter trees and #street# trees. If such distances cannot be maintained, the perimeter tree shall be waived in that location. However, if a #street# tree cannot be planted in the public sidewalk adjacent to the perimeter screening area because the Department of Parks and Recreation has determined that it is infeasible to plant a tree in such location, such tree shall be planted instead within the perimeter screening area adjacent to such portion of the public sidewalk and credited towards the amount of perimeter trees required pursuant to this paragraph. However, any perimeter tree within 15 feet of an elevated rail line or elevated highway shall be waived. All required perimeter trees shall be selected from the list in Section 37-961.

(c) Obstructions

Utilities and #signs# permitted in Sections 32-62, 32-63 or 42-52 may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

37-922 - Interior landscaping

LAST AMENDED
2/2/2011

All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

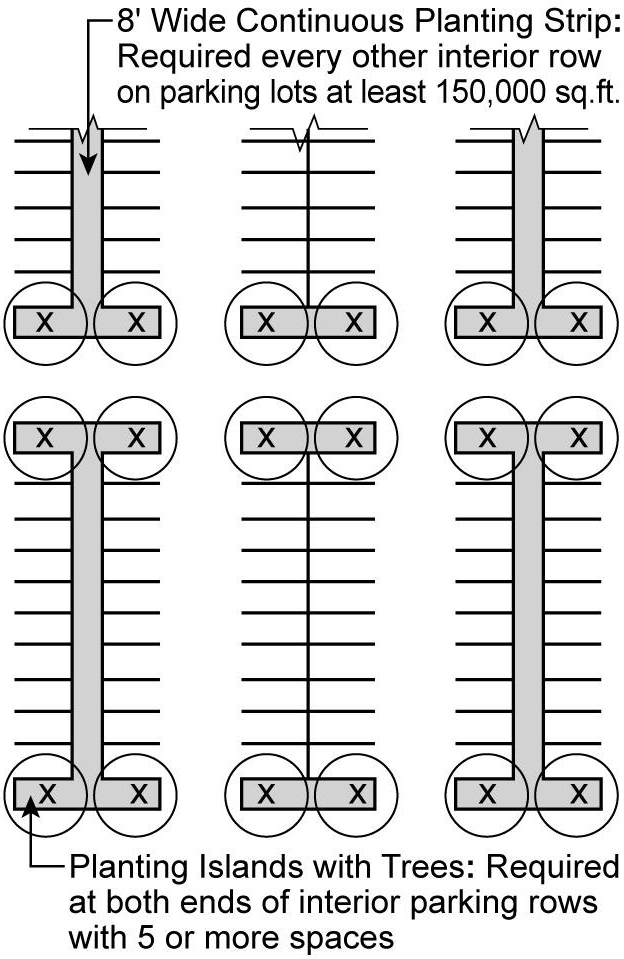
(a) Distribution

The following distribution rules shall apply:

(1) Each end space in a row of five or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of such end space;

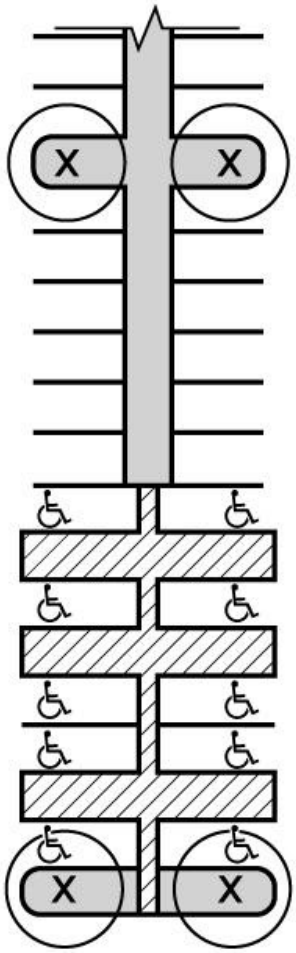
(2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and

(3) For open parking areas at least 150,000 square feet in area, in addition to the requirements set forth in paragraphs (a)(1) and (a)(2) of this Section, every other row of parking spaces in which each space does not fully abut a perimeter landscaped area shall abut a planting island. Such planting island shall have a minimum width of eight feet and extend along the entire length of such row of parking spaces. Such planting islands may be traversed by walkways no more than three feet wide and spaced at least 50 feet apart.



(37-922a3)

(4) Planting islands required pursuant to paragraphs (a)(1) and (a)(3) may be discontinued where a pedestrian access lane is provided that serves no more than five parking spaces required by the Americans with Disabilities Act.



(37-922a4)

(5) Compliance with paragraphs (a)(1) and (a)(2) may be waived where the Commissioner of Buildings determines that tree planting in such locations would conflict with loading operations. Such trees shall be planted elsewhere in the open parking area.

(b) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all planting islands required pursuant to this Section and perimeter landscaped areas required pursuant to Section 37-921. Planting islands shall have an inverted slope to allow a minimum six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. Planting islands shall be comprised of soil with a depth of at least two feet, six inches, measured from the surface of the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. A raised curb shall edge the planting island, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (b), would be infeasible for an interior planting island, such drainage provisions may be waived. In lieu thereof, such planting island shall be comprised of soil with a depth of at least three feet measured

from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (c) of this Section shall apply to such planting islands, except that plantings need not be selected from the lists in Section 37-963.

(c) Plantings

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. The remaining area of the planting island shall be densely planted with shrubs, maintained at a maximum height of three feet, at a distance of 24 inches on center. Planting islands which are bisected by pedestrian access lanes serving Americans with Disabilities Act parking spaces (as shown in paragraph (a)(4) of this Section) shall provide groundcover in lieu of shrubs. Each required tree shall be centered in a planted area measuring at least eight feet by eight feet. Multiple trees are allowed in a single planting island provided they are spaced no closer than 25 feet on center and there is at least 150 square feet of pervious area for each tree. Any area with a dimension of less than two feet shall not contribute to such 150 square foot minimum area. Required trees shall be located first in planting islands at the ends of parking rows required pursuant to paragraph (a)(1) of this Section, and then in planting islands that break up parking rows with more than 15 spaces required pursuant to paragraph (a)(2) of this Section. Any remaining required trees may be located in the continuous planting island required pursuant to paragraph (a)(3) of this Section or located in other planting islands within the open parking area. All required trees, shrubs and groundcovers shall be selected from the lists in Sections 37-962 and 37-963.

37-93 - Maintenance

LAST AMENDED
11/28/2007

All on-site landscaping shall be maintained in good conditions at all times. Landscaped areas must be kept free of litter, and drainage components maintained in working order. In the event of the loss of any on-site landscaping, the owner of the #zoning lot# shall replace such landscaping by the next appropriate planting season. All landscaped areas must contain a built-in irrigation system or supply hose bibs within 100 feet of all planting islands.

37-94 - Refuse Storage

LAST AMENDED
11/28/2007

All site plans must show an area designated for refuse storage. Any container used for refuse storage must be enclosed and screened either within a #building# or an #accessory# #structure#. If refuse storage is located in a container or #accessory# #structure#, it must be located at least 50 feet from any #street line# and screened on all sides by a six foot high masonry wall, with one side consisting of an opaque, lockable gate.

37-95 - Modifications of Design Standards

LAST AMENDED
4/22/2009

37-951 - Modification of landscaping requirements

LAST AMENDED

4/22/2009

The requirements of Section 37-90 (PARKING LOTS), inclusive, may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, a high water table, or a City, State or Federal mandated brownfield remediation that requires the site to be capped. Where a high water table exists, the planting requirements of Section 37-90, inclusive, shall be complied with, except such planted areas need not be designed to absorb storm water runoff.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

37-952 - Modification of design requirements by authorization

LAST AMENDED
4/22/2009

For #enlargements#, the City Planning Commission may authorize modifications or waivers of the maneuverability and curb cut standards of Section 36-58, and the landscaping requirements of Section 37-90 (PARKING LOTS), inclusive, for portions of the #zoning lot# occupied by existing open parking areas, provided the Commission finds that:

(a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;

(b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;

(c) the amount of interior planting islands and their distribution throughout the existing open parking area have been provided to the maximum extent practicable; and

(d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscaped architects in considering such modifications.

37-96 - Landscaping Selection Lists

LAST AMENDED
4/22/2009

37-961 - Selection list for perimeter trees

LAST AMENDED
4/22/2009

BOTANICAL NAME	COMMON NAME
Acer campestre	Hedge Maple*
Acer ginnala	Amur Maple*
Acer negundo	Boxelder*

Acer truncatum	Shantung Maple*
Amelanchier arborea	Downy Serviceberry
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Betula lenta	Sweet Birch*
Betula nigra “Heritage”	Heritage River Birch*
Carpinus caroliniana	American Hornbeam
Cedrus atlantica	Atlas Cedar
Cedrus deodara	Deodar Cedar
Crataegus laevigata	English Hawthorn
Crataegus viridis	Green Hawthorn
Cornus mas	Cornelian Cherry*
Cornus racemosa	Gray Dogwood*
Cercis canadensis	Redbud
Hamamelis vernalis	Vernal Witchhazel
Hamamelis virginiana	American Witchhazel
Koelreuteria paniculata	Goldenraintree
Larix laricina	Tamarack
Magnolia stella	Star Magnolia

Magnolia virginiana	Sweetbay Magnolia
Maackia amurensis	Amur Maackia
Pinus virginiana	Virginia Pine
Prunus cerasifera	Purpleleaf Plum
Prunus 'Okame'	Okame Cherry
Prunus padus	European Birdcherry
Prunus sargentii	Sargent Cherry
Prunus serrulata “Kwanzan”	Japanese Flowering Cherry
Prunus virginiana “Schubert”	Schubert Cherry
Prunus x yedoensis	Yoshino Cherry
Rhus copallina	Shinning Sumac
Salix discolor	True Pussy Willow
Sambucus nigra	Black Elderberry
Syringa reticulata	Japanese Tree Lilac

* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

37-962 - Selection list for interior trees

LAST AMENDED
4/22/2009

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red Maple[1]

Acer saccharinum	Silver Maple[1]
Acer x freemanii	Freeman Maple[1]
Catalpa speciosa	Northern Catalpa
Celtis occidentalis	Hackberry
Celtis laevigata	Sugar Hackberry
Eucommia ulmoides	Hardy Rubber Tree
Fraxinus americana	American Ash[1]
Fraxinus excelsior	European Ash[1]
Fraxinus pennsylvanica	Green Ash[1]
Gleditsia triacanthos inermis	Honeylocust
Ginkgo biloba	Ginkgo
Gymnocladus dioicus	Kentucky Coffeetree
Juglans nigra	Black Walnut
Larix decidua	European Larch
Larix laricina	American Larch
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip Tree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Tupelo

Platanus occidentalis	American Sycamore
Platanus x acerifolia	London Planetree
Pyrus calleryana	Callery Pear[3]
Quercus bicolor	Swamp White Oak
Quercus imbricaria	Shingle Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Northern Red Oak
Taxodium distichum	Baldcypress
Ulmus americana	American Elm[1,2]
Ulmus carpinifolla	Smooth-leaf Elm[1,2]
Ulmus parvifolla	Lace Bark Elm[1,2]
Styphnolobium japonicum	Scholar Tree
Tilia americana	Basswood/American Linden
Zelkova serrata	Japanese Zelkova

1 Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

2 Only cultivars of elms that have been bred for resistance to Dutch Elm Disease

3 Excluding “Bradford” cultivar

37-963 - Selection list for ground covers and shrubs

LAST AMENDED
4/22/2009

GROUND COVERS	
BOTANICAL NAME	COMMON NAME
Asclepias tuberosum	Butterfly Weed
Calamagrostis stricta	Slimstem Reedgrass
Comptonia peregrina	Sweetfern
Cortaderia selloana “Pumilla”	Dwarf Pampas Grass
Euonymus coloratus	Euonymus
Festuca glauca	Blue Fescue Grass
Juniperus horizentalis	Creeping Juniper
Hibiscus moscheutos	Swamp Rose Mallow*
Iris pallida	Sweet Iris
Iris sibirica	Siberian Iris
Iris versicolor	Blue Flag Iris

SHRUBS	
BOTANICAL NAME	COMMON NAME
Abeliax grandiflora	Glossy Abelia
Aesculus parviflora	Bottlebrush Buckeye
Andromeda polifolia	Bog-rosemary
Aronia arbutifolia	Red Chokeberry

Aronia melanocarpa	Black Chokeberry
Baccharis halimifolia	Eastern Baccharis
Betula nana	Dwarf Birch
Betula pumila	Bog Birch
Calluna vulgaris	Scotch Heather
Castanea pumila	Chinkapin
Cephalanthus occidentalis	Buttonbush
Chamaecyparis spp.	Chamaecyparis
Clethra alnifolia	Summersweet
Cornus sericea	Redtwig Dogwood
Cornus sericea “Flaviramea”	Yellowtwig Dogwood
Cotoneaster dammeri	Bearberry Cotoneaster
Daphne cneorum	Rose Daphne
Daphne caucasica	Caucasian Daphne
Ericacarnea	Spring Heath
Euonymus fortunei	Wintercreeper Euonymus
Eubotrys racemosa	Swamp Doghobble
Gaylussaciabrachycera	Box Huckleberry
Hydrangea quercifolia	Oakleaf Hydrangea

Ilex crenata	Japanese Holly
Ilex glabra	Inkberry
Ilex verticillata	Winterberry
Itea virginica“Henry’s Garnet”	Virginia Sweetspire
Juniperus procumbens	Japgarden Juniper
Juniperus sabina	Savin Juniper
Juniperus squamata	Singleseed Juniper
Kalmia angustifolia	Sheep Laurel
Ledum groenlandicum	Labrador Tea
Leiophyllum buxifolium	Box Sandmyrtle
Leucothoe racemosa	Sweetbells Leucothoe
Microbiota decussata	Russian Arborvitae
Myrica gale	Sweetgale
Paxistima canbyi	Canby Paxistima
Pieris floribunda	Mountain Pieris
Rhododendron canadense	Rhodora
Rhododendron viscosum	Swamp Azalea
Rhododendron atlanticum	Coast Azalea
Rhus aromatica “Gro-Lo”	Gro-Lo Sumac

Rosa Palustris	Swamp Rose
Spirea x bumaldi ”Anthony Waterer”	Goldflame Spirea
Vaccinium macrocarpon	American Cranberry
Zenobia pulverenta	Dusty Zenobia

* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article IV - Manufacturing District Regulations

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Statement of Legislative Intent

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Statement of Legislative Intent

41-00 - GENERAL PURPOSES OF MANUFACTURING DISTRICTS

LAST AMENDED
12/21/1989

The Manufacturing Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

(a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites.

(b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by generally prohibiting the use of such space for new residential development.

(c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.

(d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are appropriate therefor.

(e) To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.

(f) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.

(g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.

(h) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

41-10 - PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

LAST AMENDED
4/9/1981

41-11 - M1 Light Manufacturing Districts (High Performance)

LAST AMENDED

9/21/2011

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

(a) joint living-work quarters for artists in M1-5B Districts;

(b) dwelling units in M1-5M and M1-6M Districts;

(c) dwelling units in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, where authorized by the City Planning Commission, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development; and

(d) dwelling units in M1-6D Districts.

41-12 - M2 Medium Manufacturing Districts (Medium Performance)

LAST AMENDED
12/15/1961

These districts are designed for manufacturing and related activities which can meet a medium level of performance standards. Enclosure of such activities is not normally required except in areas along the boundary of a Residence District. No new residences or community facilities are permitted.

41-13 - M3 Heavy Manufacturing Districts (Low Performance)

LAST AMENDED
12/15/1961

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences or community facilities are permitted.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Use Regulations

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Use Regulations

42-00 - GENERAL PROVISIONS

LAST AMENDED
10/10/2013

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Sections 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

#Uses# listed in Use Groups 11A, 16, 17 or 18 must also comply with the applicable performance standards set forth in Sections 42-21 to 42-28, inclusive. In case of any conflict between the Use Group and the performance standards, the latter shall control.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The letters A, B, B1, C, D, E, F, G or H in the column entitled Parking Requirement Category [PRC] following a #use# listed in Sections 32-14 to 32-25, inclusive, refer to the classification of #commercial# #uses# to determine required #accessory# off-street parking spaces as set forth in the table in Section 44-21 (General Provisions).

The #uses# listed in the various Use Groups set forth in Sections 42-11 to 42-15, inclusive, are also listed in alphabetical order in APPENDIX A (Index of Uses) of this Resolution, for the convenience of those using the Resolution. Whenever there is any difference in the meaning or implication between the text of these Use Groups and the text of APPENDIX A, the text of these Use Groups shall prevail.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

The following chart sets forth the Use Groups permitted in the various #Manufacturing Districts#:

USE GROUPS PERMITTED IN MANUFACTURING DISTRICTS

	Use Groups								
	#Community Facility#		Retail & #Commercial#						
Districts	3	4	5	6	7	8	9	10	11

Light Manufacturing M1		x		x	x	x	x	x	x
Medium Manufacturing M2					x	x	x	x	x	x
Heavy Manufacturing M3					x	x	x	x	x	x

	Use Groups						
	Recreation				Gen. Ser-vice	#Manufacturing#	
Districts	12	13	14	15	16	17	18
Light Manufacturing M1	x	x	x		x	x	
Medium Manufacturing M2	x	x	x		x	x	
Heavy Manufacturing M3	x	x	x		x	x	x

42-01 - Special Provisions for Adult Establishments

LAST AMENDED
10/13/2010

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

(a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.

(b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

(c) No #adult establishment# shall be established less than 500 feet from another #adult establishment#.

(d) No more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.

(e) #Adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.

(f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d) and (e) of this Section, shall not be subject to the provisions of Section 52-77 (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

42-02 - Residential Use

LAST AMENDED
9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts), subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts).

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43-01 (Applicability of This Chapter) and the #accessory# off-street parking regulations of Section 44-025 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

In M1-6D Districts, #residences# shall be permitted in accordance with the #use# regulations set forth in Section 42-48, the #bulk# regulations set forth in Section 43-62, and the parking regulations applicable in C6-4 Districts as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) and Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area).

42-10 - USES PERMITTED AS-OF-RIGHT

LAST AMENDED
1/28/1971

42-11 - Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

LAST AMENDED
2/2/2011

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of

Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts) or, where applicable, Section 32-02 (Special Provisions for Hotels). For the purposes of this Section, inclusive, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

42-111 - Special provisions for hotels in M1 Districts

LAST AMENDED12/15/2021

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section. The City Planning Commission may permit #transient hotels# in an M1 District pursuant to a special permit set forth in another Section of this Resolution, or pursuant to Section 74-803 (Transient hotels within M1 Districts), as applicable.

(a) Applicability

Such special permit for #transient hotels# pursuant to Section 74-803 shall be applicable to:

(1) #development# of a #transient hotel#;

(2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 20, 2018, did not contain such #use#; or

(3) #enlargement# or #extension# of a #transient hotel# that existed prior to December 20, 2018, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

The provisions of this Section shall not apply to the following:

(1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose.

(2) a #transient hotel# located within John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;

(3) a #transient hotel# in an M1-6D District, a #Special Mixed Use District# or any other #Special Purpose District# where any M1 District is paired with a #Residence District#, all of which shall instead be subject to the provisions of Section 32-02 (Special Provisions for Hotels); or

(4) in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on December 20, 2018.

(c) Within M1-5B Districts

Within an M1-5B District, a special permit pursuant to Section 74-803 shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5B

Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

(d) Existing hotels

(1) Any #transient hotel# existing prior to December 20, 2018, within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-803 or other applicable section of this Resolution.

(2) The provisions of paragraph (d)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021 to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021 and December 9, 2027.

(3) In the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of December 20, 2018, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying# #building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(e) Vesting

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, if on or before April 23, 2018, a building permit for a #development#, #enlargement# or #conversion# to a #transient hotel#, or a partial permit for a #development# of a #transient hotel# was lawfully issued by the Department of Buildings, such construction may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by December 20, 2021, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

Any special permit approved by the City Council for a #transient hotel# prior to December 20, 2018, shall be permitted and this Section shall not apply to such #transient hotel#, subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

42-12 - Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

LAST AMENDED
12/19/2017

M1 M2 M3

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.

In the #Manhattan Core#, automobile rental establishments, #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 6.

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of Section 42-121 (Use Group 16D self-service storage facilities).

42-121 - Use Group 16D self-service storage facilities

LAST AMENDED
12/19/2017

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of this Section. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of Section 42-121 (Use Group 16D self- service storage facilities) are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section 74-932 (Self-service storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

A #self-service storage facility# shall, in Subarea 1 of APPENDIX J of this Resolution, be limited to establishments that provide an #industrial floor space# as defined in Section 12-10 (DEFINITIONS) or “business-sized” storage space as specified in paragraph (b)(2) of this Section.

(a) On a #zoning lot# greater than or equal to 50,000 square feet in area, a #self-service storage facility# shall provide #industrial floor space# that is:

(1) equal in #floor area# or #cellar# space to 25 percent of the #lot area#;

(2) located below the level of the third #story#, with at least 50 percent of such #industrial floor space# located on the ground floor, such ground floor #story# is located within five feet of #curb level#, or #base plane#, as applicable, and the remaining #industrial floor space# is located on a level that is immediately above or below such #story#; and

(3) provided with access to freight elevators and the #accessory# off-street loading berth required for such #industrial floor space# in accordance with the provisions of Section 44-586 (Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas).

(b) On a #zoning lot# that on December 19, 2017, is less than 50,000 square feet in area, a #self-service storage facility# shall

provide:

(1) #industrial floor space# as specified in paragraph (a) of this Section; or

(2) #floor area# or #cellar# space containing securely subdivided space for lease within such #self-service storage facility#, where each subdivided space is not less than 100 square feet in area, and with a minimum clear height of eight feet. Such spaces shall be categorized as "business-sized" for the purposes of this Section and the number and sizes of such spaces shall be shown on plans filed with the Department of Buildings. The total area of such business-sized storage space shall be equal in #floor area# or #cellar# space to 25 percent of the #lot area#.

(c) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (a) or (b)(1) of this Section, an information #sign# shall be provided. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building# containing the #industrial floor space#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the #building#, and at a height no less than four feet and no more than 5 feet 6 inches above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain the name and address of the building in lettering no less than three-quarters of an inch in height, and the following statement in lettering no less than one-half inch in height: "This building is subject to Industrial Floor Space regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include an Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (d) of this Section is available to the public.

(d) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (a) or (b)(1) of this Section, no later than June 30 of each year, beginning in the first calendar year in which a temporary or final certificate of occupancy was issued for the #industrial floor space#, the owner of the #building# subject to the #use# restrictions of this Section shall prepare a report on the existing conditions of the #building#. Such report shall be in a form provided by the Director of the Department of City Planning, and shall provide the following information at the designated Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public:

(1) the total #floor area# of the #industrial floor space# in the #building# required by this Section;

(2) the name of each business establishment occupying #floor area# reserved for the #industrial floor space#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area# the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(3) a description of each establishment, using the North American Industry Classification System (NAICS) code and number of employees;

(4) the total amount of #industrial floor space# that is vacant, as applicable;

(5) the average annual rent for the portions of the #building#, in the aggregate, required to be #industrial floor space#; and

(6) the number of new leases executed during the calendar year, categorized by lease duration, in five-year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning, by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local Council Member shall be included in such transmission.

A #self-service storage facility# shall, in Subarea 2 of APPENDIX J of this Resolution, be permitted by special permit of the City Planning Commission pursuant to Section 74-932 (Self-service storage facility in designated areas within Manufacturing Districts).

Any #self-service storage facility# existing on December 19, 2017, located in a designated area within #Manufacturing Districts#, as shown on the maps in APPENDIX J, shall be considered a conforming #use#, provided that the owner of such #self-service storage facility# has filed documentation satisfactory to the Department of Buildings that it existed on such date and met the definition of #self-service storage facility# set forth in Section 12-10. Any #enlargement# or #extension# to an existing conforming facility need not provide #industrial floor space#, business-sized storage, or apply for special permit of the City Planning Commission pursuant to Section 74-932, as applicable, provided there is no increase in #lot area# of the #zoning lot# as it existed on December 19, 2017. In the event that a #building# for which satisfactory documentation has been filed with the Department of Buildings is damaged or destroyed by any means, such #building# may be reconstructed on the same #zoning lot# and continue as a #self-service storage facility# without providing #industrial floor space# or business-sized storage, as applicable, provided that the #floor area# of such reconstructed #self-service storage facility# does not exceed the #floor area# permitted pursuant to the provisions of Section 43-10 (FLOOR AREA REGULATIONS), inclusive.

Any #self-service storage facility# existing on December 19, 2017, that does not file such documentation satisfactory to the Department of Buildings pursuant to the provisions of this Section shall be considered #non-conforming# and subject to the provisions of Article V (NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) of this Resolution.

42-13 - Use Groups 6C, 9A and 12B

LAST AMENDED
10/25/1993

M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; #health and fitness establishments#; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostatting establishments; business schools or colleges; #health and fitness establishments#; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

42-131 - M1-5B Districts

LAST AMENDED
8/20/1981

M1-5B

The regulations governing M1 Districts shall apply in M1-5B Districts except where the special #use# regulations set forth in

Section 42-14, paragraph D. (Special Uses in M1-5B Districts) provide otherwise.

42-132 - M1-5M and M1-6M Districts

LAST AMENDED
2/8/1990

In M1-5M and M1-6M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).

In M1-5M and M1-6M Districts, eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

42-133 - Provisions for dwelling units in certain M1-5 or M1-6 Districts

LAST AMENDED
9/21/2011

(a) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

Such #dwelling units# shall comply with the requirements of Sections 15-024 or 15-22, where applicable and with Section 15-23. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

(b) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

(1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#;

(2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this Section shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued; and

(3) in M1-6D Districts, #residential use# shall be permitted as-of-right subject to the supplemental #use# regulations set forth in Section 42-48 (Supplemental Use Regulations in M1-6D Districts).

42-14 - Use Group 17

LAST AMENDED
2/2/2011

M1 M2 M3

Use Group 17 consists primarily of #manufacturing# #uses# that:

(1) can conform to high performance standards by controlling objectionable influences; and

(2) in so doing, can limit their impact on adjacent residential areas; and

(3) normally generate a great deal of traffic, both pedestrian and freight.

A. Service or wholesale establishments

Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Produce or meat markets, wholesale

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Apparel or other textile products from textiles or other materials, including hat bodies, or similar products

Automobiles, trucks, or #trailers#, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 200 feet from a #Residence District# boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a #Residence District# boundary

Bottling work, for all beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cork products

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt, or feather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Ink or inked ribbon

Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Scenery construction

Shoddy

Silverware, plate or sterling

Soap or detergents, packaging only

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wax products

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

C. Miscellaneous #uses#

Agriculture, including greenhouses, nurseries or truck gardens

Docks for passenger ocean vessels, other than #gambling vessels#

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed other than docks for #gambling vessels#

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Truck weighing stations, open or enclosed

Trucking terminals or motor freight stations with no limitation on #lot area# per establishment

D. Special #uses# in M1-5B Districts

M1-5B

(1) #Joint living-work quarters for artists# in #buildings# in M1-5B Districts, provided:

(a) Such #building# was erected prior to December 15, 1961.

(b) The #lot coverage# of such #building# does not exceed 5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative ownership by #artists# on September 15, 1970. #Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by special permit of the City Planning Commission pursuant to Section 74-782, by minor modification of the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts), paragraph (e), or by authorization of the City Planning Commission pursuant to Section 42-142 (Modification by authorization of the City Planning Commission of use regulations in M1-5B Districts).

(c) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141, Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5B Districts), or by authorization of the City Planning Commission pursuant to Section 42-142.

(d) In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Sections 42-141, 74-781 or by authorization of the City Planning Commission pursuant to Section 42-142.

(e) At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be provided for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet of additional roof area shall be provided for recreational use up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 42-141.

(f) In any #building# which, as a result of #zoning map# change CP-23167 is zoned M1-5B, any existing occupant of a #joint living-work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.

(g) In a #building# for which an alteration permit for #joint living-work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.

(2) #Commercial# and #manufacturing# #uses# below the floor level of the second #story# provided, in M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;

(3) In addition to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5B Districts:

(a) All eating or drinking places as listed in Use Groups 6A, 6C, 10A or 12A of more than 5,000 square feet of floor space, except that any eating or drinking place which is listed in Use Group 6A, which had

obtained an alteration permit prior to July 14, 1976, is permitted.

(b) Eating or drinking places of less than 5,000 square feet with entertainment other than musical entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, and with entertainment or dancing as listed in Use Groups 10A or 12A. However, such #uses# are permitted:

(i) provided that there is entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, only by special permit of the Board of Standards and Appeals in accordance with Section 73-241; or

(ii) with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

(c) Non-commercial clubs as listed in Use Groups 6E and 14B.

(d) All #uses# listed in Use Group 8A except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.

(e) Banquet halls, wedding chapels, and catering establishments.

(f) All other #uses# listed in Use Group 12A.

(g) All #uses# listed in Use Group 13 except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.

(4) (a) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V (Non-Conforming Uses and Non-Complying Buildings), except that in M1-5B Districts, Section 52-37 is hereby suspended and replaced by paragraph D.(4)(b) of this Section.

(b) In M1-5B Districts, any #non-conforming# #use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.

(5) Museums or non-commercial art galleries, subject to the #bulk# regulations applicable for #manufacturing# #uses#, and subject to the provisions of this Section.

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of paragraphs D.(2) or D.(4) of this Section and, above the ground floor where #joint living-work quarters for artists# are permitted, pursuant to paragraph D.(1) of this Section.

E. #Accessory uses#

42-141 - Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts

LAST AMENDED
7/19/1990

In M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D.(2) of Section 42-14 (Use Group 17) may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

(a) The provisions of paragraphs D.(1)(c) or (d) or D.(2) of Section 42-14 may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.

(b) The provisions of paragraphs D.(1)(c) or (d) of Section 42-14 may be modified, provided that:

(1) the #floor area# below the level of the second #story# was occupied by #joint living-work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building#, or the occupant of a #joint living-work quarters for artists# in the #building#, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living-work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as-of-right for such quarters; or

(2) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.

(c) The provisions of paragraph D.(2) of Section 42-14 may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.

(d) The requirements of D.(1)(e) of Section 42-14 may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.

(e) The requirements of D.(1)(b) of Section 42-14 relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:

(1) such #floor area# was occupied on September 1, 1980, as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;

(2) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and

(3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.

42-142 - Modification by authorization of the City Planning Commission of use regulations in M1-5B Districts

LAST AMENDED
2/2/2011

In M1-5B Districts, the requirements of Section 42-14 (Use Group 17), paragraphs D.(1)(b), (c), and (d), may be modified by authorization of the City Planning Commission, provided that:

(a) such #non-residential building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;

(b) any alterations to the subject #building# required in connection with such #conversion# to #joint living-work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; and

(c) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.

In order to grant an authorization the City Planning Commission shall find that such modification of #use# requirements shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the subject #building# and to minimize adverse effects on the character of the surrounding area.

42-15 - Use Group 18

LAST AMENDED
8/15/1974

M3

Use Group 18 consists primarily of industrial #uses# which:

(1) either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot be designed without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences; and

(2) normally generate a great deal of traffic, both pedestrian and freight.

A. Manufacturing establishments

Asphalt or asphalt products

Beverages, alcoholic or breweries

Brick, tile or clay

Cement

Charcoal, lampblack or fuel briquettes

Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives

Coal, coke or tar products

Excelsior or packing materials

Fertilizers

Foundries, ferrous or non-ferrous

Gelatin, glue or size

Glass or large glass products, including structural or plate glass or similar products

Grain, milling or processing

Graphite or graphite products

Gypsum

Hair, felt, or feathers, bulk processing, washing, curing or dyeing

Incineration or reduction of garbage, offal or dead animals

Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds

Leather or fur tanning, curing, finishing or dyeing

Linoleum or oil cloth

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

Matches

Meat or fish products, including slaughtering of meat or preparation of fish for packing

Metal or metal ores, reduction, refining, smelting or alloying

Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil or similar products

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Metal casting or foundry products, heavy, including ornamental iron work or similar products

Monument works, with no limitation on processing

Paint, varnishes or turpentine

Petroleum or petroleum products, refining

Plastic, raw

Porcelain products, including bathroom or kitchen equipment or similar products

Radioactive waste disposal services involving the handling or storage of radioactive waste

Railroad equipment, including railroad cars or locomotives

Rubber, natural or synthetic, including tires, tubes or similar products

Sewage disposal plants

Ship or boat building or repair yards, for ships or boats 200 feet in length or over

Soaps or detergents, including fat rendering

Steel, structural products, including bars, girders, rails, wire rope or similar products

Solvent extracting

Stock yards or slaughtering of animals or poultry

Stone processing or stone products, including abrasives, asbestos, stone screenings, stone cutting, stone work, sand or lime products, or similar processes or products

Sugar refining

Textile bleaching

Wood or bone distillation

Wood or lumber processing including sawmills or planing mills, excelsior, plywood, or veneer, wood-preserving treatment or similar products or processes

Wood pulp or fiber, reduction or processing, including paper mill operations

Wool scouring or pulling

B. Storage or miscellaneous #uses#, open or enclosed

Coal or gas storage

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Gas manufacturing plants

Grain storage

Junk or salvage yards, including auto wrecking or similar establishments, provided that such yard is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Lumber yards, with no limitation on #lot area# per establishment

Manure, peat or topsoil storage

Petroleum or petroleum products, storage or handling

Refrigerating plants

Scrap metal, junk, paper or rags storage, sorting, or baling, provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

C. #Accessory uses#

42-20 - PERFORMANCE STANDARDS

LAST AMENDED
2/2/2011

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group 11A, 16, 17, or 18, and every #building or other structure# or open area of a #zoning lot# thereafter #developed#, constructed, or used for any #use# listed in Use Group 11A, 16, 17, or 18, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to the district in which such #use#, #building or other structure# or open area is located.

If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after December 15, 1961, the applicable district regulations for each and every performance standard shall apply with respect to such #extended#, #enlarged#, or reconstructed portion or portions of such #use# or #building or other structure#.

In case of any conflict between the Use Groups and the performance standards, the latter shall control. #Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

42-21 - Performance Standards Regulating Noise

LAST AMENDED
12/15/1961

42-211 - Definitions

LAST AMENDED
12/15/1961

For the purposes of this Section, the following terms are defined:

Decibel

A "decibel" is a unit of measurement of the intensity of sound (the sound pressure level).

Impact noise analyzer

An "impact noise analyzer" is an instrument used in conjunction with the #sound level meter# to measure the peak intensities of short duration sounds.

Octave band

An "octave band" is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such #octave bands# serve to define the sound in terms of its pitch components.

Octave band analyzer

An "octave band analyzer" is an instrument used in conjunction with a #sound level meter# to measure sound in each of eight #octave bands#.

Sound level meter

A "sound level meter" is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in #decibels#.

42-212 - Method of measurement

LAST AMENDED
12/15/1961

For the purpose of measuring the intensity or frequency of sound, the #sound level meter#, the #octave band analyzer#, and the #impact noise analyzer# shall be employed.

The "C" network and the "slow" meter response of the #sound level meter# shall be used. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the #sound level meter#, shall be measured with the #impact noise analyzer# as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth in Section 42-213 (Maximum permitted decibel levels) may be increased by six #decibels#.

42-213 - Maximum permitted decibel levels

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any #lot line#, the maximum permitted #decibel# levels for the designated #octave band# as set forth in the following table for the district indicated.

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted #decibel# levels.

MAXIMUM PERMITTED SOUND PRESSURE LEVEL
(in #decibels#)

	District		
#Octave Band# (cycles per second)	M1	M2	M3
20 to 75	79	79	80
75 to 150	74	75	75
150 to 300	66	68	70
300 to 600	59	62	64
600 to 1,200	53	56	58
1,200 to 2,400	47	51	53
2,400 to 4,800	41	47	49
Above 4,800	39	44	46

42-214 - Special provisions applying along district boundaries

LAST AMENDED
12/15/1961

Whenever a #Manufacturing District# adjoins a #Residence District#, at any point at the district boundary or within the #Residence District#, the maximum permitted #decibel# levels in all #octave bands# shall be reduced by six #decibels# from the maximum levels set forth in the table in Section 42-213 (Maximum permitted decibel levels).

42-22 - Performance Standards Regulating Vibration

LAST AMENDED
12/15/1961

42-221 - Definitions

LAST AMENDED
12/15/1961

For the purposes of this Section, the following terms are defined:

Frequency

A "frequency" is the number of oscillations per second of a vibration.

Impact vibrations

"Impact vibrations" are earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.

Steady state vibrations

"Steady state vibrations" are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be #steady state vibrations#.

Three-component measuring system

A "three-component measuring system" is a device for recording the intensity of any vibration in three mutually perpendicular directions.

42-222 - Method of measurement

LAST AMENDED
12/15/1961

For the purpose of measuring vibration, a #three-component measuring system# approved by the Commissioner of Buildings shall be employed.

42-223 - Maximum permitted steady state vibration displacement

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, no activity shall cause or create a #steady state vibration# at any point on any #lot line#, with a displacement in excess of the permitted #steady state vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT
(in inches)

	District		
#Frequency# (cycles per second)	M1	M2	M3
10 and below	.0008	.0020	.0039
10 - 20	.0005	.0010	.0022
20 - 30	.0003	.0006	.0011
30 - 40	.0002	.0004	.0007
40 - 50	.0001	.0003	.0005
50 - 60	.0001	.0002	.0004
60 and over	.0001	.0001	.0004

42-224 - Maximum permitted impact vibration displacement

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, no activity shall cause or create an #impact vibration#, at any point on any #lot line#, with a displacement in excess of the permitted #impact vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED IMPACT VIBRATION DISPLACEMENT
(in inches)

	District

#Frequency# (cycles per second)	M1	M2	M3
10 and below	.0016	.0040	.0078
10 - 20	.0010	.0020	.0044
20 - 30	.0006	.0012	.0022
30 - 40	.0004	.0008	.0014
40 - 50	.0002	.0006	.0010
50 - 60	.0002	.0004	.0008
60 and over	.0002	.0002	.0008

42-225 - Special provisions applying along district boundaries

LAST AMENDED
12/15/1961

Whenever an M2 or M3 District adjoins a #Residence District#, the #steady state# and #impact vibration# displacement, measured at the district boundary, shall not exceed the maximum permitted for an M1 District for the #frequencies# as set forth in the tables in Section 42-223 (Maximum permitted steady state vibration displacement) or Section 42-224 (Maximum permitted impact vibration displacement).

42-23 - Performance Standards Regulating Smoke, Dust and Other Particulate Matter

LAST AMENDED
12/15/1961

42-231 - Definitions

LAST AMENDED
12/15/1961

For the purposes of this Section, the following terms are defined:

Combustion for indirect heating

"Combustion for indirect heating" is the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.

Dust

"Dust" is solid #particulate matter# capable of being air- or gas-borne.

Particulate matter

"Particulate matter" is any finely divided liquid or solid matter capable of being air- or gas-borne.

Process weight

"Process weight" is the total weight of all materials used in any process which discharges #dust# into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.

Smoke

"Smoke" is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.

Smoke unit

A "smoke unit" is a measure of the quantity of #smoke# being discharged and is the number obtained by multiplying the #smoke# density in a #Standard Smoke Chart number# by the time of emission in minutes. For example, the emission of #Standard Smoke Chart number# 1 for one minute equals one #smoke unit#.

Standard Smoke Chart numbers

"Standard Smoke Chart numbers" are the numbers on the Standard Smoke Chart of the Department of Air Pollution Control that coincide most nearly with the grids on the Standard Smoke Chart indicating graduations of light-obscuring capacity of #smoke#.

42-232 - Maximum permitted emission of smoke

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the density of emission of #smoke# during normal operations shall not exceed #Standard Smoke Chart number# 2, and the quantity of #smoke# shall not exceed a maximum of 10 #smoke units# per hour per stack in M1 Districts, 20 such units in M2 Districts, and 30 such units in M3 Districts. The method of measurement, additional limitations on the emission of #smoke# of a density not exceeding #Standard Smoke Chart number# 2, and the maximum permitted density and quantity of #smoke# during special operations such as building new fires, banking, or cleaning fires, soot blowing, or process purging, shall be determined in accordance with rules and regulations adopted by the Department of Environmental Protection.

42-233 - Maximum permitted emission of dust

LAST AMENDED
2/2/2011

(a) Related to #combustion for indirect heating#

In all #Manufacturing Districts#, the emission into the atmosphere of #dust# related to #combustion for indirect heating# from any source shall not exceed the maximum number of pounds of #dust# per million British thermal units heat input per hour as set forth herein:

(1) In M1 Districts

In M1 Districts, the maximum permitted emission shall be 0.50 pounds for minimum-size plants producing a heat input of 10 million or less British thermal units per hour and 0.15 for maximum size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

(2) In M2 or M3 Districts

In M2 or M3 Districts, the maximum permitted emission for such minimum-size plants shall be 0.60 in M2 Districts and 0.70 in M3 Districts, and for such maximum-size plants shall be 0.16 in M2 Districts and 0.18 in M3 Districts. All intermediate values shall be determined from a straight line plotted on log graph paper.

(b) Related to processes

In all #Manufacturing Districts#, the emission into the atmosphere of process #dust# or other #particulate matter# which is unrelated to #combustion for indirect heating# or incineration shall not exceed 0.50 pounds per hour for 100 pounds of #process weight# or 50 pounds per hour for 100,000 pounds of #process weight#. All intermediate values shall be determined from a straight line plotted on log graph paper.

(c) Total limit on emission of #dust# or other #particulate matter# in M1 or M2 Districts

In M1 or M2 Districts the maximum amount of #dust# or other #particulate matter# from all sources including #combustion for indirect heating#, process #dust#, or combustion for incineration which may be emitted from a single stack or vent shall not exceed 33 pounds per hour in M1 Districts, nor 250 pounds per hour in M2 Districts.

(d) Method of measurement and #dust# from incineration

In all #Manufacturing Districts#, the method of measurement and permitted emission of #dust# related to combustion for incineration shall not exceed the maximum allowances established under rules and regulations adopted by the Department of Environmental Protection.

(e) Prevention of wind-blown air pollution

In all #Manufacturing Districts#, all storage areas, yards, service roads, or other untreated open areas within the boundaries of a #zoning lot# shall be improved with appropriate landscaping or paving, or treated by oiling or any other means as specified in rules and regulations adopted by the Department of Environmental Protection, so that #dust# or other types of air pollution borne by the wind from such sources shall be minimized.

42-234 - General control over smoke and other particulate matter

LAST AMENDED
12/15/1961

In addition to the performance standards of regulating #smoke# and other #particulate matter#, the emission of such matter shall be so controlled in manner and quantity of emission as not to be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.

42-24 - Performance Standards Regulating Odorous Matter

LAST AMENDED
12/15/1961

42-241 - In M1 or M2 Districts

LAST AMENDED
12/15/1961

In M1 or M2 Districts, the emission of odorous matter shall be in accordance with limits established by the Department of Environmental Protection. In addition to such limits, the emission of odorous matter in such quantities as to be readily detectable at any point along #lot lines# or to produce a public nuisance or hazard beyond #lot lines# is prohibited.

42-242 - In M3 Districts

LAST AMENDED
12/15/1961

In M3 Districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard at or beyond #lot lines# is prohibited.

42-25 - Performance Standards Regulating Toxic Noxious Matter

LAST AMENDED
12/15/1961

42-251 - Definitions

LAST AMENDED
12/15/1961

For the purposes of this Section, the following term is defined:

Toxic or noxious matter

"Toxic or noxious matter" is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, #dusts#, fumes, and mists, containing properties which by chemical means are:

(a) inherently harmful and likely to destroy life or impair health; or

(b) capable of causing injury to the well-being of persons or damage to property.

42-252 - Regulation of toxic or noxious matter

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the emission of #toxic or noxious matter# into the atmosphere shall be in accordance with limits established by the Department of Environmental Protection. In addition to such emission limits, the emission of such matter shall be so controlled that no concentration at or beyond #lot lines# shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.

42-26 - Performance Standards Regulating Radiation Hazards

LAST AMENDED
12/15/1961

42-261 - Definitions

LAST AMENDED
12/15/1961

For the purposes of this Section, the following term is defined:

Fireproof containers

"Fireproof containers" shall include steel or concrete containers and shall not include lead or other low-melting metals or alloys, unless the lead or low-melting metal or alloys are completely encased in steel.

42-262 - Maximum permitted quantities of unsealed radioactive material

LAST AMENDED
12/15/1961

In M1 Districts, unsealed radioactive materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of one million times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

In M2 Districts, such materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of 10 million times the quantities set forth in Column 1 of the table cited in this Section. In M3 Districts no limits as to such permitted quantities shall apply.

42-263 - Maximum permitted quantities of fissionable materials

LAST AMENDED
12/15/1961

In M1 or M2 Districts, no one of the following fissionable materials shall be assembled at any one point, place, or work area on a

#zoning lot# in a quantity equal to or in excess of the amount set forth herein:

Material	Quantity
Uranium-233	200 grams
Plutonium-239	200 grams
Uranium-235	350 grams

In addition, any establishment which provides radiation waste disposal services in the nature of collection or storage of radioactive waste from other #manufacturing uses# shall be prohibited in M1 or M2 Districts.

42-264 - Administration and appeal

LAST AMENDED
12/15/1961

The Department of Health shall have exclusive jurisdiction to enforce and administer these hazards in accordance with the rules and regulations promulgated by the Board of Health. An appeal may be made to the Board of Health to permit the manufacture, utilization, or storage of unsealed radioactive materials or fissionable materials, in excess of the quantities set forth in Section 42-262 (Maximum permitted quantities of unsealed radioactive material) or Section 42-263 (Maximum permitted quantities of fissionable materials). In any case where the Board of Health determines that the radiation hazard on or beyond any #lot line# is remote and minimal, even in the event of an accident, the Board may permit such additional quantity.

42-27 - Performance Standards Regulating Fire and Explosive Hazards

LAST AMENDED
12/15/1961

42-271 - Definitions

LAST AMENDED
12/15/1961

For the purposes of this Section, the following terms are defined:

Flammable or explosive

"Flammable or explosive" materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with an #open cup flash point# of less than 100 degrees F.

Free burning

"Free burning" materials are materials constituting an active fuel.

Intense burning

"Intense burning" materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.

Moderate burning

"Moderate burning" materials are materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.

Open cup flash point

The "open cup flash point" is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.

Original sealed containers

"Original sealed containers" are containers with a capacity of not more than 55 gallons.

Slow burning

"Slow burning" materials are materials which will not ignite or actively support combustion during an exposure for five minutes to a temperature of 1,200 degrees F. and which, therefore, do not constitute an active fuel.

42-272 - Classifications

LAST AMENDED
10/11/1962

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified #open cup flash points# as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

(a) Class I includes #slow burning# to #moderate burning# materials. This shall include all liquids with an #open cup flash point# of 182 degrees F. or more.

(b) Class II includes #free burning# to #intense burning# materials. This shall include all liquids with an #open cup flash point# between 100 and 182 degrees F.

(c) Class III includes materials which produce #flammable or explosive# vapors or gases under ordinary weather temperature. This shall include all liquids with an #open cup flash point# of less than 100 degrees F.

(d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric

acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; and strong oxidizing agents such as perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

42-273 - Regulations applying to Class I materials or products

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.

42-274 - Regulations applying to Class II materials or products

LAST AMENDED
2/2/2011

Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class II materials or products shall be stored, manufactured, or utilized subject to the following limitations:

(1) such storage, manufacture or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;

(2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot lines# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code; and

(3) the storage of Class II materials or products shall be limited to 100,000 gallons.

(b) In M2 Districts

In M2 Districts, Class II materials or products may be manufactured or utilized without limitation. The storage of Class II materials or products shall be limited to 200,000 gallons, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

(1) Special provisions applying along district boundaries

In M2 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-274, paragraph (a), for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class II materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

42-275 - Regulations applying to Class III materials or products

LAST AMENDED
2/2/2011

Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class III materials or products shall not be manufactured in any event, and shall be stored or utilized subject to the following limitations:

(1) such storage or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;

(2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot line# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code;

(3) the final manufactured product shall have a rating of Class I; and

(4) the storage of Class III materials or products shall be limited to 50,000 gallons.

(b) In M2 Districts

In M2 Districts, Class III materials or products shall not be manufactured in any event and shall be stored or utilized subject to the following limitations:

(1) the final manufactured product shall have a rating of Class II; and

(2) the storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in #original sealed containers#.

(3) In M2 Districts, and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class III materials or products shall be stored or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class III materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a #Residence District#, a #Commercial District# or an M1 District, the provisions set forth in paragraph (a) of this Section for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

42-276 - Regulations applying to Class IV materials or products

LAST AMENDED
10/11/1962

Class IV materials or products shall not be manufactured in any #Manufacturing District# and may be utilized in manufacturing processes or other production in any #Manufacturing District# only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. No storage of Class IV materials or products is permitted in any #Manufacturing District# except such #accessory# storage as may be authorized by such special permit for the utilization of such materials or products in manufacturing processes or other production.

42-277 - Regulations applying to oxygen manufacture, storage, or utilization

LAST AMENDED
10/11/1962

Oxygen, gaseous or liquid, shall not be manufactured in any #Manufacturing District# except when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. Oxygen, gaseous or liquid, may be stored or utilized in all #Manufacturing Districts# in accordance with the provisions set forth in the Administrative Code and subject to the following limitations:

(a) In M1 Districts

In M1 Districts, the total quantity of such oxygen stored shall not exceed 150,000 cubic feet at standard temperature and pressure.

(b) In M2 Districts

In M2 Districts, the total quantity of such oxygen stored shall not exceed 500,000 cubic feet at standard temperature and pressure.

(c) In M3 Districts

In M3 Districts, the total quantity of such oxygen stored is unlimited.

42-28 - Performance Standards Regulating Humidity, Heat or Glare

LAST AMENDED
12/15/1961

42-281 - Regulation applying to M1 Districts

LAST AMENDED
12/15/1961

In M1 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any #lot line#.

42-282 - Regulation applying to M2 Districts

LAST AMENDED
12/15/1961

In M2 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any #lot line#.

42-283 - Regulation applying to M3 Districts

LAST AMENDED
12/15/1961

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond the district boundary.

42-30 - USES PERMITTED BY SPECIAL PERMIT

LAST AMENDED
12/15/1961

42-31 - By the Board of Standards and Appeals

LAST AMENDED
12/19/2017

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

M2 M3

Amusement arcades [PRC-E]

M1

Amusement parks, children's, with sites of not less than 10,000 square feet nor more than 75,000 square feet per establishment [PRC-E]

M1-5B

Eating and drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less [PRC-D]

M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

M1 M2 M3

Radio or television towers, non-#accessory#

M1 M2 M3

Sand, gravel or clay pits

M1

#Schools#, provided they have no living or sleeping accommodations

42-32 - By the City Planning Commission

LAST AMENDED
12/19/2017

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

M1 M2 M3

Airports

M1

Amusement parks, children's, with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

M1 M2 M3

Arenas, auditoriums, or stadiums with a capacity in excess of 2,500 seats [PRC-D]

M1 M2 M3

Bus stations, with less than 10 berths

M1 M2 M3

Bus stations, with 10 or more berths

M1

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B1]

M1

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Department stores [PRC-B]

M1 M2 M3

Docks for #gambling vessels#, pursuant to Section 62-838

M1 M2 M3

Drive-in theaters, with a maximum capacity of 500 automobiles

M1

Dry goods or fabrics stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Food stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Furniture stores, with no limitation on #floor area# per establishment [PRC-B1]

M1 M2 M3

Heliports

M1

Indoor interactive entertainment facilities with eating and drinking* [PRC-D]

M1-5

Museums and non-commercial art galleries

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

#Public parking garages#** with capacity of more than 150 spaces

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

#Public parking garages#** with any capacity

M1 M2 M3

#Public parking lots# with capacity of more than 150 spaces**

M1 M2 M3

Railroad passenger stations

M1 M2 M3

Seaplane bases

M1 M2 M3

#Self-service storage facilities# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution.

M1 M2

Sewage disposal plants

M1

Television, radio, phonograph or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]

M1 M2 M3

Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

#Uses# listed in Use Group 4A Community Facilities, except ambulatory diagnostic or treatment health care facilities and houses of worship

M1

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

* In M1-1, M1-5B Districts and M1 Districts with a suffix "D," indoor interactive entertainment facilities with eating and drinking are not permitted

** In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6

42-40 - SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED
12/15/1961

42-41 - Enclosure of Commercial or Manufacturing Activities

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise specifically provided in the Use Groups permitted in the district, and in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

42-411 - In M1 Districts

LAST AMENDED
12/15/1961

M1

In the district indicated, all such activities shall be located within #completely enclosed buildings#, provided, however, that #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

42-412 - In M2 or M3 Districts

LAST AMENDED
12/15/1961

M2 M3

In the districts indicated, all such activities within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#, provided, however, that #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

42-42 - Enclosure or Screening of Storage

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, all storage of materials or products established by #development#, #enlargement#, #extension#, change of #use#, or any new open storage or any increase in the portion of a #zoning lot# used for open storage, shall conform to the provisions of this Section. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

With respect to the #enlargement# or #extension# of existing storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such storage.

42-421 - In M1 Districts

LAST AMENDED
12/15/1961

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located

within #completely enclosed buildings#.

42-422 - In M2 or M3 Districts

LAST AMENDED
12/15/1961

M2 M3

In the districts indicated, and within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

42-44 - Limitations on Business Entrances, Show Windows or Signs

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the location of primary business entrances, #show windows#, or #signs# shall be subject to the provisions of this Section. For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto, shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot#, notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

(a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;

(b) service entrances, or other entrances less than 3 feet, 6 inches in width;

(c) windows other than #show windows#; or

(d) ventilators, fire escapes or other appurtenances required by law.

42-441 - For zoning lots with single frontage

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within 20 feet of frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof located within the #Manufacturing District# is less than 30 feet in length, such minimum distance shall be reduced to 10 feet.

For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section 73-50 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

42-442 - For corner lots

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows#, or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

(a) if the total length of the #block# face containing such frontage is less than 220 feet; or

(b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or

(c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

42-45 - Exceptions for Integrated Developments Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Manufacturing District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

(a) is divided by a boundary between the #Manufacturing District# and a #Residence District#; or

(b) is presently in the same ownership as adjoining property located in a #Residence District#, and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Manufacturing District#, as evidenced by deed restrictions filed in an office of record binding the owner and his heirs and assigns.

42-46 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
2/22/1990

42-461 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

42-462 - Use of railroad or transit air space

LAST AMENDED
2/2/2011

M1 M2 M3

(a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use# #accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) or an open vehicle storage establishment authorized pursuant to this Section unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-681 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-681 may be changed to another #use# listed in a permitted Use Group, and no special permit from the Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative ownership arrangements specified in the #zoning lot# definition of Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

(b) When the #use# of a railroad or transit right-of-way or yard, or portion thereof, has been permanently discontinued or terminated and a #large-scale development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# created on such property. As a condition for such authorization, the Commission shall find that:

(1) the proposed #zoning lots#, indicated by a map describing the boundaries of, and the total area of, each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and

(2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions

shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10.

Prior to granting any #zoning lot# authorization relating to such right-of-way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

(c) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the Borough of Brooklyn, the Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:

(1) that adequate access to one or more #streets# is provided;

(2) that access to such #use# is located on a #street# not less than 60 feet in width;

(3) that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby #streets#; and

(4) that such establishment is located not less than 20 feet below #curb level# except for access ramps to the #street# or #streets#.

For the purpose of this authorization a secondary access ramp may be permitted provided that the intersection of such ramp and the #street# shall be no more than two #blocks# from the intersection of the primary access ramp and a #street#.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area, including requirements for the shielding of flood lights, screening, and surfacing of all access ramps or driveways.

(d) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-16 (Air Space Over a Railroad or Transit Right-of-way or Yard).

42-47 - Residential Uses in M1-1D Through M1-5D Districts

LAST AMENDED
9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, new #residences# or #enlargements# of existing #residences# may be permitted by authorization of the City Planning Commission provided the #zoning lot# existing on June 20, 1988, meets the criteria of paragraphs (a), (b) or (c) of this Section.

(a) On #zoning lots# containing #residential# or #community facility# #uses#, new #residences# or #enlargements# of existing #residences# may be authorized, provided:

(1) the #zoning lot# contains a #building# that has one or more #stories# of lawful #residential# or #community facility# #uses# and no more than one #story# of #commercial# or #manufacturing# #uses# therein;

(2) the #zoning lot# contains no other #commercial# or #manufacturing# #uses#; and

(3) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is

occupied by #zoning lots# containing #residential# or #community facility# #uses#.

(b) On vacant #zoning lots#, new #residences# may be authorized, provided:

(1) the #zoning lot# has been vacant continuously since June 20, l988, or has been vacant continuously for five years prior to the date of application for such authorization;

(2) a #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by a #community facility building# or a #building# containing #residences#; and

(3) either of the following conditions exist:

(i) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 10,000 square feet of #lot area#, and 50 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#; or

(ii) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 5,000 square feet of #lot area#, and 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.

(c) On #land with minor improvements#, new #residences# may be authorized provided such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (b) of this Section, except that new #residential use# shall not be authorized on #land with minor improvements# that:

(1) is used for parking, storage or processing in connection with a conforming, enclosed #commercial# or #manufacturing# #use# within the district; or

(2) has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.

(d) In determining eligibility for #residential use#, pursuant to paragraphs (a), (b) or (c) of this Section, the following regulations shall be applicable:

(1) In order to determine whether a #corner lot# meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses# may be measured along any #block# front upon which such #corner lot# has frontage.

(2) In determining the percent of the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses#, the length along the #block# front of every #zoning lot#, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the #block# fronts occupied by #zoning lots# containing lawful #residential# or #community facility# #uses#. Vacant #zoning lots# and #land with minor improvements# shall not be counted as #residential# or #community facility# frontage.

For the purpose of this Section, the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and no more than one #story# of #commercial# or #manufacturing# #use# shall be considered as a frontage of #residential# or #community facility# #uses#, and the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and more than one #story# of #commercial# or #manufacturing# #uses# shall be considered as a frontage of #commercial# or

#manufacturing# #uses#.

(3) New #residential use# shall not be authorized on any #floor area# that is vacant or that is occupied by a #commercial# or #manufacturing# #use#, except that in a #building designed for residential use# where at least 50 percent of the #floor area# is occupied by #residential use#, the #residential use# may be #extended#.

(4) In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

(5) For the purposes of this Section, a #through lot# fronting on no more than two #streets# shall be treated as if it consisted of two separate #zoning lots# with #abutting# #rear lot lines# at a line midway between the two #street lines# upon which such #through lot# fronts. In the case of a #through lot# that fronts on more than two #streets#, the #through lot# portion shall first be considered as if it were so divided, and then any remaining portion shall be considered as if it were a separate #zoning lot#. Notwithstanding, in no event shall contiguous portions of a #through lot# that front on the same #street# be treated as if they were separate #zoning lots#.

Each resulting portion of such #through lot# on each #street# frontage shall be considered separately to determine whether it meets the criteria for new #residences# set forth in paragraphs (a), (b) or (c) of this Section, and only on such portion may new #residences# or #enlargements# of existing #residences# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

(6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (b)(3).

(e) In authorizing such #residential uses#, the Commission shall find that:

(1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing# #uses#;

(2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;

(3) the #residential uses# will not adversely affect #commercial# or #manufacturing# #uses# in the district; and

(4) the authorization will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing# #zoning lots#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

Regulations governing other #residential uses# in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section 52-46 (Conforming and Non-

conforming Residential Uses in M1-1D through M1-5D Districts) or of this Section.

42-48 - Supplemental Use Regulations in M1-6D Districts

LAST AMENDED
9/21/2011

All permitted #uses# in M1-6D Districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

42-481 - Residential use

LAST AMENDED
9/21/2011

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a "qualifying #building#" shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(a) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:

(1) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and

(2) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area converted# to #residential# vertical circulation and lobby space need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

42-482 - Community facility use

LAST AMENDED
9/21/2011

The #community facility# #use# regulations applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #community facility# #uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of this Section, a "qualifying #building#" shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential# #floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:

(1) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and

(2) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility# with sleeping accommodations, or for a new #building# containing a #community facility# with sleeping accommodations.

(c) On #narrow streets#, ground floor #community facility# #uses# shall be subject to the streetscape provisions set forth in Section 42-485 (Streetscape provisions).

42-483 - Commercial uses

LAST AMENDED
9/21/2011

The #commercial use# regulations applicable in M1 Districts shall apply in M1-6D Districts, except that:

(a) Food stores, including supermarkets, grocery stores and delicatessen stores, shall not be limited as to size of establishment.

(b) On #narrow streets#, ground floor #commercial# #uses# shall be subject to special streetscape provisions, as set forth in Section 42-485.

(c) All #uses# listed in Use Group 10 shall be permitted without limitation, except as provided for in paragraph (b) of this Section.

42-484 - Manufacturing uses

LAST AMENDED
9/21/2011

In M1-6D Districts, the #manufacturing# #use# regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive, shall apply.

42-485 - Streetscape provisions

LAST AMENDED
9/21/2011

For the purposes of applying the special "ground floor level" streetscape provisions set forth in Section 37-30 to this Section, #narrow streets# with a #street# frontage of 50 feet or more shall be considered "primary street frontages", as defined in Section 37-311.

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. Such #uses# shall extend to a depth in accordance with the provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, provided that lobbies shall comply with the provisions for Type 2 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses).

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided that such spaces are wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements), as applicable.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

42-486 - Authorization for modification of streetscape provisions

LAST AMENDED
10/13/2016

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial# #uses# set forth in Section 42-485 (Streetscape provisions), provided that the Commission finds that such modifications:

(a) are the minimum necessary to provide sufficient space for access to off-street parking or loading facilities;

(b) will not adversely affect the streetscape experiences or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district; and

(c) to the greatest extent feasible will result in a ground floor that meets the height requirements for #qualifying ground floors#.

42-50 - SIGN REGULATIONS

LAST AMENDED

12/15/1961

42-51 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

42-52 - Permitted Signs

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, #signs# are permitted subject to the provisions of the following Sections:

Section 42-53 (Surface Area and Illumination Provisions)

Section 42-54 (Permitted Projection or Height of Signs)

Section 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 42-56 (Special Provisions Applying Along District Boundaries)

Section 42-57 (Additional Sign Regulations for Adult Establishments)

Section 42-58 (Signs Erected Prior to December 13, 2000).

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

42-53 - Surface Area and Illumination Provisions

LAST AMENDED
10/13/2010

M1 M2 M3

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

> #Illuminated# non-#flashing signs#, other than #advertising signs#, located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any #zoning lot# and limited to not more than three such #signs# in any window.

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of

Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences# or #joint living-work quarters for artists#.

42-531 - Total surface area of signs

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#, shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 42-532.

42-532 - Non-illuminated signs

LAST AMENDED
10/13/2010

M1 M2 M3

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding six times the #street# frontage of the #zoning lot#, in feet, but in no event more than 1,200 square feet for each #sign#, are permitted.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed six times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

42-533 - Illuminated or flashing signs

LAST AMENDED
10/13/2010

M1 M2 M3

In all districts, as indicated, #illuminated# or #flashing# #advertising signs# are not permitted.

#Illuminated# or #flashing signs#, other than #advertising signs#, and #accessory# or #advertising# #signs with indirect illumination# are permitted, provided that the total #surface area# of all such #signs#, in square feet, shall not exceed:

(a) for #illuminated# or #flashing signs# other than #advertising signs#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet; and

(b) for #accessory# or #advertising# #signs with indirect illumination#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each

#sign# shall not exceed 500 square feet.

42-54 - Permitted Projection or Height of Signs

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section, inclusive.

42-541 - Permitted projection

LAST AMENDED
10/13/2010

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

(a) in M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

(b) for #zoning lots# occupied by more than two theaters designed, arranged and used for live performances of drama, music or dance and located within the area bounded by West 34th Street, Eighth Avenue, West 42nd Street and Tenth Avenue, permitted #signs# may project across a #street line# no more than 4 feet, 6 inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

42-542 - Additional regulations for projecting signs

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

(a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.

(b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# shall project more than 48 inches above nor more than 12 inches below such marquee.

42-543 - Height of signs

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 75 feet.

42-55 - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, the provisions of paragraphs (a), (b) and (c), or paragraph (d), of this Section, shall apply for #signs# near designated arterial highways or certain #public parks#.

(a) Within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, #signs# that are within view of such arterial highway or #public park# shall be subject to the following provisions:

(1) no permitted #sign# shall exceed 500 square feet of #surface area#; and

(2) no #advertising sign# shall be allowed; nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed.

(b) Beyond 200 feet from such arterial highway or #public park#, the #surface area# of such #signs# may be increased one square foot for each linear foot such sign is located from the arterial highway or #public park#.

(c) The more restrictive of the following shall apply:

(1) any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming# #use# status pursuant to Section 52-83 (Non-conforming Advertising Signs), to the extent of its size existing on May 31, 1968; or

(2) any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968, and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.

(d) Within one-half mile of any boundary of the City of New York, permitted #signs# and #advertising signs# may be located along any designated arterial highway that is also:

(1) a "principal route" or "toll crossing" that prohibits direct vehicular access to abutting land and provides complete separation of conflicting traffic flows; and

(2) a through truck route designated by the New York City Department of Transportation; and

(3) that crosses a boundary of the City of New York, without regard to the provisions of paragraphs (a), (b) and (c)

of this Section, provided any such permitted or #advertising sign# otherwise conforms to the regulations of this Chapter including, with respect to an #advertising sign#, a location not less than 500 feet from any other #advertising sign#, except that, in the case of any such permitted or #advertising sign# erected prior to August 7, 2000, such #sign# shall have #non-conforming# #use# status pursuant to Sections 52-82 (Non-conforming Signs Other Than Advertising Signs) and 52-83 with respect to all other regulations of this Chapter to the extent of the degree of #non-conformity# of such #sign# as of August 7, 2000, including, with respect to an #advertising sign#, its location within 500 feet of any other such #advertising sign#.

Upon application, the requirements of paragraphs (a), (b) and (c) of this Section shall be waived, provided that the Chairperson of the City Planning Commission certifies that such waiver is limited to a single non-#flashing sign# other than an #advertising sign#, located on a #zoning lot# not less than one and one-half acres and, all other permitted #signs#, other than #advertising signs# located on such #zoning lot#, that are subject to the provisions of this Section, conform with all the #sign# regulations applicable in C1 Districts.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

42-551 - Advertising signs on waterways

LAST AMENDED
2/27/2001

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Manufacturing Districts# and within view from an arterial highway.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

42-56 - Special Provisions Applying Along District Boundaries

LAST AMENDED
2/27/2001

42-561 - Restrictions along district boundary located in a street

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, #advertising signs# that face at an angle of less than 165 degrees away from such #Residence District# or park boundary shall not be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth

in Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

42-562 - Restriction on angle and height above curb level

LAST AMENDED2/27/2001

M1 M2 M3

In all districts, as indicated, and within 500 feet of the boundary of a #Residence District# or #Commercial District#, except C7 or C8 Districts, any illuminated portion of any #sign# shall face at an angle of more than 90 degrees away from such boundary line and a #sign with indirect illumination# may extend only to a height of 58 feet above #curb level#.

42-57 - Additional Sign Regulations for Adult Establishments

LAST AMENDED
2/27/2001

M1 M2 M3

In all districts, as indicated, all permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with the provisions of this Chapter, except that the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# and no portion thereof may be #flashing#.

No #signs# for #adult establishments# shall be permitted on the roof of any #building#, nor shall such #signs# extend above #curb level# at a height greater than 25 feet.

42-58 - Signs Erected Prior to December 13, 2000

LAST AMENDED2/27/2001

M1 M2 M3

In all districts, as indicated, a #sign# erected prior to December 13, 2000, shall have #non-conforming use# status pursuant to Sections 52-82 (Non-conforming Signs Other Than Advertising Signs) or 52-83 (Non-conforming Advertising Signs) with respect to the extent of the degree of #non-conformity# of such #sign# as of such date with the provisions of Sections 42-52, 42-53 and 42-54, where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. In all such districts, as indicated, a #sign# other than an #advertising sign# erected prior to December 13, 2000, shall also have #non-conforming use# status pursuant to Section 52-82 with respect to the degree of #non-conformity# of such #sign# as of such date with the provisions of Section 42-55, paragraphs (a)(1) and (b), where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. Nothing herein shall be construed to confer #non-conforming use# status upon any #advertising sign# located within 200 feet of an arterial highway or of a #public park# with an area of one-half acre or more, and within view of such arterial highway or #public park#, or where such #advertising sign# is located at a distance from an arterial highway or #public park# with an area of one-half acre or more which is greater in linear feet than there are square feet of #surface area# on the face of such #sign#, contrary to the requirements of Section 42-55, paragraph (b). The #non-conforming use# status of signs subject to Section 42-55, paragraphs (c)(1), (c)(2) and (d), shall remain unaffected by this provision.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City

Planning Commission as arterial highways to which the provisions of this Section shall apply.

42-59 - Sign Regulations in M1-6D Districts

LAST AMENDED
9/21/2011

In M1-6D Districts, #signs# are permitted subject to the #sign# regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Bulk Regulations

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Chapter 3 - Bulk Regulations

43-00 - APPLICABILITY AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

43-01 - Applicability of This Chapter

LAST AMENDED
3/22/2018

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#. The #bulk# regulations of this Chapter shall also apply to any portion of a #zoning lot# in a #Manufacturing District# that is #developed# or #enlarged# with an open #use#. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# which do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Article VIII, IX, X, XI, XII, XIII and XIV.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #bulk# regulations governing M1 Districts shall apply to #community facility#, #commercial# and #manufacturing# #uses#, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts). M1-6D Districts shall be subject to the #bulk# regulations set forth in Section 43-62.

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #bulk# regulations of an M1 District shall apply to #manufacturing#, #commercial# and #community facility# #uses#, and the #bulk# regulations for an R5 District set forth in Article II, Chapter 3, shall apply to #residential uses#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

43-02 - Street Tree Planting in Manufacturing Districts

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, all #developments#, or #enlargements# of 20 percent or more in #floor area#, excluding #developments# or #enlargements# in Use Groups 17 or 18, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# from a #manufacturing# #use# to a #commercial# or #community facility# #use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C and 16D.

43-03 - Outdoor Table Service Areas

LAST AMENDED2/24/2022

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

43-10 - FLOOR AREA REGULATIONS

LAST AMENDED
12/15/1961

43-11 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

43-12 - Maximum Floor Area Ratio

LAST AMENDED
9/21/2011

M1 M2 M3

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

Section 43-121 (Expansion of existing manufacturing buildings)

Section 43-122 (Maximum floor area ratio for community facilities)

Section 43-13 (Floor Area Bonus for Public Plazas)

Section 43-14 (Floor Area Bonus for Arcades)

Section 43-15 (Existing Public Amenities for which Floor Area Bonuses Have Been Received)

Section 43-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts)

Section 43-62 (Bulk Regulations in M1-6D Districts)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	1.00
M1-2* M1-4 M2-1 M2-3 M3	2.00
M1-3 M1-5 M2-2 M2-4	5.00
M1-6	10.00

* In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to 4.0 provided that such additional #floor area# is limited to the following #uses#: photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults

For #zoning lots# containing both #community facility use# and #manufacturing# or #commercial# #use#, the total #floor area# used for #manufacturing# or #commercial# #use# shall not exceed the amount permitted in the table in this Section or by the bonus provisions in Sections 43-13 or 43-14.

Notwithstanding any other provisions of this Resolution, the maximum #floor area ratio# in an M1-6 District shall not exceed 12.0.

43-121 - Expansion of existing manufacturing buildings

LAST AMENDED
5/29/2019

M1 M2 M3

In all districts, as indicated, where a #building or other structure# used for a conforming #manufacturing# #use# was in existence prior to December 15, 1961, such #building or other structure# may be expanded for a #manufacturing# #use#. Such expansion may consist of an #enlargement#, or additional #development#, on the same #zoning lot#, provided that:

(a) the resulting total #floor area# shall not be greater than:

(1) 150 percent of the #floor area# existing on December 15, 1961; or

(2) 110 percent of the maximum #floor area# otherwise permitted under the provisions of Section 43-12 (Maximum Floor Area Ratio).

(b) the resulting #floor area ratio# shall not exceed the highest of:

(1) 150 percent of the maximum #floor area ratio# otherwise permitted under the provisions of Section 43-12;

(2) 110 percent of the #floor area ratio# existing on December 15, 1961; or

(3) a #floor area ratio# of 2.4, provided that in the event this paragraph, (b)(3), is utilized, the City Planning Commission shall administratively certify and the City Council approve, that such expansion will not adversely affect the surrounding area.

Within M3-2 Districts in the portion of Queens Community District 2 located within a Subarea 2 Designated Area (as set forth in APPENDIX J of this Resolution), the provisions of this Section shall also apply where a #building or other structure# on a #zoning lot# larger than two acres used for a conforming #manufacturing# #use# was in existence prior to December 31, 1965.

The parking reduction provisions of Section 44-27 (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

43-122 - Maximum floor area ratio for community facilities

LAST AMENDED
9/21/2011

M1

In the districts indicated, for any #community facility# #use# on a #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	2.40
M1-2	4.80
M1-3 M1-4 M1-5	6.50
M1-6	10.00

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, for any #zoning lot# containing both #residential use# and #community facility# #use#, the total #floor area# used for #residential use# shall not exceed the amount permitted in Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts).

43-123 - Floor area increase for an industrial space within a self-service storage facility

LAST AMENDED
12/19/2017

In M1-1 Districts in designated areas in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within

Manufacturing Districts) of this Resolution, for any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (a) or (b)(1) of Section 42-121 (Use Group 16D self-service storage facilities), the maximum permitted #floor area# for #commercial# or #manufacturing# #uses# on the #zoning lot# pursuant to the provisions of Section 43-12 (Maximum floor area ratio), inclusive, may be increased by a maximum of 25 percent of the #lot area# or up to 20,000 square feet, whichever is less.

43-13 - Floor Area Bonus for Public Plazas

LAST AMENDED
9/21/2011

M1-6

In the district indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

43-14 - Floor Area Bonus for Arcades

LAST AMENDED
9/21/2011

M1-6

In the district indicated, except for M1-6D Districts, for each square foot of #arcade# provided on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by three square feet. However, the provisions of this Section shall not apply to #zoning lots# that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan.

43-15 - Existing Public Amenities for which Floor Area Bonuses Have Been Received

LAST AMENDED
10/17/2007

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing #publicly accessible open areas#

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a

#floor area# bonus has been received, during certain nighttime hours pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction of existing public amenities

No existing #arcade#, #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

Regulations Applying in Special Situations

43-16 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different maximum #floor area ratios#, the provisions set forth in Article VII, Chapter 7 shall apply.

43-17 - Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts

LAST AMENDED
1/22/1998

M1-5B

In the district indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the district indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified pursuant to Section 43-171.

However, the minimum size requirement may be replaced by the requirements of Section 15-024 for #joint living-work quarters for artists#:

(a) for which a determination of #residential# or #joint living-work quarters for artists# occupancy on September 1, 1980, has been made pursuant to Sections 42-14, paragraph D.(1)(f), 42-141 paragraph (b) or 74-782; or

(b) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(c) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

#Joint living-work quarters for artists# existing on September 1, 1980, may not be divided subsequently into quarters of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

In the districts indicated, two or more #buildings# which are separated by individual load-bearing walls and contain #joint living-work quarters for artists#, each of which #building# conforms to the regulations set forth in Section 42-14 may be combined to produce a #lot area# covered by #buildings# in excess of 3,600 square feet.

43-171 - Minor modifications

LAST AMENDED
2/2/2011

On application, the Chairperson of the City Planning Commission may grant minor modifications to the requirements of Section 43-17 relating to #joint living-work quarters for artists# size, provided that the Chairperson of the City Planning Commission had administratively certified to the Department of Buildings that the division of one or more #stories# into #joint living-work quarters for artists# with an area of at least 1,200 square feet cannot be accomplished without practical difficulties because the #floor area# of such #story#, exclusive of exterior walls and common areas, is within five percent of a multiple of 1,200 square feet.

The applicant must send a copy of any request for a modification pursuant to this Section to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting.

43-20 - YARD REGULATIONS

LAST AMENDED
1/28/1971

Definitions and General Provisions

43-21 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

43-22 - Level of Yards

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

43-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
5/12/2021

In all #Manufacturing Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

(1) Arbors or trellises;

(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(3) Canopies;

(4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

(7) Fences;

(8) Flagpoles;

(9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;

(10) Power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that all equipment shall not exceed a height of 23 feet above #curb level#;

(11) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(12) Steps, and ramps or lifts for people with physical disabilities;

(13) Terraces or porches, open;

(14) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

(b) In any #rear yard# or #rear yard equivalent#:

(1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section 43-42 (Permitted Obstructions);

(2) Breezeways;

(3) Fire escapes;

(4) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#;

(5) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#:

(i) up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility# #use# or attached parking structure; or

(ii) shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;

(6) Water-conserving devices, required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

43-24 - Measurement of Yard Width or Depth

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

Basic Regulations

43-25 - Minimum Required Side Yards

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided, it shall be at least eight feet wide.

43-26 - Minimum Required Rear Yards

LAST AMENDED
4/30/2008

M1 M2 M3

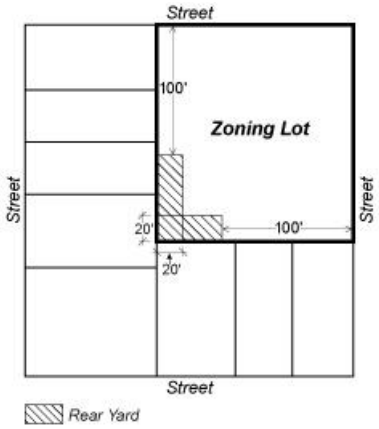
In all districts, as indicated, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 43-27 (Special Provisions for Shallow Interior Lots), 43-28 (Special Provisions for Through Lots) or 43-31 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 43-261 (Beyond one hundred feet of a street line).

43-261 - Beyond one hundred feet of a street line

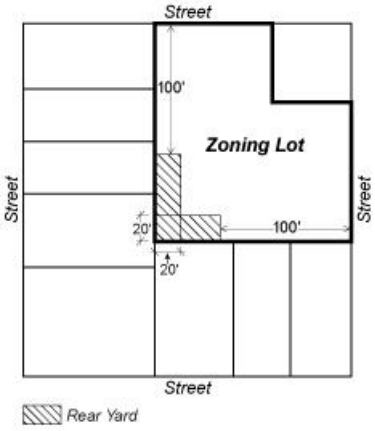
LAST AMENDED
4/30/2008

M1 M2 M3

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT
(33-261.1, 43-261.1)



ZONING LOT BOUNDED BYTWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)
(33-261.2, 43-261.2)

43-27 - Special Provisions for Shallow Interior Lots

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, if an #interior lot#:

(a) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(b) is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of a #zoning lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of less than 50 feet.

43-28 - Special Provisions for Through Lots

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, no #rear yard# regulations shall apply on any #through lot# which extends less than 110 feet in maximum #lot depth# from #street# to #street#. However, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided, except that in the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required:

(a) an open area with a minimum #lot depth# of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

(b) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; or

(c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

43-29 - Special Provisions Applying Along Railroad Rights-of-way

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, along such portion of a #rear lot line# which coincides with a boundary of a railroad right-of-way, no #rear yard# shall be required.

43-30 - SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts#, except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

43-301 - Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, along such portion of the boundary of a #Manufacturing District# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such an open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

43-302 - Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 30 feet in depth shall be provided within the #Manufacturing District#. Such an open area shall not be used for storage or processing of any kind.

43-303 - Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, along such portion of a #side lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street loading or for storage or processing of any kind.

43-304 - Required front yards along district boundary located in a street

LAST AMENDED
10/25/1967

M1-1 M1-2 M1-3 M1-4 M2 M3

In the districts indicated, if the boundary of an adjoining #Residence District# is located at the center line of a #street# less than 60 feet wide, a #front yard# not higher than #curb level# and at least 20 feet in depth shall be provided along any #front lot line# forming the boundary between a #zoning lot# located within the #Manufacturing District# and that portion of the #street# in which the district boundary is located.

43-31 - Other Special Provisions for Rear Yards

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the #rear yard# requirements set forth in Section 43-26 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

43-311 - Within 100 feet of corners

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

43-312 - Along short dimension of block

LAST AMENDED
5/20/1965

M1 M2 M3

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

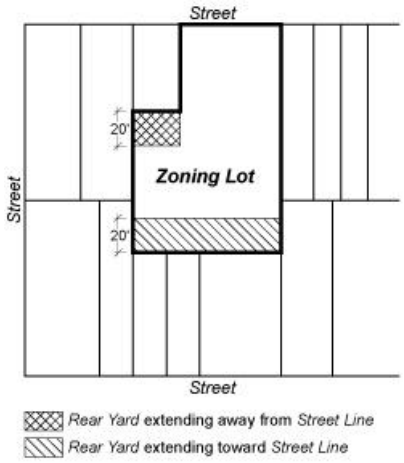
43-313 - For zoning lots with multiple rear lot lines

LAST AMENDED
4/30/2008

M1 M2 M3

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

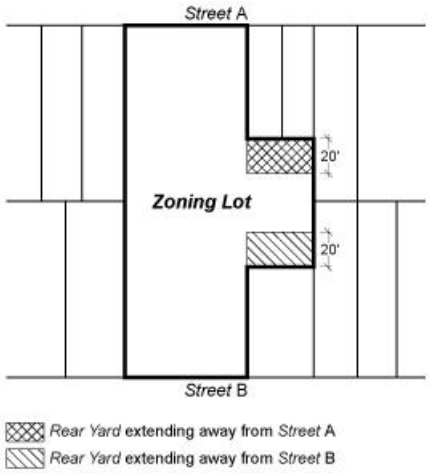
(a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



(33-303a, 43-313a)

(b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c, 43-313c)

All Yards

43-32 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different #yard# regulations, the provisions set forth in Article VII, Chapter 7, shall apply.

43-33 - Modifications of Rear Yard Regulations

LAST AMENDED
4/30/2008

M1 M2 M3

In all districts, as indicated, the regulations set forth in Section 43-313 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

43-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/15/1961

Definitions and General Provisions

43-41 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

43-42 - Permitted Obstructions

LAST AMENDED
4/30/2012

In all #Manufacturing Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

(a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the

first #story# above a setback;

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with this Section.

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

(b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 43-43, 43-44 or 43-45 (Tower Regulations);

(c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;

(d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(e) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

(2) all mechanical equipment shall be screened on all sides;

(3) such obstructions and screening are contained within a volume that complies with one of the following:

(i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (e), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;

(f) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged#

portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;

(g) Flagpoles or aerials;

(h) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(i) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(m) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) a height of 15 feet;

(ii) a height of six feet when located on a bulkhead or other obstruction, pursuant to paragraph (e) of this Section;

(3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(n) Spires or belfries;

(o) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater

than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(q) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;

(r) Window washing equipment mounted on a roof;

(s) Wire, chain link or other transparent fences.

43-43 - Maximum Height of Front Wall and Required Front Setbacks

LAST AMENDED
9/21/2011

M1 M2 M3

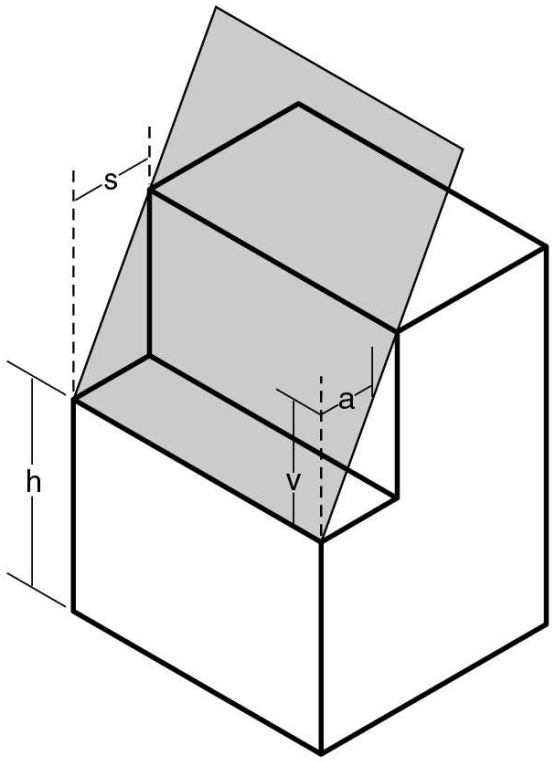
In all districts, as indicated, if the front wall or any other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# as set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table.

The regulations of this Section shall apply, except as otherwise provided in Sections 43-42 (Permitted Obstructions), 43-44 (Alternate Front Setbacks) or 43-45 (Tower Regulations). In M1-1 Districts, for #community facility buildings#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above the #street line# shall be 35 feet, and in M1-4 Districts, for #community facility buildings#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

For #zoning lots# in M1-6 Districts that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan, the following #street wall# regulations shall apply to #street# frontages not occupied by a #public plaza#. The #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to a minimum height of 125 feet or the height of the #building#, whichever is less, and a maximum height of 150 feet. Above a height of 150 feet, no portion of a #building# may penetrate a #sky exposure plane# except for towers, pursuant to Section 43-45. The #sky exposure plane# shall begin at a height of 150 feet above the #street line# and rise over the #zoning lot# at a slope of 5.6 feet of vertical distance for each foot of horizontal distance on a #wide street#, and at a slope of 2.7 feet of vertical distance for each foot of horizontal distance on a #narrow street#. The provisions of Section 43-44 shall not apply. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall, or other Portion of a #Building or other structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts							
20	15	30 feet or 2 #stories#, whichever is less	30	1 to	1	1 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts							
20	15	60 feet or 4 #stories#, whichever is less	60	2.7 to	1	5.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts							
20	15	85 feet or 6 #stories#, whichever is less	85	2.7 to	1	5.6 to	1



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE
(23 - 641, 24 - 522, 33 - 432, 43 - 43)

43-44 - Alternate Front Setbacks

LAST AMENDED
10/17/2007

M1 M2 M3

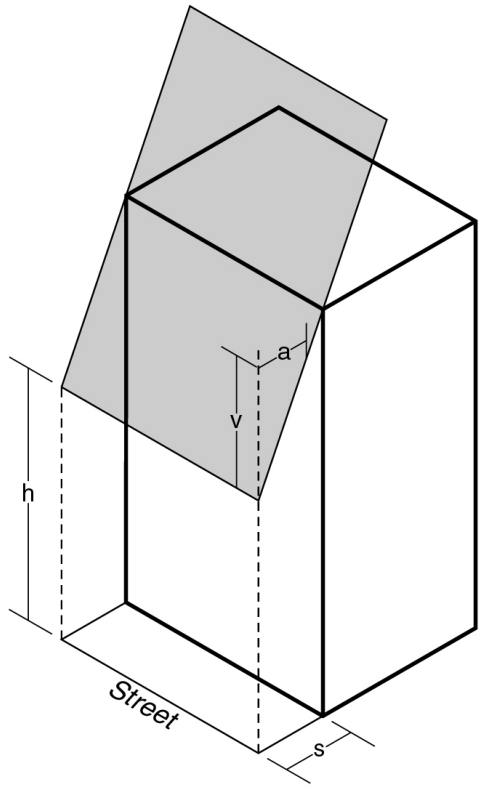
In all districts, as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in this Section or in Sections 43-42 (Permitted Obstructions) or 43-45 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table in this Section. The #sky exposure plane# shall be measured from a point above the #street line#.

In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to Section 43-13 (Floor Area Bonus for Public Plazas).

In M1-1 Districts, for #community facility buildings# the height above the #street line# shall be 35 feet.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts						
15	10	30	1.4 to	1	1.4 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts						
15	10	60	3.7 to	1	7.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts						
15	10	85	3.7 to	1	7.6 to	1



a - Horizontal distance
h - Height of *sky exposure plane* above *street line*
s - Depth of the optional front open area
v - Vertical distance
Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE
(23 - 64, 24 - 53, 33 - 442, 43 - 44)

Supplementary Regulations

43-45 - Tower Regulations

LAST AMENDED
2/2/2011

M1-3 M1-4 M1-5 M1-6

In the districts indicated, any #building# or #buildings#, or portion thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 43-451 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section 43-451 for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#,

provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

43-451 - Towers on small lots

LAST AMENDED
12/15/1961

M1-3 M1-4 M1-5 M1-6

In the districts indicated, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

Regulations Applying in Special Situations

43-46 - Special Provisions for Zoning Lots Directly Adjoining Public Parks

LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

43-47 - Modification of Height and Setback Regulations

LAST AMENDED
12/15/1961

M1

In the district indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 43-41 to 43-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

43-48 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 43-45 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7 shall apply.

43-49 - Limited Height Districts

LAST AMENDED
3/4/1982

M1 M2 M3

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level#
LH-1	50 feet
LH-1A	60 feet

LH-2	70 feet
LH-3	100 feet

43-50 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

LAST AMENDED
12/15/1961

Basic Regulations

43-51 - Minimum Dimensions of Courts for Buildings

LAST AMENDED
2/2/2011

M1

In the district indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section 24-61 (General Provisions and Applicability)

Section 24-62 (Minimum Dimensions of Courts)

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section 24-66 (Modifications of Court Regulations or Distance Requirements)

Section 24-68 (Permitted Obstructions in Courts).

43-60 - SUPPLEMENTARY REGULATIONS

LAST AMENDED
12/21/1989

43-61 - Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts

LAST AMENDED
9/21/2011

The following regulations shall apply to any #development# or #enlargement# authorized pursuant to Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts):

(a) The total amount of #residential# #floor area# permitted on any #zoning lot# shall not exceed a #floor area ratio# of 1.65.

On #zoning lots# containing both #residential use# and #community facility#, #manufacturing# or #commercial# #use#, the maximum #floor area# shall be the maximum #floor area# permitted for either the #commercial# or #manufacturing# #use# as set forth in Sections 43-12 (Maximum Floor Area Ratio) through 43-14 (Floor Area Bonus for Arcades), or the #community facility# #use# as set forth in Section 43-122 (Maximum floor area ratio for community facilities), or the #residential use# as set forth in this Section, whichever permits the greatest amount of #floor area#.

On #zoning lots# containing both #residential use# and #manufacturing# or #commercial# #use#, the total #floor area# used for #manufacturing# or #commercial# #use# shall not exceed the amount permitted by Sections 43-12 through 43-14.

(b) The maximum number of #dwelling units# shall equal the total #residential# #floor area# provided on the #zoning lot# divided by 675. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.

(c) The maximum #building# height above #curb level# shall be 32 feet.

(d) No such #development# or #enlargement# shall be permitted within 30 feet of the #rear lot line#.

(e) The maximum distance from the #street line# to the #street wall# of such #development# shall be ten feet, unless modified by the City Planning Commission pursuant to Section 44-28 (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts).

(f) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988, shall be exempt from this requirement, provided such #enlarged building# does not exceed a height of two #stories#.

43-62 - Bulk Regulations in M1-6D Districts

LAST AMENDED9/21/2011

43-621 - Floor area regulations in M1-6D Districts

LAST AMENDED
9/21/2011

(a) The maximum #floor area ratio# for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as modified for #Inclusionary Housing designated areas#, as set forth in paragraph (b) of this Section.

(b) In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section:

(1) for #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; and

(2) the maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, up to 10.0. Such #floor area

ratio# may be increased to a maximum of 12.0 only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

43-622 - Maximum lot coverage in M1-6D Districts

LAST AMENDED
9/21/2011

Any #story# of a #building# containing #dwelling units# shall not exceed a maximum #lot coverage# of 70 percent for #interior# or #through lots# and 100 percent for #corner lots#. However, where any such level contains parking spaces or non-#residential uses#, such level shall be exempt from #lot coverage# regulations.

43-623 - Density in M1-6D Districts

LAST AMENDED
9/21/2011

The provisions of 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be 680.

43-624 - Height and setback in M1-6D Districts

LAST AMENDED
9/21/2011

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, a maximum base height or #sky exposure plane# may be penetrated, as follows:

(i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

On any #street# frontage, dormers may be provided in accordance with the provisions of paragraph (c)

of Section 23-621 (Permitted obstructions in certain districts).

(2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

(2) Base height

(i) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and may rise to a maximum base height of 155 feet.

(ii) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and may rise to a maximum base height of 135 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the maximum base height may be increased to 155 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, the portion of such #building# above the maximum base height set forth in paragraph (b)(2)(i) of this Section shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of the highest two #stories# of such

#building# shall not exceed 80 percent of the gross area of the #story# directly below such highest two #stories#.

(ii) Along #narrow streets#

For all #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, no portion of such #building or other structure# shall penetrate a #sky exposure plane# which begins at the maximum base height set forth in paragraph (b)(2)(ii) of this Section and rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance.

Any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may penetrate such #sky exposure plane#, provided such portion does not exceed a height of 210 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664, such maximum height may be increased, provided that the maximum number of #stories# does not exceed 23, the maximum height of a #building# with a #non-qualifying ground floor# does not exceed a height of 230 feet, and the maximum height of a #building# with a #qualifying ground floor# does not exceed a height of 235 feet.

In addition, the gross area of each of the top two #stories# of a #building# may not be greater than 80 percent of the gross area of the #story# directly below such top two #stories#.

(4) Maximum length of #building# wall

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet.

43-625 - Yard regulations in M1-6D Districts

LAST AMENDED
9/21/2011

In M1-6D Districts, the provisions of Section 43-20 (YARD REGULATIONS) shall apply, except that #residential# portions of a #building# shall provide a #rear yard# with a minimum depth of 30 feet at any level not higher than the floor level of the lowest #story# containing #dwelling units# with a #window# opening upon such #rear yard#. On any #through lot# that is 110 feet or more in depth from #street# to #street#, a #rear yard equivalent# shall be provided within 15 feet of the centerline of the #through lot# or #through lot# portion. In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. For shallow #zoning lots#, a reduction in the required #rear yard# or #rear yard equivalent# may be applied pursuant to the provisions applicable for an R10 District set forth in Sections 23-52 (Special Provisions for Shallow Interior Lots) or 23-534 (Special provisions for shallow through lots), as applicable.

43-626 - Courts in M1-6D Districts

LAST AMENDED

#Residential# portions of #buildings# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Accessory Off-Street Parking and Loading Regulations

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Chapter 4 - Accessory Off-Street Parking and Loading Regulations

44-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

Off-street Parking Regulations

44-01 - General Purposes

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the high density central areas, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect public health, safety, and general welfare.

44-02 - Applicability

LAST AMENDED
10/25/1993

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility# #uses#, as set forth in the provisions of the various Sections.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

44-021 - Applicability of regulations to non-profit hospital staff

LAST AMENDED
6/27/1963

Except as modified in Section 44-211 (Parking requirements applicable to non-profit hospital staff dwellings), the regulations of Article III, Chapter 6, applicable to #residences# in C4-2 Districts shall apply to #non-profit hospital staff dwellings# in M1 Districts, and the regulations of this Chapter applicable to #community facility# #uses# shall not apply to such #use#.

44-022 - Applicability of regulations in the Manhattan Core and the Long Island City area

LAST AMENDED
5/8/2013

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section

16-02 (Definitions), are set forth in Article I, Chapter 6.

44-023 - Applicability of regulations in M1-1D through M1-5D Districts

LAST AMENDED
9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility# #uses#, and the regulations of Section 44-28 (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts).

44-024 - Applicability of regulations in M1-6D Districts

LAST AMENDED
9/21/2011

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to #commercial# and #manufacturing# #uses#. For #residential# and #community facility# #uses#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), as applicable.

44-025 - Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens

LAST AMENDED
9/21/2011

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

44-03 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

44-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-11 - General Provisions

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Size of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

44-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, no #accessory# #group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 44-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

(a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;

(b) is located on a street not less than 60 feet in width; and

(c) if #accessory# to a #commercial# or #manufacturing# #use#, has adequate reservoir space at the entrances to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory # #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

LAST AMENDED
12/15/1961

44-21 - General Provisions

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility# #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

(a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number);

(b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street);

(c) for houses of worship, in accordance with the provisions of Section 44-25 (Waiver for Locally Oriented Houses of Worship).

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#	Parking Spaces Required, in Relation to Specified Unit of Measurement	Districts
FOR MANUFACTURING OR COMMERCIAL USES		
#Manufacturing# or semi-industrial #uses#. #Uses# in Use Group 17B, 17D, 18A or 18C, or in PRC-F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees.	None required 1 per 1,000 square feet of #floor area#[1], or 1 per 3 employees, whichever will require a larger number of spaces	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Storage or miscellaneous #uses#. #Uses# in: (a) PRC-G in Use Group 10 or 16; (b) Use Group 17A, 17D, 18B, or 18C; or (c) Use Group 17C, except for agricultural #uses#, such exception including greenhouses, nurseries, or truck gardens; with a minimum of either 10,000 square feet of #floor area# or 15 employees.	None required 1 per 2,000 square feet of #floor area#[2], or 1 per 3 employees, whichever will require a lesser number of spaces	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC-A in Use Group 6	None required 1 per 200 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#; #uses# in PRC-B in Use Group 6, 8, 9 or 10; or #uses# in PRC-B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14, or 16, or when permitted by special permit	None required 1 per 300 square feet of #floor area# [3]	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Low traffic-generating #uses#. #Uses# in PRC-C in Use Group 6, 7, 9, 13, 14 or 16	None required 1 per 600 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Places of Assembly. #Uses# in PRC-D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit	None required 1 per 8 persons rated capacity	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Open commercial amusements. #Uses# in PRC-E in Use Group 13, or when permitted by special permit[5]	None required 1 per 500 square feet of #lot area#[4]	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Other #commercial# #uses#. #Uses# in PRC-H in Use Group 5, 6, 7, 12, 13 or 14, or when permitted by special permit:		
#Boatels#	1 per 2 guest rooms or suites	M1

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees	1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces	M1 M2 M3
Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed	See Section 62-43 for parking requirement	
Hotels (a) For the #floor area# used for sleeping accommodations	None required 1 per 8 guest rooms or suites	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
(b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios	None required 1 per 8 persons rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
#Motels# or #tourist cabins#	1 per guest room or suite	M1
Post offices	None required 1 per 1,200 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Prisons	None required 1 per 10 beds rated capacity	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Refreshment stands, drive-ins	1 per 50 square feet of #floor area# 1 per 100 square feet of #floor area#	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

Funeral establishments	None required 1 per 400 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
FOR COMMUNITY FACILITY USES		
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	None required 1 per 1,000 square feet of #lot area# used for selling purposes	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4	None required 1 per 300 sq. ft. of #floor area# and #cellar# space[3], except #cellar# space used for storage	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations, except ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers	None required 1 per 10 persons-rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Hospitals and related facilities[6]	1 per 5 beds 1 per 10 beds	M1-1 M1-2 M1-3 M1-4 M1-5 M1-6
Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room	None required 1 per 15 persons-rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3

Seminaries (a) For that #floor area# used for classrooms, laboratories, student centers or offices	None required 1 per 1,000 sq. ft. of #floor area#	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
(b) For that #floor area# used for theaters, auditoriums, gymnasiums or stadiums	None required 1 per 8 persons-rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Outdoor skating rinks	None required 1 per 800 square feet of #lot area#	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Outdoor tennis courts	None required 1 per 2 courts	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3

NOTE: PRC = Parking Requirement Category

1 For predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

2 For predominantly open storage or miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

3 The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in PRC-B1, may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for Ambulatory Diagnostic or Treatment Health Care Facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

4 In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees

5 In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements

6 Requirements are in addition to area utilized for ambulance parking

44-211 - Parking requirements applicable to non-profit hospital staff dwellings

LAST AMENDED
6/27/1963

M1

In the district indicated, the provisions of Sections 36-31 to 36-39, inclusive, relating to Required Accessory Off-street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of Sections 36-31 to 36-39, inclusive, applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the table.

District	#Commercial District# whose Regulations are Applicable
M1-1 M1-2 M1-3	C4-2
M1-4 M1-5 M1-6	C4-7

44-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly), when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-431 (Reduction of parking spaces for houses of worship) or 73-432 (Reduction of parking spaces for places of assembly).

44-23 - Waiver of Requirements for Spaces Below Minimum Number

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial# #uses# in parking requirement category A, B, B1, C, D, E or H, or to permitted #community facility# #uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

District	Number of Spaces

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	15
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	40

44-231 - Exceptions to application of waiver provisions

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 shall not apply to the following types of #uses#:

(a) #Manufacturing# or semi-industrial #uses# in Use Group 17B, 17D, 18A or 18C, or in parking requirement category F in Use Group 11 or 16.

(b) Storage or miscellaneous #uses# in Use Group 17A, 17C, 17D, 18B or 18C, or in parking requirement category G in Use Group 16.

(c) The following #commercial# #uses# in parking requirement category H in Use Group 7 or 13:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

44-24 - Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

44-25 - Waiver for Locally-Oriented Houses of Worship

LAST AMENDED
9/9/2004

M1

In the district indicated, the requirements set forth in Sections 44-21 (General Provisions) and 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

(a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;

(b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number); and

(c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residences of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

44-26 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
6/24/1976

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

44-27 - Special Provisions for Expansion of Existing Manufacturing Buildings

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, whenever an existing #manufacturing# #building# is expanded pursuant to the provisions of Section 43-121 (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Regulations), provided the Commission certifies:

(a) that because of site limitations such a reduction is necessary for the proper design and operation of the #manufacturing # #building#; and

(b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.

44-28 - Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts

LAST AMENDED
9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts).

(a) In M1-1D Districts, for any new #residence# authorized pursuant to Section 42-47, one #accessory# parking space shall be provided for each #dwelling unit#. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new #residence#.

Access to such required #accessory# parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming #manufacturing# and #commercial# #uses#. If necessary, in order to implement this requirement, the Commission may modify the 10 foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts).

(b) In M1-2D, Ml-3D, M1-4D and M1-5D Districts, #accessory# parking shall not be permitted, except when authorized by the City Planning Commission.

The Commission may authorize #accessory# parking provided:

(1) the #zoning lot# extends 40 feet or more along the #street line#;

(2) the curb cut extends no more than 15 feet along the #street line# and provides access to a #group parking facility# of five or more #accessory# off-street parking spaces; and

(3) the Commission determines that such curb cut will not adversely affect the availability of on-street parking and loading for conforming #manufacturing# and #commercial# #uses#.

44-29 - Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in Designated Areas

LAST AMENDED
12/19/2017

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Section 44-21 (General Provisions) are modified as set forth in this Section for all #uses# within the #industrial floor space#.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (a) or (b)(1) of Section 42-121 (Use Group 16D self-service storage facilities), #accessory# off-street parking spaces, open or enclosed, shall not be required for #uses# within #industrial floor space#, where all such #uses# occupy less than 10,000 square feet of #floor area# or have fewer than 15 employees. For #industrial floor space# on such #zoning lots# where such #uses#, in total, occupy at least 10,000 square feet of #floor area# or have 15 or more employees, #accessory# off-street parking spaces, open or enclosed, shall be required for all #uses# within the #industrial floor space# at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require fewer spaces.

44-30 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-31 - General Provisions

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 44-32 (Off-site Spaces for All Permitted Uses)

Section 44-33 (Joint and Shared Facilities)

Section 44-34 (Additional Regulations for Required Spaces When Provided Off-site)

Section 73-45 (Modification of Off-site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-32 - Off-site Spaces for All Permitted Uses

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the

#zoning lot# on which such #use# is located.

44-33 - Joint and Shared Facilities

LAST AMENDED
9/9/2004

44-331 - Joint facilities

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements).

(b) all such spaces conform to the provisions of Section 44-32 (Off-site Spaces for All Permitted Uses); and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-332 - Shared facilities for houses of worship

LAST AMENDED
9/9/2004

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

(a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;

(b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and

(c) all such spaces conform to all applicable regulations of the district in which they are located.

44-34 - Additional Regulations for Required Spaces When Provided Off-Site

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

(a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

(b) Such spaces shall conform to all applicable regulations of the district in which they are located.

44-35 - Restriction on Use of Accessory Off-street Parking Spaces

LAST AMENDED
9/29/2010

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#.

#Car sharing vehicles# may occupy #accessory# off-street parking spaces in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

44-36 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces.

However where such parking spaces are provided in a #building or other structure#, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

44-40 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-41 - General Provisions

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section 44-40, inclusive.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

44-42 - Size and Identification of Spaces

LAST AMENDED
4/30/2012

M1 M2 M3

(a) Size of spaces

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of the Department of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

(b) Identification of #car sharing vehicles#

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(1) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility; and

(2) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility.

44-43 - Location of Access to the Street

LAST AMENDED
6/21/1973

M1 M2 M3

In all districts, as indicated, the entrances and exits of all permitted or required #accessory # #group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

44-44 - Surfacing

LAST AMENDED
11/28/2007

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

44-45 - Screening

LAST AMENDED
11/28/2007

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

(a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances or exits; and

(d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

Paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

44-46 - Accessory Off-street Parking Spaces in Public Parking Garages

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-511 (In C1 Districts), 74-512 (In other Districts) or 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

44-47 - Parking Lot Maneuverability and Curb Cut Regulations

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:

(1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the

amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section 36-58.

44-48 - Parking Lot Landscaping

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility# #uses# and new open parking areas #accessory# to #commercial# or #community facility# #uses# shall comply with the provisions of Section 37-90 (PARKING LOTS), inclusive.

44-49 - Cross Access Connections in Manufacturing Districts in the Borough of Staten Island

LAST AMENDED
6/10/2009

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section 36-59 (Cross Access Connections in the Borough of Staten Island), inclusive.

Off-street Loading Regulations

44-50 - GENERAL PURPOSES

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect public health, safety,

and general welfare.

44-51 - Permitted Accessory Off-street Loading Berths

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 44-582 (Location of access to the street), 44-583 (Restrictions on location of berths near Residence Districts), 44-584 (Surfacing) and 44-585 (Screening).

44-52 - Required Accessory Off-street Loading Berths

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# after December 15, 1961, for the #community facility#, #commercial# or #manufacturing# #uses# listed in the table, except as otherwise provided in Sections 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) or 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses), as a condition precedent to the #use# of such #development#.

After December 15, 1961, if the #use# of any #building or other structure# or #zoning lot# is changed or #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the changed or #enlarged# portion of such #building# or of the #lot area# used for such #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS, ENLARGEMENTS OR CHANGES OF USE

Type of Use	For #Floor Area# (in square feet)	Required Berths
M1 M2 M3	First 10,000	1
Hospitals and related facilities* or prisons	Next 290,000	None
	Each additional 300,000 or fraction thereof	1

M1 M2 M3 Funeral establishments	First 10,000 Next 20,000 Any additional amount	1 1 1
M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2 Hotels, offices, or court houses	First 25,000 Next 75,000 Next 200,000 Each additional 300,000 or fraction thereof	None 1 1 1
M1-3 M1-5 M1-6 M2-2 M2-4 Hotels, offices, or court houses	First 100,000 Next 200,000 Each additional 300,000 or fraction thereof	None 1 1
M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2 #Commercial# #uses#. All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A. All amusement #uses# listed in Use Group 8A or 12A. All automotive service #uses# listed in Use Group 7D.	First 8,000 Next 17,000 Next 15,000 Next 20,000 Next 40,000 Each additional 150,000 or fraction thereof	None 1 1 1 1 1

M1-3 M1-5 M1-6 M2-2 M2-4 #Commercial# #uses#. All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A. All amusement #uses# listed in Use Group 8A or 12A. All automotive service #uses# listed in Use Group 7D.	First 25,000 Next 15,000 Next 60,000 Each additional 150,000 or fraction thereof	None 1 1 1
M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2 Services, wholesale, #manufacturing# or storage #uses#. All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. All #manufacturing# #uses# listed in Use Group 11A, 17B or 18A.	First 8,000 Next 17,000 Next 15,000 Next 20,000 Each additional 80,000 or fraction thereof	None 1 1 1 1
M1-3 M1-5 M1-6 M2-2 M2-4 Services, wholesale, #manufacturing# or storage #uses#. All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. All #manufacturing# #uses# listed in Use Group 11A, 17B or 18A.	First 15,000 Next 25,000 Next 40,000 Each additional 80,000 or fraction thereof	None 1 1 1

* Requirements in this table are in addition to area utilized for ambulance parking.

44-53 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, if any #building# or #zoning lot# contains two or more #uses# having different requirements for loading berths as set forth in Section 44-52 (Required Accessory Off-street Loading Berths), and if:

(a) the #floor area# of each separate #use# is less than the minimum #floor area# for which berths are required; and

(b) the total #floor area# of all the #uses# for which berths are required is greater than the smallest amount of #floor area# for which berths are required for any of the #uses# individually; then

off-street loading berths shall be provided as if the total #floor area# of the #uses# for which berths are required were used for that #use# for which the most berths are required.

44-54 - Wholesale, Manufacturing or Storage Uses Combined With Other Uses

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, except as provided in Section 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), if any #building# or #zoning lot# is used partly for wholesale, #manufacturing# or storage #uses# or any combination of such #uses#, and partly for any other #uses# set forth in the table in Section 44-52 (Required Accessory Off-street Loading Berths), at least 50 percent of the #floor area# in the #building# shall be subject to the requirements set forth for wholesale, #manufacturing# or storage #uses#, and the remainder shall be subject to the other applicable requirements.

44-55 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 44-582 (Location of access to the street):

Section 44-52 (Required Accessory Off-street Loading Berths)

Section 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements)

Section 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

44-56 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

44-57 - Joint Loading Berths Serving Two or More Buildings

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

(a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Sections 44-52 (Required Accessory Off-street Loading Berths), 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses);

(b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-58 - Additional Regulations for Permitted or Required Berths

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section.

44-581 - Size of required loading berths

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways, or

entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR REQUIRED ACCESSORY OFF-STREET LOADING BERTHS (in feet)

		Length	Width	Vertical Clearance
Hospitals and related facilities or prisons		33	12	12
Funeral establishments		25	10	8
Hotels, offices or court houses		33	12	12
#Commercial# #uses#*		33	12	14
Wholesale, #manu-facturing# or storage #uses# :	with less than 10,000 square feet of #floor area#	33	12	14
	with 10,000 square feet of #floor area# or more	50	12	14

* As set forth in the table in Section 44-52 (Required Accessory Off-street Loading Berths)

44-582 - Location of access to the street

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

The waiver provisions of Section 44-55 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

44-583 - Restrictions on location of berths near Residence Districts

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths on to the #street# shall be less than 30 feet from the district boundary.

44-584 - Surfacing

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

44-585 - Screening

LAST AMENDED
4/8/1998

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths which are located on #zoning lots# adjacent to the boundary of a #Residence District# shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

(a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

(1) shall be maintained in good condition at all times;

(2) may be interrupted by normal entrances or exits; and

(3) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

44-586 - Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas

LAST AMENDED
12/19/2017

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in

APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Sections 44-52 (Required Accessory Off-street Loading Berths) and 44-581 (Size of required loading berths) are modified as set forth in this Section.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (a) or (b)(1) of Section 42-121 (Use Group 16D self-service storage facilities), all required #accessory# off-street loading berths for a #self-service storage facility# shall have a minimum length of 37 feet. The dimensions of off-street loading berths shall not include driveways, or entrances to or exits from such off-street loading berths.

The number of #accessory# off-street loading berths required for #uses# occupying #industrial floor space# shall be as set forth in the following table:

#Floor Area# (in square feet)	Required Loading Berths
First 15,000	None
Next 25,000	1
Next 40,000	1
Each additional 80,000 or fraction thereof	1

Additional loading berths shall not be required for a change of #use# within an existing #building# from Use Group 16D to a #self-service storage facility#.

44-60 - BICYCLE PARKING

LAST AMENDED
4/22/2009

M1 M2 M3

In all districts, as indicated, the provisions of Section 36-70 (BICYCLE PARKING), inclusive, shall apply to all permitted #commercial# and #residential uses#. In addition, for #manufacturing# #uses#, #accessory# bicycle parking spaces shall be excluded from the definition of #floor area#, provided that:

(a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by one bicycle parking space per 10,000 square feet of #floor area#; and

(b) the #accessory# bicycle parking spaces provided meet the standards for #accessory# bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces);

However, in no event shall #accessory# bicycle parking spaces be excluded from the calculation of #floor area# in the case of #single-# or #two-family residences# or in the case of #accessory# bicycle parking spaces provided off-site pursuant to Section 36-74 (Certification for Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article V - Non-Conforming Uses and Non-Complying Buildings

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Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Statement of Legislative Intent

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Statement of Legislative Intent

51-00 - PURPOSE OF REGULATIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

LAST AMENDED
10/25/1995

The zoning districts established in this Resolution (as set forth in the district regulations in Articles II, III and IV and on the zoning maps) are designed to guide the future use of the City's land by encouraging the development of desirable residential, commercial and manufacturing areas with appropriate groupings of compatible and related uses and thus to promote and to protect public health, safety and general welfare.

As a necessary corollary, in order to carry out such purposes, non-conforming uses which adversely affect the development of such areas must be subject to certain limitations. The regulations governing non-conforming uses set forth in this Chapter are therefore adopted in order to provide a gradual remedy for existing undesirable conditions resulting from such incompatible non-conforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, these regulations are designed to restrict further investment in such uses, which would make them more permanent establishments in inappropriate locations.

In the case of a few objectionable non-conforming uses which are detrimental to the character of the districts in which such uses are located, a reasonable statutory period of life is established for such uses, in order to permit the owner gradually to make his plans for the future during the period when he is allowed to continue the non-conforming uses of his property, thereby minimizing any loss, while at the same time assuring the public that the district in which such non-conformity exists will eventually benefit from a more nearly uniform character.

In the case of buildings not complying with the bulk regulations of this Resolution, the regulations governing non-complying buildings set forth in this Chapter are adopted in order to permit the appropriate use of such buildings but to prevent the creation of additional non-compliances or increases in the degree of existing non-compliances.

These regulations are thus designed to preserve the character of the districts established in this Resolution in the light of their peculiar suitability to particular uses, and thus to promote and protect public health, safety and general welfare.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Non-Conforming Uses

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Non-Conforming Uses

52-00 - DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

52-01 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

52-02 - Applicability of Article V, Chapter 2

LAST AMENDED
10/10/2013

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

52-10 - CONTINUATION OF NON-CONFORMING USE

LAST AMENDED
12/15/1961

52-11 - General Provisions

LAST AMENDED
12/15/1961

A #non-conforming# #use# may be continued, except as otherwise provided in this Chapter.

52-20 - REPAIRS OR ALTERATIONS

LAST AMENDED
12/15/1961

52-21 - Repairs and Incidental Alterations

LAST AMENDED
12/15/1961

Repairs to both structural and non-structural parts or #incidental alterations# may be made in a #building or other structure# substantially occupied by a #non-conforming# #use#, or in connection with a permitted change or #extension# of a #non-conforming# #use#.

52-22 - Structural Alterations

LAST AMENDED
12/21/1989

No structural alterations shall be made in a #building or other structure# substantially occupied by a #non-conforming# #use#, except when made:

(a) in order to comply with requirements of law; or

(b) in order to accommodate a conforming #use#; or

(c) in order to conform to the applicable district regulations on performance standards; or

(d) in the course of an #enlargement# permitted under the provisions of Sections 52-41 to 52-46, inclusive, relating to Enlargements or Extensions,

or except as set forth in Sections 52-81 to 52-83, inclusive, relating to Regulations Applying to Non-Conforming Signs.

52-30 - CHANGE OF NON-CONFORMING USE

LAST AMENDED
12/15/1961

52-31 - General Provisions

LAST AMENDED
5/8/2013

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group. However, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

Except as provided in this Section, a #non-conforming# #use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8, shall apply to such change of #use#.

In #Mandatory Inclusionary Housing areas# and where made applicable pursuant to the provisions of Section 74-32 (Additional considerations for special permit use and bulk modifications), the #affordable housing# requirements of paragraph (d) of Section 23-154 (Inclusionary Housing), except maximum #floor area ratio#, shall apply to such change of #use#.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residences# of Article II (Residence District Regulations).

A #non-conforming# #use# may be changed to another #non-conforming# #use# only in accordance with the provisions of this Chapter.

Any such change of #use# permitted by this Chapter shall conform to the applicable district regulations on #accessory# off-street loading berths as set forth in Section 52-41 (General Provisions) and on #accessory# #signs#, except that in #Residence Districts# such change shall conform to the regulations on #accessory# #signs# applicable in a C1 District.

In the #Manhattan Core#, a #non-conforming# #use# may be changed to an automobile rental establishment, #public parking garage# or #public parking lot# in Use Groups 8 and 12D only pursuant to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), a #non-conforming# #use# may be changed to a #public parking garage# or #public parking lot# in Use Groups 8 and 12D only pursuant to the provisions of Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

52-32 - Land with Minor Improvements

LAST AMENDED
12/15/1961

In all #Residence# and #Commercial Districts#, a #non-conforming# #use# of #land with minor improvements# may be changed only to a conforming #use#.

52-33 - Manufacturing or Related Uses in Residence Districts

LAST AMENDED
12/15/1961

52-331 - Buildings designed for residential use

LAST AMENDED
12/15/1961

In all #Residence Districts#, a #non-conforming# #use# listed in Use Group 11A, 16, 17 or 18 which is located in a #building designed for residential use# may be changed only to a #use# permitted in #Residence Districts#.

52-332 - Other buildings or structures in Residence Districts

LAST AMENDED
8/16/1990

In all #Residence Districts#, a #non-conforming# #use# listed in Use Group 11A, 16, 17 or 18 which is not subject to the provisions of Sections 52-32 (Land with Minor Improvements) or 52-331 (Buildings designed for residential use), may be changed either to a conforming #use# or:

(a) to any #use# listed in Use Group 6, 7B, 7C, 7D, 8, 9, 10, 11B or 14, in which case any subsequent change of #use# shall conform to the provisions of Section 52-34 (Commercial Uses in Residence Districts); or

(b) in accordance with the provisions of the following table:

From Use Group	To Use Group
11A	11A
16 or 17	11A 16 or 17

18	11A 16 17 or 18

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use#, or the storage of materials or products #accessory# to any changed #use#, which is not located within a #completely enclosed building#, shall be screened by a solid wall or fence (including solid entrance or exit gates) at least eight feet in height. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

In no event shall any change of #use# permitted in paragraph (b) of this Section extend the statutory period of useful life applicable under the provisions of Section 52-74 (Uses Objectionable in Residence Districts).

52-34 - Commercial Uses in Residence Districts

LAST AMENDED
2/2/2011

In all #Residence Districts#, a #non-conforming# #use# listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6. In the case of any such change, the limitation on #floor area# set forth in Section 32-15 (Use Group 6) shall not apply. Eating or drinking establishments with musical entertainment, but not dancing, thus permitted as a change of #use#, shall be subject to the enclosure provisions of Section 32-411.

52-35 - Manufacturing or Related Uses in Commercial Districts

LAST AMENDED
8/16/1990

In all #Commercial Districts#, a #non-conforming# #use# listed in Use Group 11A, 16, 17 or 18 which is not subject to the provisions of Section 52-32 (Land with Minor Improvements), may be changed either to a conforming #use# or:

(a) to a #use# listed in Use Group 6, 7, 8, 9, 10, 11B or 14, in which case any subsequent change of #use# shall conform to the provisions of Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts); or

(b) in accordance with the provisions of the following table:

From Use Group	To Use Group
11A	11A
16 or 17	11A 16 or 17
18	11A 16 17 or 18

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use# or any storage of materials or products #accessory# to any changed #use# shall be located within a #completely enclosed building#. Whenever a #use# located within a #completely enclosed building# is changed to another #use#,

no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

However, in C1, C3, C4 or C5 Districts, a #non-conforming# #use# listed in Use Group 11A, 16, 17 or 18, which is not subject to the provisions of Section 52-32, may not be changed to a #motel# or #tourist cabin#.

52-36 - Non-Conforming Commercial Uses in Commercial Districts

LAST AMENDED
8/16/1990

In C1, C2, C4, C6, C7 or C8 Districts, any #non-conforming# #use# listed in Use Group 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to any #use# listed in Use Group 7, 8 or 9.

In C3 Districts, any such #non-conforming# #use# may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6.

However, in C1 or C4 Districts, a #non-conforming# #use# may not be changed to a #motel# or #tourist cabin#.

52-37 - Non-Conforming Commercial Uses in Manufacturing Districts

LAST AMENDED
8/15/1974

In all #Manufacturing Districts#, any #non-conforming# #use# listed in Use Group 5, 6, 7, 9, 10, 12 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to any #use# listed in Use Group 6, 9, 10 or 12.

52-38 - Special Regulations for Adult Establishments

LAST AMENDED
10/25/1995

In all districts, a #non-conforming# #use# may not be changed, initially or in any subsequent change, to an #adult establishment#, except as provided in Sections 32-01 or 42-01 (Special Provisions for Adult Establishments).

52-40 - ENLARGEMENTS OR EXTENSIONS

LAST AMENDED
12/15/1961

52-41 - General Provisions

LAST AMENDED
5/8/2013

A #non-conforming# #use# may be #enlarged# or #extended# within the district in which such #non-conforming# #use# is located only in accordance with the provisions of this Chapter. However, a #non-conforming# #single-# or #two-family residence# in an R3, R4 or R5 District may be #enlarged# or #extended# in accordance with the #bulk# regulations specified for the district in which it is located. Furthermore, #enlargements# or #extensions# designed exclusively to permit conformity with the regulations on performance standards or in order to provide required #accessory# off-street parking spaces or off-street

loading berths on the same #zoning lot# as the #use# to which such spaces or berths are #accessory# are not subject to the restrictions set forth herein.

For the purposes of this Section and Sections 52-31 (General Provisions), 52-42 (C6, C8 or Manufacturing Districts) and 52-43 (C1 or C4 Districts), the applicable district regulations on #accessory# off-street parking spaces or loading berths shall be determined in accordance with the following tables. The term "required" as used in this Section shall mean some or all of, but not more than, the number of spaces or berths which would be required by such applicable district regulations for #development# for such #use#.

APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING COMMERCIAL OR MANUFACTURING USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
R1 R2 R3 R4 R5 R6 R7-1	M3-1
C1-1 C1-2 C1-3 C1-4	M3-1
C2-1 C2-2 C2-3 C2-4	M3-1
C3	M3-1
C4-1 C4-2 C4-3 C4-4	M3-1
C7	M3-1
C8-1 C8-2 C8-3	M3-1
M1-1 M1-2 M1-3	M3-1
M2-1 M2-2	M3-1
R7-2 R8 R9 R10	M3-2
C1-5 C1-6 C1-7 C1-8 C1-9	M3-2
C2-5 C2-6 C2-7 C2-8	M3-2
C4-5 C4-6 C4-7	M3-2

C5	M3-2
C6	M3-2
C8-4	M3-2
M1-4 M1-5 M1-6	M3-2
M2-3 M2-4	M3-2

APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING RESIDENTIAL OR COMMUNITY FACILITY USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
C8-1 C8-2 C8-3	R5
M1-1 M1-2 M1-3	R5
M2-1 M2-2	R5
M3-1	R5
C8-4	R10
M1-4 M1-5 M1-6	R10
M2-3 M2-4	R10
M3-2	R10

APPLICABLE OFF-STREET LOADING REGULATIONS

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable

R1 R2 R3 R4 R5 R6	M2-1
C1 mapped within R1 R2 R3 R4 R5 R6	M2-1
C2 mapped within R1 R2 R3 R4 R5 R6	M2-1
C3	M2-1
C4-1 C4-2 C4-3	M2-1
C7	M2-1
C8-1 C8-2	M2-1
M1-1 M1-2 M1-4	M2-1
R7 R8 R9 R10	M2-2
C1 mapped within R7 R8 R9 R10	M2-2
C2 mapped within R7 R8 R9 R10	M2-2
C1-6 C1-7 C1-8 C1-9	M2-2
C2-6 C2-7 C2-8	M2-2
C4-4 C4-5 C4-6 C4-7	M2-2
C5	M2-2
C6	M2-2
C8-3 C8-4	M2-2
M1-3 M1-5 M1-6	M2-2

For #non-conforming# #use# in #Residence Districts#, #accessory# off-street parking spaces or loading berths shall be subject to the provisions of Sections 25-66 or 25-77 (Screening).

In the #Manhattan Core#, #enlargements# or #extensions# of #non-conforming# #uses# which involve the provision of off-

street parking are subject to the regulations set forth in Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #enlargements# or #extensions# are subject to the regulations set forth in Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

52-42 - C6, C8 or Manufacturing Districts

LAST AMENDED
9/22/1966

Except for the #use# of #land with minor improvements#, in C6 or C8 Districts, a #non-conforming# #use# listed in Use Group 17 or 18, or in C8 or #Manufacturing Districts#, a #use# listed in Use Group 11A, 16, 17, or 18 which is #non-conforming# with respect to the applicable district regulations on performance standards, may be #enlarged# or #extended#, provided that:

(a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#; provided, however, that in no event shall any such #enlargement# or #extension# create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building or other structure#; and

(b) such #enlarged# or #extended# portion conforms to the applicable district regulations on performance standards and on #accessory# off-street parking spaces and loading berths, as set forth in Section 52-41 (General Provisions).

In the specified districts, such #use# may be #extended# into any #floor area# where it would be permitted as a changed #use# under the provisions of Section 52-35 (Manufacturing or Related Uses in Commercial Districts), provided that the applicable district regulations on performance standards and #accessory# off-street loading berths, as set forth in Section 52-41, shall apply to such #extended# #floor area#.

52-43 - C1 or C4 Districts

LAST AMENDED
9/22/1966

Except for the #use# of #land with minor improvements#, in C1 Districts, a #non-conforming# #use# listed in Use Group 7, 8 or 9, or, in C4 Districts, a #non-conforming# #use# listed in Use Group 7, may be #enlarged# or #extended#, provided that:

(a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#; provided, however, that in no event shall any such #enlargement# or #extension# create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building or other structure#; and

(b) such #enlarged# or #extended# portion conforms to the applicable district regulations on #accessory# off-street parking spaces and loading berths, as set forth in Section 52-41 (General Provisions).

In the specified districts, such #use# may be #extended# into any #floor area# where it would be permitted as a changed #use# under the provisions of Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts) provided that the applicable district regulations on #accessory# off-street loading berths, as set forth in Section 52-41, shall apply to such #extended# #floor area#.

In C1 Districts, no #extension# may be made in a #building designed for residential use#.

52-44 - Residence Districts Except R1 and R2 Districts

LAST AMENDED
2/2/2011

In all #Residence Districts#, except R1 and R2 Districts, a fire station may be #enlarged# or #extended#, provided that:

(a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#;

(b) such #enlargement# or #extension# shall not create a #non-compliance# or increase the degree of #non-compliance#; and

(c) such #enlarged# or #extended# portion conforms to the applicable district regulations on #accessory# off-street parking spaces as set forth in Section 52-41 (General Provisions).

#Community facility# #bulk# regulations as set forth in Article II, Chapter 4, shall apply to such #enlarged# or #extended# fire stations.

52-45 - Non-Conforming Residential Uses in M1 Districts

LAST AMENDED
9/21/2011

In an M1 District, a #non-conforming# #residential use# occupying at least 50 percent of the #floor area# of a #building# which was #designed for residential use# and erected prior to December 15, 1961, may be #extended# on the ground floor level provided that no #dwelling unit# or #rooming unit# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#. The total number of #dwelling units# or #rooming units# in the #building# may not be increased by more than one for each 400 square feet of #residential# #floor area# created by such #extension#.

52-46 - Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts

LAST AMENDED
12/21/1989

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a #building# containing conforming or #non-conforming# #residential uses# may be #enlarged# and the #residential uses# #extended# thereby, provided that no non-#residential uses# exist above the level of the first #story# ceiling.

Such #enlargement# is subject to all of the following regulations:

(a) There shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence on December 21, 1989.

(b) The total amount of #residential# #floor area# in the #building# shall not exceed 500 square feet additional to the #residential# #floor area# in existence on December 21, 1989, or a #floor area ratio# of 1.65, whichever is less.

(c) No #residential# #enlargement# shall be permitted within 30 feet of the #rear lot line#.

(d) No #enlarged# portion shall exceed a height of 32 feet above #curb level#.

(e) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988 shall be exempt from this requirement, provided such #enlarged# #building# does not exceed a height of two #stories#.

#Enlargements# in excess of those permitted in this Section, and #enlargements# that create additional #dwelling units# may be permitted by authorization of the City Planning Commission, pursuant to the regulations of Sections 42-47 (Residential Uses in M1-1D Through M1-5D Districts) and 42-48 (Supplemental Use Regulations in M1-6D Districts).

52-50 - DAMAGE OR DESTRUCTION

LAST AMENDED
12/15/1961

52-51 - General Provisions

LAST AMENDED
12/5/1990

Except as set forth in Sections 52-81 to 52-83, inclusive, relating to Regulations Applying to Non-Conforming Signs, if a #non-conforming# #building or other structure# is damaged, destroyed or demolished, the provisions set forth in Sections 52-52 to 52-56, inclusive, shall apply.

However, if a #non-conforming# #single-# or #two-family residence# in an R3, R4, or R5 District is damaged, destroyed or demolished, such #building# may be continued in #use# and reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations.

52-52 - Land with Minor Improvements

LAST AMENDED
2/2/2011

In all districts, if a #non-conforming# #building or other structure# or other improvement located on #land with minor improvements# is damaged or destroyed by any means, including but not limited to, any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of the assessed valuation of all #buildings or other structures# or other improvements thereon (as determined from the assessment rolls effective on the date of damage or destruction), such #non-conforming# #use# shall terminate, and the #zoning lot# shall thereafter be used only for a conforming #use#.

52-53 - Buildings or Other Structures in All Districts

LAST AMENDED
12/15/1961

52-531 - Permitted reconstruction or continued use

LAST AMENDED
9/21/2011

In all districts, if any #building#, except a #building# subject to the provisions of Section 52-54 (Buildings Designed for Residential Use in Residence Districts), or of Section 52-56 (Multiple Dwellings in M1-1D Through M1-5D Districts), which is

substantially occupied by a #non-conforming# #use#, is damaged or destroyed by any means, including any demolition as set forth in Sections 52-50 et seq., to the extent of 50 percent or more of its total #floor area#, such #building# may either:

(a) be repaired or #incidentally altered#, and the existing #non-conforming# #use# may be continued; or

(b) be reconstructed, but only for a conforming #use#; provided, however, that in no event shall any such reconstruction create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building#.

However, where the damage or destruction is so great that the provisions in Sections 54-41 and 54-42 relating to Damage, Destruction or Demolition in Non-Complying Buildings also apply, the latter Sections shall govern the permitted #bulk# of the reconstructed #building#.

In addition, the alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section 11-23 (Demolition and Replacement).

In applying the provisions of this Section to damaged or destroyed structures, substantially utilized by a #non-conforming# #use#, any appropriate measure of the size of such structures shall be substituted for #floor area# in determining the extent of damage or destruction.

In the event that any demolition, damage or destruction of an existing #building# produces an unsafe condition requiring a Department of Buildings order or permit for further demolition of #floor area# to remove or rectify the unsafe condition, and the aggregate #floor area# demolished, damaged or destroyed including that ordered or permitted by the Department of Buildings constitutes 50 percent or more of the total #floor area# of such #building#, then such #building# may be repaired or reconstructed only in accordance with the provisions of paragraph (a) or (b) in this Section.

For the purposes of this Section, any #single-family# or #two-family residence# located within an M1-1D, M1-2D, M1-3D, M1-4D, M1-5D or M1-6D District and existing on June 20, 1988, shall be a conforming #use#.

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

52-532 - Use of alternative formula

LAST AMENDED
12/15/1961

In any case where the applicant alleges that #floor area# is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for #floor area#, an application may be made to the Board of Standards and Appeals to determine the extent of such damage or destruction.

If the Board finds that the costs of reconstructing the damaged or destroyed portion of such #building# to its previous condition exceed 50 percent of the costs of reconstructing the entire #building# to the condition existing on the date of such damage or destruction, the provisions of Section 52-531 (Permitted reconstruction or continued use) shall apply. In determining reconstruction costs, the cost of land shall be excluded.

52-54 - Buildings Designed for Residential Use in Residence Districts

LAST AMENDED
3/28/1985

In all #Residence Districts#, if the #floor area# occupied by #non-conforming# #uses# within a #building designed for residential

use# is damaged or destroyed by any means, including but not limited to, any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of such #floor area#, such #building# may be continued in #use# or reconstructed only in accordance with the provisions of Section 52-53 (Buildings or Other Structures in All Districts) except that the 25 percent ratio set forth in this Section shall apply instead of the 50 percent ratio set forth in Section 52-53.

52-55 - Lesser Damage or Destruction

LAST AMENDED
2/2/2011

In the event that a #building or other structure# substantially occupied or utilized by a #non-conforming# #use# is damaged or destroyed to a lesser extent than that specified in Sections 52-51 to 52-54, inclusive, relating to Damage, Destruction or Demolition, the #building or other structure# may be restored and the #non-conforming# #use# of such #building or other structure# or #zoning lot# may be continued, provided that such restoration shall not create a #non-compliance# or increase the degree of #non-compliance#, if any, existing prior to such damage, destruction or demolition.

52-56 - Multiple Dwellings in M1-1D Through M1-5D Districts

LAST AMENDED
9/21/2011

In the case of damage or destruction of less than 75 percent of the total #floor area# of a #non-conforming# #building# containing three or more #dwelling units# in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such #building# may be repaired or reconstructed, and its #residential use# continued, subject to the following regulations:

(a) there shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence prior to such damage and destruction; and

(b) there shall be no increase to the pre-existing amount of #floor area# except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts).

#Enlargements# in excess of those permitted, pursuant to paragraph (b) of this Section, and #enlargements# that create additional #dwelling units#, may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts).

52-60 - DISCONTINUANCE

LAST AMENDED
12/15/1961

52-61 - General Provisions

LAST AMENDED
10/7/1976

If, for a continuous period of two years, either the #non-conforming# #use# of #land with minor improvements# is discontinued, or the active operation of substantially all the #non-conforming# #uses# in any #building or other structure# is discontinued, such land or #building or other structure# shall thereafter be used only for a conforming #use#. Intent to resume active operations shall not affect the foregoing.

The provisions of this Section shall not apply where such discontinuance of active operations is directly caused by war, strikes or other labor difficulties, a governmental program of materials rationing, or the construction of a duly authorized improvement project by a governmental body or a public utility company.

Except in Historic Districts as designated by the Landmarks Preservation Commission, the provisions of this Section shall not apply to vacant ground floor or #basement# stores in #buildings designed for residential use# located in R5, R6 or R7 Districts where the changed or reactivated #use# is listed in Use Group 6A, 6B, 6C or 6F excluding post offices, veterinary medicine for small animals, automobile supply stores, electrolysis studios and drive-in banks. In addition, the changed or reactivated #use# shall be subject to the provisions of Section 52-34 (Commercial Uses in Residence Districts).

52-62 - Buildings Containing Residences in M1-1D Through M1-5D Districts

LAST AMENDED
9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

(a) #Residential uses# in such #buildings# may be reactivated as-of-right, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not exceed 60 feet in length (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet); and

(3) the #zoning lots# #abutting# on both #side lot lines# and fronting on the same #street# (or #streets#, if a #corner lot#) are occupied by #buildings designed for residential use# and contain no #manufacturing# #uses#.

(b) #Residential uses# in such #buildings# may be reactivated by authorization of the City Planning Commission, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not form a continuous frontage with vacant land or #land with minor improvements# whose aggregate length exceeds 60 feet (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet);

(3) the #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by either:

(i) a #building designed for residential use# or a #community facility# #building#; or

(ii) a #building# originally designed as #dwelling units# or #rooming units# for which an application to reactivate #residential use# in such #building# has been combined with the subject application;

(4) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #community facility# #buildings# or #buildings# containing #residences#; and

(5) the Commission finds that:

(i) reactivating the #residential use# will not adversely affect #manufacturing# or #commercial# #uses# in the district; and

(ii) such #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, or other adverse impacts from #manufacturing# or #commercial# #uses#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

The number of #dwelling units# permitted in such reactivated #building# containing #residences# shall not exceed the greater of the number of lawful #dwelling units# last recorded by the Department of Buildings, or one #dwelling unit# for every 675 square feet of total net #residential# #floor area# as defined in Section 28-02 (Definitions).

No #dwelling unit# shall be permitted on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Sections 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts) or 42-47 (Residential Uses in M1-1D Through M1-5D Districts) as applicable.

52-70 - TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

LAST AMENDED
12/15/1961

52-71 - General Provisions

LAST AMENDED
10/25/1995

In specified districts, specified #non-conforming# #signs#, specific #non-conforming# #uses# of #land with minor improvements#, specified #non-conforming# objectionable #uses#, certain specific types of #uses# involving open storage or salvage, #non-conforming# #adult establishments#, or certain #non-conforming# #public parking lots# may be continued for a reasonable period of useful life as set forth in this Chapter, provided that after the expiration of that period such #non-conforming# #uses# shall terminate in accordance with the provisions of this Chapter.

52-72 - Land with Minor Improvements

LAST AMENDED
12/15/1961

In all #Residence Districts#, a #non-conforming# #use# of #land with minor improvements# listed in Use Group 11A, 16, 17 or 18 may be continued for three years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #use# shall terminate, and thereafter such land shall be used only for a conforming #use#.

52-73 - Non-Conforming Signs

LAST AMENDED
12/15/1961

52-731 - Advertising signs

LAST AMENDED

5/22/1963

In all #Residence Districts#, a #non-conforming# #advertising sign# may be continued for 10 years after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, providing that after the expiration of that period such #non-conforming# #advertising sign# shall terminate.

52-732 - Signs on awnings or canopies

LAST AMENDED
12/15/1961

In all #Residence# or #Commercial Districts#, a #non-conforming# #sign# on an awning or canopy may be continued for one year after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #sign# shall terminate.

52-733 - Advertising signs on waterways

LAST AMENDED
4/8/1998

On all waterways adjacent to #Residence#, #Commercial# or #Manufacturing Districts# and within view from an arterial highway, a #non-conforming# #advertising sign# may be continued for one year after July 23, 1964, if already in operation on April 15, 1964; provided that after the expiration of this period such #non-conforming# #advertising sign# shall terminate.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

52-734 - Non-conforming signs for adult establishments

LAST AMENDED
4/8/1998

In all districts, a #non-conforming# #sign# for an #adult establishment# shall terminate within one year from October 25, 1995, or from such later date that such #sign# becomes #non-conforming#, except that such #sign# may be continued for a limited period of time by the Board of Standards and Appeals, pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS).

52-74 - Uses Objectionable in Residence Districts

LAST AMENDED
2/8/1968

In all #Residence Districts#, any of the following objectionable #uses# listed in Use Group 18, other than a #use# of #land with minor improvements#:

Coal storage;

Dumps, marine transfer stations for garbage, or slag piles;

Junk or salvage yards, including auto wrecking or similar establishments (whether or not such yard is enclosed);

Lumber yards (whether or not such yard is enclosed);

Manure, peat or topsoil storage;

Scrap metal, junk, paper or rags storage, sorting or baling (whether or not the yard in which such #use# is conducted is enclosed);

that:

(a) involves activities not located within a #completely enclosed building#; and

(b) involves the #use# of #buildings or other structures# or other improvements with a total assessed valuation, excluding land, of less than $20,000 as determined from the assessment rolls effective on the date established for termination;

may be continued for 10 years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #use# shall terminate, and thereafter such land or #building or other structure# shall be used only for a conforming #use#.

52-75 - Certain Types of Uses Involving Open Storage or Salvage

LAST AMENDED
2/8/1968

In all districts, #non-conforming# building materials or contractors' yards, or #non-conforming# junk or salvage yards, including auto wrecking or similar establishments, or #non-conforming# scrap metal, junk, paper or rags storage, sorting or baling may be continued subject to the applicable provisions set forth herein, whichever impose the greater restriction.

(a) In #Residence Districts#, where such #use# constitutes a #non-conforming# #use# of #land with minor improvements#, the provisions of Section 52-72 (Land With Minor Improvements) apply.

(b) In #Residence Districts#, where such #use# constitutes a #use# other than a #use# of #land with minor improvements#, and meets the criteria set forth in Section 52-74 (Uses Objectionable in Residence Districts), the provisions of Section 52-74 apply.

(c) In all districts where such #use# is #non-conforming# with respect to the required enclosure as set forth in the listing of such #use# in Sections 42-14 (Use Group 17) or 42-15 (Use Group 18), and is either conforming or #non-conforming# in other respects, it may be continued without such enclosure until a date three years from February 8, 1968, or from such later date that the #use# becomes #non-conforming#. Thereafter, any such #use# which does not conform with the enclosure requirements shall be terminated, and the land shall be used only for a conforming #use#.

52-77 - Termination of Adult Establishments

LAST AMENDED
10/25/1995

In all districts, a #non-conforming# #adult establishment# shall terminate within one year from October 25, 1995, or from such later date that the #adult establishment# becomes #non-conforming#, except that such establishment may be continued for a limited period of time by the Board of Standards and Appeals pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS). However, the provisions of this Section shall not apply to an #adult establishment# subject to the provisions of paragraph (f) of Section 32-01 or 42-01 (Special Provisions for Adult Establishments).

52-80 - REGULATIONS APPLYING TO NON-CONFORMING SIGNS

LAST AMENDED
12/15/1961

52-81 - General Provisions

LAST AMENDED
4/8/1998

A #non-conforming# #sign# shall be subject to all the provisions of this Chapter relating to #non-conforming# #uses#, except as modified by the provisions of Sections 52-82 (Non-Conforming Signs other than Advertising Signs) and 52-83 (Non-Conforming Advertising Signs).

A change in the subject matter represented on a #sign# shall not be considered a change of #use#.

52-82 - Non-Conforming Signs other than Advertising Signs

LAST AMENDED
4/8/1998

Any #non-conforming# #sign#, except a #flashing sign# or a #sign# subject to the provisions of Section 52-734 (Non-conforming signs for adult establishments), and except any #advertising signs# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

(a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;

(b) an increase in the #surface area# of such #sign#; or

(c) an increase in the degree of illumination of such #sign#.

However, any structural alteration, reconstruction or replacement of a #non-conforming# #sign# #accessory# to a #non-conforming# #use# shall be subject to the provisions of Section 52-31 (General Provisions).

To the extent that such structural alteration, reconstruction or replacement of #non-conforming# #signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

52-83 - Non-Conforming Advertising Signs

LAST AMENDED
7/29/2010

In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections 32-66 or 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), any #non-conforming# #advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

(a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;

(b) an increase in the #surface area# of such #sign#; or

(c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming# #advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #non-conformity# or #non-compliance#, provided such #sign# is reconstructed pursuant to a Certificate of Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section 52-61 shall not apply to such #sign#, provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming# #advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Conforming Uses in Violation of Supplementary Use Regulations

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Chapter 3 - Conforming Uses in Violation of Supplementary Use Regulations

53-00 - GENERAL PROVISIONS

LAST AMENDED
4/23/1964

The provisions of this Chapter shall apply to all conforming #uses# which are in violation of the provisions of Sections 32-41 and 32-42, relating to Supplementary Use Regulations, or Sections 32-51 and 32-52, relating to Special Provisions Applying Along District Boundaries, or Sections 42-41, 42-42, 42-44 and 42-45, relating to Supplementary Use Regulations and Special Provisions Applying Along District Boundaries.

53-10 - CONTINUATION

LAST AMENDED
12/15/1961

All such conforming #uses# in violation of the supplementary #use# regulations, or of the special provisions applying along district boundaries may be continued, subject to the other provisions of this Chapter.

53-20 - CHANGE OF USE

LAST AMENDED
12/15/1961

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations, or of the special provisions applying along district boundaries, may be changed to another #use#, and the changed #use# need not meet such district regulations, except as set forth herein, provided that such changed #use# shall not create new instances of such violation or increase the amount of violation previously existing.

Any such changed #use# and all #accessory# storage of materials and products shall meet the requirements set forth in Sections 32-41 (Enclosure within Buildings), 42-41 (Enclosure of Commercial or Manufacturing Activities) or 42-42 (Enclosure or Screening of Storage).

53-30 - ENLARGEMENTS OR EXTENSIONS

LAST AMENDED
12/15/1961

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations, or of the special provisions applying along district boundaries, may be #enlarged# or #extended#, provided that the #extended# or #enlarged# #floor area# shall not create new instances of such violation or increase the degree of violation previously existing.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Non-Complying Buildings

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Chapter 4 - Non-Complying Buildings

54-00 - GENERAL PROVISIONS

LAST AMENDED
12/15/1961

54-01 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

54-02 - Applicability of Article V, Chapter 4

LAST AMENDED
10/10/2013

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

54-10 - CONTINUATION OF USE

LAST AMENDED
12/15/1961

54-11 - General Provisions

LAST AMENDED
12/15/1961

The #use# of a #non-complying# #building or other structure# may be continued, except as otherwise provided in this Chapter.

54-20 - REPAIRS OR ALTERATIONS

LAST AMENDED
12/15/1961

54-21 - General Provisions

LAST AMENDED
12/15/1961

Repairs, #incidental alterations#, or structural alterations may be made in a #non-complying# #building or other structure#, except that such alterations made in the course of an #enlargement# shall be subject to the provisions of Section 54-31 (General Provisions).

54-30 - ENLARGEMENTS OR CONVERSIONS

LAST AMENDED
12/15/1961

54-31 - General Provisions

LAST AMENDED
2/2/2011

Except as otherwise provided in Section 54-313, a #non-complying# #building or other structure# may be #enlarged# or #converted#, provided that no #enlargement# or #conversion# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# of a #building or other structure# or any portion thereof.

54-311 - Buildings containing rooming units

LAST AMENDED
2/2/2011

If a #building# or portion of a #building# contains #rooming units#, such #rooming units# may be #converted# to #dwelling units# in accordance with the provisions of Section 15-111 (Number of permitted dwelling units).

54-312 - Modification of provisions

LAST AMENDED
12/15/1961

The Board of Standards and Appeals may modify the above requirements in accordance with the provisions of Sections 73-61 (General Provisions) and 73-65 (Enlargement of Public Utility Facilities).

54-313 - Single- or two-family residences with non-complying front yards or side yards

LAST AMENDED
4/30/2012

(a) In R4 Districts, except R4-1, R4A and R4B Districts, and in R5 Districts other than R5B Districts, for an existing #single-# or #two-family residence# with a #non-complying# #front yard#, an #enlargement# involving a vertical extension of existing #building# walls facing such #non-complying# #front yard# is permitted, provided the following conditions are met:

(1) the portion of the #building# which is being vertically extended complies with the height and setback regulations specified for the district in which it is located; and

(2) the #non-complying# #front yard# where the #building# wall is being vertically extended is at least 10 feet in depth.

Notwithstanding the above, the provisions of this paragraph (a) shall also be applicable in R4A Districts in #lower density growth management areas#.

(b) In all districts, for an existing #single-# or #two-family residence# with a #non-complying# #side yard#, an #enlargement# involving a vertical extension of existing #building# walls facing such #non-complying# #side yard# is permitted, provided the following conditions are met:

(1) the portion of the #building# which is being vertically extended complies with the height and setback regulations applicable to an R3-2 District;

(2) the #non-complying# #side yard# where the #building# wall is being vertically extended is at least three feet in width and the minimum distance between such #building# wall and the nearest #building# wall or vertical prolongation thereof on an adjoining #zoning lot# across the common #side lot line# is eight feet;

(3) the #enlarged building# does not contain more than two #dwelling units#;

(4) there is no encroachment on the existing #non-complying# #side yard#, except as set forth in this Section; and

(5) the #enlargement# does not otherwise result in the creation of a new #non-compliance# or in an increase in the degree of #non-compliance#.

Notwithstanding the provisions set forth in paragraphs (a)(1) and (b)(1) of this Section, when an existing #building# has added exterior wall thickness pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), such vertical extensions may align with the location of the finished exterior #building# wall of the existing #building#.

54-314 - Modification by authorization

LAST AMENDED
7/26/2001

In R6, R7 or R8 Districts, for any substantial rehabilitation of one or more #non-complying# multiple dwellings which were in existence prior to December 15, 1961, the City Planning Commission may authorize the existing #open space# on the #zoning lot# to be reduced by not more than five percent and the existing #building# #floor area# on such #zoning lot# to be increased by not more than five percent, if the Commission finds that such modification of the applicable #bulk# regulations as set forth in Section 54-31 will result in an improved apartment design with adequate access of light and air and an improved circulation system. In the #Special Clinton District#, such authorizations may apply to complying multiple dwellings and may include a five percent increase in #lot coverage# and #floor area#. The Commission, in making the findings above may round out the #floor area# or #lot coverage# increase to the nearest percent.

No increase in the existing density and apartment #floor area# shall be permitted for such #buildings#.

54-40 - DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS

LAST AMENDED
2/2/2011

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

54-41 - Permitted Reconstruction

LAST AMENDED
2/2/2011

If a #non-complying# #building or other structure# is damaged or destroyed by any means, including any demolition as set forth in this Section, to the extent of 75 percent or more of its total #floor area#, such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations, except in the case of a one- or two-family #residence#, such

#residence# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations. If the extent of such damage or destruction is less than 75 percent, a #non-complying# #building# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations.

In addition, the alteration of such existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section 11-23 (Demolition and Replacement).

In the event that any demolition, damage or destruction of an existing #building# other than one- or two-family #residences# produces an unsafe condition requiring a Department of Buildings order or permit for further demolition of #floor area# to remove or rectify the unsafe condition, and the aggregate #floor area# demolished, damaged or destroyed including that ordered or permitted by the Department of Buildings constitutes 75 percent or more of the total #floor area# of such #building#, then such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations.

54-42 - Use of Alternative Formula

LAST AMENDED
12/15/1961

In any case where the applicant alleges that #floor area# is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for #floor area#, an application may be made to the Board of Standards and Appeals to determine the extent of the damage or destruction. Such a #building# may be reconstructed as provided in Section 54-41 (Permitted Reconstruction), substituting the ratio which the cost of reconstructing the damaged or destroyed portion of such #building# bears to the cost of reconstructing the entire #building#, for the percentage of total #floor area#. In determining reconstruction costs, the cost of land shall be excluded.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article VI - Special Regulations Applicable to Certain Areas

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Regulations Applying Around Major Airports

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Regulations Applying Around Major Airports

61-00 - GENERAL PROVISIONS

LAST AMENDED
10/25/1993

The maximum height of buildings or other structures shall be regulated by the special controls set forth in this Chapter established pursuant to the authority conferred under Article 14 of the General Municipal Law, in order to prevent the construction of obstructions to air navigation in the vicinity of major airports, and thus to protect the lives and property of persons residing within such vicinity and of persons in airplanes which are approaching, taking off from, or circling such airports, thereby promoting public health, safety, and general welfare.

The definitions applicable to this Chapter are set forth in Section 61-30.

61-10 - FLIGHT OBSTRUCTION AREAS FOR MAJOR AIRPORTS

LAST AMENDED
12/15/1961

61-11 - Designation of Major Airports

LAST AMENDED
10/25/1993

The major airports are hereby designated to include John F. Kennedy International, LaGuardia, and U.S. Naval Air Station (Floyd Bennett Field). For the purposes of this Chapter, the runways for such airports shall be the runways as shown in the diagrams in Section 61-42 (Runways for Major Airports).

61-12 - Establishment of Flight Obstruction Area; Division into Districts

LAST AMENDED
12/15/1961

A #flight obstruction area# is hereby established in the vicinity of any such major airport.

Each #flight obstruction area# shall be divided into two parts, the Airport Approach District and the Airport Circling District, as described in this Section (and as shown, for convenient reference only, in the #flight obstruction area# maps available on request at the offices of the City Planning Commission).

61-121 - Airport Approach District

LAST AMENDED
12/15/1961

The Airport Approach District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft approaching or taking off from the runways of such airport, and, more specifically, below the following #airport referenced imaginary surfaces#: the #approach surfaces#, the #transitional surfaces# and those parts of the #horizontal surface# and the #conical surface# which coincide with such #approach surfaces# and #transitional surfaces#.

61-122 - Airport Circling District

LAST AMENDED
12/15/1961

The Airport Circling District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft circling such airport and, more specifically, below the following #airport referenced imaginary surfaces#: those parts of the #horizontal surface# and the #conical surface# which do not coincide with the #approach surfaces# and the #transitional surfaces#.

61-20 - HEIGHT RESTRICTIONS

LAST AMENDED
12/15/1961

61-21 - Restriction on Highest Projection of Building or Structure

LAST AMENDED
12/15/1961

Notwithstanding any other provisions of this Resolution, except as provided in Section 61-22 (Permitted Projection within any Flight Obstruction Area), the highest projection of any #building or other structure# hereafter constructed or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall not penetrate:

(a) the #approach surfaces#, the #transitional surfaces#, the #horizontal surface#, or the #conical surface#, whichever is more restrictive, within the Airport Approach District of the #flight obstruction area#; and

(b) the #horizontal surface# or the #conical surface# within the Airport Circling District of the #flight obstruction area#.

61-22 - Permitted Projection within any Flight Obstruction Area

LAST AMENDED
12/15/1961

However, within a #flight obstruction area#, the highest projection of any such #building or other structure# may, in any event, extend to a height of 30 feet above #curb level#.

61-30 - DEFINITIONS

LAST AMENDED

Airport reference point (or points)

The "airport reference point" (or "points") is a point (or points) within the boundaries of each major airport, as indicated on the #flight obstruction area# maps for each such major airport. The point or points applicable to each major airport are set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Airport referenced imaginary surfaces

"Airport referenced imaginary surfaces" include the #horizontal surface#, the #conical surface#, the #approach surfaces# and the #transitional surfaces#.

Approach surfaces

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended center line of any runway. Such #approach surfaces#, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

(a) The plane of the inner section:

(1) begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway;

(2) extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 1,000 feet measured along the line described in paragraph (a)(1) of this Section, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in paragraph (a)(2) of this Section; and

(4) rises at a slope of one foot in height for every 50 feet of horizontal distance.

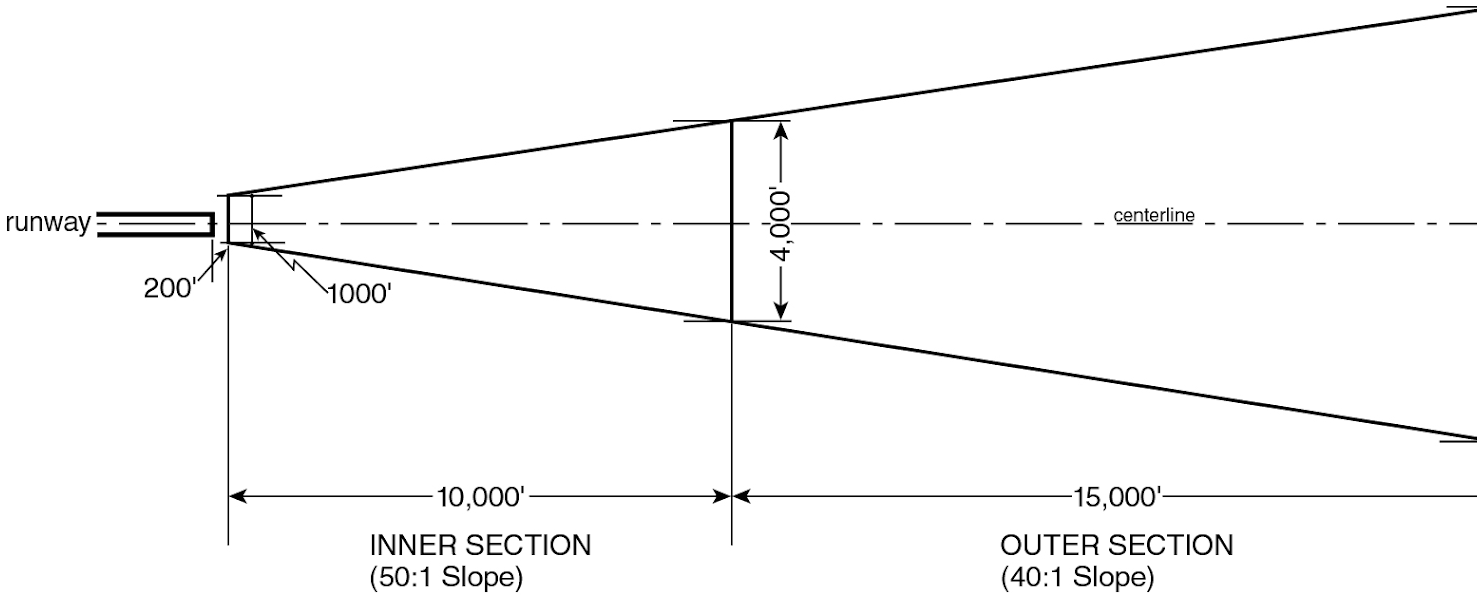
(b) The plane of the outer section:

(1) begins at the outer edge of the inner section;

(2) extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway center line) to a width of 8,500 feet at the outer edge of such outer section; and

(4) rises at a slope of one foot in height for every 40 feet of horizontal distance.



DESCRIPTION OF APPROACH SURFACE

Conical surface

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the #horizontal surface#, which:

(a) rises at a slope, measured in an imaginary vertical plane passing through the #airport reference point# (or #points#), of one foot for every 20 feet in horizontal distance; and

(b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Established airport elevation

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Flight obstruction area

The "flight obstruction area" comprises all areas of land or water below the #airport referenced imaginary surfaces# for each airport.

Horizontal surface

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which:

(a) is located at a height of 150 feet above the #established airport elevation# for any major airport; and

(b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Transitional surfaces

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all #approach surfaces#, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which:

(a) rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the center line of the runway; and

(b) extend to the point of intersection with the #horizontal surface# or the #conical surface#.

61-40 - TABLES OR DIAGRAMS

LAST AMENDED
12/15/1961

61-41 - Airport Reference Point, Established Elevation and Specified Radii

LAST AMENDED
10/25/1993

The #airport reference point# (or #points#), #established airport elevation#, and radii for the #horizontal# and #conical surfaces# for each such major airport shall be established as set forth in the following table:

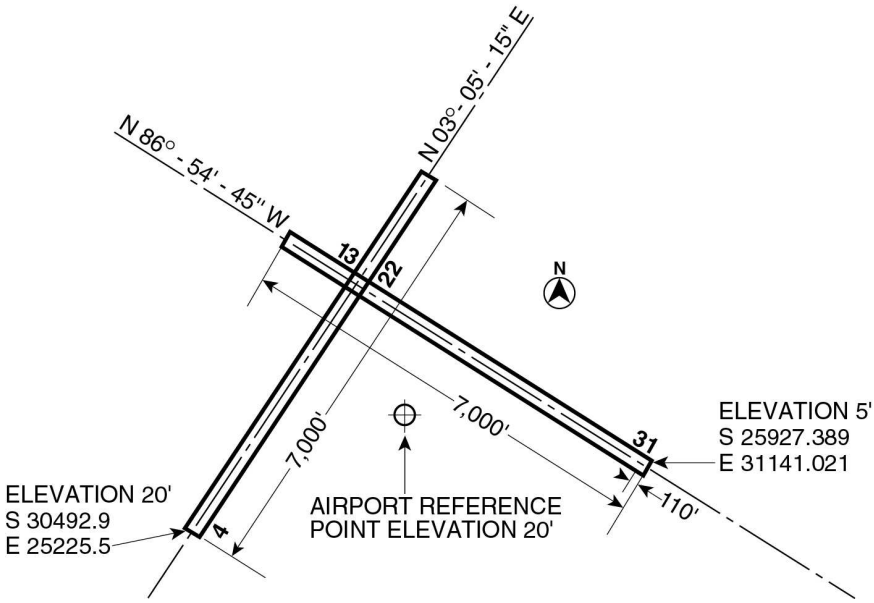
APPLICATION TO MAJOR AIRPORTS

#Airport Reference Points(s)#	LaGuardia	John F. Kennedy International	U.S. Naval Air Station (Floyd Bennett Field)
Primary point:			
North Latitude	40° 46’29.0"	40° 38’19.4"	40° 35’33.0"
West Longitude	73° 52’20.0"	73° 46’21.8"	73° 53’27.5"
Secondary Point:			
North Latitude	-	40° 38’57.9"	-
West Longitude	-	73° 47’47.9"	-
#Established airport elevation# (feet above mean sea level)	20	12	15
#Horizontal surface# radius, measured in feet from #airport reference point(s)#	10,000	13,000	11,500
#Conical surface# radius, measured in feet from #airport reference point(s)#	15,000	20,000	18,500

61-42 - Runways for Major Airports

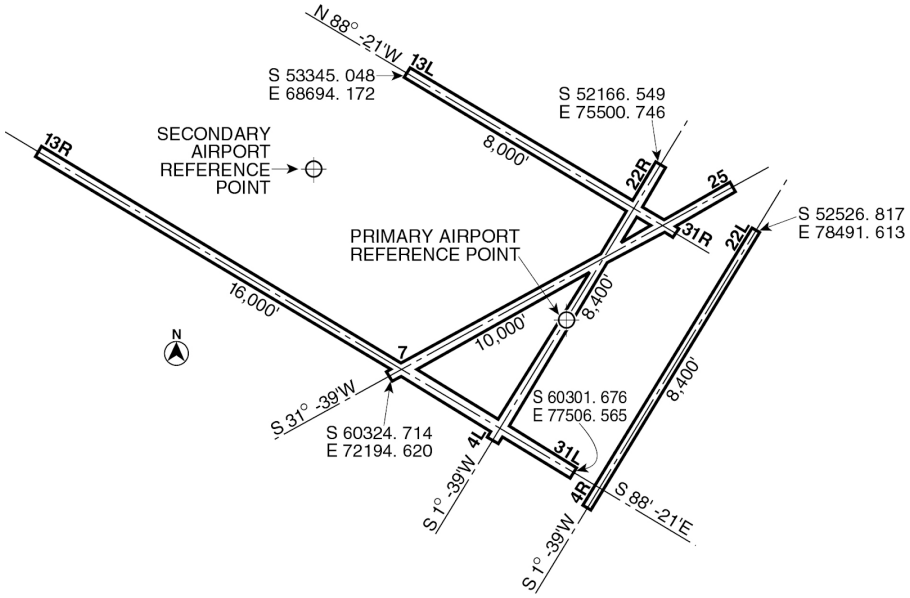
LAST AMENDED
10/25/1993

The runways for each such major airport shall be the runways set forth in the following diagrams:



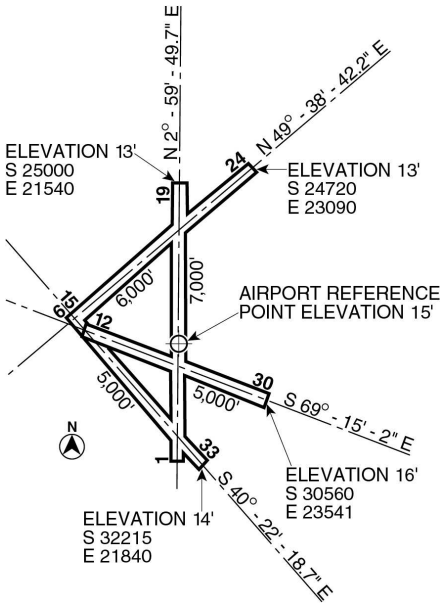
LaGUARDIA AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



J. F. KENNEDY INTERNATIONAL AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



U. S. NAVAL AIR STATION

(FLOYD BENNETT FIELD)

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Regulations Applying in the Waterfront Area

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Special Regulations Applying in the Waterfront Area

62-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

The provisions of this Chapter establish special regulations which are designed to guide development along the City's waterfront and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) to maintain and reestablish physical and visual public access to and along the waterfront;

(b) to promote a greater mix of uses in waterfront developments in order to attract the public and enliven the waterfront;

(c) to encourage water-dependent (WD) uses along the City's waterfront;

(d) to create a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities;

(e) to preserve historic resources along the City's waterfront;

(f) to protect natural resources in environmentally sensitive areas along the shore; and

(g) to allow waterfront developments to incorporate resiliency measures that help address challenges posed by coastal flooding and sea level rise.

62-10 - GENERAL PROVISIONS

LAST AMENDED
10/25/1993

62-11 - Definitions

†

LAST AMENDED
5/12/2021

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS) and Section 64-11 (Definitions).

Development

For the purposes of this Chapter, a “development” shall also include:

(a) an #enlargement#;

(b) any alteration that increases the height or coverage of an existing #building or other structure#;

(c) an #extension#; or

(d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section 62-21 (Classification of Uses in the Waterfront Area) to another such #use#.

However, a #development# shall not include incidental modifications to a #zoning lot#, including but not limited to, the addition of deployable flood control measures and any associated permanent fixtures, the addition of temporary structures such as trash receptacles, food carts or kiosks, and the incorporation of minor permanent structures such as light stanchions, bollards, fences, or structural landscaped berms and any associated flood gates. All such modifications shall remain subject to any associated permitted obstruction allowances, as applicable.

Floating structure

A “floating structure” is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a "temporary #floating structure#." Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

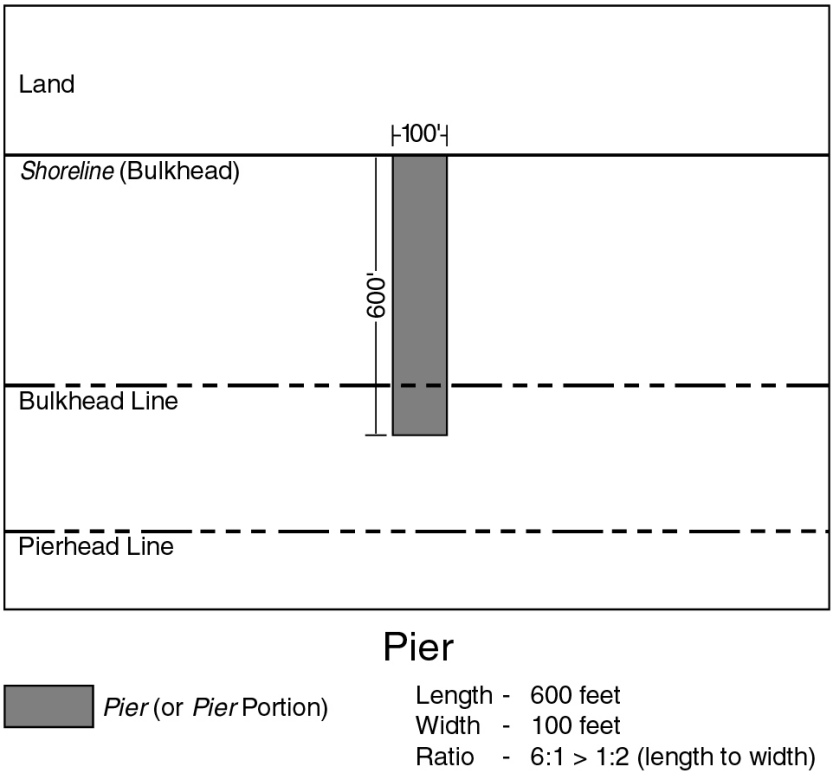
Pier

A “pier” is a structure at the water's edge, not otherwise defined as a #platform#, that is:

(a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or

(b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



(62 - 11.1)

Pier, existing

An “existing pier” is a #pier# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Pier, new

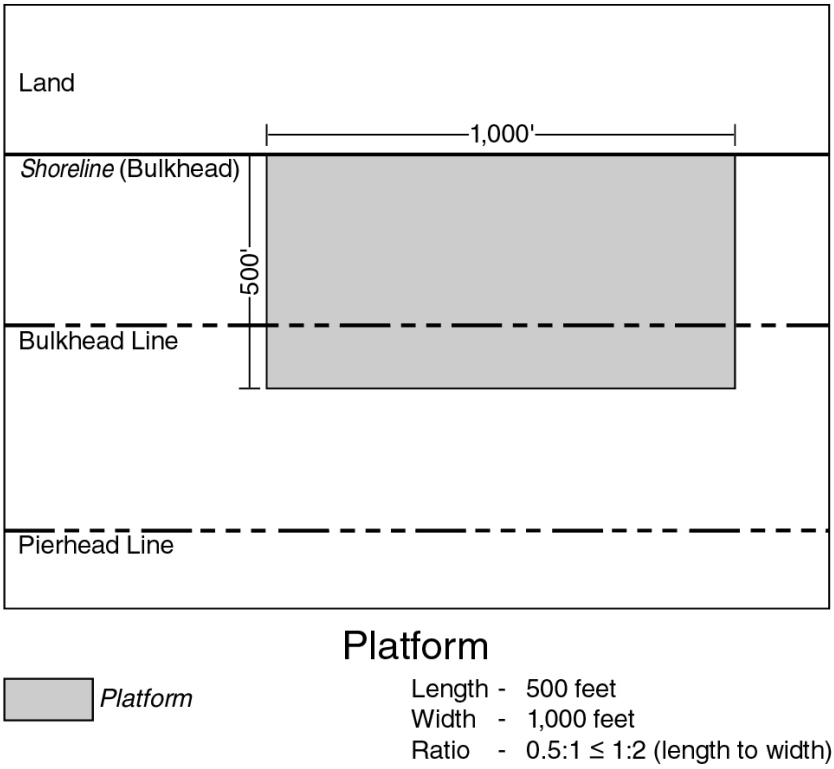
A “new pier” is any #pier# other than an #existing pier#.

Platform

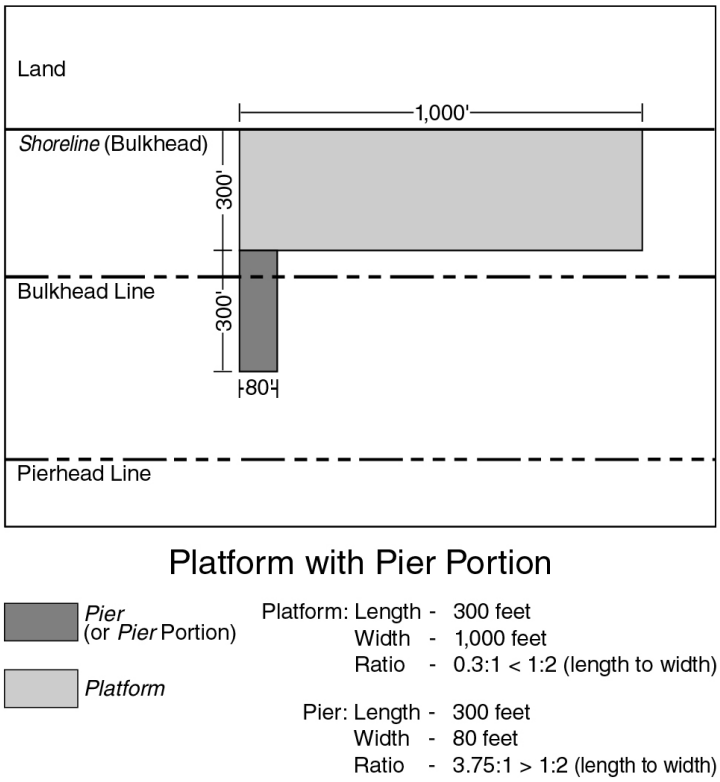
A “platform” is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

(a) is permanently connected to the land; and

(b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.



(62 - 11.2)



(62 - 11.3)

Platform, existing

An “existing platform” is a #platform# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Platform, new

A “new platform” is any #platform# other than an #existing platform#.

Predominant or predominantly

“Predominant” or “predominantly” shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area# or #pier# #water coverage#, as applicable.

Seaward lot

A “seaward lot” is the portion of a #waterfront zoning lot# located seaward of the bulkhead line, except for any land above water included as part of the #upland lot#.

SEAWARD/UPLAND LOTS
(62 - 11.4)

Shore public walkway

A “shore public walkway” is a linear public access area running alongside the shore or water edges of a #platform# on a #waterfront zoning lot#.

Supplemental public access area

A “supplemental public access area” is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements. A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

Tidal wetland area

A “tidal wetland area” is an area planted with species tolerant of saline water inundation that is located between the mean low water line and the landward edge of the stabilized natural shore or bulkhead. Such area may be used to satisfy requirements for #waterfront yards#, #shore public walkways# and planting in this Chapter.

Upland connection

An “upland connection” is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, #public park# or other accessible public place.

Upland lot

An “upland lot” is the portion of a #waterfront zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of

the bulkhead line, such land above water shall be included as part of the #upland lot# (see illustration of Seaward/Upland Lots).

Visual corridor

A “visual corridor” is a public #street# or open area within one or more #zoning lots# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

Water coverage

“Water coverage” is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

Waterfront block or waterfront zoning lot

A “waterfront block” or "waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

(a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;

(b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and

(c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a #public park# along the waterfront, shall be deemed outside of the #waterfront block#.

Waterfront public access area

A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or public access area on a #pier# or #floating structure#.

Waterfront yard

A “waterfront yard” is that portion of a #waterfront zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of the #shoreline#, stabilized natural shore, bulkhead or water edge of a #platform#, as applicable, for a depth or width as set forth in this Chapter.

62-12 - Applicability to Developments in the Waterfront Area

LAST AMENDED
2/2/2011

Within the #waterfront area#, all #developments# on #zoning lots# within #waterfront blocks# shall be subject to all provisions of this Chapter, unless stated otherwise. #Developments# on other #zoning lots# within the #waterfront area# shall be subject to the regulations of this Chapter only when part of a #large-scale development#, any portion of which is within a #waterfront block#, or when on #zoning lots# located in an area designated as part of a Waterfront Access Plan in accordance with Section 62-90 (WATERFRONT ACCESS PLANS). The provisions of this Chapter shall not be deemed to supersede or modify the regulations of any State or Federal agency having jurisdiction on affected properties.

(a) Any #development# approved by special permit or authorization of the City Planning Commission or any #zoning lot# subject to a restrictive declaration in conjunction with a land use action by the Commission and City Council, or former Board of Estimate, as applicable, prior to October 25, 1993, may be started or continued pursuant to such special permit, authorization or the terms of such restrictive declaration.

Notwithstanding the provisions of this Chapter except as set forth in paragraphs (a)(1) through (a)(6) of this Section, the Commission may authorize modifications of such special permit or authorization, or the terms of a restrictive declaration may be modified by the Commission and, if applicable, the City Council, provided such modifications do not:

(1) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section 62-30 (SPECIAL BULK REGULATIONS);

(2) extend the location of the exterior walls of any #building# within a #waterfront block# above the maximum base height for the district as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks);

(3) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to October 25, 1993;

(4) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;

(5) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform# approved prior to October 25, 1993; or

(6) involve a change that would create a requirement for public access or #visual corridors# without providing such public access or #visual corridors# in accordance with the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS).

(b) #Developments# for which an application for certification pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

(c) Design changes to a previously certified application, including applications certified pursuant to paragraph (b) of this Section, may be made only upon further certification by the Chairperson of the Commission that such changes would not increase the degree of non-compliance or would result in a greater level of compliance with this Chapter.

(d) #Developments# for which an application for authorization or special permit pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

(e) #Developments# for which an application for an authorization or special permit, other than an authorization or special permit pursuant to this Chapter, was filed prior to April 22, 2009, may be continued pursuant to the terms of such authorization or special permit and, to the extent not modified under the terms of such authorization or special permit, shall be subject to the regulations of this Resolution that were in effect at the time such authorization or special permit was granted.

62-13 - Applicability of District Regulations

†

LAST AMENDED
10/30/2013

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

#Special Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

The regulations of this Chapter shall not apply in the #Special Sheepshead Bay District#, except that Section 94-061 (Permitted residential, community facility and commercial uses) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

The regulations of this Chapter shall apply in the following Special Purpose Districts, except as specifically modified within the Special Purpose District provisions:

#Special Flushing Waterfront District#

#Special Gowanus Mixed Use District#

#Special Inwood District#

#Special St. George District#.

62-131 - Applicability of Article VII, Chapter 3

LAST AMENDED
4/22/2009

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

Section 73-64 (Modifications for Community Facility Uses)

Section 73-68 (Height and Setback and Yard Modifications).

The following special permits by the Board of Standards and Appeals shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 73-12 (Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts) shall be applicable, except that:

(a) all references to #floor area ratio# and #open space ratio# shall be modified in accordance with the provisions of Section 62-32 pertaining to #floor area ratio# and #lot coverage#, which provisions the Board may modify pursuant to Section 73-12; and

(b) all findings involving the amount and distribution of #open space# shall be made using the open area of the lot resulting from the maximum #lot coverage# set forth in Section 62-32; and

Section 73-45 (Modification of Off-site Parking Provisions); and

Section 73-49 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section 62-40 (SPECIAL PARKING AND LOADING REGULATIONS).

62-132 - Applicability of Article VII, Chapters 4, 8 and 9

LAST AMENDED
10/9/2013

The following special permits by the City Planning Commission shall not be applicable on #waterfront blocks#:

Section 74-72 (Bulk Modification)

Section 74-75 (Educational Construction Fund Projects)

Section 74-82 (Through Block Arcades)

Section 74-84 (Developments with Existing Buildings)

Section 74-85 (Special Height and Setback Regulations)

Section 74-87 (Covered Pedestrian Space).

The following special permits by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 74-51 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas); and

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable, subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section 62-836 (Public parking facilities on waterfront blocks);

Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-411 (Accessory residential roof parking) and 62-421 (Accessory non-residential roof parking) shall apply;

Section 74-711 (Landmark preservation in all districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted;

Section 74-74 (Large-scale General Development);

Section 74-79 (Transfer of Development Rights From Landmark Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum #floor area ratio# for the applicable district set forth in Section 62-32. Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-50 and 62-60;

Section 74-922 (Certain large retail establishments) shall be applicable except that, on #existing piers#, the provisions of Section 62-241 (Uses on existing piers and platforms) shall also be applicable;

Section 78-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE RESIDENTIAL DEVELOPMENTS); and

Section 79-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE COMMUNITY FACILITY DEVELOPMENTS).

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

62-133 - Applicability of the Quality Housing Program

LAST AMENDED
2/2/2011

(a) In R6, R7, R8, R9 and R10 Districts with a letter suffix, and in any C1 or C2 District mapped within such Districts, and in any other #Commercial District# with a letter suffix, any #zoning lot# within a #waterfront block# with #buildings# containing #residences# shall comply with the applicable district #bulk# regulations as set forth in this Chapter, and shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program), except as modified in this Section.

(b) In R6, R7, R8, R9 and R10 Districts, and in any C1 or C2 District mapped within such Districts, and in #Commercial Districts# with R6 through R10 residential equivalents, any #building# containing #residences# on a #zoning lot# on a #waterfront block# shall comply with the applicable district #bulk# regulations as set forth in this Chapter. The #bulk# regulations in Article II, Chapter 3, applicable to Quality Housing #developments# shall not apply. However, all other requirements of the Quality Housing Program set forth in Article II, Chapter 8, shall apply.

#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), shall be deemed to have met the requirements for recreation space specified in Section 28-20 (RECREATION SPACE AND PLANTING AREAS). Also, for the purposes of Section 28-23 (Planting Areas), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

62-134 - Applicability of Article VII, Chapter 7

LAST AMENDED
2/2/2011

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), shall be applicable on #waterfront blocks#, as modified in the following Section:

Section 77-28 (Height and Setback Regulations) shall be applicable, except that all references to #street# frontage shall be inapplicable. In lieu thereof, the percentage of the #zoning lot# in each district shall be used to determine the quantitative requirements. The provisions in such Section for #Quality Housing buildings# shall be inapplicable. Furthermore, the height and setback regulations applicable to the district in which more than 50 percent of the #lot area# on the #zoning lot# is located, may apply to the entire #zoning lot# provided that the greatest distance from the mapped district boundary to any #lot line# of the #zoning lot# in the district in which less than 50 percent of the area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

62-135 - Applicability of bulk regulations to long-term care facilities

LAST AMENDED3/22/2016

For #buildings# containing #long-term care facilities#, the applicable provisions of Sections 24-013, 33-012 and 35-012 shall apply. Where a #building# containing a #long-term care facility# is required to utilize the #bulk# regulations applicable to #affordable independent residences for seniors# in Article II, Chapter 3, such provisions shall be modified by the #bulk# regulations applicable to #affordable independent residences for seniors# set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive, except that:

(a) in R6A Districts or R6 Districts without a letter suffix, in C1 or C2 Districts mapped within R6A or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A or R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;

(b) in R7A Districts or R7 Districts without a letter suffix, in C1 or C2 Districts mapped within R7A or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A or R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6; and

(c) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply.

62-14 - Integration of Waterfront Access Plans

LAST AMENDED
4/22/2009

Waterfront Access Plans shall be set forth in Section 62-90 of this Chapter. Such plans shall supersede, supplement or modify certain provisions of this Chapter. Except as expressly stated otherwise in the plan, all provisions of this Chapter remain in effect in the area subject to such plan.

62-20 - SPECIAL USE REGULATIONS

LAST AMENDED
10/25/1993

62-21 - Classification of Uses in the Waterfront Area

LAST AMENDED
10/25/1993

The following #uses# shall be classified in accordance with their relationship to the water: Water-Dependent (WD) or Waterfront-Enhancing (WE). Such #uses# are listed in this Section only in the lowest numbered Use Group in which they appear. Where a WD or WE #use# appears in more than one Use Group, its additional listing is noted by a cross-reference.

#Uses# listed shall only be permitted in accordance with applicable district #use# regulations, unless expressly stated otherwise in this Chapter.

62-211 - Water-Dependent (WD) uses

LAST AMENDED
4/22/2009

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

From Use Group 4:

Non-profit private beach clubs

Non-profit private boat clubs

From Use Group 6:

*Docks for ferries, other than #gambling vessels#, limited as to passenger load (also listed in Use Group 14)

*Docks for water taxis (also listed in Use Group 14)

Docks or mooring facilities for non-commercial pleasure boats (also listed in Use Group 14)

Terminal facilities at river crossings for access to electric, gas or steam lines

From Use Group 7:

#Boatels#, provided that the units are #predominantly# occupied by persons with boats docked at the facility

From Use Group 9:

*Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited as to dock capacity per #zoning lot# (also listed in Use Group 14)

From Use Group 10:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load

From Use Group 13:

Boat fuel sales establishments, open or enclosed, without restriction as to location

Commercial beaches

From Use Group 14:

Boat fuel sales establishments, open or enclosed, restricted to location within 10 feet of a boat dock berth

Boat launching facilities for non-commercial pleasure boats

Boat rental establishments, open or enclosed

*Boat storage, repair or painting establishments with size and location restrictions

From Use Group 16:

Boat sales establishments, open or enclosed

*Public transit yards, *trucking terminals, warehouses and *wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 17:

*Boat building or repair establishments, open or enclosed, for boats less than 200 feet in length

Docks for passenger ocean vessels, other than #gambling vessels#

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, with no restriction on vessel or dock capacity

Docks for vessels not otherwise listed, other than docks for #gambling vessels#

All other #uses# in Use Group 17 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 18:

Marine transfer stations for garbage

Sewage disposal plants

Ship or boat building establishments or repair yards, for vessels 200 feet in length or over

All other #uses# in Use Group 18 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Other Uses:

Airports

Heliports

Seaplane bases

#Uses# #accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

62-212 - Waterfront-Enhancing (WE) uses

LAST AMENDED
4/22/2009

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 3:

Art galleries, non-commercial

*Colleges or universities

Libraries

Museums

#Schools#

From Use Group 4:

Community centers

Houses of worship

*Ice skating rinks, outdoor

*Non-commercial clubs, with restrictions

**Playgrounds or private parks

Recreation centers, non-commercial

*Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

*Tennis courts, outdoor

From Use Group 5:

#Transient hotels#

From Use Group 6:

All #uses# in Use Groups 6A and 6C, not otherwise listed as WD #uses# (some #uses# also listed in Use Groups 12 and 14)

*Non-commercial clubs, without restrictions (also listed in Use Group 14)

From Use Group 7:

Bicycle rental or repair shops (also listed in Use Group 14)

*#Motels# or #tourist cabins#

Refreshment stands, drive-in (also listed in Use Group 13)

Sailmaking establishments

From Use Group 8:

*Ice vending machines, coin-operated (also listed in Use Group 14)

*Theaters

From Use Group 9:

*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

From Use Group 10:

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

From Use Group 12:

Arenas, auditoriums or stadiums, with capacity limited to 2,500 seats

*Eating or drinking establishments, with entertainment or dancing

*Historical exhibits

Indoor golf recreation centers

Skating rinks, enclosed

From Use Group 13:

Camps, overnight or outdoor day

*Children's amusement parks, limited to a 10,000 square foot #zoning lot#

Circuses, carnivals or fairs of a temporary nature

Commercial swimming pools

Golf driving ranges

Miniature golf courses

Outdoor ice or roller skating rinks

*Outdoor skateboard parks

From Use Group 14:

*Boat showrooms or sales establishments, restricted to boats less than 100 feet in length

Fishing tackle or equipment, rental or sales

*Sporting goods sales or rental establishments

From Use Group 15:

All #uses# listed

From Use Group 16:

Riding academies, open or enclosed

Stables for horses

#Uses# #accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

** Open to the sky except for seasonal enclosures not more than 30 feet high or greater than 200 feet in any other dimension

62-22 - Commercial Docking Facilities

LAST AMENDED
4/22/2009

Commercial docking facilities are listed in Use Groups 6, 9, 10, 14 and 17 in Sections 32-10 and 42-10. Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections 62-43 and 62-462 of this Chapter.

62-23 - Accessory Residential Docking Facilities

LAST AMENDED
10/25/1993

The definition of #accessory# #use# in Section 12-10 (DEFINITIONS) is modified in accordance with the provisions of this Section.

62-231 - Rental of accessory berths to non-residents

LAST AMENDED

Berths or moorings for non-commercial pleasure boats provided as an #accessory# #use# to a #residential use# may be rented to persons who are not occupants of the #residences# to which such berths or moorings are #accessory#, for the accommodation of the non-commercial pleasure boats used by such non-residents, provided that:

(a) not more than 40 percent of such berths or moorings are so occupied by non-residents;

(b) except in Manhattan Community Boards 1 through 8, an additional off-street parking space, in a location adjacent to the docking facility, or off-site in accordance with the provisions of Section 62-412 (Accessory residential off-site parking), is provided for each berth or mooring so occupied;

(c) such off-street parking spaces comply with all other provisions of this Resolution for the district in which they are located; and

(d) the total number of #accessory# berths or moorings does not exceed the total number of #dwelling units# to which they are #accessory#.

62-232 - Off-site accessory residential berths

LAST AMENDED
10/25/1993

#Accessory# berths or moorings may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such berths or moorings are #accessory#, provided that:

(a) both #zoning lots# are contiguous or would be contiguous except for their separation by a #street# or #street# intersection; and

(b) both #zoning lots# are in common ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10).

62-24 - Uses on Piers and Platforms

LAST AMENDED
4/22/2009

#Uses# on #existing piers# or #existing platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new piers# or #new platforms# shall be subject to the provisions of Section 62-242.

62-241 - Uses on existing piers and platforms

LAST AMENDED
4/22/2009

The #use# of an #existing platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

(a) such #use# is a WD #use#; or

(b) the #building or other structure# within which such #use# is located existed on October 25, 1993; or

(c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section 62-342 (Developments on piers).

In addition, the following #use# regulations shall apply on #piers#:

(d) the following #uses#, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment:

(1) all #uses# in Use Groups 6A and 6C;

(2) the following #uses# in Use Group 9A;

(i) clothing or costume rental establishments;

(ii) typewriter or other small business machine sales, rental or repairs;

(3) all #uses# in Use Group 10 with parking categories "B" or "B1";

(4) the preceding #uses#, when listed in other Use Groups;

(5) wholesale establishments or warehouses that provide #accessory# retail sales areas; and

(e) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (d) of this Section.

Any #use# on an #existing pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms).

62-242 - Uses on new piers and platforms

LAST AMENDED
2/2/2011

#New piers# and #new platforms# shall be limited to WD #uses# or to the following WE #uses#: playgrounds or publicly accessible private parks. Changes of #use# to any other WE #use# are permitted only by special permit, pursuant to Section 62-835 (Developments on piers or platforms).

62-25 - Uses on Floating Structures

LAST AMENDED
4/22/2009

(a) WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a #floating structure#, in accordance with the applicable district regulations, only if the #water coverage# of the #floating structure# does not exceed 5,000 square feet:

(1) eating or drinking establishments as listed in Use Groups 6 or 12;

(2) theaters as listed in Use Group 8; and

(3) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.

(b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-834.

The applicable district #sign# regulations are modified as follows:

(1) no #advertising signs# shall be permitted in any district;

(2) no #flashing signs# shall be permitted in any district;

(3) the regulations pertaining to roof #signs# shall be inapplicable;

(4) the maximum height of a #sign# shall be measured from water level in lieu of #curb level#;

(5) the maximum dimension of the #floating structure# on each side shall be used in lieu of #street# frontage of the #zoning lot# to determine the permitted area of #signs#; and

(6) each side of the #floating structure# shall be deemed to be a #street# frontage for the purposes of maximum size of #sign# computations and the maximum area of #signs# for each side shall be as set forth for each #street# frontage of a #corner lot#.

62-26 - Special Use Regulations for Public Parking Facilities

LAST AMENDED
4/22/2009

#Public parking lots# and #public parking garages# shall be permitted within #waterfront blocks# only as provided in this Section.

In C8 Districts and #Manufacturing Districts#, public parking facilities shall be permitted in accordance with the applicable district regulations. In other districts, public parking facilities shall be permitted within #waterfront blocks# only by special permit pursuant to Section 62-836. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

62-27 - Special Use Regulations for Playgrounds or Private Parks

LAST AMENDED
4/22/2009

Playgrounds and private parks shall be a permitted #use# in M2 and M3 Districts within the #waterfront area# in Community Districts 1, 2 and 4 in the Borough of Manhattan.

62-28 - Special Sign Regulations

LAST AMENDED
2/27/2001

Within a #waterfront block#, no #flashing sign# permitted in accordance with the applicable district regulations shall exceed 50 square feet in #surface area# and no more than one such #sign# shall be permitted for each establishment located on a #zoning lot#, except that no #flashing sign# shall be permitted on any #pier# or #platform#.

62-29 - Special Use Regulations for R6, R7, R8, R9 and R10 Districts

LAST AMENDED
4/22/2009

R6 R7 R8 R9 R10

In the districts indicated, any Use Group 6 or 9 #use#, listed in Section 62-212 (Waterfront-enhancing (WE) uses), shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

(a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;

(b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;

(c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and

(d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in Section 62-611 (Permitted obstructions).

62-291 - Special Provisions in Waterfront Access Plan BK-1

LAST AMENDED
4/22/2009

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section 32-15 (Use Group 6), shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

62-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
4/22/2009

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. For the purposes of this Section, non-#waterfront blocks# included in Waterfront Access Plan BK-1 shall be considered to be #waterfront blocks#. Existing #non-complying# #buildings or other structures# shall be subject to the provisions of Article V (Non-conforming Uses and Non-complying Buildings).

A change of #use# involving a #building or other structure# lawfully existing on October 25, 1993, shall be permitted in accordance with the applicable district #use# regulations, as modified by the provisions of this Chapter. Any #non-compliances# created with respect to the provisions of this Section due solely to the change of #use# shall be deemed to be existing #non-compliances#. However, no #enlargement# or other alteration of such #buildings or other structures# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# with respect to the provisions of this Section.

Modification of the #bulk# regulations of Sections 62-31, 62-32, 62-33 or 62-341 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections 62-837, 74-711, 74-74, 74-79, 78-00 or 79-00.

Provisions for modification of the #bulk# regulations on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343 .

In no event shall any #bulk# modification include modification of the provisions of paragraph (a) of Section 62-31 or the maximum #floor area ratio# for the applicable district set forth in Section 62-322 .

62-31 - Bulk Computations on Waterfront Zoning Lots

LAST AMENDED
4/22/2009

On #waterfront zoning lots#, the areas of the #upland lot# and the #seaward lot# shall be computed separately.

(a) #Upland lot#

All #bulk# regulations pertaining to the #upland lot# shall be satisfied entirely on such portion of the #zoning lot#. All #floor area#, #dwelling units# or #rooming units# generated by such portion shall be located within the #upland lot# and all #lot coverage# computations shall be based solely on the area of the #upland lot#.

(b) #Seaward lot#

Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# that are structurally sound and physically accessible directly from the shore, with a surface that is capable of lawful occupancy, shall be deemed to be #lot area# for the purposes of determining allowable #floor area#, #dwelling units# or #rooming units#, or to satisfy any other #bulk# regulations, unless expressly stated otherwise. In no event shall the #water coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#. #Lot coverage# provisions shall not apply to the #seaward lot#.

Except where all #piers#, #platforms# or #floating structures# are occupied #predominantly# by WD #uses#, the maximum #water coverage# permitted on a #zoning lot# shall not exceed 50 percent and the #water coverage# of an #existing pier# or #platform# may not be increased by more than 10 percent.

(c) Special provisions for #bulk# distribution

#Floor area#, #dwelling units# or #rooming units# generated by #existing piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for #new piers# or #platforms#, except within Waterfront Access Plan BK-1. Such #bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an #existing pier# containing not less than 25 percent of the #water coverage# of such #existing pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the #existing pier#.

62-32 - Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

LAST AMENDED
10/25/1993

62-321 - Residential uses in R3, R4 and R5 Districts

LAST AMENDED
2/2/2011

The maximum #floor area ratio# and #lot coverage# for #residential buildings# or #residential# portions of #buildings# in R3, R4 and R5 Districts shall

be in accordance with the applicable district regulations, except as provided in Section 62-323 (Affordable independent residences for seniors).

62-322 - Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

LAST AMENDED
10/17/2017

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the applicable regulations of Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) or Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the table below, except as provided for in Sections 23-154 (Inclusionary Housing), 62-323 (Affordable independent residences for seniors) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE FOR RESIDENTIAL BUILDINGS OR RESIDENTIAL PORTIONS OF BUILDINGS

District	Maximum #Floor Area Ratio#[1]	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7D	4.20	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70
R10	10.00[2]	70

1 In #Inclusionary Housing designated areas# and in #Mandatory Inclusionary Housing areas#, the #floor area ratio# has been modified, pursuant to Section 23-154 or Section 62-35, inclusive

2 In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-154

62-323 - Affordable independent residences for seniors

LAST AMENDED
2/2/2011

In the districts indicated in the following table, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in Sections 23-144 and 23-155, as applicable, and the maximum #lot coverage# shall be as specified in the following table.

MAXIMUM LOT COVERAGE FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS

District	Maximum #Lot Coverage# (in percent)
R3	55
R4	55
R5	60
R5D R6B	60
R6 R6A R7B	65
R7 R7A R7D R7X	70
R8 R9 R10	70

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

62-324 - Community facility and commercial uses in Residence Districts

LAST AMENDED
2/2/2011

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following regulations shall apply:

(a) The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply. In R7-3 and R9-1 Districts, the maximum #floor area ratio# shall be the maximum permitted for #residential buildings# pursuant to Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts). For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(b) The maximum percent of #lot coverage# specified in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the following #lot coverage# regulations shall apply to #community facility buildings# or to that portion of a #building# used for a #community facility# #use#:

MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITIES

District	Maximum #Lot Coverage# (in percent)
R1 R2 R3 R4 R5	60

R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 R7A R7D R7X R8 R9A	75
R9 R9-1 R9X R10	80

Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in the table in this Section.

In #Special Mixed Use Districts#, #lot coverage# requirements shall not apply to #community facility# #uses#.

In #Residence Districts#, when permitted, #commercial buildings# or #buildings# used partly for #commercial# #use#, shall comply with the regulations for #residential buildings# as set forth in Sections 62-321 and 62-322.

The maximum #floor area ratio# permitted for a #community facility# #use# shall be in accordance with the applicable district regulations, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in this Section, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

62-325 - Buildings in Commercial Districts

LAST AMENDED
2/2/2011

In #Commercial Districts#, for any #commercial# or #community facility# #uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

(a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section;

(b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0; and

(c) for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through 62-323 shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

62-326 - Buildings in Manufacturing Districts

LAST AMENDED
2/2/2011

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

62-327 - Maximum floor area ratio for a mixed use building in a Special Mixed Use District

LAST AMENDED

2/2/2011

The maximum #floor area ratio# for #zoning lots# containing a #mixed use building# in a #Special Mixed Use District# shall be in accordance with the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings).

62-33 - Special Yard Regulations on Waterfront Blocks

LAST AMENDED
2/2/2011

#Yard# regulations for #zoning lots# shall be governed by the provisions of this Section. For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts#, #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18, or for #developments# on #zoning lots# that are not #waterfront zoning lots#, #yards# shall be provided in accordance with the applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections 62-331 (Front yards and side yards) and 62-332 (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

62-331 - Front yards and side yards

LAST AMENDED7/26/2001

#Front yards# and #side yards# shall be provided on #zoning lots# within #waterfront blocks# in accordance with applicable district regulations, except that:

(a) any #rear lot line# of a #waterfront zoning lot# that intersects the #shoreline# shall be deemed to be a #side lot line# and be subject to #side yard# regulations; and

(b) #side yard# regulations shall be inapplicable along #side lot lines# that are coincident with or seaward of the #shoreline#. In lieu thereof, a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332.

62-332 - Rear yards and waterfront yards

LAST AMENDED
5/12/2021

#Rear yard# regulations shall be inapplicable on #waterfront zoning lots#. In lieu thereof, a #waterfront yard# shall be provided along the entire length of the #shoreline#, bulkhead or stabilized natural shore, whichever is furthest landward. In addition, the following rules shall apply to the #waterfront yard#:

(a) Depth of the #waterfront yard#

The required minimum depth of a #waterfront yard# is set forth in the following table. Column A sets forth districts where the minimum depth is 30 feet, and Column B sets forth districts where the minimum depth is 40 feet. Such minimum depths shall be measured from the landward edge of the bulkhead, landward edge of stabilized natural shore, or, in the case of natural #shorelines#, the mean high water line.

Where a #platform# projects from the #shoreline#, stabilized natural shore, or bulkhead (see illustration below of Waterfront Yard), such #waterfront yard# shall, in lieu of following the shore at that portion, continue along the water edge of such #platform# until it again intersects the #shoreline#, stabilized natural shore, or bulkhead, at which point it shall resume following the #shoreline#, stabilized natural shore, or bulkhead.

WATERFRONT YARD DEPTH FOR ALL DISTRICTS

Column A	Column B
Districts with 30 Foot Requirement	Districts with 40 Foot Requirement
R1 R2 R3 R4 R5	R6 R7 R8 R9 R10

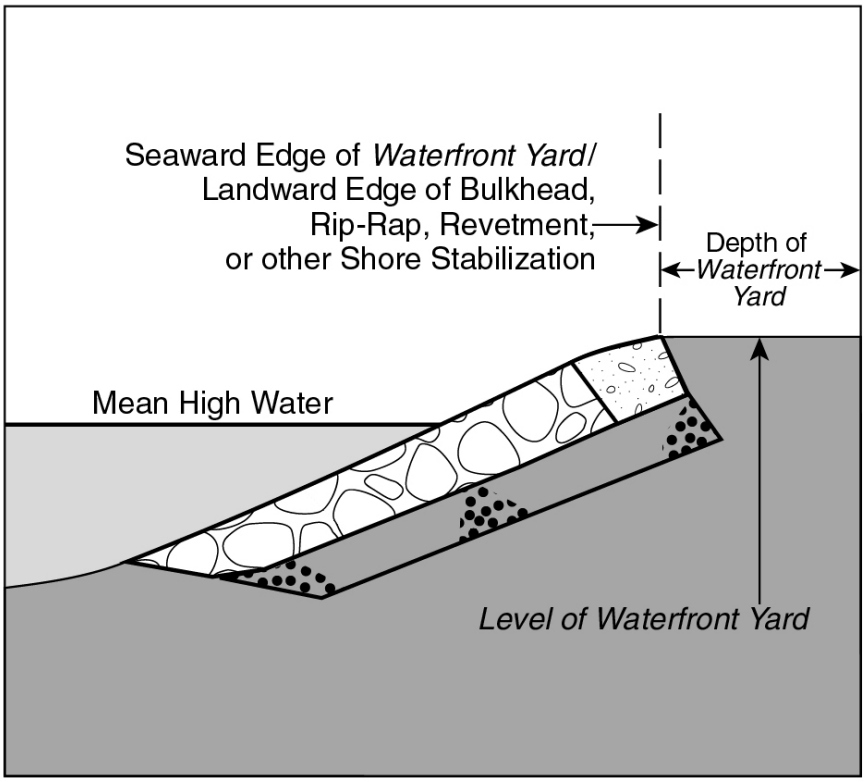
C1 C2 mapped in R1 R2 R3 R4 R5	C1 C2 mapped in R6 R7 R8 R9 R10
C3	C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4 C5 C6 C7 C8 M1 M2 M3

The minimum depth set forth in the preceding table may be reduced at the following locations provided no #waterfront yard# is reduced to less than 10 feet:

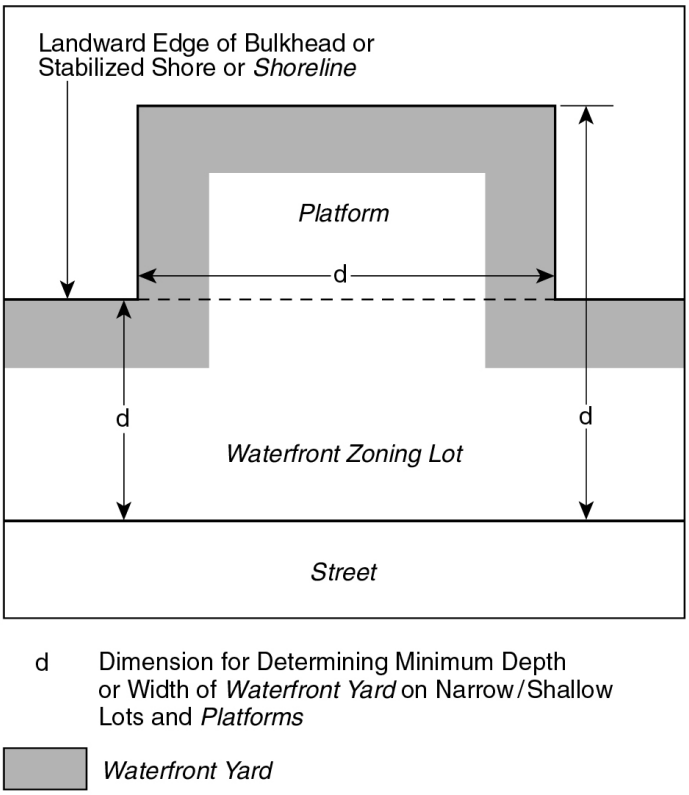
(1) Along those portions of the landward edge of stabilized shore, bulkhead, natural #shoreline# or along those portions of the water edge of a #platform#, having a lot dimension, measured perpendicular to and landward from such edge, that is less than 70 feet in the case of districts in Column A or 80 feet in the case of districts in Column B. For such shallow portions of lots, the minimum depth may be reduced by one foot for each foot that the lot dimension measured from such edge is less than 70 or 80 feet, as applicable.

(2) Along those portions of the water edge of a #platform# having a dimension, measured perpendicular from such water edge to an opposite water edge that is less than 100 feet in the case of districts in Column A or 120 feet in the case of districts in Column B. For such narrow portions of #platforms#, the minimum depth along each opposite edge may be reduced by one-half foot for each foot that the #platform# dimension is less than 100 or 120 feet, as applicable.

(3) Where a #tidal wetland area# is provided, the depth of the #waterfront yard# may be reduced by a foot for every foot of stabilized natural shore or intertidal planting area beyond the landward edge of the bulkhead, stabilized natural shore or #shoreline# up to seven feet. Such reduction in depth shall not extend along more than 30 percent of the #shoreline# of the #waterfront zoning lot#.



WATERFRONT YARD AT STABILIZED SHORELINE
(62-332a.1)



WATERFRONT YARD
(62-332a.2)

(b) The level of the #waterfront yard#

The level of required #waterfront yards# shall not be higher than the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, except that natural grade level need not be disturbed in order to comply with this requirement.

The level of the portion of a #waterfront yard# on a #platform# shall not be more than three feet higher than the abutting level of the non-platformed portion of the #waterfront yard#, of which it is the continuation, except that the level of a #platform# existing on October 25, 1993 need not be altered in order to comply with this requirement.

However, the level of the #waterfront yard# may be modified as follows:

(1) For #zoning lots# not required to provide #waterfront public access areas# pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements), the level of #waterfront yards# may be raised either to:

(i) the #flood-resistant construction elevation# or six feet above #shoreline#, whichever is higher; or

(ii) a higher elevation, provided that the #waterfront yard# complies with the applicable provisions of paragraph (b)(2) of this Section, depending on the condition of the shared #lot line#.

(2) For #zoning lots# with required #waterfront public access areas# pursuant to Section 62-52, the level of #waterfront yards# may be raised to a higher elevation, provided that such elevated #waterfront yard# complies with the following provisions, depending on the condition of the adjacent #zoning lot# :

(i) where a #waterfront yard# adjoins a #street#, #public park#, or #waterfront public access area# on an adjacent #zoning lot#, the level of the #waterfront yard# within 15 feet of the shared #lot line# shall not exceed three feet above the level of the adjoining #street#, #public park# or #waterfront public access area#, and the width of the circulation path at the #lot line# is greater than that required by paragraph (a) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas). However, the elevation of the required circulation path shall be no higher than the grade of the adjacent #street#, #public park#, or #zoning lot# at the #lot line#.

(ii) where a #waterfront yard# does not adjoin a #street#, #public park#, or #waterfront public access area# on an adjacent #zoning lot#, the level of the #waterfront yard# at the shared #lot line#, may exceed the level of the adjacent #zoning lot#:

(a) up to a maximum of six feet above the #shoreline#; or

(b) to a level higher than six feet above the #shoreline#, where the Chairperson of the City Planning Commission certifies, pursuant to Section 62-811 (Waterfront public access and visual corridors) that:

(1) the applicant has submitted a plan indicating the proposed level of the #waterfront yard# at the #lot line# of adjacent #zoning lots# and the level of such adjacent #zoning lots# adjacent to the #waterfront yard#; and

(2) submitted proof of a legal instrument, executed by the fee owner of any #zoning lot# that is adjacent to the subject #waterfront yard#, and binding upon all necessary parties in interest, that the owner will develop a #waterfront public access area# with a grade that meets that of the adjacent #zoning lots# based on the proposed level of the subject #waterfront yard# as reflected in the submitted plan. Such legal instrument shall run with the land and shall be recorded against all affected parcels of land.

(c) Permitted obstructions

No #building or other structure# shall be erected above the lowest level of a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall include permitted obstructions as listed in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 62-611, except that enclosed #accessory# off-street parking spaces and walls exceeding four feet in height shall not be permitted. Where any power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, are located in a #front yard#, the entire width of the portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation.

In addition, the following #rear yard# obstructions shall not be permitted except when #accessory# to #single-# or #two-family residences# in #detached#, #semi-detached# or #zero lot line buildings#:

Balconies, unenclosed;

Greenhouses, non-commercial, #accessory#;

Parking spaces, off-street, open or enclosed, #accessory#;

Swimming pools, #accessory#;

Terraces or porches, open.

62-34 - Height and Setback Regulations on Waterfront Blocks

LAST AMENDED
7/26/2001

Height and setback regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section. However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# in Use Group 16, 17 or 18 shall be exempt from the requirements of this Section.

62-341 - Developments on land and platforms

LAST AMENDED
10/11/2012

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(1) #Street lines#

For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section 62-354, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a

#street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(2) #Initial setback distance#

For the purposes of paragraph (c) of this Section, an #initial setback distance# shall be a horizontal distance measured for a depth of 15 feet from a #narrow# #street line# and 10 feet from a #wide# #street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

(3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (General provisions).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432, shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

(i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in paragraph (d) of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-621.

(ii) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height, specified in Table A, by not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of this paragraph, (a)(4)(ii), the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

(iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this paragraph, (a)(4)(iii).

In R6 through R10 Districts, #Commercial Districts#, other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, C7 and C8-1 Districts, and #Manufacturing Districts#, other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly.

In C4-1, C7, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility# #uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly.

In all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning# #lot line#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 C7 C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

(1) #Buildings# containing #residences#

(i) In R1 and R2 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, no #building# containing #residences#, except for a #predominantly# #community facility building#, shall exceed a height of 35 feet.

(ii) In R3, R4 and R5 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for #predominantly# #community facility buildings#.

(2) #Predominantly# #community facility buildings#

The underlying height and setback regulations shall not apply. In lieu thereof, any portion of a #predominantly# #community facility building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However, within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.

(3) #Buildings# containing #commercial# #uses#

The underlying height and setback regulations for #commercial# #uses# are modified as follows: no #building# containing #commercial# #uses# shall exceed a height of 30 feet, except for #mixed buildings# as set forth in paragraph (b)(1) of this Section or #predominantly# #community facility buildings# as set forth in paragraph (b)(2) of this Section.

(4) Other structures

All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C7, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

(c) Medium and high density non-contextual districts

R6 R7 R8 R9 R10

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-2 C8-3 C8-4

M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3

Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

(1) Maximum base height

Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, the height of a #building or other structure# or portion thereof located within an #initial setback distance# may not exceed the maximum base height specified in Table A of this Section.

(2) Maximum #building# height

Except for penthouses permitted in accordance with paragraph (a)(4)(ii) of this Section, the height of a #building or other structure# or portion thereof may not exceed the maximum #building# height specified in Table A.

(3) #Floor area# distribution

#Zoning lots# with #buildings# that exceed the maximum base height listed in Table A shall have a minimum #floor area# coverage comprising at least 30 percent of the #lot area# at a height of 20 feet. For the purposes of determining this requirement, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #zoning lot# landward of the #shoreline#. In the event the site plan involves construction on only a portion of the #zoning lot#, sufficient calculations shall be provided to show that such partial construction does not preclude compliance with the minimum #floor area# coverage requirements of this Section at the time the site is fully developed.

(4) Maximum #residential# tower size

Each #residential# #story# of a #building# located entirely above the maximum base height specified in Table A shall not exceed a gross

area of 7,000 square feet on #zoning lots# less than 1.5 acres, and 8,100 square feet on larger #zoning lots#. On all #zoning lots#, dormers permitted within an #initial setback distance# in accordance with the provisions of paragraph (a)(4)(i) of this Section shall not be included in such gross area.

(5) Maximum width of walls facing #shoreline#

The maximum width of any #story# of a #building# that faces a #shoreline# and is entirely above the maximum base height specified in Table A shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above the maximum base height. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline#, regardless of any intervening structures, properties or #streets#, shall not exceed 100 feet. (See illustration).

(6) Ground floor streetscape provisions

For the purposes of this Section, "ground floor level" shall mean the floor of a #building#, the level of which is located within five feet of the finished level of the adjacent sidewalk.

For #street walls# that are more than 50 feet in width and within 50 feet of a #waterfront public access area# or #street#, the following rules shall apply:

(i) at least 50 percent of the width of such #street walls# shall be occupied by #floor area# at the ground floor level; and

(ii) where such #street walls# do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such #street walls# shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-655.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS*

	Maximum Height (in feet)	
District	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6 C1 or C2 mapped within R6 C7 C8-2 C8-3 M1-2 M1-4 M2-1 M2-3 M3	60	110
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C4-3 C4-4 C4-5	60	135
R7-3 C1 or C2 mapped within R7-3 C8-4 M1-3 M1-5 M2-2 M2-4	65	185

R8 C1 or C2 mapped within R8 C1-7 C6-1 C6-2	70	210
R9 C1 or C2 mapped within R9 C1-8 C2-7 C6-3	80	225
R9-1 C1 or C2 mapped within R9-1	90	280
R10 C1 or C2 mapped within R10 C1-9 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6	110	350

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* For #predominantly# #community facility buildings#, the applicable regulations shall be determined from Table B of this Section

TABLE B

APPLICABLE HEIGHT AND SETBACK REGULATIONS FOR PREDOMINANTLY COMMUNITY FACILITY BUILDINGS

District in which #Predominantly# #Community Facility Building# is Located	Applicable Regulations from Table A
R6 R7-1 R7-3 C1 or C2 mapped within R6,R7-1 or R7-3 C4-2 C4-3 C8-2 M1-2	R7-3
R7-2 R8 C1 or C2 mapped within R7-2 or R8 C1-6 C1-7 C2-6 C4-4 C4-5 C6-1 C6-2 C8-3 C8-4 M1-3 M1-4 M1-5	R9
R9-1 C1 or C2 mapped within R9-1	R9-1

R9 R10 R10

C1 or C2 mapped within R9 or R10

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7

C5-1 C5-2 C5-3 C5-4 C5-5

C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

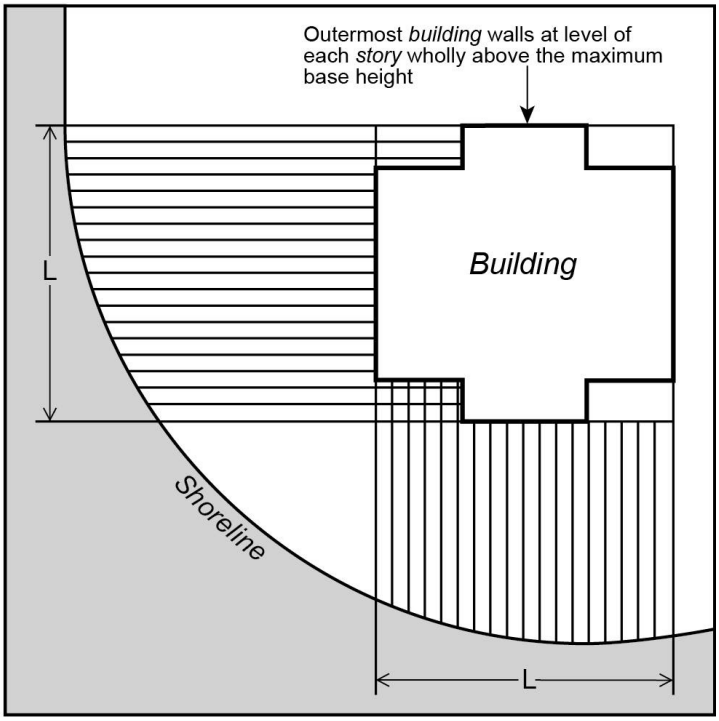
M1-6

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

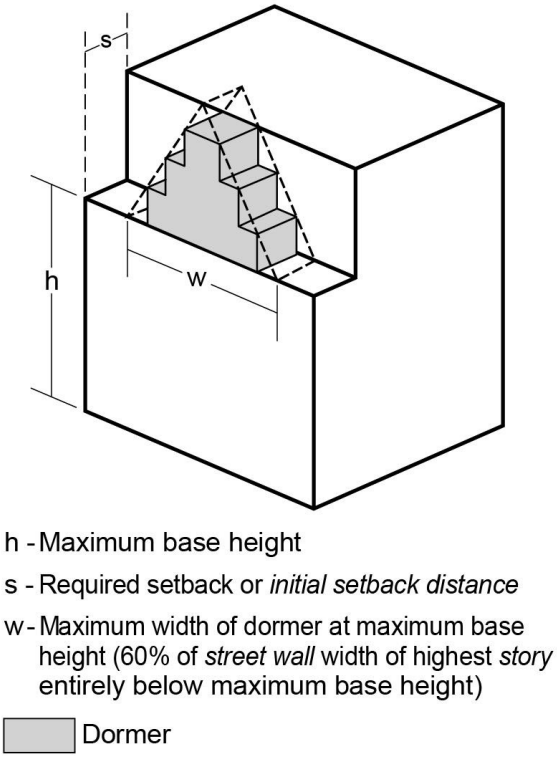
C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Section 23-662 shall apply. For #Commercial Districts#, the applicable #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used in applying such provisions. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth in Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.



L - Maximum width of *building* wall (100 feet)

MAXIMUM WIDTH OF BUILDING WALL FACING SHORELINE
(62-341d.1)



DORMER
(62-341d.2)

62-342 - Developments on piers

LAST AMENDED
2/2/2011

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.

The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for the supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the surface elevation of at least 50 percent of the #pier# shall be used to establish the #base plane#.

The height of all #buildings or other structures# on #piers# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof.

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 shall apply. In addition, a dormer may penetrate a required setback area above a height of 30 feet provided the aggregate width of dormers on any given #building# wall does not exceed 50 percent of the width of such #building# wall.

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to 10 feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Building# width and spacing regulations on #piers#

The maximum length or width of any #building or other structure# on a #pier# shall be 200 feet. The provisions of Section 23-70 (MINIMUM

REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall be inapplicable on #piers#. In lieu thereof, the minimum distance on a #pier# between any two #buildings or other structures# that do not #abut# shall be 100 feet. However, such limitations shall not apply to any #building or other structure#, no portion of which exceeds 30 feet in height.

Permitted obstructions above the #base plane# within such required open areas between #buildings or other structures# shall be limited to those allowed above the lowest level of a #visual corridor# pursuant to Section 62-513 (Permitted obstructions in visual corridors), except that freestanding #accessory# #buildings or other structures# shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such #accessory# #buildings or other structures# and any other #building or other structure# on the #pier#.

(c) Modification of #pier# #bulk# regulations

Modification of the regulations of this Section involving the height and setback or width and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms), 74-711 (Landmark preservation in all districts) or 74-79 (Transfer of Development Rights From Landmark Sites).

62-343 - Developments on floating structures

LAST AMENDED
2/2/2011

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

Chimneys, flues or stacks;

Flagpoles, aerials or masts;

Parapet walls or safety enclosures, not more than four feet high; and

Wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section 62-834 shall not exceed the height limits set forth in Column A of the table in this Section, except for navigational vessels being repurposed as #floating structures# in accordance with such special permit provisions. Such repurposed vessels shall be subject to the height limits set forth in Column B of the table.

HEIGHT LIMITS FOR FLOATING STRUCTURES

			Column A	Column B
#Residential District#	#Commercial District#	#Manufacturing District#	Maximum Structure Height	Maximum Height of Repurposed Vessels
R1 thru R5	C1 or C2 mapped in R1 thru R5 C3	-	23 ft.	40 ft.

R6	C1 or C2 mapped in R6 C4-1 C7 C8-1 C8-2 C8-3	M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2	40 ft.	60 ft.
R7 R8	C1 or C2 mapped in R7 or R8 C1-6 C1-7 C2-6 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C8-4	M1-3 M1-5 M2-2 M2-4	50 ft.	70 ft.
R9 R10	C1 or C2 mapped in R9 or R10 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	M1-6	60 ft.	150 ft.

62-35 - Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

LAST AMENDED
7/29/2010

On #waterfront blocks# in #Inclusionary Housing designated areas# in Community District 1, Borough of Brooklyn, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

62-351 - Special floor area regulations

LAST AMENDED
12/19/2013

(a) Maximum permitted #floor area ratio#

In R6 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 2.43.

In R7-3 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 3.75.

In R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 4.88.

In R6, R7-3 and R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# may be increased for #developments# and #enlargements# that provide #affordable housing# pursuant to Section 62-352 (Inclusionary Housing).

(b) #Buildings# used for #accessory# off-street parking spaces

Within Waterfront Access Plan BK-1, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

(c) Special regulations for Parcels 4 and 5e within Waterfront Access Plan BK-1

On Parcels 4 and 5e within Waterfront Access Plan BK-1, in the event that a property is #developed# as a #public park#, such property shall continue to be considered part of a #zoning lot# for the purposes of generating #residential# #floor area# based on the #residential# #floor area ratio# applicable to the property prior to its #development# as a #public park#. In no event shall the #floor area# generated by the property #developed# as a #public park# be utilized within the #public park#, but may be utilized pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such #public park# shall be exempt from the definition of #floor area#.

(d) Special regulations for Parcel 5d within Waterfront Access Plan BK-1

On Parcel 5d within Waterfront Access Plan BK-1, up to 120,000 square feet of floor space within a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of #floor area# and from #lot coverage# requirements for the purposes of calculating the permitted #floor area ratio# and #lot coverage# for #community facility# #uses# and the maximum #floor area ratio# and total permitted #lot coverage# of the #zoning lot#.

62-352 - Inclusionary Housing

LAST AMENDED
10/9/2013

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.

(a) Definitions

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

(b) #Floor area compensation#

(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:

(i) the amount of #low income floor area# is equal to at least 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or

(ii) the amount of #low income floor area# is equal to at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, and the #moderate income floor area# is equal to at least 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:

(i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or

(ii) the amount of #low income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least five percent of

the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(3) For #zoning lots# containing #residences# in R8 or C6-2 Districts, within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may not exceed the base #floor area ratio# of 4.88, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 Districts within the #large-scale general development#, exclusive of ground floor non-#residential# #floor area#, #floor area# within a #school# and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (b)(3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning# #lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) Permits and certificates of occupancy

The requirements of paragraphs (a) and (b) of Section 23-953 (Additional requirements for compensated developments and MIH developments) shall be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until #HPD# has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until #HPD# has issued a #completion notice# with respect to the #affordable housing#.

62-353 - Special floor area, lot coverage and residential density distribution regulations

LAST AMENDED
2/2/2011

Within any parcel identified in Section 62-931 (Waterfront Access Plan BK1: Greenpoint-Williamsburg), and with respect to any such parcels that are adjacent to each other and that are under single-fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in paragraph (e) of the definition of a #zoning lot# in Section 12-10) or with respect to which each party in interest (as defined in paragraph (f)(4) of the definition of a #zoning lot# in Section 12-10) has executed a declaration declaring that the properties are to be developed as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section 62-322, the total #floor area# permitted pursuant to Sections 62-351 or 62-352 and the #residential# density permitted pursuant to Section 23-22, may be located anywhere within such parcel or between such parcels without regard to #zoning lot# #lines# or district boundaries provided that such location of #floor area#, #lot coverage# or #residential# density complies with Sections 62-31 (Bulk Computations on Waterfront Lots) and 62-34 (Height and Setback Regulations on Waterfront Blocks), as modified by Section 62-354 (Special height and setback regulations).

62-354 - Special height and setback regulations

LAST AMENDED
12/10/2013

Within Waterfront Access Plan BK-1, the provisions of Section 62-341 (Developments on land and platforms) are modified, as follows:

(a) Paragraph (c)(1) (Maximum base height) shall be modified in R6 Districts to permit a maximum base height of 65 feet or six #stories#, whichever is less. However, for #buildings or other structures# located on a #zoning lot# with more than 100 feet of frontage on a #street# in an R6 District, at least 20 percent of such frontage shall not exceed a maximum base height of 55 feet or five #stories#, whichever is less.

(b) Paragraph (c)(2) (Maximum #building# height) shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:

(1) The maximum #building# height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum #building# height shall be 110 feet. In R8 Districts, the maximum #building# height shall be 190 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum #building# height of 290 feet. Such maximum #building# heights of 110 feet, 190 feet and 290 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.

(2) For #developments# that provide #affordable housing# pursuant to Section 62-352 (Inclusionary Housing), the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in paragraph (b) of this Section, provided that the maximum #building# height shall be 260 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum #building# height of 360 feet. Such maximum #building# heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.

(3) The maximum #building# height may be exceeded by a penthouse portion of a #building# with a height of not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the applicable maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of paragraphs (b)(1) and (b)(2) of this Section, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

(c) Paragraph (c)(3) (#Floor area# distribution) shall not apply.

(d) Paragraph (c)(4) (Maximum #residential# tower size) shall not apply. In lieu thereof, each #residential# #story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. However, in R8 Districts, for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing# pursuant to Section 62-352, each #residential# #story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet. If such #residential# #story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 District shall not exceed a gross area of 8,100 square feet.

(e) Paragraph (c)(5) (Maximum width of walls facing #shoreline#) shall not apply. In lieu thereof, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Kent Avenue, West Street or Commercial Street, whichever is closest, shall not exceed 110 feet. The maximum length of any other side of such rectangle shall not exceed 170 feet, except that for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing# pursuant to Section 62-352, such maximum length of 170 feet shall apply above a height of 100 feet.

(f) Paragraph (c)(6) (Ground floor streetscape provisions) shall not apply. In lieu thereof, all off-street parking spaces located within 50 feet of a #street#, a #visual corridor# containing a #private road# and a #shore public walkway#, #upland connection# or #supplemental public access area# and which are located on a #story# that is above the #base plane#, shall be within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #streets#, #visual corridors# or publicly accessible open spaces. Such floor space shall have a minimum depth of 25 feet. Up to five percent of such floor space may be used for mechanical equipment provided that no floor space used for mechanical equipment is located within 15 feet of the #street wall# of the #building# below a height of 15 feet above the #base plane#, and that no exhaust vents are located on the #street wall# of the #building# below a height of 15 feet above the #base plane#. The remainder of such floor space shall be used for #commercial#, #community facility# or #residential# #floor area#. Seventy percent of the surface area of the facade of a facility containing parking spaces, which are not otherwise required to be behind such #floor area#, shall be composed of the same materials as the facade of the #building# in which it is located.

(g) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be

accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

(h) At least 70 percent of the width of the #street wall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# that is not adjacent to a #shore public walkway# or #supplemental public access area# shall be located within eight feet of such #street line# and extend to a minimum height of 30 feet.

(i) In addition to the applicable underlying #street# tree planting requirements, all #extensions# which increase the existing #floor area# by more than 10 percent, shall provide #street# trees in accordance with Section 26-41.

(j) On Parcel 5d, the provisions of paragraphs (c)(1) and (c)(2) shall be modified for public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, as follows:

(1) the maximum base height provisions of paragraph (c)(1) shall not apply; and

(2) the maximum #building# height provisions of paragraph (c)(2) shall be modified to permit a maximum #building# height of 100 feet or six #stories#, whichever is less.

62-355 - Special yard regulations

LAST AMENDED
12/10/2013

On Parcel 5d within Waterfront Access Plan BK-1, the #yard# provisions of Section 24-36 (Minimum Required Rear Yards) shall not apply to public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

62-356 - Special bulk regulations for zoning lots adjacent to public parks

LAST AMENDED
6/21/2017

On Parcel 12b within Waterfront Access Plan BK-1 in Section 62-931, any #lot line# that coincides with the boundary of a #public park# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #bulk# regulations of this Resolution, except that the provisions of paragraphs (g) and (h) of Section 62-354 (Special height and setback regulations) shall not apply.

In lieu thereof, the #street wall# of any #building# fronting on a #lot line# that coincides with the boundary of a #public park# shall be located at least eight feet from such #lot line#, except that any portion of a #building# containing a #legally required window# shall be located at least 28 feet from such lot line. No balconies shall be permitted on any #street wall# of such #building# facing a #public park#.

In addition, a wall, or if a wall is prohibited by the New York City Building Code, a fence, shall be provided along the #lot line# that coincides with the boundary of a #public park#. Such wall or fence shall be a minimum of six feet in height, except that any portion of such wall or fence facing a ground floor level #commercial# #use# in a #building# shall be a minimum of 10 feet in height. However, if the Commissioner of Buildings determines that such wall or fence located in a #Residence District# is subject to the provisions of Building Code Section 3112.1, exceptions (2) or (3), such wall or fence shall be a minimum of eight feet in height along the boundary of a #public park#.

At least 90 percent of the width of the #street wall# of a #building# or #buildings# fronting on Kent Street shall be located within eight feet of the #street line# and extend to a minimum height of 30 feet.

62-40 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED
4/22/2009

62-41 - Special Regulations for Accessory Residential Parking Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to #residential uses# shall apply to all

#developments# on #waterfront blocks# except as modified in this Section or in Section 62-45 (Supplementary Regulations for All Parking Facilities).

62-411 - Accessory residential roof parking

LAST AMENDED
2/2/2011

On #waterfront blocks#, parking spaces #accessory# to #residential uses# may be located on the roof of a #building#, or portion thereof, that does not contain #dwelling units# or #rooming units#, provided that:

(a) the roof level is not higher than 23 feet above the #base plane#;

(b) the perimeter of the roof is enclosed by a four foot high parapet wall or other enclosure at least 50 percent opaque;

(c) trees are provided in accordance with Section 62-655 (Planting and trees) at the rate of one tree for each 10 parking spaces for parking areas at grade;

(d) if on the roof of a portion of a #building# containing #dwelling units# or #rooming units#, the sill level of any #dwelling unit# or #rooming unit# windows opening onto such roof area is at least 10 feet above the roof and no parking spaces or vehicular aisles are located within 10 feet of a wall with #dwelling unit# or #rooming unit# windows; and

(e) no flood lighting shall be permitted and any lighting shall be directed away from any #residential# windows on the same or an adjacent #zoning lot#.

62-412 - Accessory residential off-site parking

LAST AMENDED
2/2/2011

For #developments# on #waterfront blocks#, the provisions of Sections 25-52 and 36-42 (Off-site Spaces for Residences) shall be modified so as to permit all permitted or required #accessory# spaces to be located on a separate #zoning lot#, provided that:

(a) such off-site facility is not located in an R1, R2, R2X, R3-1, R3A, R3X, R4-1, R4A or R4B District;

(b) if such off-site facility is located in other R3, R4 or R5 Districts, such off-site facility is contiguous or would be contiguous except for its separation by a #street# or #street# intersection to the #zoning lot# occupied by the #residences# to which the spaces are #accessory#;

(c) if such off-site facility is located in other than a R3, R4 or R5 District, all parking spaces shall not be further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#;

(d) in R3, R4 and R5 Districts, such off-site facility shall be an open lot not exceeding 12,000 square feet. In other districts, parking structures shall be permitted and the maximum size of the facility shall be governed by the provisions of Sections 25-12 and 36-12 (Maximum Size of Accessory Group Parking Facilities);

(e) in #Residence Districts#, no parking spaces are located within a required #front yard# or within four feet of any #lot line#. #Front yards# shall be planted and screening shall be provided along any #lot lines# in accordance with Section 62-655 (Planting and trees);

(f) in all districts, lighting shall be directed away from adjoining #buildings# containing #residences#. In no event shall flood lighting be permitted for off-site facilities in #Residence Districts#; and

(g) in all districts, trees shall be provided in accordance with Section 62-655 at the rate of one tree for each 10 parking spaces for on-site facilities within a #waterfront block#.

62-42 - Special Regulations for Accessory Non-residential Parking Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to non-#residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section 62-45.

62-421 - Accessory non-residential roof parking

LAST AMENDED
2/2/2011

On #waterfront blocks#, parking spaces #accessory# to non-#residential uses# may be located on the roof of a #non-residential building# or a non-#residential# portion of a #building# containing #residential use#, provided that they comply with Section 62-411 (Accessory residential roof parking), paragraphs (a) through (e).

62-422 - Accessory non-residential off-site parking

LAST AMENDED
4/22/2009

For #developments# on #waterfront blocks#, the provisions of Sections 36-43 (Off-site Spaces for Commercial or Community Facility Uses) and 44-32 (Off-site Spaces for All Permitted Uses) shall be modified to permit such spaces to be within 1,000 feet of the #zoning lot# to which they are #accessory#.

62-43 - Parking Requirements for Commercial Docking Facilities

LAST AMENDED
4/22/2009

#Accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-462.

#Accessory# off-street parking or drop-off and pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-821.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	Districts	Number of Required Parking Spaces
Non-commercial pleasure boats Rental boats	C1 thru C8 M1 M2 M3	1 per 2 berths or moorings
Ferries Sightseeing, excursion or sport fishing vessels	R3** thru R5** C1-1 C2-1 C3 C4-1	0.30 x p*
	R6** R7-1** R7A** R7B** R7D** C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	0.20 x p*
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C7 C8-2 M1-3	0.15 x p*

	R8** R9** C1-4 C2-4 C4-4 C8-3	0.10 x p*
	R10** C1-5 thru C1-9 C2-5 thru C2-8 C4-4A C4-5 C4-6 C5 C6 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required
Passenger ocean vessels	C6**	0.15 x p*
	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees, whichever is less
	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required
Vessels not otherwise listed	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees whichever is less
	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required

* For sightseeing, excursion, sport fishing or passenger ocean vessels, "p" is the sum of the maximum capacities of all such vessels using a dock. The maximum capacity of each vessel is its U.S. Coast Guard certified capacity

For ferries, "p" is the total ferry passenger load of a dock on weekdays between the hours of 6:00 a.m. and 9:00 a.m., as determined by the N.Y.C. Department of Transportation

For docks serving both above categories of vessels, the number of parking spaces required shall be the sum of the number of spaces required for each category

** By City Planning Commission special permit only for ferries or passenger ocean vessels in districts indicated

62-44 - Parking and Loading Requirements for Floating Structures

LAST AMENDED
4/22/2009

#Accessory# off-street parking spaces and loading berths shall be provided for all #developments# on #floating structures# in accordance with applicable district regulations unless specifically modified by this Chapter.

Where #floor area# is the unit of measurement for a #use#, the #floor area# shall be deemed to be the area of all floors or decks, both open and enclosed, on all levels of the #floating structure#. Floor or deck space occupied permanently and exclusively by mechanical equipment or that is normally inaccessible for human occupancy may be excluded.

Where #lot area# is the unit of measurement for a #use#, the #water coverage# of the #floating structure# shall be deemed to be #lot area#.

62-45 - Supplementary Regulations for All Parking Facilities

LAST AMENDED
2/2/2011

The applicable district regulations for #developments# with #accessory# or public parking facilities are further modified by this Section.

62-451 - Parking spaces on floating structures

LAST AMENDED
4/22/2009

No #accessory# parking spaces shall be located on a #floating structure# except in conjunction with a special permit pursuant to Section 62-834 (Uses on floating structures).

62-452 - Off-site parking in public parking facilities

LAST AMENDED
4/22/2009

Notwithstanding the provisions of Section 12-10 (DEFINITIONS), a #public parking garage# or #public parking lot# may include permitted or required #accessory# off-street parking spaces which are #accessory# to #uses# on a separate #zoning lot#, provided that:

(a) the #uses# to which they are #accessory# are on a #zoning lot# within a #waterfront block#;

(b) the entrance to the facility is not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #uses# to which it is #accessory#; and

(c) the ownership requirement for such #accessory# off-street parking spaces is satisfied by an interest commensurate with the interest of the principal #use#.

Whenever #accessory# parking spaces are provided off-site within a public parking facility, the number of spaces and the #use# to which they are #accessory# shall be recorded on the certificates of occupancy for both the principal #use# and the public parking facility.

62-453 - Screening requirements for parking facilities on waterfront blocks

LAST AMENDED
4/22/2009

(a) Open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots# pursuant to Section 62-655 (Planting and trees), paragraph (a)(7)(iii), or from a #street# or an #upland connection# pursuant to Section 37-921 (Perimeter landscaping). Screening may be interrupted only by vehicular or pedestrian entrances.

(b) All parking garages that occupy the ground floor frontage along any #street# or #upland connection# shall be screened in accordance with the planting requirements of Section 62-655.

(c) For parking garages on #piers#, at least 50 percent of the perimeter wall area on all sides fronting on public access areas, up to a height of 15 feet, shall consist of clear or lightly tinted transparent material or latticework.

(d) The screening requirements shall not apply to #accessory# parking for WD #uses# or other #uses# in Use Groups 16, 17 or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

62-454 - Off-street parking in large-scale general developments in Community District 1 in Queens

LAST AMENDED
10/9/2013

For #large-scale general developments# within the Hallets Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

62-46 - Supplementary Regulations for Loading Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required #accessory# off-street loading facilities shall apply to all #developments#, except as modified in this Section.

62-461 - Screening requirements for loading facilities on waterfront blocks

LAST AMENDED
4/22/2009

All open off-street loading berths on #waterfront blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# and from all public access areas on the #zoning lot# pursuant to Section 62-655 (Planting and trees). Screening may be interrupted only by vehicular or pedestrian entrances.

The screening requirement shall not apply to #accessory# loading berths for WD #uses# or other #uses# in Use Groups 16, 17 or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

62-462 - Passenger drop-off and pick-up areas for docking facilities

LAST AMENDED
2/2/2011

All #developments# providing new docking facilities serving ferries, sightseeing, excursion, sport fishing or passenger ocean vessels, shall provide an area for the drop-off and pick-up of passengers by car, taxi, van and bus as shown in the table in this Section. Such area shall be located on the #zoning lot# or on another #zoning lot# in the same or an adjoining #Commercial# or #Manufacturing District#, which is contiguous to the #zoning lot# occupied by the docking facility, or would be contiguous except for its separation by a #street# or #street# intersection.

Such area shall be accessed by a one-way driveway at least 15 feet wide with separate entranceways and exits located at least 50 feet apart on the same #street# or located on separate #streets#, provided that no entrance or exit is less than 50 feet from a #street# intersection.

Such area, which may include the driveway on the #zoning lot#, shall be large enough to accommodate the number of vehicles required by the following table, based on a dimensional allowance of 10 feet by 20 feet for cars, taxis and vans and 12 feet by 50 feet for buses.

The Commissioners of Buildings or Business Services, as applicable, may accept an equivalent lay-by area on a portion of a #street# adjoining the #zoning lot#, if such #street# treatment and drop-off area is approved by the Department of Transportation.

REQUIRED DROP-OFF AND PICK-UP SPACES FOR VARIOUS DOCKING FACILITIES

Docks Serving	Maximum Vessel Capacity*	Number of Car Spaces**	Number of Bus Spaces

Ferries	100 or more	1 for each 50 passengers over100; maximum requirement 10	None Required
Sightseeing, excursion, or sport fishing vessels	Up to 200	None Required	None Required
	Over 200	1 for each 50 passengers over 200; maximum requirement 15	1 for each 50 passengers over 200; maximum requirement 2
Any #commercial# vessels	Over 2,500	20	3

* Capacity of the largest vessel using a dock. Capacity of a vessel is its U.S. Coast Guard certified capacity. For ferries, the N.Y.C. Department of Transportation operating permit capacity may be used as the vessel capacity

** Includes cars, taxis and vans

62-47 - Special Parking and Loading Regulations for Waterfront Access Plan BK-1

LAST AMENDED
4/22/2009

Within Waterfront Access Plan BK-1, the special parking and loading regulations of this Section are further modified as follows:

(a) The provisions of Sections 62-411 and 62-421 shall not be applicable.

(b) #Accessory# off-street parking spaces for #uses# permitted pursuant to Section 62-29 shall be provided in conformity with the regulations of Sections 36-21, 36-22 and 36-232 for C2-4 Districts.

(c) Any required #accessory# off-street parking spaces provided for #uses# located on a parcel identified in Waterfront Access Plan BK-1 may be located anywhere within such parcel.

62-50 - GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
2/2/2011

All #zoning lots# #developed# within #waterfront blocks# shall be subject to the provisions of this Section and Section 62-81 (Certifications by the Chairperson of the City Planning Commission).

For the purpose of determining requirements for #waterfront public access areas#, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of structurally sound #piers# and #platforms# within the #seaward lot#.

All #waterfront public access areas#, including those required pursuant to paragraph (b) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall comply with the provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), except as modified by:

(a) authorization of the City Planning Commission, pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements);

(b) special permit of the City Planning Commission, pursuant to Sections 62-834 (Uses on floating structures), 62-835 (Developments on piers or platforms) or 74-79 (Transfer of Development Rights from Landmark Sites); or

(c) the establishment of a Waterfront Access Plan, pursuant to Section 62-90.

However, the design of portions of #waterfront public access areas# located within New York State-designated wetlands or their adjacent regulated areas, shall be in accordance with an approval from the New York State Department of Environmental Conservation.

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the Plan shall control.

62-51 - Applicability of Visual Corridor Requirements

LAST AMENDED
2/2/2011

#Visual corridors# shall be provided for #zoning lots# #developed# within #waterfront blocks# in accordance with the provisions of this Section.

However, the following shall be exempt from the provisions of this Section:

airports, heliports and seaplane bases

#developments# in C8 or #Manufacturing Districts# comprised #predominantly# of #uses# in Use Groups 16, 17 or 18, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels

#developments# in R1 or R2 Districts

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# on #zoning lots# less than 10,000 square feet in any district

#extensions#

changes of #use# within existing #buildings or other structures#.

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width# or there is no way to provide a #visual corridor# in compliance with Section 62-511, no #visual corridors# shall be required.

62-511 - Location of visual corridors

LAST AMENDED
4/22/2009

#Visual corridors# shall be provided through the #zoning lot# using the following methodology:

(a) the #street lines# of a #street# shown on the City Map which extend seaward of the first upland #street# bounding a #waterfront block# and terminate at a #waterfront block# shall be prolonged as a #visual corridor# through all intervening #zoning lots# to the water if the prolonged #street# would intersect the #shoreline# at an angle of 45 degrees or more and there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result;

(b) a #visual corridor# designated in a Waterfront Access Plan that traverses the #zoning lot# shall be maintained through the #zoning lot# in accordance with the provisions of such plan; and

(c) the #street lines# of a #street# shown on the City Map which terminate at the first upland #street# bounding a #waterfront block#, and which #street# would, if prolonged, traverse the #zoning lot# and intersect the #shoreline# at an angle of 45 degrees or more without traversing an intervening #zoning lot#, shall be prolonged as a #visual corridor# if there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result.

Such #visual corridor# pursuant to paragraph (c) of this Section shall not be required if any of the following conditions exist within 400 feet, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, and its elimination does not result in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart:

(1) there is an existing mapped #street# extending to the water that intersects the #shoreline# at an angle of 45 degrees or more;

(2) there is a required #visual corridor# pursuant to paragraph (a) of this Section;

(3) there is an existing designated #visual corridor# either previously recorded by another property owner or mandated in a Waterfront Access Plan; or

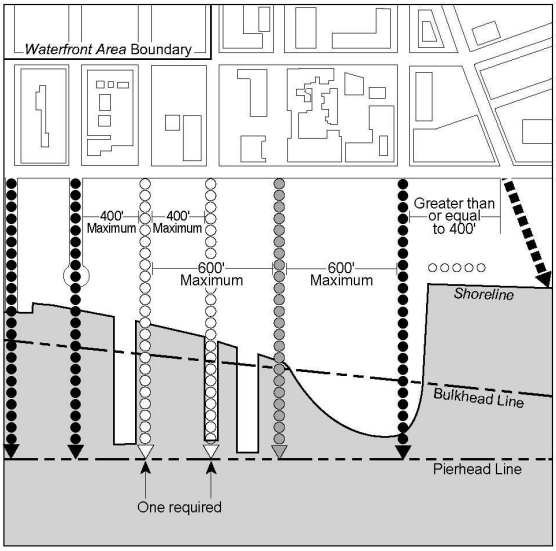
(4) the property owner is currently designating another #visual corridor# through the #zoning lot# pursuant to paragraph (c) of this Section

which is equal to or greater in width than the #visual corridor# that would be eliminated.

For the purposes of paragraphs (a) and (c) of this Section, the angle of intersection of a #street# with the #shoreline# shall be determined from the intersection of the centerline of the #street#, or its prolongation, with the #shoreline#. The line connecting the two points of intersection of the #street lines#, or their prolongation, with the #shoreline# shall be deemed to be the #shoreline# (see illustration of Visual Corridor).

No existing #street#, or its prolongation, shall be considered currently blocked due to the presence of elevated roadways, elevated railways, or pedestrian or vehicular bridges existing on October 25, 1993.

In the event the methodology of this Section results in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, additional #visual corridors# shall be provided at locations that would maintain a maximum spacing of 600 feet without traversing an intervening #zoning lot#. Such spacing may be increased only where an intervening #zoning lot# or an existing #building or other structure# on the #zoning lot# prevents compliance and only to the minimum dimension necessary to clear the intervening #zoning lot# or existing #building or other structure#. However, no #visual corridor# shall be required where such increased spacing would place it within 200 feet of another #visual corridor#. In order to determine the location of the nearest #visual corridors#, the methodology of paragraphs (a), (b) and (c) of this Section shall be applied to the adjoining portions of the #block# frontage to either side of the #zoning lot#.



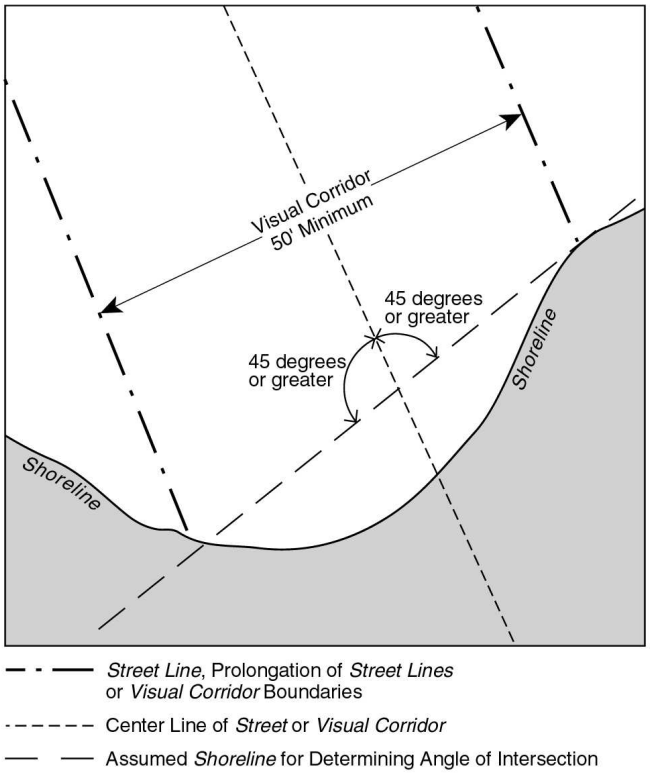
●●●▶ Designated *Visual Corridor* or Mapped *Street* Seaward of the First Upland *Street* (Mandatory Location for Visual Corridor)

○○○▷ Mapped *Street* Terminating at First Upland *Street* (Alternative Location for *Visual Corridors* Mandatory at Maximum Intervals of 400 Feet)

●●●▷ No Upland *Street* (*Visual Corridor* Mandatory at Maximum Intervals of 600 Feet)

■■■▶ Mapped *Street* Terminating at First Upland *Street* (Distance Greater than or Equal to 400 Feet: Mandatory Location)

VISUAL CORRIDOR LOCATIONS
(62-511.1)



VISUAL CORRIDOR (ANGLE OF SHORELINE INTERSECTION)
(62-511.2)

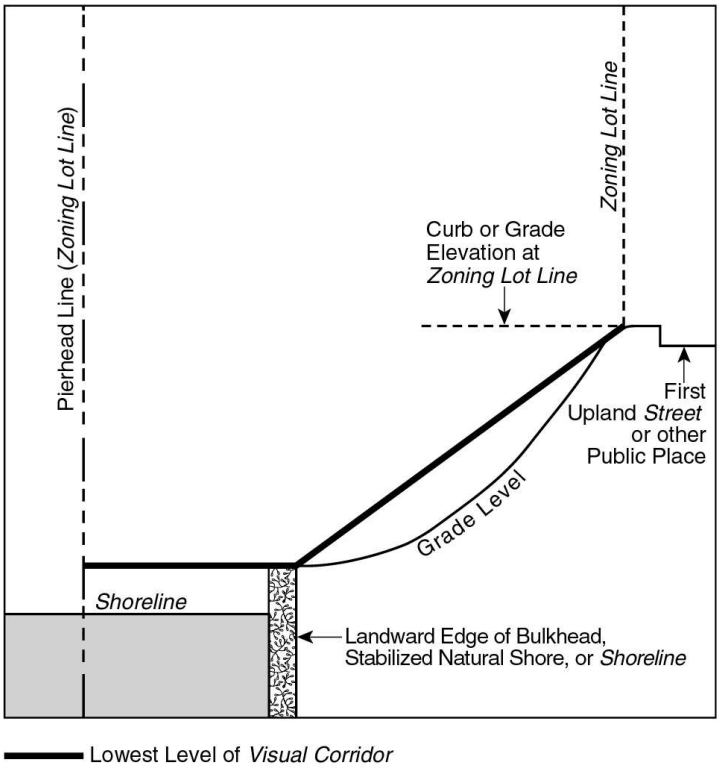
62-512 - Dimensions of visual corridors

LAST AMENDED
5/12/2021

The width of a #visual corridor# shall be determined by the width of the #street# of which it is the prolongation but in no event less than 50 feet. #Visual corridors# that are not the prolongations of #streets# shall be at least 50 feet wide. For the purposes of establishing the width, vehicular turnarounds at the terminations of such #streets#, including curved or flanged treatments at intersections, shall be omitted.

The level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation five feet above curb elevation with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, or upland edge of a #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation five feet above curb elevation at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

No obstructions are permitted within a #visual corridor#, except as set forth in Sections 62-513 and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, when a #visual corridor# coincides with an #upland connection#.



LEVEL OF VISUAL CORRIDOR

(62—512)

62-513 - Permitted obstructions in visual corridors

LAST AMENDED
2/2/2011

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-512 (Dimensions of visual corridors), except as provided in this Section. Permitted obstructions within #visual corridors# in all districts shall include:

(a) permitted obstructions listed in Section 62-611, provided that no shade trees shall be planted within 15 feet of the centerline of a #visual corridor#, except when provided within an open parking lot;

(b) permitted obstructions listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), as modified for #waterfront yards# in Section 62-332;

(c) boats, ships or other vessels, and #floating structures# permitted by paragraph (a) of Section 62-25;

(d) any moving or parked vehicles;

(e) street furniture, including but not limited to, carts and open display booths; and

(f) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

62-52 - Applicability of Waterfront Public Access Area Requirements

LAST AMENDED
3/26/2014

Waterfront public access shall be provided for all #waterfront zoning lots# with a #lot area# of at least 10,000 square feet and a #shoreline# of at least 100 feet that are #developed#, and for all #developments# on #floating structures#, in accordance with the provisions of the following Sections:

Section 62-53 (Requirements for Shore Public Walkways)

Section 62-54 (Requirements for Public Access on Piers)

Section 62-55 (Requirements for Public Access on Floating Structures)

Section 62-56 (Requirements for Upland Connections)

Section 62-57 (Requirements for Supplemental Public Access Areas).

However, #zoning lots# with #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements; #zoning lots# with #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

(a) The following shall be exempted from #waterfront public access area# requirements:

airports, heliports, seaplane bases;

#developments# comprised of #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;

#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# Use Group 16, 17 or 18 #uses#, as listed in Article III, Chapter 2, and Article IV, Chapter 2, except as set forth in paragraph (b)(2) of this Section;

#developments# in R1 or R2 Districts;

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# in any district;

#developments# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts, comprised of #predominantly# #residential uses#;

#enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on the #zoning lot# on October 25, 1993, and not more than 20,000 square feet;

#extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

changes of #use#, from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

(b) #Waterfront public access areas# required in conjunction with the following #developments# shall be subject to the minimum #waterfront public access area# set forth in the table in Section 62-57 and the requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments):

(1) #developments# comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels, #boatels# or commercial beaches;

(2) #developments# on #piers# or #platforms# that involve existing #buildings or other structures# that are either New York City-designated landmarks or have been calendared for consideration, or are listed or eligible to be listed in the National or New York State Registers of Historic Places; or

(3) changes of #use# or #extensions# within #buildings# existing on October 25, 1993, which involve, in aggregate, an amount of #floor area# that is less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater.

In Community District 1 in the Borough of Brooklyn, on #zoning lots# with #developments# comprised exclusively of docks for ferries with a vessel capacity of up to 399 passengers, and #accessory# amenities for such docking facilities, such #zoning lots# shall be exempt from the #waterfront public access area# requirements of this Section, provided that such docking facilities are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). However, for any subsequent #development# on such #zoning lot# that is not comprised exclusively of docks for ferries, the public access requirements of this Section shall apply, and any public access exemptions for such docks for ferries shall no longer apply.

62-53 - Requirements for Shore Public Walkways

LAST AMENDED
5/12/2021

(a) All #waterfront zoning lots# meeting the criteria set forth in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), or #floating structures#, shall provide a #shore public walkway#, which shall comply with the following requirements:

(1) Such #shore public walkway# shall have a seaward edge contiguous with the seaward edge of the #waterfront yard# as established in Section 62-332 (Rear yards and waterfront yards) with a minimum width measured from such edge as set forth in paragraph (a)(2) of this Section, or for #floating structures#, as set forth in Section 62-55, unless relocation or modification of width is permitted pursuant to this Section;

(2) Such #shore public walkway# shall have a minimum width of 30 feet for #zoning lots# #developed# with #predominantly# #community facility# or #commercial# #uses# in R3, R4, R5 and C3 Districts, and such #uses# in C1 and C2 Districts mapped within R1 through R5 Districts. The minimum width for a #shore public walkway# provided for a #zoning lot developed# with any #use# in all other districts, other than R1 and R2 Districts, shall be 40 feet.

(3) The minimum width of the #shore public walkway# set forth in paragraph (a)(2) of this Section may be reduced at the following locations provided no #shore public walkway# is reduced to less than 10 feet:

(i) on shallow portions of #zoning lots# that are less than 150 feet in depth, the minimum width of a #shore public walkway# may be reduced by one foot for every two feet that the lot dimension, measured from such edge, is less than 150 feet;

(ii) on narrow portions of #platforms# that are less than 150 feet in depth between the water edges located perpendicular to the landward edge of such #platform#, the minimum width of such #shore public walkway# along each opposite edge may be reduced by one foot for every two feet that the #platform# dimension is less than 150 feet;

(iii) on #zoning lots# where a #tidal wetland area# is provided, the width of the #shore public walkway# may be reduced by a foot for every foot of #tidal wetland area# along the seaward edge of the #waterfront yard# up to seven feet. Such reduction in depth shall not extend along more than 30 percent of the #shoreline# of the #waterfront zoning lot#.

(b) In the case of a natural #shoreline# within New York State-designated wetlands, the #shore public walkway# shall be permitted to be relocated using either of the following methods:

(1) further landward within the designated wetlands or its adjacent regulated area in accordance with an approval from the New York State Department of Environmental Conservation, in which case its width and design shall be determined by such agency; or

(2) immediately adjacent and contiguous to the landward boundary of the wetlands area and any State-regulated adjacent area at the same elevation, in which case its width shall be measured from the seaward edge, as relocated.

(c) #Shore public walkways# shall be accessible from a public sidewalk within a #street#, #public park# or other accessible open public place, according to the provisions of Section 62-56 (Requirements for Upland Connections). #Shore public walkways# shall connect with #shore public walkways# on adjoining #zoning lots#.

(d) Whenever a #zoning lot# is divided by a boundary between districts, each portion of the #shore public walkway# shall be governed by the width requirement specified for the district in which it is located. However, the total area of required #shore public walkway#, in square feet, may be distributed anywhere in the #waterfront yard#, provided that the #shore public walkway# is at no point narrower than the lesser of the widths required by each district.

62-54 - Requirements for Public Access on Piers

LAST AMENDED
2/2/2011

(a) All #developments# on #zoning lots# containing #piers# shall provide #waterfront public access areas# that meet the provisions of this Section.

#Waterfront public access areas# on #piers# shall consist of:

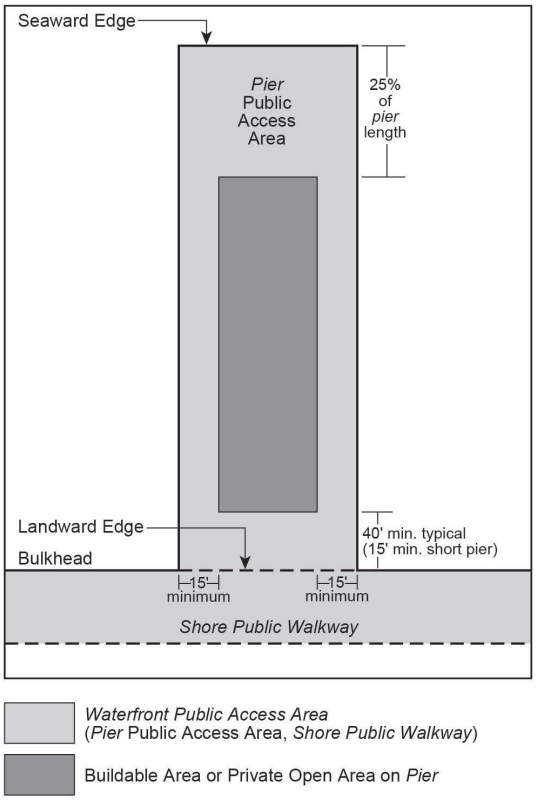
(1) an area along the seaward edge of the #pier# having a depth measured from such seaward edge equal to at least 25 percent of the overall length of the #pier#. Portions of #buildings# may project into the required #waterfront public access area#, provided that the aggregate width of all such projections at the level of any #story# does not exceed 50 percent of the aggregate width of the #building#. For the purposes of this paragraph, #abutting buildings# on a single #zoning lot# shall be considered a single #building#. The depth of the required #waterfront public access area# may be reduced by no more than 20 percent; such projections shall not be included in the computation of #waterfront public access area# provided on the #pier#. In no event shall the depth of the public access area be less than 15 feet;

(2) an area along the landward portion of the #pier#, having a depth of 40 feet, measured seaward from the bulkhead, stabilized or natural #shoreline#, or #platform# edge from which the #pier# projects. The depth of such area, however, need not exceed 25 percent of the length of the #pier#. In no event shall the depth of such area be reduced to less than 15 feet; or

(3) an area along all other water edges of the #pier#, having a depth of 15 feet measured from such edges. For portions of #piers# wider than 80 feet, the depth along the edges of such portion shall be increased by three inches for each additional foot of #pier# width over 80 feet, but need not exceed a total of 60 feet, in aggregate, for all other edges. Such areas along water edges which are directly opposite each other may be aggregated so that the entire area is along one edge. Alternatively, the required area may also be allocated to such opposite edges so that the total aggregate depth is maintained with a minimum 15 foot depth along any edge.

(b) Notwithstanding the requirements of paragraph (a) of this Section, when a #pier# is #developed# #predominantly# with a playground or private park, the #waterfront public access area# requirement on the #pier#, pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed to be satisfied by such #use#.

#Pier# public access areas shall be directly accessible from a #waterfront public access area#, public sidewalk within an open #street#, #public park# or other accessible public place, or other public access area. For #piers# #developed# #predominantly# with a playground or private park, the minimum width of such connection shall be equal to at least 50 percent of the width of a #pier# where it projects from the bulkhead, stabilized or natural #shoreline#, or #platform# edge.



PUBLIC ACCESS REQUIREMENTS ON PIERS

(62—54)

62-55 - Requirements for Public Access on Floating Structures

LAST AMENDED
4/22/2009

All #developments# on #floating structures# permitted as-of-right, pursuant to Section 62-25, shall provide #waterfront public access areas# in accordance with the provisions of this Section. #Developments# subject to a special permit pursuant to Section 62-834 shall provide public access in accordance with a plan established pursuant to such special permit.

(a) Public access in conjunction with a #development# on a #floating structure# shall consist of a 30 foot wide #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from any portion of the #shoreline# in accordance

with the provisions of Section 62-53. In the event that there is additional #development# on the #zoning lot# requiring a 40 foot width, the greater width shall be provided.

(b) When the primary entrance to a #floating structure# is located on a #pier#, and there is no other #development# on the #pier# that would require #pier# public access, a 15 foot wide public access area shall be provided in addition to the #shore public walkway#, along the full length of one of the longer water edges of the #pier#. Such public access area shall be directly connected to the #shore public walkway#.

62-56 - Requirements for Upland Connections

LAST AMENDED
4/22/2009

All #waterfront public access areas# provided pursuant to Sections 62-53 (Requirements for Shore Public Walkways), 62-54 (Requirements for Public Access on Piers) or 62-55 (Requirements for Public Access on Floating Structures) shall be accessible from an open #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600 feet by means of either a direct connection or, where no direct connection exists, an #upland connection# between the #shore public walkway# and an adjoining public sidewalk within an open #street#, #public park# or other public place.

Where there is an intervening #zoning lot# that would prevent compliance with the maximum interval, such interval may be increased to the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall not be required.

62-561 - Types of upland connections

LAST AMENDED
4/22/2009

#Upland connections# shall be provided as a single pedestrian walkway pursuant to paragraph (a) of this Section or as two pedestrian walkways pursuant to paragraph (b) of this Section.

(a) Single pedestrian walkway (Type 1)

(1) The minimum width of an #upland connection# provided in the form of a single pedestrian walkway (hereinafter referred to as "Type 1") shall be as set forth in the table in this Section. Such widths shall be increased by 20 feet within 15 feet of a #street#, #public park# or other public place, hereinafter referred to as an "entry area".

Such widths may be reduced on #zoning lots# having a #lot width# less than 150 feet; the minimum width of a single pedestrian walkway may be reduced by an amount equal to one foot for each two feet that the lot is less than 150 feet. However, in no event shall the width be less than the reduced minimum width specified in the table.

MINIMUM WIDTH FOR TYPE 1 UPLAND CONNECTIONS

Districts	Minimum width (in feet)	Reduced minimum width (in feet)
R3 R4 R5 C1 C2 mapped in R1-R5 C3	20	12
R6 R7 R8 R9 R10 C1 C2 C4 C5 C6 C7 C8 M1 M2 M3	30	16

(2) Where an #upland connection# does not coincide with a #visual corridor#, a 20 foot wide open area shall be required seaward of the entry area, and shall extend along the entire remaining length of the #upland connection# but need not be publicly accessible. This open area may be located on either side of the #upland connection# or aggregated in any combination, so that the total width of the open area, at

any point along the #upland connection#, is 20 feet. Such increased widths may be modified in accordance with the reduced minimum width provisions in paragraph (a)(1) of this Section.

(3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.

(b) Two pedestrian walkways (Type 2)

(1) The minimum width of an #upland connection# provided in the form of two pedestrian walkways, one on each side of the roadbed of a private driveway (hereinafter referred to as "Type 2"), shall be 13 feet for each such walkway. However, where a private driveway terminates in a vehicular turnaround, the minimum width of the #upland connection# abutting such turnaround shall be 10 feet.

(2) In addition, a "transition area" shall be provided which shall have a width equal to the combined width of the Type 2 #upland connection# and the roadbed, and shall extend for a distance of 40 feet measured from the termination of such roadbed in the direction of the #shore public walkway#, as shown in Illustrations 1 and 2 in this Section, for roadbeds that turn and roadbeds that terminate in a turnaround, respectively.

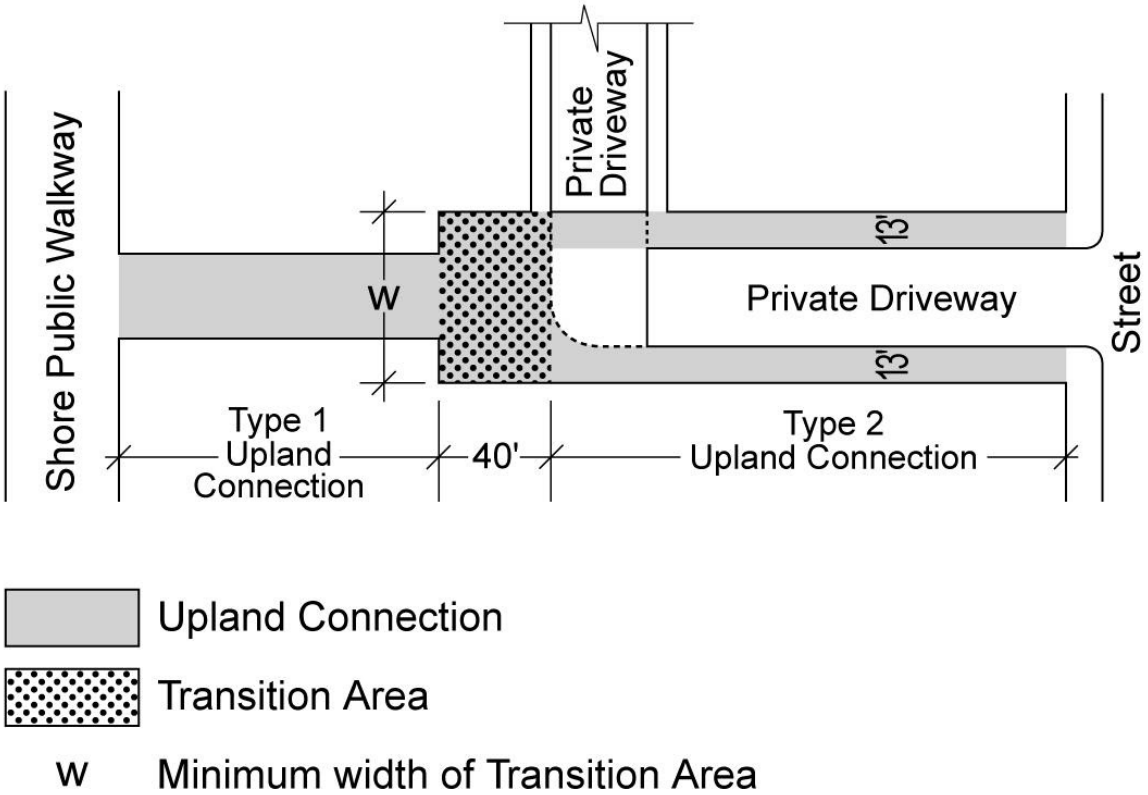


Illustration 1: Upland Connection with Roadbed Turn

(62-561b2.1)

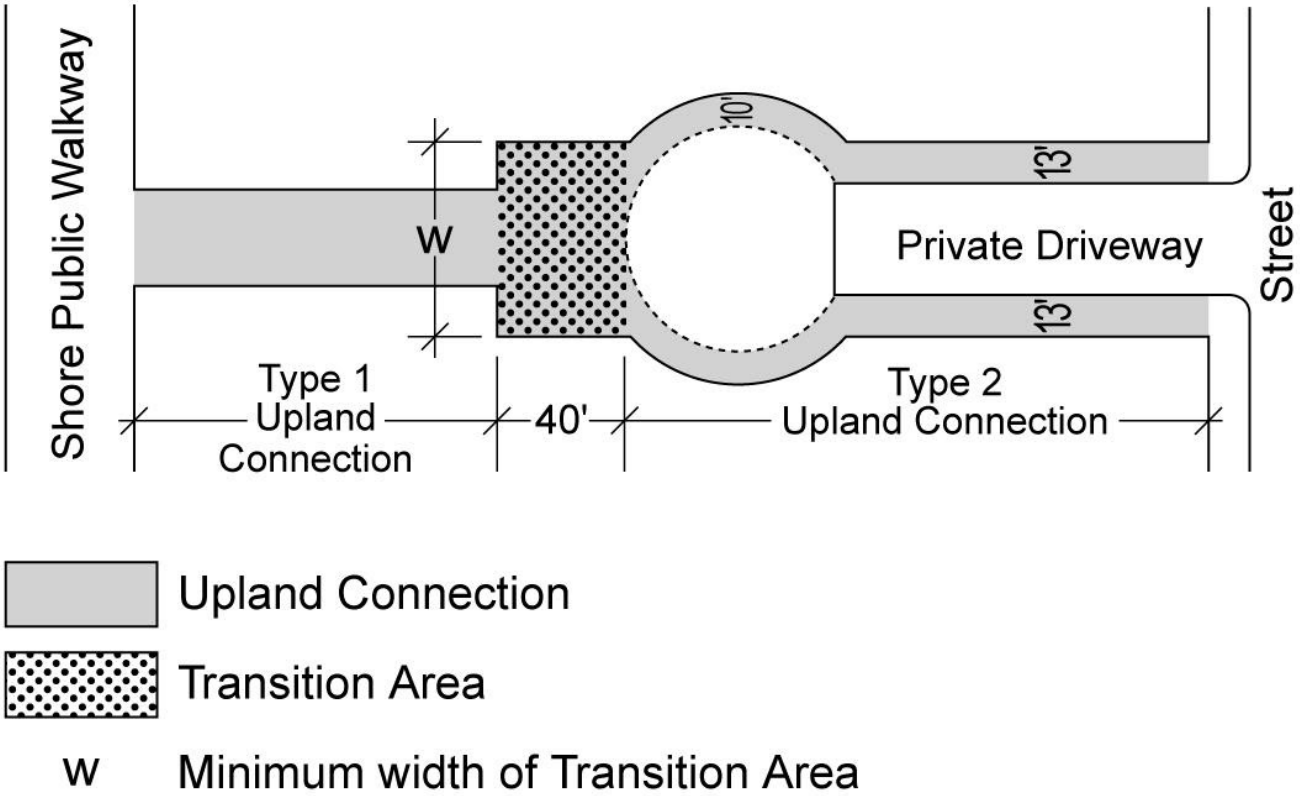


Illustration 2: Upland Connection with Vehicular Turnaround

(62-561b2.2)

(3) Such transition area is not required for roadbeds that turn and are located within 15 feet of a #shore public walkway#, or for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width. However, for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width, an area of at least 10 feet in width shall be provided between the edge of the roadbed and the upland boundary of the #shore public walkway#, as shown in illustration 3.

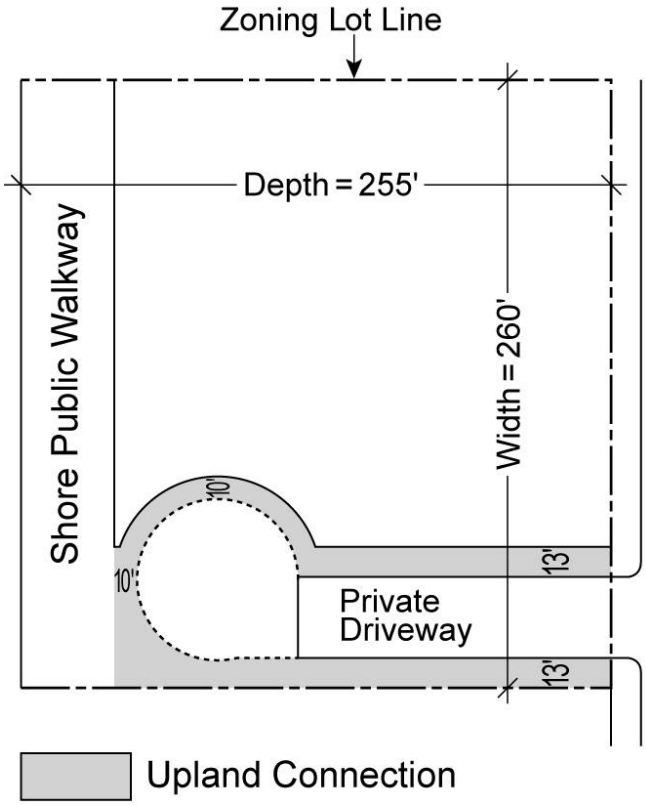


Illustration 3: Maximum Zoning Lot Dimensions to Waive Transition Area

(62-561b3)

62-57 - Requirements for Supplemental Public Access Areas

LAST AMENDED
4/22/2009

(a) If the aggregate area of the required #shore public walkways#, #upland connections#, public access areas on #piers#, and public access areas in conjunction with #floating structures# on the #zoning lot#, is less by 750 square feet or more than the amount of #waterfront public access area# required by the table in this Section, then #supplemental public access areas# shall be provided in order to meet the total amount of #waterfront public access area# required by the table. However, when a #zoning lot# is #developed# #predominantly# as a playground or publicly accessible private park, the requirements of this Section shall be deemed to be satisfied by such #use#.

(b) Where #supplemental public access areas# are required within New York State-designated wetlands or adjacent State-regulated areas, the area requirements and the design standards for such #supplemental public access areas# may be reduced or modified by the New York State Department of Environmental Conservation.

#Supplemental public access areas# shall not be required where the total area of such designated wetlands and adjacent State-regulated areas on the #zoning lot# is equal to or greater than the total #supplemental public access area# requirement and the Department of Environmental Conservation determines that public access to such areas is not permitted.

(c) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to the table in this Section, the #waterfront public access area# requirement shall be met for the entire #zoning lot#, provided that:

(1) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which there is a total #waterfront public access area# requirement; and

(2) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold in either district for which there is a total #waterfront public access area# requirement.

Each portion of the #zoning lot# shall generate a total #waterfront public access area# requirement based on the percentage required in the table for the district in which it is located.

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

Districts	#Zoning Lot# Threshold	Total #Waterfront Public Access Area# Requirement as a Percentage of #Lot Area#
R3, R4, R5, C1 or C2 in R1-R5 C3, C4-1	#Lot area#: 65,340 sq. ft. #Shoreline# length: 600 ft.	15

R6, R7-1, R7-2, R7A, R7B, R7D, R8B and #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# All other #Commercial# or #Manufacturing Districts# with a permitted #commercial# FAR of 4.0 or less	#Lot area#: 20,000 sq. ft. #Shoreline# length: 100 ft.	15
Other R7, R8, R9, R10 Districts and #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# All other #Commercial# or #Manufacturing Districts# with a permitted #commercial# FAR above 4.0	#Lot area#: 20,000 sq. ft. #Shoreline# length: 100 ft.	20

A #supplemental public access area# shall also be subject to the provisions of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

62-571 - Location and area requirements for supplemental public access areas

LAST AMENDED
4/22/2009

#Supplemental public access areas# shall adjoin a #shore public walkway# in accordance with the requirements of this Section, except as modified by paragraphs (a) and (b) of Section 62-57, and the provisions of this Section:

(a) The minimum area of the #supplemental public access area#:

(1) when located at the intersection of a #shore public walkway# and an #upland connection# or #street#, shall be 750 square feet, have a minimum width to depth ratio of 1:1 and a maximum width to depth ratio of 3:1. The longest side shall adjoin the #shore public walkway#; or

(2) when located adjoining a #shore public walkway# without adjoining an #upland connection# or #street#, shall be 1,875 square feet and have a minimum width to depth ratio of 3:1. The minimum depth perpendicular to the #shore public walkway#, as a weighted average, shall be 25 feet.

The width to depth requirements of paragraphs (a)(1) and (a)(2) of this Section may be satisfied with weighted average dimensions. The minimum angle between the two boundary lines of a #supplemental public access area# coinciding with the private portion of the #zoning lot# shall be 90 degrees.

(b) A #supplemental public access area# may be provided:

(1) to widen the #shore public walkway#, with a minimum width of 10 feet running continuously along the #shore public walkway# between any two of the following: an #upland connection#, open #street#, #public park# or other public place;

(2) as a pedestrian sidewalk area abutting a roadbed running along the #shoreline#, provided such sidewalk has a minimum width of 13 feet and complies with the provisions for a Type 2 #upland connection# pursuant to Section 62-64. Any additional #supplemental public access area# shall comply with the requirements of this Section; or

(3) as a dedicated bicycle path if such path connects at each end to an open #street#. The minimum width of a bicycle path shall be 10 feet, with an additional two foot clearance on each side along the entire length of the path. There shall be a planted area between a bicycle path

and a paved area for pedestrian use, pursuant to the requirements of paragraph (c) of Section 62-62.

62-58 - Requirements for Water-Dependent Uses and Other Developments

LAST AMENDED
2/2/2011

#Waterfront zoning lots# that are #developed# with #uses# listed in paragraph (b) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall provide a minimum amount of #waterfront public access area# in accordance with the table in Section 62-57 (Requirements for Supplemental Public Access Areas).

The total #waterfront public access area# requirement in such table shall be provided in any manner that will enable the public to access a waterfront viewing area on the #zoning lot# from a public sidewalk within a #street#, #public park# or other public place. Such viewing area shall provide an unobstructed view of the water and comprise at least 50 percent of the total #waterfront public access area# required on the #zoning lot#. One linear foot of seating shall be provided for every 100 square feet of viewing area.

#Waterfront public access areas# improved in accordance with this Section shall comply with the provisions of Sections 62-61 (General Provisions Applying to Waterfront Public Access Areas) and 62-65 (Public Access Design Reference Standards).

For #developments# listed in paragraph (b)(1) of Section 62-52, on #zoning lots# containing a public access area established prior to October 25, 1993, by restrictive declaration, lease agreement, maintenance and operation agreement, or other agreement with a public entity, which public access area is required to be provided for the life of the #development#, subject to such agreement, the requirements for the #waterfront public access area# shall have been met if the established public access area is substantially in compliance with the provisions of this Section.

62-59 - Special Regulations for Zoning Lots That Include Parks

LAST AMENDED
4/22/2009

(a) In M2 and M3 Districts pursuant to Section 62-27 (Special Use Regulations for Playgrounds or Private Parks), where a #zoning lot# or adjoining #zoning lots# are #predominantly# #developed# as a park, the requirements of Sections 62-50, inclusive, and 62-60, inclusive, shall be deemed satisfied for that portion of the #zoning lots# occupied by such park #use#, provided that:

(1) such park is comprised of a minimum of nine acres of land above water and the #water coverage# of #piers# or #platforms#, located on the #zoning lot# or the #zoning lot# and adjoining #zoning lots#, having at least 600 feet of #shoreline#;

(2) such park provides a continuous paved walkway along the entire portion of the #zoning lots# occupied by such #use# with a minimum clear width of no less than 12 feet, within 40 feet of the #shoreline# for at least 75 percent of those portions of the park that abut the #shoreline#;

(3) such walkway connects with all other #shore public walkways# on the #zoning lot# and adjoining #zoning lots# and any adjoining public sidewalks or other pedestrian areas within #pier# public access areas, a public #street#, #public park#, other public place or park;

(4) such walkway shall be open and accessible from #pier# public access areas, a public #street#, park or other public place at intervals over the length of the park, not exceeding 1,000 feet with an average of 600 feet, by a continuous paved walkway with a minimum clear width of not less than 10 feet;

(5) such park is open and accessible to the public from dawn to dusk, except when hazardous conditions are present that would affect public safety;

(6) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the Department of Parks and Recreation (DPR), except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such a park; and

(7) #visual corridors# shall be provided in accordance with Section 62-51 (Applicability of Visual Corridor Requirements).

Any maintenance and operation agreement required pursuant to paragraph (a)(6) of this Section shall include a requirement that prior to obtaining any building permit or opening any portion of the park to the public, the property owner or operator of the park shall post with DPR security in the form of a maintenance bond, letter of credit or other security acceptable to DPR, in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the park for a 12 month period following its final completion, and that such security shall be replaced every five years with new security in an amount sufficient to cover 125 percent of the then current annual

cost of maintaining the park, as certified by a registered architect or landscape architect, for the life of the park. Any maintenance and operation agreement shall be attached to or included within a duly recorded, signed declaration of restrictions, indexed against the #zoning lot#, binding the owners and any lessees, tenants, successors and assigns to maintain and operate the park in conformance with this Section and with the maintenance and operation agreement for the life of the park. The filing of such declaration, where required, shall be a precondition to certification pursuant to paragraph (e) of Section 62-811.

Any portion of a #zoning lot# that is not #developed# for a park #use# shall be subject to all of the requirements of Sections 62-50 and 62-60. For purposes of determining obligations pursuant to this Section, such portions of a #zoning lot# not used for park purposes shall be treated as a separate #zoning lot# or separate #zoning lots#, except that the entire #zoning lot#, including the portion used for park purposes, shall be considered in determining #lot area# for purposes of Section 62-53 (Requirements for Shore Public Walkways).

(b) In order to implement the East River Waterfront Esplanade and Piers Project described in the Final Environmental Impact Statement (FEIS) dated May 18, 2007, of the Lower Manhattan Development Corporation and the record of decision (ROD) adopted by such corporation on November 7, 2007 (the ERW Project), in C2-8, C4-6, C6-4 and M1-4 Districts located in Manhattan Community Districts 1 and 3, for #zoning lots# #predominantly# #developed# as publicly accessible open space under the ERW Project, the Chairperson of the City Planning Commission shall allow for the phased implementation of such publicly accessible open space, and the requirements of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, provided that:

(1) the application for certification pursuant to Section 62-811 for any such phase(s) includes a report demonstrating that:

(i) a site plan of the design of the publicly accessible open space in such phase(s) has been shown by the applicant to the affected Community Boards and Council Member(s) and such Community Boards and Council Member(s) have had at least 45 days to review such plan;

(ii) any comments and recommendations of the affected Community Boards and Council Member(s) have been considered by the applicant, and such report includes a response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall address how the design has been modified;

(iii) the publicly accessible open space in such phase(s) will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and

(iv) a maintenance and operation agreement providing for the maintenance and operation of the publicly accessible open space in such phase(s) in good condition is entered into with the DPR, except that no such maintenance and operation agreement shall be required for a publicly accessible open space developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such publicly accessible open space; and

(2) the site plan of the design for the publicly accessible open space phase(s) in such application is determined by the Chairperson to be in substantial compliance with the ERW Project as described in the FEIS and ROD.

No excavation or building permit shall be issued for #development# under any phase for publicly accessible open space under the ERW Project certified pursuant to Section 62-811 in accordance with this paragraph, (b), until all applicable Federal, State and local permits and approvals have been received with respect to such phase, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

(c) In order to implement a portion of the East Side Coastal Resiliency Project described in the Final Environmental Impact Statement (FEIS) dated September 13, 2019, located in a marginal street, wharf or place used as a park, in an M1-1 District located in Manhattan Community District 6, for #zoning lots# #predominantly# #developed# as a park, the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, and the certification pursuant to Section 62-811 (Waterfront public access and visual corridors) shall not be required, provided that:

(1) the park will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and

(2) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the City of New York, except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such park.

No excavation or building permit shall be issued within such #zoning lot# #predominantly# #developed# as a park, for the portion of the East Side Coastal Resiliency Project implemented pursuant to this paragraph (c), until all applicable Federal, State and local permits and approvals have been received, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

62-60 - DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
2/2/2011

#Waterfront public access areas# required pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall comply with the provisions of this Section, inclusive.

62-61 - General Provisions Applying to Waterfront Public Access Areas

LAST AMENDED
5/12/2021

(a) All #waterfront public access areas# shall be unobstructed from their lowest level to the sky, except as set forth in Section 62-611 (Permitted obstructions). The lowest level of any portion of a #waterfront public access area# shall be determined by the elevation of the adjoining portion on the same or an adjoining #zoning lot# or the public sidewalk to which it connects. Reference elevations shall be established from the public sidewalks, #waterfront yard# levels and the elevations previously established by adjoining #zoning lots# at #lot line# intersections of a waterfront public access network, as applicable.

(b) The minimum required circulation path shall be connected and continuous through all #waterfront public access areas# on adjacent #zoning lots#.

(c) #Waterfront public access areas# shall be accessible to persons with physical disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.

(d) All #waterfront public access areas# improved for public access shall meet the following regulations for site grading:

(1) In required circulation paths:

(i) for cross-sectional grading regulations (perpendicular to the general direction of pedestrian movement), the minimum slope of a required circulation path shall be one and one-half percent to allow for positive drainage and the maximum slope shall be three percent. Steps and stairways accommodating a cross-sectional grade change are only permitted outside of the required circulation path(s).

(ii) for longitudinal grading controls (parallel to the general direction of pedestrian movement), grade changes shall be permitted along the length of a required circulation path by means of steps or ramps in compliance with the requirements for handicapped accessibility.

(2) In required planting areas, including screening buffers:

Within three feet of the edge of any planting area, the grade level of such planting area shall be no more than three feet higher or lower than the adjoining level of the pedestrian circulation path.

(e) Vehicle and emergency access

Vehicular access is prohibited within #waterfront public access areas# except for emergency and maintenance vehicular access. Parking areas, passenger drop-offs, driveways, loading berths and #building# trash storage facilities are not permitted within, or allowed to be accessed or serviced through, a #waterfront public access area#, except for vehicular access to drop-offs and other required services #accessory# to docking facilities or to #development# on a #pier# or #floating structure#.

Such vehicular ways shall be used only to provide access across the #shore public walkway#. No single driveway shall exceed a width of 25 feet. Bollards shall be installed in accordance with Section 62-651. A minimum 12 inch paved border shall be installed along the driveway boundaries and shall have a color distinct from the paving of the adjoining paved surface.

Vehicular roadways are permitted as part of an #upland connection# in accordance with the regulations of Section 62-56.

Any vehicular roadway crossing a required #waterfront public access area# shall comply with the requirements for paving in Section 62-656.

62-611 - Permitted obstructions

LAST AMENDED
5/12/2021

#Waterfront public access areas# shall be unobstructed from their lowest level to the sky except that the obstructions listed in this Section shall be permitted, as applicable. However, no obstructions of any kind shall be permitted within a required circulation path, except as specifically set forth herein.

(a) In all areas

(1) Trees and other plant materials, including grasses, vines, shrubs and flowers, watering equipment, arbors, trellises, observation decks, retaining walls;

(2) Seating, litter receptacles, drinking fountains, other outdoor furniture;

(3) Fountains, reflecting pools, waterfalls, sculptures and other works of art, temporary exhibitions;

(4) Guardrails, bollards, gates and other protective barriers, in accordance with Section 62-651;

(5) Lights and lighting stanchions, flag poles, exercise and other recreational equipment;

(6) Kiosks and open air cafes

Where a kiosk is provided, it shall occupy an area no greater than 150 square feet, including roofed areas. A kiosk may be freestanding or attached on only one side to a #building# wall. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may only be occupied by news or magazine stands, food stands, flower stands, bicycle rental stands, information booths or #uses# #accessory# to permitted WD #uses#, as permitted by the applicable district #use# regulations or as modified by Section 62-29.

Open air cafes shall be permanently unenclosed except that they may have a temporary fabric roof. No kitchen equipment shall be installed within an open air cafe. Kitchen equipment may be contained in a kiosk adjoining the open air cafe.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers on a #waterfront public access area# through open windows;

(7) Structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, provided the height of such berm does not exceed the #flood-resistant construction elevation# required on the #zoning lot# or five feet above the lowest adjoining grade of the #waterfront yard# established pursuant to Section 62-332 (Rear yards and waterfront yards), whichever is higher;

(8) Temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter. Permanent fixtures for self-standing flood control devices shall be flush-to-grade, and shall be permitted obstructions within a required circulation path.

(b) In screening buffers

(1) Paved entrances to #buildings# fronting upon a screening buffer, including awnings and canopies over such entrances, seating located within 42 inches of an adjacent paved area, bicycle racks within six feet of the sidewalk of an open accessible #street# or within 10 feet of an #upland connection#;

(2) Service equipment necessary for maintenance of #waterfront public access areas# or the functioning of adjacent structures such as watering equipment, sheds for tool storage, electrical transformers or other mechanical or electrical service devices, provided all such equipment covers no more than 100 square feet in any location and has a maximum height of 10 feet. Such obstructions shall be screened in accordance with Section 62-655 (Planting and trees);

(3) Exhaust vents located on #building# walls fronting on the screening buffer, only if the bottom of such vent is a minimum of 10 feet above the adjacent ground level and projects no more than four inches from the #building# wall.

(c) Beyond 20 feet of the #shoreline#

Tot-lots, playgrounds, dog runs, public telephones, toilets, bicycle racks.

(d) In Community District 1 in the Borough of Brooklyn

Any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

62-62 - Design Requirements for Shore Public Walkways and Supplemental Public Access Areas

LAST AMENDED
5/12/2021

The design requirements of this Section shall apply to #shore public walkways# and #supplemental public access areas#, except as modified by Section 62-57 (Requirements for Supplemental Public Access Areas).

(a) Circulation and access

(1) In all districts, a #shore public walkway# shall provide a circulation path with a minimum clear width of 12 feet, except that in R3, R4, R5, C1, C2 and C3 Districts, and in C1 or C2 Districts mapped within R1 through R5 Districts, the minimum clear width shall be 10 feet.

Such path shall be located within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline#, and the remainder of the path may be located anywhere within the #shore public walkway# or #supplemental public access area#. Secondary paths, when provided, shall be at least six feet wide. When two circulation paths are parallel to each other, they shall be connected by other paths or accessible lawn at intervals not to exceed 200 feet. In order to facilitate the future connection of pedestrian circulation paths, where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# shall be located within 30 feet of the #shoreline#.

(2) A #supplemental public access area# shall provide at least one circulation path with a minimum clear width of six feet that provides access throughout the #supplemental public access area#. This requirement may be met by a circulation path of the #shore public walkway# that traverses the #supplemental public access area#;

(b) Seating

One linear foot of seating shall be provided for every 75 square feet of #shore public walkway# and #supplemental public access area#. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 62-652.

In addition, up to 25 percent of required seating may be located seaward of the #shore public walkway# and shall be subject to the provisions of Section 62-652, paragraph (h).

(c) Planting

(1) Planting areas

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted.

In addition, the following conditions shall apply:

(i) Where a #supplemental public access area# is greater than 1,875 square feet, at least 15 percent of the required planting area of the #shore public walkway# and #supplemental public access area#, combined, shall be provided as lawn;

(ii) Up to 30 percent of the required planting area may be provided as #tidal wetland area# and shall be measured in plan view and not along the planted slope; or

(iii) When a dedicated bicycle path is provided within a #supplemental public access area#, a planting area with a width of at least five feet shall be provided between the bicycle path and any paved area for pedestrian use. For the purpose of calculating planting requirements, the area of the bicycle path may be deducted from the combined area of the #shore public walkway# or #supplemental public access area#.

Such planting areas in this paragraph, (c), may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(2) Screening buffer

(i) A screening buffer shall be provided within the #shore public walkway# or the #supplemental public access area#, running along the entire upland boundary of such area where it abuts non-publicly accessible areas of the #zoning lot#, except as waived pursuant to paragraph (c)(2)(iii) of this Section. Any screening buffer provided pursuant to this Section may be used to meet the planting requirements of paragraph (c)(1) of this Section.

(ii) The minimum width of the screening buffer shall be six feet. On shallow lots where the width of the #shore public walkway# may be reduced pursuant to Section 62-53, the width of the screening buffer may be reduced proportionally but shall not be less than four feet.

(iii) No screening buffer shall be required:

(a) adjacent to a private drive, a #street# or at the entrances to #buildings#; or

(b) for a #commercial# or #community facility# #use# within a distance of 15 feet from the sidewalk or #waterfront public access area#, that is glazed with windows, transoms or glazed portions of doors in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

(3) Trees and additional planting

(i) A minimum of one canopy tree shall be provided for every 2,000 square feet of #shore public walkway# and #supplemental public access area#. In no event may a #shore public walkway# have less than two canopy trees for every 100 feet of #shoreline#.

(ii) In addition to the trees required pursuant to paragraph (c)(3)(i) of this Section, for every 1,250 square feet of #shore public walkway# and #supplemental public access area#, one of the following must be provided: a canopy tree, an ornamental tree or a multi-stemmed equivalent, 60 square feet of planting beds or 110 square feet of accessible lawn.

Trees and additional planting areas may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(4) Reduction in minimum required planting area

The minimum planting area, required by paragraph (c)(1) of this Section, may be reduced by 10 square feet for every linear foot of:

(i) #shoreline# improved for boat launching or mooring or designed with architectural features to facilitate direct access to the water, such as steps or other forms of "get-downs," except that rip-rap used as stabilized shore shall not qualify for a planting reduction; or

(ii) WE #uses# with frontage adjoining, and having a public entrance on, the #shore public walkway# or #supplemental public access area#, provided that the screening buffer for such #shore public walkway# or #supplemental public access area# is waived pursuant to the conditions of paragraph (c)(2)(iii) of this Section.

However, where a #supplemental public access area# having an area of least 7,500 square feet containing a playground of at least 3,500 square feet in area and improved in accordance with the standards of the Department of Parks and Recreation is provided, the required minimum planting area may be reduced by one square foot for every five square feet of playground area. The playground area may be located anywhere within the #waterfront public access area# that is beyond 20 feet of the #shoreline#.

In no event shall the reduced planting area be less than 25 percent of the combined area of the #shore public walkway# and #supplemental public access area#.

(d) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided within a #waterfront public access area#.

Furthermore, when the combined area of the #shore public walkway# and #supplemental public access area# is greater than 8,000 square feet, two additional bicycle parking spaces shall be provided for every additional 2,000 square feet of #shore public walkway# or #supplemental public access area#.

Bicycle racks shall be adjacent to a circulation path and at least 20 feet from the #shoreline#. Such bicycle racks may be located in public sidewalks adjacent to the #zoning lot#. All bicycle racks shall comply with the standards of Section 62-657.

(e) Trash receptacles

One trash receptacle shall be provided for every 4,000 square feet of #shore public walkway# and #supplemental public access area#, and all trash receptacles shall be located in visible and convenient locations. All trash receptacles shall comply with the standards of Section 62-658.

62-63 - Design Requirements for Public Access on Piers and Floating Structures

LAST AMENDED
4/22/2009

62-631 - Design requirements for public access on piers

LAST AMENDED
3/26/2014

The design requirements of this Section shall apply to #waterfront public access areas# on #piers#, pursuant to Section 62-54.

(a) Circulation and access

At least one circulation path having a minimum clear width of 10 feet shall be provided throughout the public access area required on the #pier#.

(b) Permitted obstructions

In addition to permitted obstructions pursuant to Section 62-611, #pier# public access areas may include one freestanding open or enclosed public pavilion, provided such structure does not exceed one #story#, is no taller than 30 feet and has an area no larger than 1,600 square feet. At least 50 percent of the perimeter wall area on all sides, up to a height of 15 feet, shall consist of clear or glazed materials which may include #show windows#, glazed transoms, glazed portions of doors or latticework. Such structures shall be exempt from #building# spacing requirements on #piers# provided they maintain a spacing of at least 12 feet from other #buildings# and from any water edge of the #pier#, except that when a #pier# is 30 feet or less in width, a pavilion may abut one water edge.

In Community District 1 in the Borough of Brooklyn, any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(c) Seating

At least one linear foot of seating is required for every 100 square feet of #pier# public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

62-632 - Design requirements for public access on floating structures

LAST AMENDED
4/22/2009

The design requirements of this Section shall apply to #shore public walkways# provided in conjunction with as-of-right #development# on #floating structures#, pursuant to Section 62-55.

(a) Circulation and access

A circulation path shall be provided with a minimum clear width of 10 feet. On shallow portions of #zoning lots# where the width of the #shore public walkway# may be reduced in accordance with Section 62-53, the minimum clear width of the path may be reduced to a minimum of six feet when the #shore public walkway# is less than 16 feet.

(b) Seating

At least one linear foot of seating is required for every 100 square feet of public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

(c) Screening

Any service areas, such as that used for equipment storage or similar purposes, shall be screened from the circulation path in accordance with the standards for screening in Section 62-655 (Planting and trees).

62-64 - Design Requirements for Upland Connections

LAST AMENDED
4/22/2009

#Upland connections# shall be improved in accordance with the provisions of this Section.

(a) Circulation and access

(1) For Type 1 #upland connections# provided in accordance with the provisions of paragraph (a) of Section 62-561, there shall be at least one circulation path linking an open #street#, #public park# or other public place with a #shore public walkway#. Such path shall have a minimum clear width of 12 feet. Any secondary paths shall have a minimum clear width of six feet.

(2) For Type 2 #upland connections# provided in accordance with the provisions of paragraph (b) of Section 62-561, each pedestrian walkway shall have a circulation path with a minimum clear width of eight feet linking an open #street#, #public park# or other public place with a #shore public walkway#. However, when a turnaround is provided, the entire required area shall be provided as a circulation path.

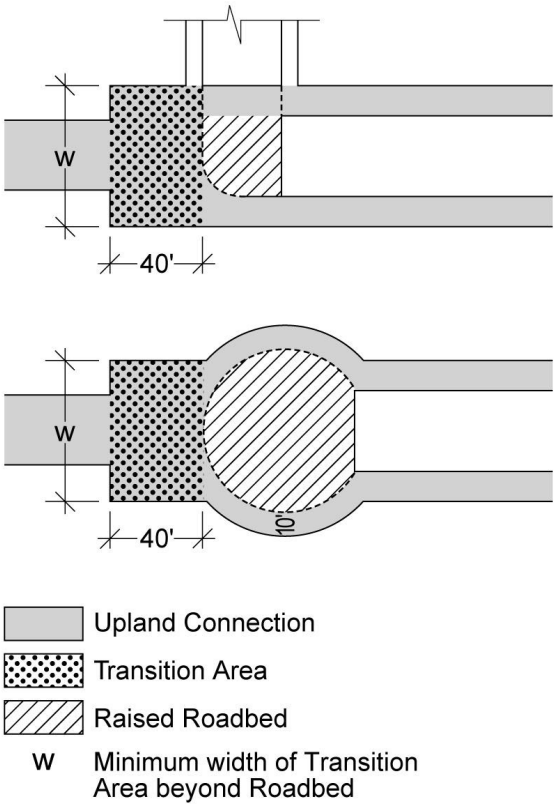
(3) For transition areas, a circulation path with a width of at least 12 feet shall connect each circulation path of the Type 2 #upland connection# with a circulation path of a #shore public walkway#, #supplemental public access area# or Type 1 #upland connection#, whichever is applicable.

(b) Paving

(1) For Type 1 #upland connections#, at least 40 percent but not more than 65 percent of the entry area shall be paved. Such paving shall include a five foot wide area along at least 70 percent of the frontage adjoining a public sidewalk.

(2) Where any #upland connection# is interrupted by a private driveway, the full width of the required #upland connection# shall traverse the roadbed without a drop in level, and be paved with materials distinct from the roadbed. Such portion of the #upland connection# shall not count towards fulfilling a minimum required amount of #waterfront public access area#.

In addition, for Type 2 #upland connections#, the area of the roadbed between both circulation paths, within which lines perpendicular to the #upland connection# traversing the roadbed can be drawn or the portion of the roadbed within a vehicular turnaround, shall be raised to be flush with the level of such adjoining #upland connections#.



Type 2 Upland Connection

(62—64)

(3) The roadbed paving material of a private driveway leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining circulation paths.

(c) Planting

(1) For Type 1 #upland connections#, at least 40 percent of the area of the #upland connection# shall be planted in accordance with the provisions set forth in Section 62-655 (Planting and trees).

In addition, the following rules shall apply:

(i) where such #upland connections# do not abut open parking lots or private driveways, six caliper inches of ornamental trees or their equivalent in multi-stemmed plants shall be required for every 100 linear feet of #upland connection#.

(ii) where such #upland connections# abut an open parking lot, screening shall be provided within the #upland connection# along the curb of such parking lot in accordance with Section 37-921 (Perimeter landscaping).

(iii) where such #upland connections# abut a private driveway, a continuous tree pit shall be provided within the #upland connection# along the curb of the driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage.

(iv) where such #upland connections# do not coincide with a #visual corridor#, at least 30 percent of the required open area along the length of the #upland connection# shall be planted, and the requirements of Section 62-513 (Permitted obstructions in visual corridors) shall apply within such open areas.

(2) For Type 2 #upland connections#, a continuous tree pit shall be provided within the #upland connection# along the curb of the private driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage. Portions of the continuous tree pit may be paved with permeable paving such as Belgian block or similar unit pavers in order to accommodate any required amenities, such as benches or bicycle racks, or other permitted obstructions in accordance with the provisions of Section 62-611. However, no continuous tree pit shall be required where an #upland connection# abuts a portion of a roadbed that is required to be raised pursuant to paragraphs (b)(2) or (b)(3) of this Section.

(3) For transition areas, at least 40 percent of such area shall be planted. In addition, a minimum of two canopy trees or their equivalent in caliper inches of ornamental trees or multi-stemmed plants are required.

(d) Seating

At least 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#, excluding the length of any entry or transition areas and the first 50 feet of a Type 2 #upland connection#. Such excluded areas shall have at least 24 linear feet of seating.

(e) Trash receptacles

One trash receptacle shall be provided within 15 feet of a #street#, #public park# or other public place and one receptacle shall be provided where the #upland connection# adjoins a #shore public walkway# or #supplemental public access area#, pursuant to Section 62-658.

62-65 - Public Access Design Reference Standards

LAST AMENDED
4/22/2009

The standards of this Section, inclusive, shall be applicable to all #waterfront public access areas# and #visual corridors#.

No hollow plastic material, such as PVC (polyvinyl chloride) or similar material shall be permitted in guardrails, fences, seating, trash receptacles or other similar furniture within a #waterfront public access area#. However, high-density polyethylene shall be permitted.

62-651 - Guardrails, gates and other protective barriers

(a) Guardrails

For the purposes of this paragraph, (a), the term "guardrail" shall refer only to fencing or similar structures provided along a bulkhead, stabilized shore or the water edges of a #pier# or #platform#.

When a guardrail is provided, it shall have a maximum height of 42 inches measured from the adjoining grade level, and shall be at least 70 percent open. Guardrails may be mounted on a solid curb not higher than six inches.

A guardrail may be substituted for a wall, pursuant to paragraph (c)(3) of this Section.

(b) Bollards

(1) Bollards shall be limited to the following locations:

(i) along the bulkhead, stabilized shore or the water edges of a #pier# or #platform#;

(ii) along a #zoning# #lot line# adjacent to, and limiting access from an upland #street#; and

(iii) along the boundaries of a roadway within an #upland connection#.

(2) Bollards shall not exceed 30 inches in height and shall be between six and 15 inches in width. The top of bollards shall not consist of any sharp edges. The minimum clearance between two bollards shall be five feet.

(c) Fences and walls

(1) Fences and walls, when provided, shall be limited to the following locations:

(i) along the boundary of a #waterfront public access area# and an adjoining private area on the #zoning lot#;

(ii) around the perimeter of a playground, tot-lot or dog-run;

(iii) adjoining WD #uses#;

(iv) within a #visual corridor#; and

(v) along any grade level change of 30 inches or greater.

(2) Fences shall have a maximum height of 36 inches measured from the adjoining grade level, and be at least 70 percent open. Fences may be mounted on a solid curb not higher than six inches.

(3) Walls shall not exceed a height of 21 inches, and may be fully opaque.

(4) Chain link fencing or barbed or razor wire shall not be permitted.

(d) Gates

Gates attached to fences and walls that limit physical access to #waterfront public access areas# from #streets#, #public parks# or other public ways, or from adjacent #waterfront public access areas# on adjoining #zoning lots#, shall comply with the provisions of this paragraph (d). Such gates shall be permitted only at the boundaries of #waterfront public access areas# and such adjacent publicly accessible areas, except that in Type 1 #upland connections# gates may be located at the seaward boundary of the entry area. Gates shall not intrude into any planting area. Gates may be closed only pursuant to Section 62-71 (Operational Requirements).

The maximum height of a gate shall be four feet above the adjoining grade level. Gates shall be no more than 30 percent opaque.

When opened for access, 70 percent of the total width, in aggregate, of the #waterfront public access area# shall be free of obstructions associated with the gate, and there shall be a minimum clear distance of at least 16 feet between any two obstructions of the gate.

In addition, in its open position, the gate and its support structures shall not obstruct:

(1) any circulation path;

(2) 25 percent of the width of the entry area of an #upland connection# along each side of the centerline of such entry area; and

(3) at least 50 percent of the width of the #shore public walkway# closest to the #shoreline#.

62-652 - Seating

LAST AMENDED
4/22/2009

All required seating shall comply with the following standards:

(a) Seating with backs

At least 50 percent of the required seating shall have backs, and at least 50 percent of such seating shall face in the general direction of the water. Seat backs shall be at least 14 inches high. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from the vertical between 10 to 15 degrees.

(b) Depth

Seating with or without backs shall have a depth of not less than 18 inches, and for seating with backs, such depth shall not be greater than 20 inches. Seating with a depth of at least 36 inches, and accessible from both sides, may be credited as double seating. When seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(c) Height

At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent grade. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements. Seating may be mounted on a solid curb not higher than six inches.

(d) Clearance

Seating shall be located a minimum of 22 inches from any circulation path or permitted obstruction along the accessible side of such seating, except that seating without backs may be as close to a guardrail as 12 inches.

(e) Types of seating

In #shore public walkways# and #supplemental public access areas#, at least two of the following types of seating are required: moveable seating, fixed individual seats, fixed benches with backs, fixed benches without backs, lounging chairs and design feature seating.

(1) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 25 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(2) Moveable seating

Moveable chairs, excluding those in open air cafes, may be credited as 18 inches of linear seating per chair; however, not more than 50 percent of required linear seating may be in moveable chairs. Moveable chairs may be placed in storage outside of the required hours of operation, pursuant to Section 62-71, paragraph (a). All moveable chairs must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #waterfront public access area# is open to the public.

(3) Seating steps

Seating steps shall not include any steps intended for circulation and must have a height not less than 12 inches nor greater than 30 inches and a depth not less than 18 inches.

(4) Lounge chairs

Lounge chairs shall allow for a reclined position supporting the back as well as the legs. Lounge chairs may be credited as 36 inches of linear seating per chair.

(f) Social seating and tables

At least 25 percent of required seating shall be social seating, consisting of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction. A minimum of two square feet of tables shall be required for every three linear feet of social seating. However, any requirement for tables that, in total, is less than 10 square feet shall be waived, and no more than 150 square feet of tables shall be required in any site.

(g) Shaded seating

At least 20 percent of required seating shall be shaded. Seating shall be considered shaded if it is located under a canopy tree or shade structure, or on the eastern side and within 45 feet of the trunk of a canopy tree or of a shade structure.

(h) Seaward seating

Up to 25 percent of required seating may be located seaward of the #shore public walkway# provided it is designed as:

(1) a generally smooth and flat surface within a stabilized natural #shoreline#, in the form of rock, stone, wood or other solid material that measures at least 15 inches in width and depth and is between 12 and 30 inches high measured from the adjoining accessible surface; or

(2) steps, with a depth and height between 12 and 30 inches, that facilitate access to the water.

Seaward seating shall not be subject to the provisions of paragraphs (a) through (g) of this Section.

Seating in open air cafes or stairs shall not qualify towards seating requirements. All seating located within a planting area shall be on permeable pavement and secured for stability.

62-653 - Lighting

LAST AMENDED
2/2/2011

All #waterfront public access areas# shall provide lighting in accordance with the following requirements:

An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required. Such level of illumination shall be maintained from one-half hour before sunset to one-half hour after sunrise.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1 within a #waterfront public access area#.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a #waterfront public access area# and are mounted on or located within #buildings# adjacent to the #waterfront public access area# shall be shielded from direct view. In addition, all lighting within the #waterfront public access area# shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences#.

62-654 - Signage

LAST AMENDED
4/22/2009

The provisions of this Section shall apply to signs required in #waterfront public access areas#. All such signs shall be located in directly visible locations, without any obstruction at any time. Such signs shall be fully opaque, non-reflective and constructed of permanent, highly durable materials, such as metal or stone. All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of one-quarter inch, unless otherwise specified in this Section, and shall highly contrast with the background color.

Drawings documenting the size, format, and orientation of all required signs shall be included in the application for certification, pursuant to Section 62-80. Such drawings shall include detailed information about dimensions of the sign, lettering size, color and materials.

(a) Entry signage

All #waterfront public access areas# shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a #street#, #public park# or other public way. Required signage shall contain:

(1) the New York City waterfront symbol, 12 inches square in dimension, as provided in the Required Signage Symbols file at the Department of City Planning website and the "The New York Waterfront Symbol Standards and Specifications" (published by the Department of City Planning, April 1989, and as modified from time to time);

(62—654)

(2) lettering at least one-and one-half inches in height, stating "OPEN TO PUBLIC" in bold type;

(3) lettering at least one-half inch in height stating the approved hours of operation as required pursuant to Section 62-71 (Operational Requirements), paragraph (a);

(4) lettering at least one-half inch in height stating "Do not enter outside of hours of operation";

(5) the International Symbol of Access for persons with physical disabilities, at least three inches square, or the statement: "This public access area is accessible to persons with physical disabilities";

(6) the address of the property where the #waterfront public access area# is located;

(7) the name of the current owner and the name, phone number and email address of the person designated to maintain the #waterfront public access area#;

(8) the statement: "For complaints or questions: call 311";

(9) the statement: "For more information go to http://nyc.gov/planning"; and

(10) rules of conduct as specified in Section 62-71, paragraph (b).

Information in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity, such as a seating wall or sculpture.

All information required in this paragraph, (a), shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above the adjoining grade shall be three feet for a horizontal sign and five feet for a vertical sign. The bottom of all signs

shall be at least eighteen inches above adjoining grade, except for signs angled 45 degrees or less as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity.

(b) Signage at #zoning lot# line

A sign shall be required to be located within five feet of any #zoning lot line# adjacent to another #zoning lot# within a #shore public walkway# and at a distance no greater than five feet from the required circulation path. All information required in paragraph (a) of this Section shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above adjoining grade shall be three feet. The bottom of all signs shall be at least 18 inches above adjoining grade, except for signs angled 45 degrees or less, as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) of this Section need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity, such as a seating wall or sculpture.

However, the waterfront symbol required pursuant to paragraph (a)(1) shall be no larger than four inches square, or 12 inches square if inscribed in pavement or any appropriate amenity, and the information required in paragraph (a)(2) of this Section shall be one inch high.

The information required in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity.

(c) Other signage

Seating areas within #waterfront public access areas# allowed pursuant to paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be identified by a sign with the words “SEATING OPEN TO PUBLIC” in lettering at least one inch high. Such sign shall be clearly visible from the #waterfront public access area#. In addition, such sign shall be no greater than 60 square inches, no higher than 18 inches above adjacent grade, and angled for visibility. The required sign may be freestanding or attached to a permitted amenity within the #waterfront public access area#.

No #advertising signs# may be located within a #waterfront public access area#.

62-655 - Planting and trees

LAST AMENDED
5/12/2021

Within #waterfront public access areas# and parking areas where planting or screening is required, the design standards of this Section shall apply.

A detailed landscape plan prepared by a registered landscape architect shall be submitted to the Department of Parks and Recreation prior to seeking certification by the Chairperson of the City Planning Commission, pursuant to the requirements of Section 62-80. Such plans shall include plants suited for waterfront conditions and include a diversity of species with emphasis on native plants, species that are tolerant of salt, sediment, high seasonal water flow, and high winds, as applicable to the location and the facilitation of sustainable wildlife habitats, where appropriate. No species listed on quarantine or as a host species for any disease listed by the Department of Parks and Recreation at the time of application shall be included.

All landscaped areas shall contain a built-in irrigation system or contain hose bibs within 100 feet of all planting areas.

(a) Planting areas

Wherever a minimum percentage of planting area is specified for a #waterfront public access area#, such requirements shall be met only through the provisions of the types of planting areas listed in paragraphs (a)(1) through (a)(8) of this Section. A curb with a maximum height of six inches is permitted along the perimeter of any planting area. Any edging higher than six inches above adjacent grade shall be considered a retaining wall. Retaining walls shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall so that no more than three feet of such retaining wall is visible from the #waterfront public access areas#. Where not specifically indicated, the minimum planting standard for required planting areas shall be turf grass, other natural grasses or groundcover. All planting areas shall be located on undisturbed subsoil or clean fill.

(1) Single tree pits

A single tree pit shall have a minimum dimension of five feet with a minimum area of 30 square feet and a minimum depth of 3 feet, 6 inches. Only tree pits planted with ground cover shall count towards meeting a minimum planting area requirement.

(2) Continuous tree pits

A continuous tree pit is a planting area containing two or more trees. Continuous tree pits shall have a minimum width of five feet and a minimum depth of 3 feet, 6 inches, and a length as required to meet a minimum of five feet from the trunk of the tree to the end of the tree pit.

(3) Planting beds

Planting beds for turf grass or groundcovers shall have minimum dimensions of two feet in any direction and a minimum depth of two feet. Planting beds for shrubs shall have minimum dimensions of three feet by three feet for each shrub and a minimum depth of 2 feet, 6 inches. Planting beds containing trees shall have a minimum dimension of five feet and a minimum area of 30 square feet for each tree, with a minimum depth of 3 feet, 6 inches. Trees, shrubs or groundcovers may be combined in a single planting bed only if such bed meets the minimum depth required for the largest plant.

Retaining walls are permitted along the perimeter of a planting bed in accordance with the regulations for planting areas in paragraph (a) of this Section.

(4) Terraced planting area

A “terraced planting area” is a planting area with two or more planting beds incorporating retaining walls on a slope with a grade change greater than or equal to three feet. A terraced planting area shall comply with the dimensional standards for a planting bed except that the average depth of the individual planting beds between the two retaining walls shall not be less than three feet, as measured perpendicular to the edge of the retaining wall. In addition, for retaining walls between two or more planting beds, their height may exceed three feet, provided that the front of such retaining walls is screened by plant material.

(5) Berms

A "berm" is a planting area with sloped grade stabilized primarily by plant materials rather than retaining walls or other similar built structures. A berm shall comply with the dimensional standards for a planting bed except that the height of the berm shall not exceed the #flood-resistant construction elevation# on the #zoning lot#, or five feet above the lowest adjoining grade of the #waterfront yard# established pursuant to Section 62-332 (Rear yards and waterfront yards), whichever is higher.

(6) Lawns

A "lawn" is an area planted with turf grass having a minimum soil depth of 2 feet, 6 inches. Along at least 60 percent of the perimeter, a lawn shall have a grade level within six inches of the adjacent grade providing unobstructed pedestrian access. Any required lawn shall have a minimum area of 500 square feet and no dimension less than 18 feet.

(7) Screening

Screening is intended to create a landscaped buffer between the #waterfront public access areas# and adjoining non-public #uses# to protect the privacy or minimize the visual impact of blank walls, equipment, loading and parking areas or similar conditions.

(i) Screening buffers

Screening buffers required pursuant to paragraph (c)(2) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting. The requirements of this paragraph, (a)(7)(i), may also be satisfied by the requirements of paragraph (a)(7)(ii) of this Section.

(ii) Blank walls and service areas

Blank walls higher than four feet measured from an adjacent grade level and service areas anywhere within a #waterfront public access area# shall be screened with any combination of evergreen trees, vines or espaliered trees or shrubs, and an architectural treatment such as a pergola, stone rustication, grills or sculptural features.

(iii) Parking garage screening

Open parking areas on any #zoning lot# fronting on an #upland connection# or #street# on any #waterfront block#, notwithstanding the #use# on such lot, shall require screening pursuant to Section 37-921 (Perimeter landscaping). Screening required pursuant to Section 62-453 shall consist of a planting strip at least four feet wide. Plants shall be at least four feet high at the time of planting and 50 percent of them shall be evergreen shrubs.

All required screening may be interrupted by vehicular or pedestrian entrances.

(8) Tidal wetland area

A #tidal wetland area# may satisfy up to 30 percent of the required planting area for #waterfront public access areas#.

(b) Trees

(1) Tree caliper

At time of planting, canopy trees shall be a minimum of three inches caliper and ornamental trees shall be a minimum of two inches caliper.

(2) Trees in single tree pits

One of the procedures in this paragraph, (b)(2), shall be employed to protect trees planted at grade:

(i) granite or cast concrete block pavers with a minimum four inch depth shall be installed in accordance with New York City Department of Parks and Recreation (DPR) standards for #street# trees;

(ii) a grate shall be installed over the root zone, supported at its edges and set flush with the adjacent pavement for pedestrian safety, in accordance with DPR standards for #street# trees for grate size; or

(iii) the root zone shall be surrounded with barrier hedge planting.

62-656 - Paving

LAST AMENDED
4/22/2009

Paving in #waterfront public access areas# shall comply with the following:

(a) Locational requirements

(1) Within required circulation paths

All paving material for a required circulation path shall be permanent, durable, accessible to persons with physical disabilities, and shall consist of one or a combination of the following:

(i) Unit pavers constituted of stone, concrete, granite, asphalt or a mix of these materials with other aggregates;

(ii) Concrete, prefabricated, poured or permeable;

(iii) Wood planks for boardwalk or decking, except that tropical hardwood shall not be permitted;

(iv) Solid plastic, such as “plastic lumber,” high density polyethylene, wood composite plastic or fiber-reinforced plastic.

(2) Other than within required circulation paths

In addition to the permitted paving materials of paragraph (a)(1) of this Section, the following materials shall be permitted anywhere in a #waterfront public access area#:

(i) Blocks such as Belgian blocks, cobble stones, concrete cobbles or Eurocobble;

(ii) Gravel, loose, installed over a solid surface or glued with resin;

(iii) Wood chips or other similar material;

(iv) Metal grating, limited to locations that require drainage and for #platforms#;

(v) Asphalt, impermeable or porous, which may be imprinted with thermoplastic patterns.

(3) Special regulations for Type 2 #upland connections#

Paving for driveways and pedestrian paths shall be subject to the standards of the New York City Department of Transportation for roadbeds and sidewalks.

(b) Dimensional requirements

(1) All unit pavers shall have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and shall not exceed a maximum of four square feet in area.

(2) Wood planks or plastic lumber for boardwalk or decking shall be a minimum of three inches thick (nominal dimension). The direction of planks shall not be parallel to the direction of traffic.

(3) Concrete slabs, other than in #upland connections#, shall be a maximum of two feet in any one dimension.

All the above materials may be installed to facilitate storm water management appropriate for specific site conditions.

62-657 - Bicycle racks

LAST AMENDED
4/22/2009

Each bicycle rack shall allow for the bicycle frame and one wheel to be locked to the rack. If bicycles can be locked to each side of the rack, each side may be counted as a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

62-658 - Trash receptacles

LAST AMENDED
4/22/2009

Trash receptacles shall be placed within 50 feet of a seating area, have a minimum capacity of 25 gallons and have either top openings that measure at least 12 inches wide or side openings that inscribe a rectangle measuring at least 12 inches wide and six inches high. Trash receptacles shall be able to use standard bags used to collect trash.

62-70 - MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
4/22/2009

62-71 - Operational Requirements

LAST AMENDED
2/2/2011

(a) Hours of operation

All #waterfront public access areas# shall be open to the public at the times indicated in the table in this Section, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area, as set forth in the maintenance and operation agreement required pursuant to Section 62-74 (Requirements for Recordation).

HOURS OF OPERATION FOR WATERFRONT PUBLIC ACCESS AREAS

Districts	April 15 to October 31	November 1 to April 14

#Zoning lots# containing #predominantly# #community facility# #uses# in: R3 R4 R5 C1 or C2 in R3 thru R5 C3 C4-1 C8 M1 M2 M3	Dawn to dusk*	Dawn to dusk*
#Zoning lots# containing #predominantly# #commercial# #uses# in all districts	Dawn to dusk or business closing, whichever is later**	Dawn to dusk or business closing, whichever is later**
All other #zoning lots# providing #waterfront public access areas#	6:00 A.M. to 10:00 P.M.	7:00 A.M. to 8:00 P.M.

* Dawn shall be defined as one half hour before sunrise, and dusk shall be defined as one half hour after sunset

** #Waterfront public access areas# on #zoning lots# containing predominantly #commercial# #uses# shall not be required to be open to the public beyond 10 P.M. from April 15th to October 31st and 8 P.M. from November 1st to April 14th

(b) Rules of conduct

Rules of conduct for the #waterfront public access area# shall be established with the Department of Parks and Recreation and set forth in the maintenance and operation agreement as required pursuant to Section 62-74. Such rules of conduct shall not prohibit typical promenade activities consistent with public enjoyment of the waterfront, such as walking, jogging, sitting or reclining, gathering in small groups, or consumption of food or non-alcoholic beverages.

62-72 - Performance and Maintenance Requirements

LAST AMENDED
4/22/2009

(a) Performance and maintenance

(1) The property owner shall be responsible for the completion and maintenance of all required #waterfront public access areas# on the #zoning lot#. No certificate of occupancy shall be issued until all required #waterfront public access area# improvements are completed except as otherwise provided in a phasing plan pursuant to Sections 62-811 (Waterfront public access and visual corridors) or 62-822 (Modification of waterfront public access area and visual corridor requirements).

(2) To ensure the maintenance of the #waterfront public access areas#, prior to obtaining any certificate of occupancy, the property owner shall post security in the form of a maintenance bond, letter of credit or other security acceptable to the Department of Parks and Recreation (DPR), with the DPR in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the #waterfront public access areas# for a 12 month period following final completion of such #waterfront public access areas#. The security shall be replaced every five years with a new security in an amount sufficient to cover 125 percent of the current annual cost of maintaining the #waterfront public access areas#, as certified by a registered architect or landscape architect. The security shall be in effect for the life of the #development#.

(b) Maintenance and liability

Any declaration by the owner, its successor or assigns, or agreement between the owner, its successor or assigns, and the City of New York, provided in accordance with Section 62-74 (Requirements for Recordation) regarding the maintenance and operation of a required #waterfront public access area# as established in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall provide that:

(1) the owner, its successor or assigns, will construct and be responsible for ordinary maintenance and repair of all such areas;

(2) the City will indemnify and defend the owner, its successor or assigns, for judgments resulting from litigation of claims of personal injury on such areas in accordance with reasonable provisions and procedures in the declaration and the maintenance and operation agreement, provided that the owner, its successor or assigns, has fully complied with the design and maintenance requirements set forth in this Resolution and the maintenance and operation agreement; and

(3) in the event such areas are destroyed or substantially damaged as a result of flood, storm, fire or other acts of God, reconstruction shall be the responsibility of the City, provided that such destruction or damage is not the result of the negligence of the owner, or of the owner's failure to construct or maintain such areas in accordance with the provisions of this Resolution and the maintenance and operation agreement.

62-73 - Request to Transfer Title to Certain Waterfront Public Access Areas

LAST AMENDED
4/22/2009

(a) The owner of a #zoning lot# on a #waterfront block# may, at the owner's option, and prior to commencement of design and construction of #waterfront public access areas#, make a request directed to the Office of the Mayor (Request) to transfer to the City of New York its fee simple absolute interest, free and clear of any encumbrances that are not deemed acceptable by the City, in the #waterfront public access area# on such #zoning lot#.

(1) The City may accept the Request, provided that transfer will be made in a manner acceptable to the Chairperson of the City Planning Commission and the Commissioner of Parks and Recreation, who may specify conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the #waterfront public access area# and a capital reserve or funding mechanism for future capital repair, and adequate guarantees of access to the #waterfront public access area# and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) and (c), as are necessary for implementation. Where the Request is for transfer of a phase of the #waterfront public access area# pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section 62-811 or authorized by the City Planning Commission pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements), the City shall consider, in determining whether to accept such Request, such factors as the size, location and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may require as a condition of acceptance that the owner make binding commitments to the transfer of subsequent phases.

(2) The Department of Parks and Recreation (DPR) shall review and approve the design and construction specifications for the #waterfront public access areas# proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent certificate of occupancy for any part of the #development# for which such areas are required to be constructed, upon determination by the DPR that construction of such areas is complete, as required pursuant to Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and is in accordance with the previously approved design and construction specifications, except that signage required pursuant to Section 62-654 may be replaced by DPR signage.

(3) The provisions of Section 62-72 (Performance and Maintenance Requirements), paragraphs (a)(2) and (b), shall not apply to any #waterfront public access area# transferred pursuant to this Section.

In the event of a transfer under this paragraph, (a), the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed to have created a #non-compliance#.

(b) For parcels identified in Waterfront Access Plan BK-1, the owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72, as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

(1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and

(2) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

62-74 - Requirements for Recordation

LAST AMENDED
4/22/2009

All required #visual corridors# and #waterfront public access areas# other than those provided in parks #developed# pursuant to Section 62-59 (Special Regulations for Zoning Lots That Include Parks), once certified in accordance with the provisions of Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) or (c), shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation when a #waterfront public access area# is provided, indexed against the property, binding the owners, successors and assigns to provide #visual corridors# and to construct and maintain the #waterfront public access areas#, except as provided in the provisions of Section 62-70, inclusive, and provide public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the #waterfront public access areas# are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times, and shall set forth rules of conduct consistent with the provisions of paragraph (b) of Section 62-71 (Operational Requirements). The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the preceding #waterfront public access areas# elements shall be recorded on the certificate of occupancy by the Departments of Buildings or Business Services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

For parcels identified in Waterfront Access Plan BK-1 for which an alternate plan for joint maintenance and operation has been approved, or for parcels for which a transfer to the City is proposed pursuant to paragraph (b) of Section 62-73 (Request to Transfer Title to Certain Waterfront Public Access Areas), the provisions of such instruments as are necessary to effectuate such paragraph shall supersede those of the maintenance and operation agreement described in this Section.

62-80 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
4/22/2009

An application to the Department of Buildings, Department of City Planning or Department of Business Services, involving a #zoning lot# subject to the provisions of this Chapter, shall include a survey of the #zoning lot# showing the following elements, as applicable, and documentation showing compliance with all requirements for #waterfront public access areas#:

(a) pierhead line;

(b) bulkhead line;

(c) #shoreline#, including its length;

(d) #upland lot#, including its area;

(e) #seaward lot#, including its area;

(f) area of the portion of the #zoning lot# seaward of the #shoreline#;

(g) #existing piers#, #platforms# or #floating structures#, including #water coverage# and surface elevation or height, as applicable;

(h) previously established and recorded #visual corridors# and #waterfront public access areas# or any other public access area on the #zoning lot# or on adjoining #zoning lots#;

(i) #visual corridors# or #waterfront public access areas# required on the #zoning lot# by a Waterfront Access Plan set forth in Section 62-90; and

(j) existing bulkheads and stabilized portions of natural shore showing seaward and landward edges, as well as their top elevations.

62-81 - Certifications by the Chairperson of the City Planning Commission

LAST AMENDED
2/2/2011

The provisions of Sections 62-811 and 62-812, relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section 62-811:

airports, heliports and seaplane bases;

in any district, existing #zoning lots# of less than 10,000 square feet #developed# #predominantly# with #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings#, provided such #zoning lots# are not included within an area subject to a Waterfront Access Plan pursuant to Section 62-90;

#zoning lots# in R1 and R2 Districts; and

#zoning lots# in C8 and #Manufacturing Districts#, containing #predominantly# Use Group 16, 17 or 18 #uses#, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

62-811 - Waterfront public access and visual corridors

LAST AMENDED
5/12/2021

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

(a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:

(1) the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or

(2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);

(b) a site plan and all other applicable documents have been submitted showing compliance with the provisions of Sections 62-332 (Rear yards and waterfront yards), 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

(c) a site plan has been submitted showing compliance with the provisions of Section 62-90;

(d) for #developments# listed in Section 62-52, paragraph (b), on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section 62-58 have been submitted; or

(e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-59 (Special Regulations for Zoning Lots That Include Parks).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required #waterfront public access areas# upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of #waterfront public access area# proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#, one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#, and at least one other connection from the #shore public walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no #waterfront public access area# need be provided for a phase consisting of a #development# in which all #residences# in such phase are affordable #residences# for #lower income households# as defined in Section 23-93, or #moderate income households# as defined in Section 62-352, provided that such exemption shall only apply where 25 percent or less of the total #residential# #floor area#, including any applicable #floor area# bonuses, on the parcel has been #developed#.

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the

requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Department of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

62-812 - Zoning lot subdivision

LAST AMENDED
4/22/2009

An existing #zoning lot# within a #waterfront block#, or within any other #block# included in a Waterfront Access Plan, may be subdivided into two or more #zoning lots#, or reconfigured in a manner that would reduce its area or any dimension, only in accordance with the provisions of this Section or as modified pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements).

Such #zoning lot# may be subdivided or reconfigured provided that the Chairperson of the City Planning Commission certifies that:

(a) there are no requirements in this Chapter for a #waterfront public access area# or #visual corridors# on such #zoning lot# for any #use# permitted on such #zoning lot#; or

(b) a restrictive declaration shall be recorded against each subdivided or reconfigured #zoning lot#, binding all such #zoning lots# to provide #waterfront public access areas# or #visual corridors# at the time of a #development#, other than an exempt #development#, as set forth in Section 62-52. Such restrictive declaration shall include a site plan that sets forth the amount and location of the required #waterfront public access areas# and #visual corridors# on all resulting #zoning lots#. Such #waterfront public access area# or #visual corridor# shall be provided as required for the original #zoning lot# at the time of #development# of a non-exempt #use#; or

(c) there are existing publicly accessible waterfront open areas on the #zoning lot# constructed as part of a previously approved site plan providing physical and visual access to and along the waterfront, and such open areas are no smaller in square footage than that required under the provisions of this Chapter for #waterfront public access areas# and #visual corridors#, and restrictions have been recorded against the property requiring such existing open area to remain accessible to the public for the life of the #development#.

62-813 - Docking facilities for ferries or water taxis in certain waterfront areas

LAST AMENDED
3/26/2014

In Community District 1 in the Borough of Brooklyn, docking facilities for ferries or water taxis set forth in paragraph (a) of this Section shall be permitted, provided that the Chairperson of the City Planning Commission certifies to the Commissioner of the Department of Buildings that such docking facilities comply with the standards for required amenities set forth in paragraph (b) of this Section and, where provided, the standards for permitted amenities set forth in paragraph (c) of this Section. In conjunction with such certification, parking and drop-off and pick-up area requirements for docking facilities with a vessel capacity of up to 399 passengers shall be waived, as applicable. Where such docking facilities are proposed within a #waterfront public access area#, such docking facilities shall also comply with the provisions of paragraph (d) of this Section. Where modifications to a docking facility certified pursuant this Section are made, including the amount or configuration of docking facility amenities, establishment of, or modification to, #waterfront public access areas# on the same #waterfront zoning lot#, or the cessation of ferry or water taxi service to such docking facility, the provisions of paragraph (e) of this Section shall apply.

The amount of amenities permitted or required pursuant to paragraphs (b) and (c) of this Section shall be calculated for each docking facility on the #waterfront zoning lot# and not according to the number of vessels a single docking facility can accommodate.

(a) Docking facilities

The following docking facilities are subject to the certification provisions of this Section:

(1) docks for water taxis, with a vessel capacity of up to 99 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts, or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#;

(2) docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#; and

(3) docks for ferries with an unlimited capacity, as listed in Use Group 10A, in C4, C5, C6, C8 Districts and #Manufacturing Districts#.

(b) Required amenities

Passenger queuing space, bicycle parking and a trash receptacle shall be provided in accordance with the applicable provisions of this paragraph (b), inclusive. All applications shall include a site plan denoting the location of each required amenity, dimensioned plans and elevations of individual amenities, as applicable, as well as any other material required to demonstrate compliance with such provisions.

(1) Passenger queuing space

Passenger queuing space shall be provided in accordance with the provisions of this paragraph (b)(1), inclusive.

(i) Amount

A minimum of four square feet of queuing space per passenger shall be provided on the #waterfront zoning lot# for 40 percent of the U. S. Coast Guard certified passenger capacity of the largest vessel proposed to dock at such facility. Queuing space may be either standing space or seating space, and may be either open to the sky or provided within a sheltered space for passengers in accordance with the provisions of paragraph (c)(1), inclusive, of this Section.

(ii) Standing space

All standing queuing space shall be contiguous and clear of obstructions, except for any interruption by circulation paths required for access to docking facilities through a gangway, or pier access thereto. However, such standing queuing space may be non-contiguous and temporary dividers may be permitted as obstructions within such queuing space where the applicant signs an affidavit, or provides materials demonstrating in a manner that is satisfactory to the Chairperson, that an attendant will manage queues whenever such measures are implemented.

(iii) Seating space

A minimum of 10 percent of required queuing space shall be provided as seating, and up to 50 percent of required queuing space may be provided as seating. However, no seating shall be required within a previously approved #waterfront public access area#. For the purpose of applying seating towards the queuing requirement, one linear foot of seating shall equal one square foot of queuing space.

All seating provided for queuing space shall comply with the applicable dimensional criteria of Section 62-652 (Seating), but need not comply with the percentage requirements for different types of seating required pursuant to such Section. However, moveable chairs shall not constitute seating for queuing.

Any seating space provided pursuant to this Section within an existing or proposed #waterfront public access area# shall not count towards the maximum amount of seating permitted to be located seaward of the #shore public walkway# pursuant to paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

(iv) Location

Queuing space shall be provided on the #waterfront zoning lot# within 150 feet of the landward terminus of the gangway leading to the docking facility.

(2) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided on the #waterfront zoning lot#. Such bicycle racks shall comply with the standards of Section 62-657.

(3) Trash receptacle

One trash receptacle shall be provided on the #waterfront zoning lot# within 25 feet of the landward terminus of the gangway leading to the docking facility. Such trash receptacle shall comply with the standards of Section 62-658.

(c) Permitted amenities

Passenger queuing shelters and ticketing machines may be provided only in accordance with the applicable standards of this paragraph (c), or, where applicable, the authorization provisions set forth in Section 62-824 (Modifications to passenger queuing shelters for ferry or water taxi docking facilities).

All applications shall include a site plan denoting the location of such amenities, dimensioned plans and elevations of individual amenities, as well as any other material required to demonstrate compliance with the following standards:

(1) Passenger queueing shelter

Where provided, passenger queueing shelters shall comply with the provisions of this paragraph (c)(1), inclusive. All heights are measured from adjoining grade.

(i) Maximum dimensions and permitted enclosing walls

The maximum height of a shelter shall be 10 feet. Below a height of seven feet, the maximum width shall be four feet, and above a height of seven feet, the maximum width shall be eight feet. The maximum length of a shelter shall not exceed 16 feet, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, such maximum length may be increased to 20 feet.

Shelters shall be permitted a total of three enclosing walls, one along the long dimension of the shelter, and one along each narrow end.

(ii) Support structures below the roof

A maximum of two vertical columns may support the enclosing walls and the roof of a shelter, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, an additional column shall be permitted. The maximum width and depth of such columns shall not exceed 12 inches. All such columns shall be aligned so that when viewed in elevation view along the narrow end of the shelter, only one column shall be visible.

Below a height of 30 inches, one horizontal structural element shall be permitted along the long dimension of the shelter. The maximum depth and height of such structural element shall not exceed 12 inches. Between a height of 30 inches and seven feet no horizontal structural elements shall be permitted, and above a height of seven feet, horizontal structural elements shall be considered part of the roof structure.

Additional support structures needed to support glazing in the enclosing walls are permitted, provided that such structures are to the minimum amount necessary.

(iii) Roof structure

The roof of the shelter, including all associated structural elements and materials, shall be located above a height of seven feet.

The maximum depth of the roof, including all associated structural elements and materials, shall not exceed 12 inches, as measured perpendicular to the roof surface. In addition, within six inches of the edge of any portion of the roof that cantilevers over passenger queuing space, as viewed in elevation along the narrow end of the shelter, the depth of the roof shall be limited to three inches.

No slopes or curves shall be permitted in the roof along the long dimension of the shelter. Along the narrow end of the shelter, slopes not to exceed 15 degrees and curves with a radius of at least 10 feet shall be permitted. Where two slopes are provided, in no event shall both portions of the roof angle downward from the same point.

(iv) Materials, lighting and permitted signage

On each narrow end of the shelter, the enclosing wall or associated vertical support column may accommodate up to six square feet of way-finding ferry #signs#, with a width not to exceed 12 inches. In addition, the enclosing wall on the long end of the shelter or a face of a ticketing machine provided in accordance with paragraph (c)(2) of this Section may accommodate up to six square feet of materials related to ferry operations, including maps and schedules of ferry service. No #advertising signs# shall be permitted.

All structural elements shall be composed of unpainted, metallic materials. The entire surface area of all enclosing walls shall be composed of untinted, transparent materials, except for transparency distraction markers and any support structures or signage permitted pursuant to this paragraph (c)(1). A minimum of 50 percent of the surface area of the roof shall be composed of translucent materials, except that any portion occupied by solar panels shall be excluded from such calculation. Benches provided

within a shelter shall either match or complement such shelter materials.

Where lighting is provided within a shelter, the luminaire shall be shielded so the light source is not visible.

(v) Location and orientation

Shelters shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

The long dimension of the shelter shall be oriented so as to be within 15 degrees of being perpendicular to the shoreline or, where located on a pier, within 15 degrees of being parallel to such pier.

Where a shelter is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location and orientation provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(2) Ticketing machines

Ticketing machines provided in conjunction with a docking facility shall comply with the provisions of this paragraph (c)(2).

(i) Maximum square footage

The maximum area of all ticket machines, as measured in plan around the furthest extent of such machines, shall not exceed 12 square feet.

(ii) Location

Ticketing machines shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

Where a passenger queuing shelter is provided in conjunction with the ferry or water taxi docking facility pursuant to paragraph (c)(1) of this Section, ticketing machines shall be located either within, or immediately adjacent to the upland portion of such shelter.

Any ticketing machine not placed within a passenger queuing shelter shall be placed in a location open to the sky.

Ticketing machines shall either front directly upon a required circulation path or shall be connected thereto by a walkway with an unobstructed minimum clear width of at least five feet.

Where a ticketing machine is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(d) Provisions for adding amenities for docking facilities to a #waterfront public access area#

Docking facilities proposed within a previously approved #waterfront public access area# or in conjunction with a certification for such approval, pursuant to Section 62-811 (Waterfront public access areas and visual corridors), shall comply with the applicable provisions of this paragraph (d).

(1) Permitted obstructions

In no event shall amenities provided pursuant to paragraphs (b) or (c) of this Section be permitted to encroach upon the minimum circulation paths required pursuant to the applicable provisions of Sections 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), 62-63 (Design Requirements for Public Access on Piers and Floating Structures) and 62-64 (Design Requirements for Upland Connections).

(2) Providing amenities in previously approved #waterfront public access areas#

All seating, bicycle parking and trash receptacles provided for docking facilities in accordance with the provisions of paragraph (b) of this Section, within a previously approved #waterfront public access area#, shall be provided in addition to the amount of seating, bicycle

parking, or trash receptacles required for such #waterfront public access area# pursuant to the applicable provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). Where excess seating, bicycle parking or trash receptacles have been provided within such previously approved #waterfront public access areas#, such additional amenities may be applied towards compliance with the provisions for docking facilities of this Section, provided that such amenities comply with the applicable provisions of paragraph (b) of this Section. Where previously approved #waterfront public access areas# are #non-complying# as to the provision of required amenities, in no event shall the minimum amount of amenity provided for docking facilities pursuant to paragraph (b) reduce the degree of #non-compliance# of such #waterfront public access area#.

All seating, bicycle parking and trash receptacles provided in accordance with the provisions of paragraph (b) of this Section in an existing #waterfront public access area# shall either match or shall be comparable with such existing amenities, with regard to quality, materials, finishes and form.

Modifications to a previously approved #waterfront public access area# in order to accommodate amenities to be provided for a docking facility in accordance with paragraphs (b) or (c) of this Section shall not constitute a design change to such #waterfront public access area#, and shall not necessitate a new certification pursuant to Section 62-811, provided that the applicant demonstrates to the Chairperson of the City Planning Commission that such modifications are to the minimum extent necessary in order to accommodate the amenities being provided for such docking facility.

(3) Providing amenities in conjunction with a new #waterfront public access area#

All amenities provided for docking facilities in accordance with the provisions of paragraph (b) of this Section shall be provided in addition to all required seating, bicycle parking, or trash receptacles for a #waterfront public access area# being #developed# in conjunction with the provision of a docking facility. All such proposed amenities for the docking facility shall complement the proposed amenities for such #waterfront public access area#.

(e) Modifications of certified docking facilities

Any modification to a docking facility certified pursuant to this Section, shall comply with the applicable provisions of this paragraph (e).

(1) Modification of amenities

Any modification of the required or permitted amenities for a docking facility certified pursuant to this Section, including the configuration of such amenities, shall be subject to a new certification pursuant to this Section.

Any ferry or water taxi service modification resulting in a reduction of passenger capacity of the largest vessel docking at such facility shall not be subject to a new certification provided that the amount of queuing space required at the time of approval, pursuant to paragraph (b) of this Section, is not diminished.

(2) Establishment of or modifications to #waterfront public access areas#

Any establishment of a #waterfront public access area# or modification to a previously approved #waterfront public access area# where a docking facility certified pursuant to this Section is located, shall require a new certification, pursuant to this Section, in conjunction with the certification set forth in Section 62-811.

(3) Cessation of ferry or water taxi service

Where ferry or water taxi service ceases operations to a docking facility certified pursuant to this Section, and ferry docking infrastructure is removed from the #waterfront zoning lot# which would preclude further service, the following shall apply:

(i) Passenger queuing shelters and ticketing machines provided pursuant to paragraph (c) of this Section shall be removed from the #waterfront public access area#;

(ii) Seating, bicycle racks, and litter receptacles provided pursuant to paragraph (b) of this Section need not be removed; and

(iii) any breach in a guardrail along a #pier# or along the #shore public walkway# to accommodate a gangway to a docking facility shall be repaired and shall match the adjacent guardrail.

62-82 - Authorizations by the City Planning Commission

LAST AMENDED

62-821 - Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels

LAST AMENDED
3/26/2014

(a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section 32-10 (USES PERMITTED AS-OF-RIGHT) in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, or in Community District 1 in the Borough of Brooklyn, a vessel capacity larger than 399 passengers, provided the Commission finds that:

(1) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect the surrounding area;

(2) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby; and

(3) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in adjoining residential areas.

(b) In all districts, the Commission may authorize a reduction or waiver of the parking requirements of Section 62-43 for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the applicant submits a report that enables the Commission to make one or more of the following findings:

(1) that there is or would be adequate public or private transit in close proximity to the facility and that there is or would be a consistent pattern of usage by a significant percentage of passengers;

(2) that there is or would be a consistent pattern of passenger drop-off and pick-up by private cars, taxis or vans by a significant percentage of passengers;

(3) that there is or would be a consistent pattern of arrivals and departures on foot or by bicycle by a significant percentage of passengers;

(4) that there is a consistent pattern of underutilization of existing #accessory# parking spaces; or

(5) that the dock serves or would serve vessels operating at different times during the day or week and that there is or would be shared usage of common parking spaces at mutually exclusive time periods.

(c) In all districts, the Commission may authorize modification of the passenger drop-off and pick-up area requirements of Section 62-462, including a reduction in the number of required spaces, for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the Commission finds that:

(1) due to the configuration of the #zoning lot#, strict adherence to the regulations would not be possible to achieve;

(2) there is no practical possibility of locating such area on another #zoning lot# that would be contiguous, except for its separation by a #street# or #street# intersection, because appropriate sites are occupied by substantial improvements;

(3) there is no practical possibility of providing a lay-by area on an adjoining #street# that would be acceptable to the New York City Department of Transportation; and

(4) such modifications would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

62-822 - Modification of waterfront public access area and visual corridor requirements

LAST AMENDED
2/2/2011

(a) Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access areas# and #visual corridors#

The City Planning Commission may modify the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided off-site on an adjoining public property.

The Commission shall file any such authorization, pursuant to this paragraph (a), with the City Council. The Council, within 20 days of such

filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve such authorization in whole or in part, with additional or modified restrictions or conditions, or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

(1) In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:

(i) comply with the required minimum dimensions and equal the required total area, in aggregate; and

(ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or

(2) In the event the Commission determines that there is no feasible way to provide equal alternative #waterfront public access areas# either on the #zoning lot# or off-site on an adjoining public property or to provide equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive such requirements, provided that:

(i) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and

(ii) that the reduction or waiver of requirements is the minimum necessary.

(b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependant Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

In order to grant such authorization, the Commission shall find that such modifications:

(1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or

(2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.

(c) Authorization for phased #development# of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured, pursuant to Section 62-812.

In order to grant such authorization, the Commission shall find that:

(1) the amount of #waterfront public access area# #developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or

(2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time each phase is #developed#.

(d) Authorization to modify minimum hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed 10 years, modifications of the requirements for hours of operation set forth in Section 62-71, paragraph (a), or the installation of gates in #predominantly# #residential# #developments# in accordance with the provisions of Section 62-651, paragraph (c)(2).

The Commission shall find that any modification of the hours of operation and the installation of gates in #predominantly# #residential# #developments# are warranted due to the remote location of the #waterfront public access areas#, and that such modified hours of operation or gates will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply with the design requirements set forth in Section

62-651.

Public access to the #waterfront public access areas# shall be assured by appropriate legal instruments. Signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph (d).

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, deed restrictions, easements or performance bonds.

62-823 - Modification of use regulations in C3 Districts

LAST AMENDED
2/2/2011

In C3 Districts, the City Planning Commission may authorize modification of #use# regulations to allow a WE #use# not otherwise allowed as-of-right or by special permit. In conjunction with such authorization, the Commission may also allow the #sign# regulations of a C1 District to apply to the #zoning lot#.

As a condition to the granting of such authorization the Commission shall find:

(a) that such WE #use# is a #use# listed in Use Groups 5, 6, 7, 8, 9, 10, 12 or 13;

(b) that the #zoning lot# also includes a WD #use# that is either permitted in the district as-of-right or has been permitted by special permit;

(c) that such WE #use# will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

(d) that the entrances and exits for #accessory# parking or loading facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

(e) that such WE #use# will not impair the character or future use or development of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include limitations on the size of the establishment, limitations on lighting and signage or screening requirements.

62-824 - Modifications to passenger queuing shelters for ferry or water taxi docking facilities

LAST AMENDED
3/26/2014

In Community District 1 in the Borough of Brooklyn, the City Planning Commission may authorize a ferry passenger queueing shelter exceeding the dimensions set forth in paragraph (c)(1) of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas), provided that the Commission finds that:

(a) the public benefit derived from the proposed shelter merits the larger dimensions authorized;

(b) the proposed shelter utilizes the design standards set forth in paragraph (c)(1) of Section 62-813 regarding permitted support structures, materials, signage and roof construction to the greatest extent feasible;

(c) any modification to such provisions of Section 62-813 will not unduly limit views from the #waterfront public access area#; and

(d) the design of the proposed shelter will result in a quality structure that complements the #waterfront public access area# or the publicly accessible area of a #waterfront zoning lot# accommodating the ferry or water taxi docking facility.

62-83 - Special Permits by the City Planning Commission

LAST AMENDED
4/22/2009

62-831 - General provisions

LAST AMENDED
3/22/2016

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

62-832 - Docks for passenger ocean vessels in C6 Districts

LAST AMENDED
3/22/2016

In C6 Districts, the City Planning Commission may permit docks for passenger ocean vessels, other than #gambling vessels#.

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

(a) such facility will not create serious pedestrian or vehicular traffic congestion that would unduly inhibit surface traffic and pedestrian flow in the surrounding area;

(b) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby;

(c) an area will be provided for the drop-off and pick-up of passengers by private car, taxi, van and bus that, at a minimum, meets the requirements of Section 62-462 (Passenger drop-off and pick-up areas for docking facilities), and which is so designed as to avoid traffic or pedestrian conflict on the #streets# providing access to the facility; and

(d) such #use# will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including the provision of #accessory# off-street parking spaces, #accessory# off-street loading berths or additional area for the temporary parking of vehicles or buses for drop-off and pick-up of passengers.

62-833 - Docks for ferries or water taxis in Residence Districts

LAST AMENDED
3/22/2016

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1 in the Borough of Brooklyn, where the certification provisions of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group 6, provided that:

(a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

(b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;

(c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;

(d) #accessory# off-street parking spaces are provided in accordance with Section 62-43 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

(e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

62-834 - Uses on floating structures

LAST AMENDED
3/22/2016

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section 62-25 to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations and the #floating structure# complies with the height and setback regulations of Section 62-343.

An application for a #use# on a #floating structure# pursuant to this Section shall be made jointly by the property owner and the owner of the #floating structure#, if they are separate entities. In addition, the application shall include copies of all Federal and State permit applications that are required to be filed in conjunction with the proposed #use#.

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

(a) the proposed #use# is a WE #use# or is either a power plant or government-owned and operated facility that requires such a location due to the absence of a reasonable way to site the facility without use of a #floating structure#;

(b) a plan for public access on the #floating structure#, elsewhere on the #zoning lot#, or off-site on public property adjacent to the #zoning lot#, is provided that is appropriate to the size and intensity of #use# on the #floating structure#;

(c) except for power plants or government-owned and operated facilities, the location of such #use# on a #floating structure# will enhance public access to and use of the waterfront; and

(d) the location of such #use# on a #floating structure# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

However, the Commission may waive the public access requirement for a power plant or government-owned and operated facility either where such access would conflict with the operation of the facility or be detrimental to the public welfare.

The Commission may also permit modification of the #visual corridor# requirements of Section 62-51, inclusive, provided it makes the additional finding that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public #streets# or other public places.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #floating structures# on the same or adjoining #zoning lots# and limitations on lighting or signage.

62-835 - Developments on piers or platforms

LAST AMENDED
3/22/2016

In all districts, the City Planning Commission may permit:

(a) a change of #use# on a #new pier# or #new platform# from a WD #use# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31, paragraph (a), or the maximum #floor area ratio#, provided the Commission finds that:

(1) existing permitted WD #uses# and open WE #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;

(2) the proposed WE #use# will significantly enhance public use and enjoyment of the waterfront;

(3) there is no increase in #water coverage#; and

(4) in the case of modification of #bulk# regulations for an existing #building#, findings (b)(3) through (b)(6) of this Section are also met. Finding (b)(4) shall also include #platforms# within the #seaward lot#.

(b) for an #existing pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and 62-342 (Developments on piers), provided the Commission finds that:

(1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;

(2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#;

(3) the proposed #development# does not violate the #bulk# provisions of Section 62-341 (Developments on land and platforms);

(4) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;

(5) such #bulk# modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and

(6) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

(c) for #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, provided the Commission finds that:

(1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60, inclusive; and

(2) an alternative #waterfront public access area# and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.

In the event that the Commission determines there is no feasible way to provide substantially equal alternative public access areas, either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

62-836 - Public parking facilities on waterfront blocks

LAST AMENDED
3/22/2016

In C1, C2, C4, C5, C6 and C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# on #waterfront blocks# in accordance with applicable district regulations and Sections 74-51 and 74-52, provided the parking facility is an interim #use# limited to a term of not more than five years, or the Commission finds that:

(a) the facility is needed to serve primarily waterfront #developments# containing WD or WE #uses#; and

(b) there is no practical possibility of locating such facility on a non-#waterfront block# because appropriate sites on such #blocks# are occupied by substantial improvements.

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

62-837 - Bulk and parking modifications on waterfront blocks

LAST AMENDED
3/22/2016

(a) #Bulk# modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations, for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new platform#, provided the Commission finds that such modifications will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties; and

(1) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or

(2) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.

(b) Reduction or waiver of parking requirements for accessory group parking facilities

For #developments# on #zoning lots# in the #Transit Zone#, the City Planning Commission may, in conjunction with an application for a #bulk# modification pursuant to paragraph (a) of this Section, reduce or waive the number of required #accessory# #residential# off-street parking spaces, including any spaces previously required for an existing #building# on the #zoning lot#, provided that the Commission finds that:

(1) where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the #development#, #enlargement# or preservation of #income-restricted housing units#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

(2) the anticipated rates of automobile ownership for residents of such #development# are minimal and that such reduction or waiver is warranted;

(3) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or #community facilities# in the surrounding area; and

(4) such reduction of parking spaces will result in a better site plan.

In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.

62-838 - Docks for gambling vessels

LAST AMENDED
3/22/2016

In all #Commercial Districts#, except C1 Districts, and in all #Manufacturing Districts#, the City Planning Commission may permit docks for #gambling vessels#, provided that, in #Commercial Districts#, the maximum aggregate dock capacity per #zoning lot# shall be determined by the zoning district, as indicated in the applicable provisions of Sections 32-18 (Use Group 9) and 32-23 (Use Group 14).

As a condition for permitting such #use#, the Commission shall find that:

(a) the #streets# providing access to such docking facility will be adequate to ensure that the traffic generated will not unduly impede surface traffic and pedestrian flow in the surrounding area;

(b) any noise and activity related to the docking facility, including vessel operations, will not have a detrimental impact on the waterfront and surrounding area; and

(c) such #use# will not be incompatible with the essential character, #use# or future growth of the waterfront and surrounding area.

Docks for #gambling vessels# shall comply with all provisions of the Resolution, including the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), applicable to the type of vessel on which the shipboard gambling business is operated.

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

This text amendment shall take effect on April 27, 1998.

62-90 - WATERFRONT ACCESS PLANS

LAST AMENDED
4/22/2009

62-91 - General Provisions

LAST AMENDED
4/22/2009

62-911 - Establishment of Waterfront Access Plans

LAST AMENDED
4/22/2009

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections 62-912 (Elements of a Waterfront Access Plan), 62-913 (Conditions for adoption of a Waterfront Access Plan) and this Section in order to adjust the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, inclusive, retain the #waterfront block bulk# regulations of Section 62-30 on newly-created non-#waterfront blocks# within a specifically defined portion of the #waterfront area#, or establish #waterfront yard# requirements for #developments# otherwise exempt from the requirements of Section 62-33 (Special Yard Regulations on Waterfront Blocks).

To be considered for a Waterfront Access Plan, an area shall:

(a) be entirely in the #waterfront area#;

(b) not include any portions within R1 or R2 Districts;

(c) comprise either entire #blocks# or a minimum of four acres, all portions of which are contiguous tracts of land except for intervening #streets#; and

(d) have at least 600 feet of #shoreline#.

62-912 - Elements of a Waterfront Access Plan

LAST AMENDED
4/22/2009

A Waterfront Access Plan may:

(a) on #zoning lots# where a #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, modify the size, configuration, location or design of required #waterfront public access areas# or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a #waterfront public access area# or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a #zoning lot# may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the #waterfront public access area# and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the #waterfront public access area# and #visual corridor# requirements of each #zoning lot# within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;

(b) on #zoning lots# where #waterfront public access area# or #visual corridors# are not required pursuant to the provisions of Sections 62-50 and 62-60, inclusive, establish requirements for a #waterfront public access area# or #visual corridors#, except for those #zoning lots# #predominantly# #developed# for airports, heliports, seaplane bases or, in C8 or #Manufacturing Districts#, #uses# in Use Groups 16, 17 or 18, provided that such #zoning lots#, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate one or more of the #waterfront public access areas# or #visual corridors# listed in Section 62-50, inclusive, consistent with the standards of Sections 62-50 and 62-60, inclusive. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60;

(c) modify or waive specific requirements for a #waterfront public access area# or #visual corridors# in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;

(d) identify shore terminations of mapped #streets# or #existing piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;

(e) apply the #bulk# regulations of Section 62-30 to a non-#waterfront block# when such #block# results from a subdivision of a #waterfront block# as the result of a #street# mapping; and

(f) for #developments# where a #waterfront yard# is not otherwise required by Section 62-33, establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 (Front yards and side yards) or 62-332 (Rear yards and waterfront yards), as modified by the further provisions of this paragraph, (f), for such other #developments#. #Enlargements# of #buildings or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or Use Group 16, 17 or 18 #uses# and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be

permitted within 10 feet of the seaward edge of such #waterfront yard#.

A Waterfront Access Plan shall include the following elements:

(1) identification of the plan by Borough and plan number or area name;

(2) a #zoning map#, or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;

(3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and

(4) a description in the plan text of all features established or modified by the plan, with reference to affected #blocks# and lots.

62-913 - Conditions for adoption of a Waterfront Access Plan

LAST AMENDED
4/22/2009

As a condition precedent to its approval of a Waterfront Access Plan, the City Planning Commission shall find, in its report to the City Council for adoption, that such plan:

(a) would improve public use and enjoyment of the waterfront, thereby serving to implement the goals set forth in Section 62-00; and

(b) meets any of the following:

(1) is necessary to link #public parks# or other public areas along the waterfront or to the waterfront, and such linkage would not necessarily be achieved solely by the provisions of Sections 62-34 (Height and Setback Regulations on Waterfront Blocks), 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

(2) is necessary to accommodate unique shore conditions or the retention of existing #buildings or other structures#, including bridges, viaducts or railways that would not be adequately accommodated by the provisions of Sections 62-50 and 62-60;

(3) is necessary to accommodate unique topography or natural features, such as wetlands conditions, significant grade changes, geologic formations, natural vegetation or wildlife habitats, which natural features or topography would not be adequately accommodated by the provisions of Sections 62-34, 62-50 and 62-60;

(4) is necessary to create a better physical or visual relationship of the waterfront to significant upland #streets# or preserves significant views of the water or historic structures from such #streets#, which would not necessarily be achieved by the provisions of Sections 62-34, 62-50 and 62-60;

(5) is necessary to achieve public access to the waterfront in an area characterized by large undeveloped tracts of land with a limited number of public #streets# leading to the shore;

(6) is necessary to maintain #visual corridors# that would be extinguished by a #street# de-mapping after October 25, 1993, or maintains #visual corridors# from certain upland #streets# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993; or

(7) is necessary to retain the #bulk# regulations of Section 62-30 on certain #blocks# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993.

62-92 - Borough of The Bronx

LAST AMENDED
12/11/2017

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-70 (HARLEM RIVER WATERFRONT ACCESS PLAN).

62-93 - Borough of Brooklyn

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LAST AMENDED
4/22/2009

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint-Williamsburg, as set forth in Section 62-931

BK-2: Gowanus Canal, in the #Special Gowanus Mixed Use District#, as set forth in Section 139-50 (GOWANUS CANAL WATERFRONT ACCESS PLAN).

62-931 - Waterfront Access Plan BK-1: Greenpoint-Williamsburg

LAST AMENDED
3/26/2014

Maps BK-1a through BK-1c in paragraph (f) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on May 11, 2005, as follows:

Parcel 1: Block 2472, Lot 350

Parcel 2: Block 2472, Lot 400

Parcel 3: Block 2472, Lot 410

Parcel 4: Block 2472, Lot 425

Parcel 5a: Block 2472, Lot 100

Parcel 5b: Block 2472, Lot 32, south of the prolongation of the northern #street line# of DuPont Street

Block 2494, Lot 6

Parcel 5c: Block 2472, Lot 2

Block 2502, Lot 1

Block 2510, Lot 1

Block 2520, Lot 57

Parcel 5d: Block 2494, Lot 1

Parcel 5e: Block 2472, Lot 32, north of the prolongation of the northern #street line# of DuPont Street

Parcel 6: Block 2472, Lot 75

Parcel 7: Block 2520, Lot 1

Parcel 8: Block 2530, Lots 55, 56

Parcel 9: Block 2530, Lot 1

Parcel 10: Block 2538, Lot 1

Parcel 11: Block 2543, Lot 1

Parcel 12a: Block 2556, Lot 41

Parcel 12b: Block 2556, Lots 45, 46

Parcel 12c: Block 2556, Lots 55, 57, 58

Parcel 12d: Block 2556, Lot 54

Parcel 12e: Block 2556, Lot 53

Parcel 12f: Block 2556, Lot 52

Parcel 12g: Block 2556, Lot 51

Parcel 12h: Block 2556, Lot 50

Parcel 12i: Block 2556, Lot 49

Parcel 12j: Block 2556, Lot 48

Parcel 13: Block 2556, Lot 1

Block 2564, Lot 1

Block 2567, Lot 1

Block 2570, Lot 36

Parcel 14: Block 2570, Lot 1

Parcel 15: Block 2590, Lot 1

Parcel 16: Block 2590, Lot 210

Parcel 17: Block 2590, Lot 215

Parcel 18: Block 2590, Lot 22

Parcel 19: Block 2590, Lot 25

Parcel 20: Block 2277, Lot 1

Block 2590, Lot 100

Parcel 21: Block 2287, Lots 1, 16, 30

Block 2294, Lots 1, 5

Parcel 22: Block 2301, Lots 1, 50, 60, 70

Parcel 23: Block 2316, Lot 46

Parcel 24: Block 2308, Lot 1

Block 2316, Lot 1

Parcel 25: Block 2324, Lot 1

Block 2332, Lot 1

Parcel 26: Block 2340, Lot 1

Parcel 27: Block 2348, Lot 1

(a) Area-wide modifications

The following provisions shall apply to all #developments# required to provide a #waterfront public access area#, pursuant to Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS):

(1) Paragraph (a)(3) of Section 62-54 (Requirements for Public Access on Piers) is applicable, except that a minimum of 15 feet is required along each water edge.

(2) In addition to the requirements of Section 62-65 (Public Access Design Reference Standards), all #waterfront public access areas# are subject to the provisions set forth in paragraph (c) of this Section.

(3) #Street# treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway# or #supplemental public access area#, pursuant to the design requirements of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), inclusive.

(b) Amenities

A reduction in the total amount of required #supplemental public access area# shall be permitted according to the table in this paragraph, (b):

REDUCTIONS IN WATERFRONT PUBLIC ACCESS AREAS

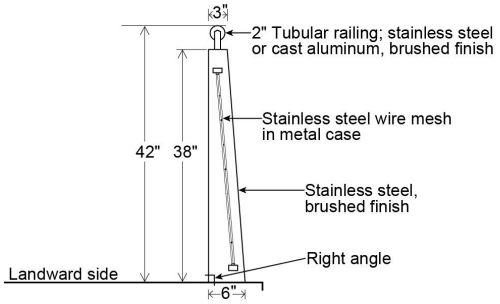
Amenity	Square feet reduction
Picnic table	22 sq. ft. per table (max. 200 sq. ft.)
Chess table	20 sq. ft. per table (max. 200 sq. ft.)
Telescope	10 sq. ft. per telescope (max. 50 sq. ft.)
Fountain/water feature	150 sq. ft. per feature (max. 300 sq. ft.)
Shade structure	150 sq. ft. per structure (max. 300 sq. ft.)

(c) Public access design reference standards

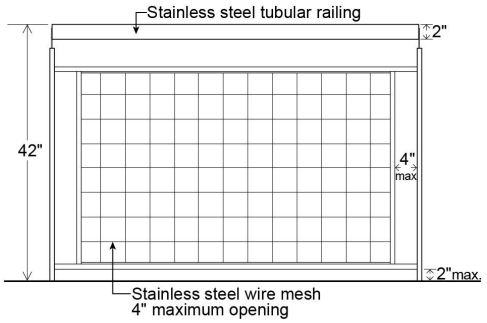
Section 62-65 is hereby modified by the following provisions.

(1) Guardrails

In addition to the provisions of paragraph (a) of Section 62-651 (Guardrails, gates and other protective barriers), guardrails shall comply with the Guardrail illustration in this Section.



GUARDRAIL WITH METAL TOP
Side Elevation

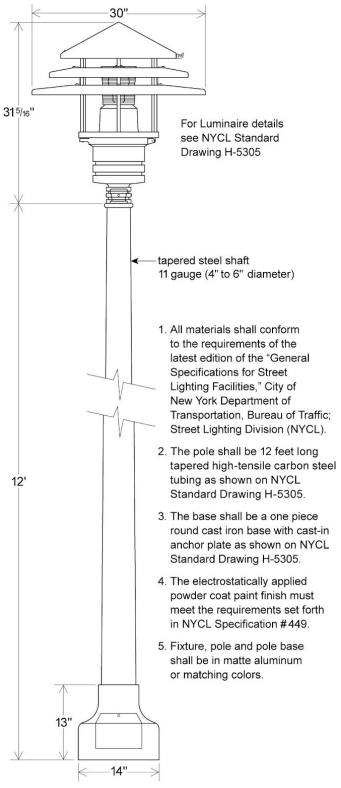


GUARDRAIL WITH METAL TOP
Front Elevation

All guardrail components and hardware shall be in No. 316 Stainless Steel, passivated and bead blasted.

(2) Lighting

In addition to the illumination provisions of Section 62-653, the required lighting along any public access area shall comply with the Lightpost illustration in this Section.



LIGHTPOST

(3) Paving

In addition to the provisions of Section 62-656, the paving for the required clear path within the #shore public walkway# shall be gray. At least 50 percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

(d) Special public access provisions by parcel

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map BK-1b in paragraph (f) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge of the #zoning lot# and the existing #building or other structure# but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating or planting shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-652 and 62-655, respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for a #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is #developed# first shall provide an #upland connection# along the #lot line# between the two parcels. The remaining parcel may include the width of the #upland connection# in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels, according to the provisions of paragraph (e)(1) of this Section. If both parcels are #developed# concurrently, then the requirements may be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# as a public access area prior to or concurrently with the #development# of Parcel 3, the #upland connection# requirement shall be waived. However, a public way shall be provided within an area bounded at its eastern edge by the shared #lot line# of Parcels 2 and 3, at its northern edge by the #shoreline#, at its western edge by a line 115 feet from the shared #lot line# of Parcels 2 and 3, and at its southern edge by the #lot line# along Commercial Street.

In addition, such public way shall have a minimum width of 15 feet, and shall comply with the provisions of Section 62-64 (Design Requirements for Upland Connections), as applicable for Type 2 #upland connections#. There shall be no more than two changes in direction over its entire length and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry sign and shall comply with the provisions of paragraph (b) of Section 62-654 (Signage), and shall also be accompanied by an arrow indicating the direction of travel towards the #shore public walkway#. At least 50 percent of the area of any walls bounding such public way shall be glazed. In addition, 24 linear feet of seating shall be provided within such public way and within 50 feet of its boundary with the #shore public walkway# and the #street# it connects to.

(3) Parcel 5a

(i) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (f) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot lines of Parcels 5b and 6.

(ii) #Supplemental public access area#

The #supplemental public access area# shall #abut# the #shore public walkway# continuously along its longest side, and shall also

#abut# the required #upland connection# where it meets the #shore public walkway#. The #upland connection# may cut across the #supplemental public access area# provided that any resulting #supplemental public access area# shall be at least 5,000 square feet. In no event shall the #supplemental public access area# be deeper than 100 feet.

Alternatively, a portion of the required #supplemental public access area# that is at least 5,000 square feet may #abut# the #shore public walkway# continuously along the longest side provided that it also #abuts# a publicly accessible private drive connecting the #shore public walkway# to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an #upland connection# as required by Section 62-64, but shall not be counted towards satisfying the required amount of #waterfront public access area# on the site.

(4) Parcel 5b

The portion of Block 2472, Lot 32, located within Parcel 5b shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90 (WATERFRONT ACCESS PLANS), inclusive.

(5) Parcel 5c

(i) #Upland connection#

Two #upland connections# shall be provided between West Street and the #shore public walkway#, each one located within the prolongation of the #street lines# of Eagle Street and Green Street, respectively.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided on Parcel 5c.

A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7.

The remaining required #supplemental public access area# shall be provided either on the #pier# or distributed evenly as a widening of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

The total #lot area# utilized in the calculation of required #supplemental public access area# for Parcel 5c, pursuant to Section 62-57, shall include the #lot area# within Parcel 5d.

(iii) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-54 and of paragraph (a)(1) of this Section.

(6) Parcel 5e

The portion of Block 2472, Lot 32, located within Parcel 5e shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90, inclusive.

(7) Parcel 7

(i) #Shore public walkway#

For a portion of the required #shore public walkway#, where the distance between the #shoreline# and the #zoning# #lot line# boundaries of Parcel 7 is less than 17 feet, such portion shall be improved entirely as circulation path.

(ii) #Supplemental public access area#

The requirement for a #supplemental public access area# on Parcel 7 is waived.

(8) Parcels 9, 10 and 11

(i) #Supplemental public access area#

For each parcel, the #supplemental public access area# requirements shall be provided to widen the #shore public walkway#, which will be evenly distributed along the entire length of such #shore public walkway#.

(9) Parcel 13

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of Milton Street.

(ii) #Supplemental public access area#

A #supplemental public access area# shall be bounded by the southern #street line# of Greenpoint Avenue, the #shore public walkway# and the northern boundary of the required Milton Street #upland connection#.

(10) Parcel 14

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the #shore public walkway#.

The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel.

(11) Parcel 15

An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.

(12) Parcels 19, 20, 21 and 22

Parcels 19, 20, 21 and 22 shall be designated as public #parks# as of May 11, 2005.

(13) Parcel 25

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided.

One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet measured from the #shore public walkway#. A screening buffer shall be provided along the boundaries of the public access area and any private portion of the #zoning lot#, pursuant to Section 62-655. No other planting shall be required.

A minimum of one linear foot of seating shall be required for every 65 square feet of #supplemental public access area#. Four trees shall be required, at least two of which shall be shade trees.

The remaining required #supplemental public access area# shall be located either on the #pier# or shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access area# shall have a width to depth ratio of 2:1. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

(iii) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section 62-54 and of paragraph (a)(1) of this Section.

(14) Parcel 26

(i) #Shore public walkway#

The requirements of Section 62-53 (Requirements for Shore Public Walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line.

(ii) #Upland connections#

An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street. However, if the #upland connection# is provided within a private drive pursuant to Section 62-56, then a portion of the southern public access area beyond 15 feet from Kent Avenue may be located up to 15 feet outside the prolongation of the #street lines# of North 4th Street, provided that this public access area is not located entirely outside the prolongation of the #street lines# of North 4th Street at any point within 80 feet of Kent Avenue.

(15) Parcel 27

(i) #Shore public walkway#

In the event of an #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure#, but need not be wider than 40 feet.

Notwithstanding the requirements of paragraph (a) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section 62-611, paragraphs (a) and (b), shall include any supporting structural elements of the #building or other structure# and its related appurtenances.

In addition, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-652 and 62-655, respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access# shall be waived.

(e) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph (f) of this Section and shall be as follows:

(1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the common #lot line#.

Whichever parcel is #developed# later shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# provided in accordance with the requirements of paragraph (d)(2)(i) of this Section. If the parcels are #developed# concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# for a public access area(s) prior to or concurrently with the #development# of Parcel 3, and a #visual corridor# is provided in Parcel 4, then the requirements for a #visual corridor# on Parcel 3 shall be waived.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph (f) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared #lot line# of Parcel 4 and its western boundary shall be 200 feet from the shared #lot line# of Parcels 5b and 6.

(3) Parcel 5b

Two #visual corridors# shall be provided through Parcel 5b to the pierhead line as the prolongation of the #street lines# of West Street and Dupont Street, respectively.

(4) Parcel 5c

(i) Three #visual corridors# shall be provided through Parcel 5c to the pierhead line as the prolongation of the #street lines# of West Street, Eagle Street and Green Street.

(ii) The permitted obstructions on #piers# in Section 62-631, paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

(5) Parcel 13

Two #visual corridors# shall be provided through Parcel 13 to the pierhead line as the prolongation of the #street lines# of Milton Street and Oak Street, respectively.

(6) Parcel 14

A #visual corridor# shall be provided through Parcel 14 as the prolongation of the #street lines# of Oak Street.

(7) Parcel 15

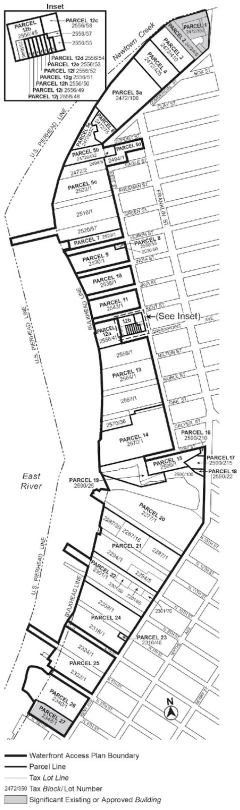
A #visual corridor# shall be provided though Parcel 15 as the prolongation of the #street lines# of West Street.

(8) Parcel 25

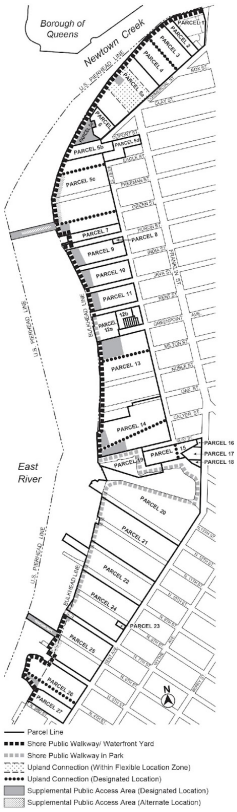
A #visual corridor# shall be provided through Parcel 25 as the prolongation of the #street lines# of North 6th Street.

(f) Greenpoint-Williamsburg Waterfront Access Plan Maps

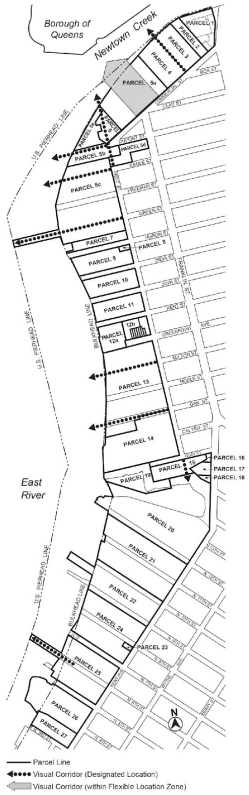
BK-1a: Parcel Designation (62-931f.1)



BK-1b: Public Access Elements (62-931f.2)



BK-1c: Designated Visual Corridors (62-931f.3)



62-94 - Borough of Manhattan

LAST AMENDED
4/22/2009

The following Waterfront Access Plans are hereby established within the Borough of Manhattan. All applicable provisions of Article VI, Chapter 2 remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

M-1: Inwood, in the #Special Inwood District# as set forth in Section 142-60 (INWOOD WATERFRONT ACCESS PLAN).

62-95 - Borough of Queens

LAST AMENDED
4/22/2009

The following Waterfront Access Plans are hereby established within the Borough of Queens. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

Q-1: Northern Hunters Point, as set forth in Section 62-951

Q-2: Flushing Waterfront, in the #Special Flushing Waterfront District#, as set forth in Section 127-50 (FLUSHING WATERFRONT ACCESS PLAN)

Q-3: Newtown Creek, in the #Special Southern Hunters Point District#, as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

62-951 - Waterfront Access Plan Q-1: Northern Hunters Point

LAST AMENDED
2/2/2011

Maps Q-1a through Q-1c in paragraph (f) of this Section show the boundaries of the area comprising the Northern Hunters Point Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on October 14, 1997, as follows:

Parcel 1: Block 477, Lot 7

Parcel 2: Block 477, Lots 13, 15, 20

Parcel 3: Block 477, Lot 24

Parcel 4: 43rd Avenue between Vernon Boulevard and the East River

Parcel 5: Block 488, Lot 114

Parcel 6: Block 488, Lot 1

Parcel 7: Block 488, Lots 15, 35

Block 489, Lots 23, 46

Parcel 8: Block 25, Lot 15

Parcel 9: Block 25, Lots 1, 9, 11

Parcel 10: Block 26, Lot 10

Parcel 11: Block 26, Lots 1, 2, 3, 4, 8

Parcel 12: Block 26, Lots 17 and 21

(a) Special #waterfront yard# requirements

The #yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall be applicable. In addition, where a #waterfront

yard# is not required, pursuant to Section 62-33, #yards# meeting the dimensional requirements of Section 62-33 shall be provided in connection with any #development#, in accordance with the provisions of paragraph (f) of Section 62-912 (Elements of a Waterfront Access Plan).

(b) Area-wide modifications

The following provisions shall apply to #zoning lots# required to provide a #waterfront public access area#, pursuant to Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive:

(1) Section 62-57 (Requirements for Supplemental Public Access Areas) shall be inapplicable except where specifically stated otherwise in this Plan.

(2) Section 62-58 (Requirements for Water-Dependent Uses and Other Developments) shall be inapplicable. In lieu thereof, for #developments# listed in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), paragraph (b), required #waterfront public access areas# shall be provided in accordance with Sections 62-53 (Requirements for Shore Public Walkways), 62-54 (Requirements for Public Access on Piers), 62-55 (Requirements for Public Access on Floating Structures) and 62-56 (Requirements for Upland Connections), as modified by this Plan.

However, for #developments# that include WD #uses# and would otherwise be permitted to provide public access pursuant to Section 62-58, the location of the public access areas specified in this Plan may be moved upland from the #shoreline# for the minimum distance required to accommodate the upland water-dependent functions of such #developments#, provided the relocation allows for a continuous public walkway connecting to #shore public walkways# on adjoining #zoning lots#.

(c) Special #waterfront public access area# and #visual corridor# provisions applying on Anable Basin

The following provisions shall apply to certain #developments# on Parcels 8, 9, 10, 11 and 12:

(1) In the event that a #building or other structure#, existing at the time that a #waterfront public access area# is required, is located so that the minimum dimensional provisions of Sections 62-53 and 62-54 cannot be met without requiring the partial or complete demolition of such #building or other structure#, the required width of such a #waterfront public access area# shall be reduced to the width between the seaward edge of the #waterfront yard# or #lot line# and the existing #building or other structure#. However, the minimum width of a #shore public walkway# shall be six feet and that of an #upland connection# shall be 12 feet. In no case shall a #shore public walkway# have a width less than 10 feet for a continuous distance of more than 300 feet.

(2) In the event that a #building or other structure#, existing at the time a #waterfront public access area# is required, is located so that the minimum dimensional standards for public access pursuant to paragraph (c)(1) of this Section cannot be met without requiring the partial or complete demolition of such #building or other structure#, all #waterfront public access area# requirements for such #development# shall be waived.

(3) A #shore public walkway# required in conjunction with a #development# involving existing #buildings or other structures#, or required on any #zoning lot# having a #shoreline# length of less than 150 feet, shall be improved pursuant to Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the amount of planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent.

(4) Within any portion of a #shore public walkway# having a width of less than 10 feet, the minimum width of the circulation path shall be six feet and all planting requirements shall be waived.

(d) Special public access provisions by parcel

The provisions of Sections 62-52 and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-1b in paragraph (f) of this Section:

(1) Parcel 1

No #upland connection# shall be required within Parcel 1; however, a direct connection shall be provided between the #shore public walkway# and Queensbridge Park.

(2) Parcel 2

An #upland connection# shall be located between Vernon Boulevard and the #shore public walkway# within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, which is the westerly prolongation of Queens Plaza South, either:

(i) along the northerly tax lot line of Block 477, Lot 15, and its extension to Vernon Boulevard, if such tax lot is #developed# as a #zoning lot# separate from Block 477, Lot 13; or

(ii) continuously adjoining the boundary between Parcels 1 and 2.

(3) Parcel 3

No #upland connection# shall be required within Parcel 3; however, a direct connection shall be provided between the #shore public walkway# and the public access area provided on Parcel 4.

(4) Parcel 4

(i) A continuous public access area shall be provided across the westerly termination of 43rd Avenue adjoining the East River and connecting without interruption to the #shore public walkways# on Parcels 3 and 5. Such #waterfront public access area# shall have a minimum width of 40 feet and be improved consistent with the design standards set forth in Section 62-62, paragraphs (a) and (c)(1), for a #shore public walkway#. A screening buffer, pursuant to Section 62-655, shall be provided along any open or enclosed storage areas, maintenance vehicle parking or similar uses adjoining the #waterfront public access area#. Fencing may be provided to assure physical control of non-publicly accessible upland areas.

(ii) The remaining portion of Parcel 4 shall provide pedestrian access from Vernon Boulevard to the #waterfront public access area# designated in paragraph (d)(4)(i) of this Section. The New York City Waterfront Symbol with the words "Public Waterfront" shall be installed at the intersection of any pedestrian access area with Vernon Boulevard.

(iii) In the event that 43rd Avenue is demapped as a #street# within Parcel 4, a #shore public walkway# and #upland connection# shall be provided on Parcel 4, pursuant to Sections 62-50 and 62-60, within the westerly prolongation of 43rd Avenue.

Except as otherwise provided in this paragraph (d)(4), Section 62-60 shall be inapplicable.

(5) Parcel 5

(i) #Upland connection#

An #upland connection# shall be provided through Parcel 5 between Vernon Boulevard and the #shore public walkway#. The #upland connection# shall be located within either:

(a) the flexible location zone indicated on Map Q-1b in paragraph (f) of this Section, having as its southerly boundary a line 500 feet south of 43rd Avenue and as its northerly boundary a line 200 feet north of such southerly boundary; or

(b) a raised pedestrian sidewalk immediately adjoining a #building# provided both the sidewalk and #building# were existing on October 14, 1997.

The requirements of Sections 62-561 (Types of upland connections) and 62-64 (Design Requirements for Upland Connections) shall be inapplicable; however, any vehicular way traversing the pedestrian sidewalk shall be at the same level as such raised pedestrian sidewalk.

A direct connection shall be provided between the #shore public walkway# and the public access areas on Parcels 4 and 6.

(ii) #Supplemental public access area#

Notwithstanding paragraph (b)(1) of this Section, a #supplemental public access area# shall be provided pursuant to Sections 62-57 and 62-62, and shall be located within the flexible location zone described in paragraph (d)(5)(i) of this Section, immediately adjacent to the intersection of the #shore public walkway# and any #upland connection#, if the #upland connection# is located therein.

(6) Parcel 6

Sections 62-50 and 62-60 shall be inapplicable if public access is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as such may be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments in the Waterfront Area). If public access is not provided pursuant to the declaration, as such may be modified, then a #waterfront public access area# shall be provided in accordance with Sections 62-50, as modified by paragraph (b) of this Section, and Section 62-60.

(7) Parcel 7

(i) #Shore public walkway#

The #shore public walkway# shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the seaward edge of the #waterfront yard# and as its easterly boundary a line perpendicular to the northerly #street line# of 44th Drive, 600 feet westerly of Vernon Boulevard. The area between the seaward edge of the #waterfront yard# and the #shore public walkway# shall be subject to the provisions of Section 62-332 (Rear yards and waterfront yards).

For #developments# on a #zoning lot# having a #building or other structure#, existing on October 14, 1997, and which #developments# would retain the existing #building or other structure#, any portion of which is located within the #waterfront yard#, the #shore public walkway# may be improved pursuant to Section 62, except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent. In addition, any portion of the #shore public walkway# located on a #platform# existing on October 14, 1997, shall be exempt from the planting requirements of such Section, except that trees shall be required; however, such trees may be located off the #platform# anywhere within or immediately adjoining the #shore public walkway#.

(ii) #Upland connection#

No #upland connection# shall be required within Parcel 7.

(8) Parcel 8

An #upland connection# shall be provided through Parcel 8 and shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the westerly #street line# of 5th Street and as its easterly boundary a line 250 feet east of such #street line#. In the event that a #building or other structure#, existing at the time an #upland connection# is required, is located within the southerly prolongation of 5th Street, the #upland connection# may be located anywhere within the flexible location zone; otherwise, the #upland connection# shall be located within the southerly prolongation of 5th Street.

(9) Parcels 9, 10 and 11

(i) #Shore public walkway#

Except as provided in paragraph (c) of this Section, a #shore public walkway# shall be required across each parcel; however, on any #zoning lot# existing on October 14, 1997, having a #shoreline# length of less than 150 feet, the width of the #shore public walkway# may be reduced to 16 feet, consisting of a 10 foot wide circulation path and six foot wide screening buffer, pursuant to Section 62-655. In addition, the width may be further reduced as permitted pursuant to paragraph (c)(1) of this Section.

(ii) #Upland connection#

Except as provided in paragraph (c) of this Section and on any #zoning lot# with a #shoreline# length less than 100 feet, an #upland connection# shall be provided between Vernon Boulevard and the #shore public walkway# within the flexible location zone shown on Map Q-1b, having as its northerly boundary the westerly prolongation of the southerly #street line# of 45th Avenue and as its southerly boundary the westerly prolongation of the southerly #street line# of 45th Road. In the event that Parcels 10 and 11 are #developed# as a single #zoning lot# and the #upland connection# has not been provided prior to such #development# of Parcels 10 and 11, the #upland connection# shall be located within the westerly prolongation of 45th Road. Notwithstanding the requirements of Section 62-56 (Requirements for Upland Connections), on any #zoning lot# having a #shoreline# length of less than 150 feet, the required width of an #upland connection# may be reduced to 16 feet consisting of a 10 foot wide circulation path with the remaining area to be planted. In addition, the width may be further reduced, as permitted pursuant to paragraph (c)(1) of this Section.

(10) Parcel 12

No #upland connection# shall be required within Parcel 12; however, a direct connection shall be provided between the #shore public walkway# and 5th Street.

(e) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-1c in paragraph (f) of this

Section:

(1) Parcels 1 and 2

A #visual corridor# shall be provided through Parcels 1 and 2 to the pierhead line as the westerly prolongation of Queens Plaza South. In the event that Block 477, Lot 13, is #developed# as a single #zoning lot#, all #visual corridor# requirements on that lot shall be waived.

(2) Parcel 3

The requirement for #visual corridors# on Parcel 3 is waived.

(3) Parcel 4

43rd Avenue shall be provided as a #visual corridor#.

(4) Parcel 5

A #visual corridor# shall be provided through Parcel 5 to the pierhead line within the flexible location zone described in paragraph (d)(5)(ii) of this Section and coincident with any #upland connection# provided therein.

(5) Parcel 6

Sections 62-51 (Applicability of Visual Corridor Requirements) and 62-513 (Permitted obstructions in visual corridors) shall be inapplicable if a #visual corridor# is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as may subsequently be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments in the Waterfront Area). If the #visual corridor# is not provided pursuant to the declaration, as such may be modified, then a #visual corridor# shall be provided in accordance with Section 62-51.

(6) Parcel 7

The requirement for #visual corridors# on Parcel 7 is waived.

(7) Parcel 8

A #visual corridor# shall be provided through Parcel 8 as the southerly prolongation of 5th Street.

(8) Parcels 9, 10 and 11

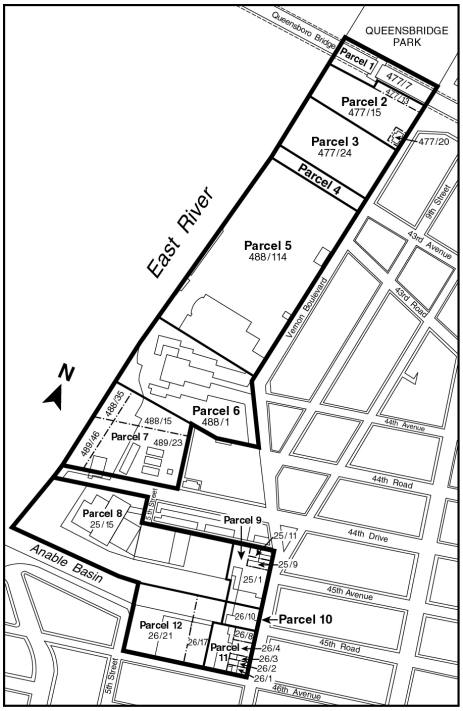
A #visual corridor#, if required pursuant to Section 62-51, shall be located through Parcel 9, 10 or 11 from Vernon Boulevard using the locational criteria for, and coincident with, the #upland connection# required pursuant to paragraph (d)(9)(ii) of this Section.

(9) Parcel 12

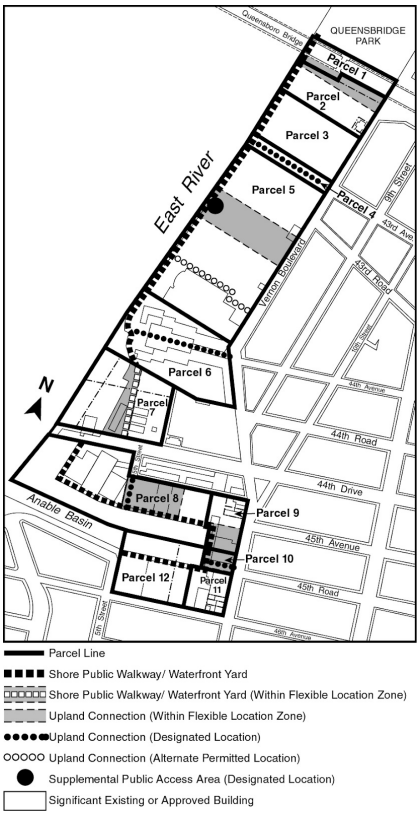
The requirement for #visual corridors# on Parcel 12 is waived.

(f) Northern Hunters Point Waterfront Access Plan Maps

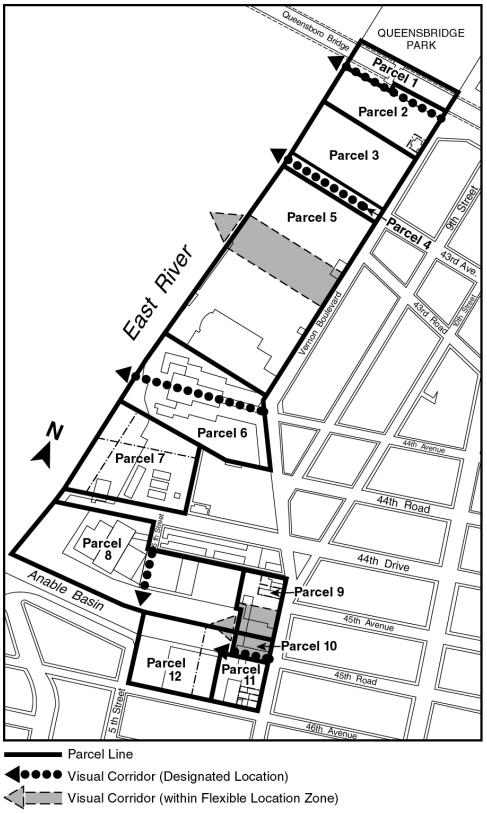
Q-1a: Parcel Designation (62-951f.1)



Q-1b: Public Access Elements Designation (62-951f.2)



Q-1c: Designated Visual Corridors Designation (62-951f.3)



62-96 - Borough of Staten Island

LAST AMENDED
4/22/2009

62-97 - Multi-Borough Plans

LAST AMENDED
4/22/2009

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Regulations Applying to FRESH Food Stores

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Special Regulations Applying to FRESH Food Stores

63-00 - GENERAL PURPOSES

LAST AMENDED12/9/2009

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;

(b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;

(c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and

(d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

63-01 - Definitions

LAST AMENDED
12/9/2009

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is allocated to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption. Such retail space shall be distributed as follows:

(a) at least 25 percent of such retail space shall be allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;

(b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and

(c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

63-02 - Applicability

LAST AMENDED
10/9/2013

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

63-021 - Areas permitting FRESH food stores

LAST AMENDED12/15/2021

The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in Sections 63-022 (Special Purpose Districts where regulations for FRESH food stores are not applicable) and 63-023 (Limitation on location of FRESH food stores):

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

63-022 - Special Purpose Districts where regulations for FRESH food stores are not applicable

LAST AMENDED12/15/2021

The provisions of this Chapter shall not apply to the following Special Purpose Districts:

#Special Madison Avenue Preservation District#;

#Special Manhattanville Mixed Use District#; and

#Special Park Improvement District#.

63-023 - Limitation on location of FRESH food stores

LAST AMENDED12/15/2021

After December 15, 2021, no certification shall be issued for increased #residential# #floor area# for a #FRESH food store# where the sum of the increased #residential# #floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# that is the subject of such certification would exceed 40,000 square feet.

Such calculation shall include increased #residential# #floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE), including those issued prior to December 15, 2021, provided that such certification has not expired, or has not been superseded by a certification pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization pursuant to Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

However, for any area that has a sum of more than 40,000 square feet of increased #residential# #floor area# generated pursuant to Section 63-21, the Chairperson may certify a #FRESH food store# that was previously certified pursuant to Section 63-30, provided such certification has not lapsed and that there shall be no increase in the amount of increased #residential# #floor area# beyond what was previously certified for such #FRESH food store#.

63-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/9/2009

63-11 - Special Use Regulations for FRESH Food Stores in M1 Districts

LAST AMENDED
12/9/2009

In M1 Districts, the regulations of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

63-12 - Special Sign Regulations

LAST AMENDED
12/9/2009

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall provide signage pursuant to this Section.

A #sign# comprised of the #FRESH food store# symbol as provided in the Required Signage Symbols file at the Department of City Planning website shall be mounted on an exterior #building# wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and at a height no less than three feet and no more than five feet above the adjoining grade. Such #FRESH food store# symbol shall be no less than 12 inches by 12 inches and no

more than 16 inches by 16 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials.

63-20 - SPECIAL BULK AND PARKING REGULATIONS

LAST AMENDED
12/9/2009

63-21 - Special Floor Area Regulations

LAST AMENDED
12/9/2009

Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet.

However, for #zoning lots# that do not contain a #Quality Housing building#, where any non-#residential use# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #floor area ratio# of the #zoning lot# shall not exceed the maximum permitted #floor area ratio# for such non-#residential use#.

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential# #floor area# generated pursuant to this Section shall be exempt from such calculations.

For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 (Inclusionary Housing) shall not apply to the increased #residential# #floor area# generated pursuant to this Section.

63-22 - Authorization to Modify Maximum Building Height

LAST AMENDED
2/2/2011

For #zoning lots# containing a #FRESH food store# and #residences#, the City Planning Commission may authorize modifications to Sections 35-65 (Height and Setback Requirements for Quality Housing Buildings), or to the height and setback regulations of any Special Purpose District where maximum height limits apply to allow the applicable maximum #building# height to be increased by up to 15 feet and by up to one #story#, provided that the portion of the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

In order to grant such authorizations, the Commission shall find that:

(a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;

(b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and

(c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

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

63-23 - Special Transparency Requirements

LAST AMENDED
12/9/2009

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary street frontage# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #building# is a recipient of #public funding#. For the purposes of this Section, defined terms shall include those in Sections 12-10, 23-911 and

37-311.

63-24 - Required Accessory Off-street Parking Spaces in Certain Districts

LAST AMENDED
12/9/2009

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use# pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such changed #use# as if the #use# is at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization pursuant to Section 63-50.

(a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6, R7, R8, R9 and R10 Districts and in C4-2 and C4-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.

(b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.

(c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.

(d) The provisions of this Section shall not apply:

(1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix B of this Chapter; and

(2) in the Borough of Queens, to the #Special Downtown Jamaica District#.

63-30 - CERTIFICATION FOR A FRESH FOOD STORE

LAST AMENDED
12/9/2009

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

(a) drawings have been submitted to the Chairperson that clearly specify:

(1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food products, pursuant to Section 63-01;

(2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;

(3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and

(4) the location of the ground floor level #street wall# fronting upon a #primary street frontage#, pursuant to Section 63-23;

(b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and

(c) for #zoning lots# containing increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

(1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or

(2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to certification by the Chairperson.

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

Changes to the store layout of a #FRESH food store# that has been constructed pursuant to a previous certification under this Section, where such changes result in a #FRESH food store# that continues to comply with the requirements of this Chapter, shall not require subsequent certification by the Chairperson under this Section. #FRESH food stores# certified prior to December 15, 2021, that do not comply with paragraph (c) of the definition of #FRESH food store# may change the floor layout provided that there is no increase in the degree of non-compliance with such requirement.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson. If the Community Board elects to comment on such application, it must be done within 45 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 45-day comment period has expired, whichever is earlier.

For #zoning lots# containing increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations), if a #development# or horizontal #enlargement# fails to comply with the provisions of Section 11-331 (Right to construct if foundations completed) with respect to completion of foundations within four years of the date of certification pursuant to this Section, such certification and such building permit shall lapse, and any new building permit will require a new certification pursuant to this Section.

63-31 - Requirements for Certificate of Occupancy

LAST AMENDED
12/9/2009

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (a)(2) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a)(1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions, where required pursuant to paragraph (c) of Section 63-30, shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40 - CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

LAST AMENDED
12/9/2009

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts).

If a certification pursuant to this Section is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration

of restrictions recorded pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

63-50 - AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

LAST AMENDED
12/9/2009

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts), provided that such #use# is permitted by the underlying districts.

In order to grant such authorization, the Commission shall find that:

(a) due to the market conditions prevalent at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;

(b) the applicant, the operator or a prior operator of such #FRESH food store# has not created or contributed to such unfavorable market conditions;

(c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the Commission that such efforts have been unsuccessful;

(d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses#, including #uses# within the #building#; and

(e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

If such authorization is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30, shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

In issuing an authorization under this Section, the Commission may impose conditions and safeguards to minimize adverse impacts on the character of the surrounding area.

63-60 - COMPLIANCE

LAST AMENDED
12/9/2009

No later than June 30th of the year, beginning in the second calendar year following the calendar year in which certification was made, and at three-year intervals thereafter, the Chairperson of the City Planning Commission shall be provided with an affidavit, in a form acceptable to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

(a) a copy of the original #FRESH food store# certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;

(b) a statement that the #floor area# or #cellar# space that was certified to be operated as a #FRESH food store# continues to be operated as such in accordance with the declaration of restrictions; and

(c) photographs documenting the condition of the #FRESH food store# at the time of inspection, sufficient to clearly show all #floor area# or #cellar# space operated as a #FRESH food store#.

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to this Chapter or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such authorization or certification, and for the implementation of all

other applicable remedies.

Appendix A - FRESH Food Store Designated Areas

LAST AMENDED12/15/2021

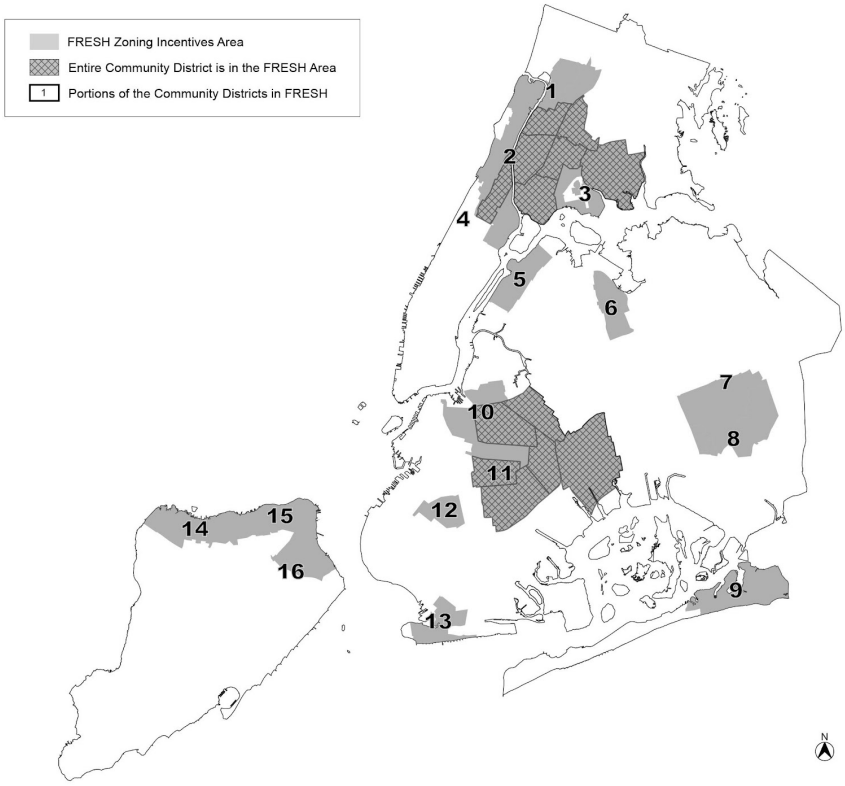
#FRESH food store# designated areas are:

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

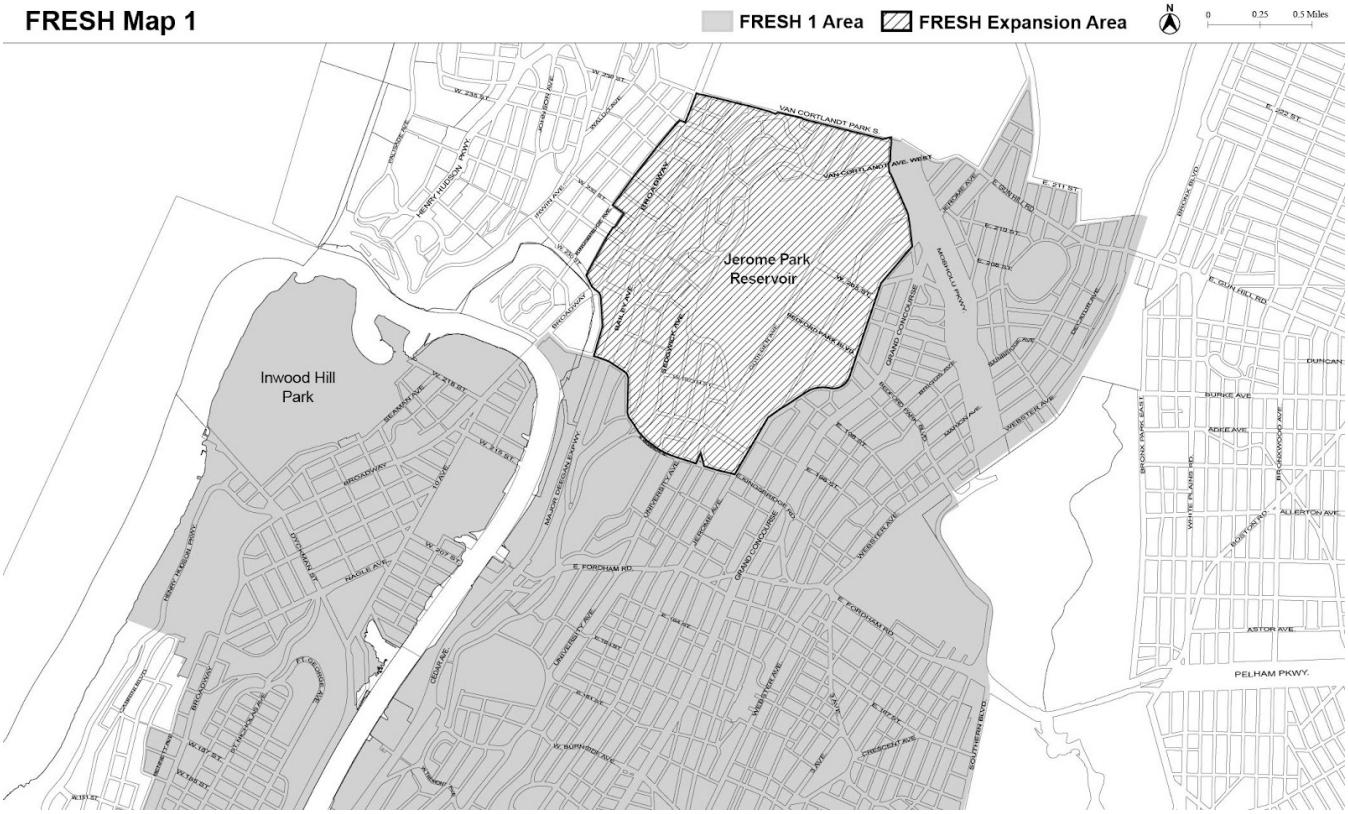
all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.



FRESH Map 1

FRESH 1 Area | FRESH Expansion Area



FRESH Map 2

FRESH 1 Area FRESH Expansion Area

FRESH Map 3

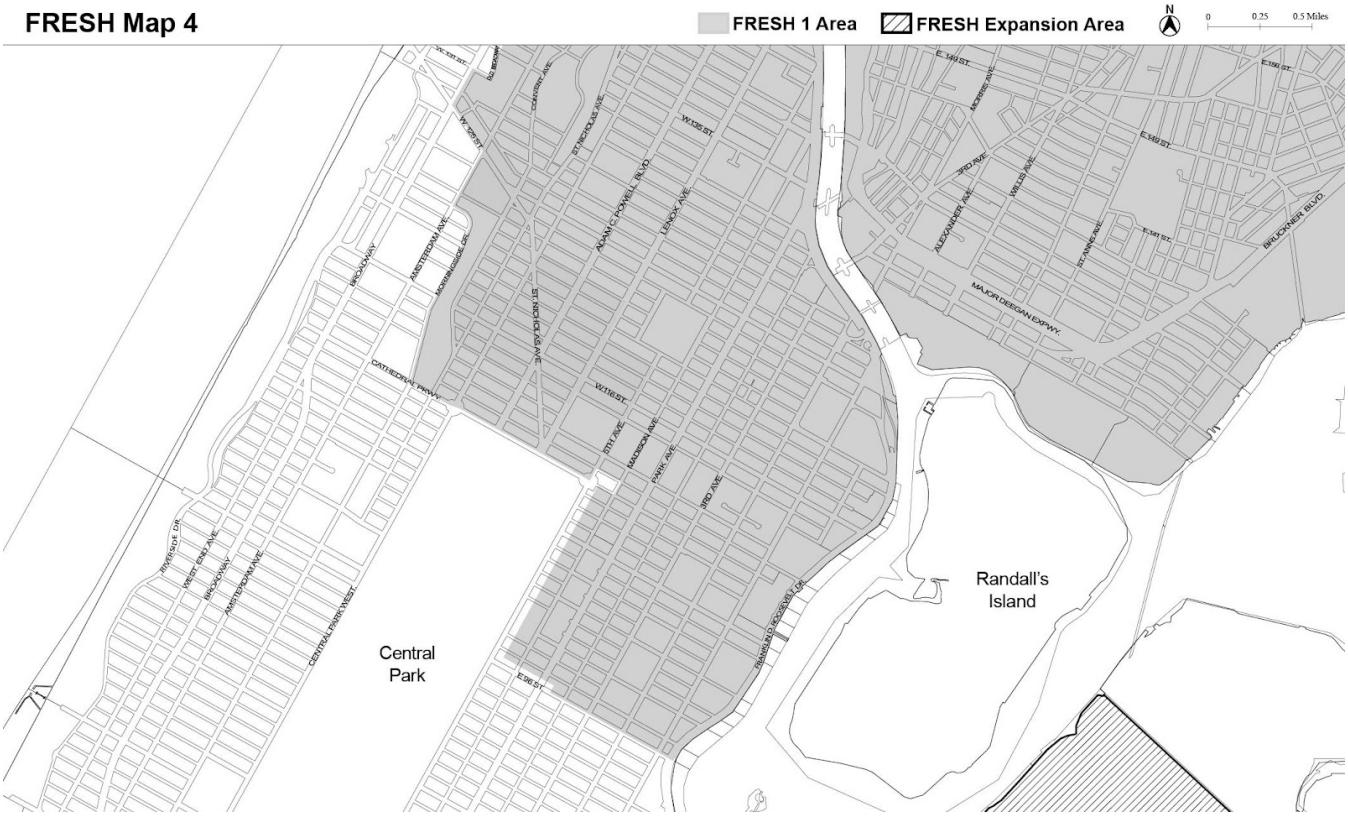
FRESH 1 Area

FRESH Expansion Area

N

0 0.25 0.5 Miles

FRESH Map 4


FRESH 1 Area
FRESH Expansion Area
N
0
0.25
0.5 Miles
Central Park
Randall's Island
W 125 ST
W 116 ST
E 116 ST
E 149 ST
E 138 ST
E 141 ST
E 145 ST
ADAM C POWELL BLVD
LENOX AVE
8TH AVE
MADISON AVE
PARK AVE
3RD AVE
ST NICHOLAS AVE
AMSTERDAM AVE
MORNINGSIDE DR
BROADWAY
CATHEDRAL PKWY
WEST END AVE
RIVERSIDE DR
CENTRAL PARK WEST
MANHATTAN BOOGIEM LOP
MORRIS AVE
WILLIS AVE
ST ANN'S AVE
ALEXANDER AVE
BRUCKNER BLVD
MAJOR DEEGAN EXPWY

FRESH Map 5

FRESH 1 Area | FRESH Expansion Area

FRESH Map 6

FRESH Expansion Area
N
0
0.25
0.5 Miles
St. Michael's Cemetery
Corona Park
Cedar Grove Cemetery
GRAND CENTRAL PKWY.
NORTHERN BLVD.
ROOSEVELT AVE.
ASTORIA BLVD.
DITMARS BLVD.
CORONA AVE.
WOODSIDE AVE.
QUEENS BLVD.
BROADWAY
HORACE HARDING EXPWY.
WHITESTONE EXPWY.
BROOKLYN QUEENS EXPWY.
BAYSIDE AVE.
UNION ST.
MAIN ST.
BOOTH MEMORIAL AVE.
NORTHERN BLVD.
ROOSEVELT AVE.
23 AVE.
25 AVE.
27 AVE.
29 AVE.
31 AVE.
33 AVE.
35 AVE.
37 AVE.
39 AVE.
51 AVE.
55 AVE.
108 ST.
114 ST.
126 ST.
128 ST.
130 ST.
136 ST.
138 ST.
141 ST.
143 ST.
145 ST.
147 ST.
149 ST.
150 ST.
154 ST.
156 ST.
157 ST.
159 ST.
160 ST.
162 ST.
164 ST.
166 ST.
167 ST.
169 ST.
170 ST.
171 ST.
173 ST.
175 ST.
177 ST.
179 ST.
181 ST.
183 ST.
185 ST.
187 ST.
189 ST.
191 ST.
193 ST.
195 ST.
197 ST.
199 ST.
201 ST.
203 ST.
205 ST.
207 ST.
209 ST.

FRESH Map 7

FRESH 1 Area
N
0
0.25
0.5 Miles
UNION TURNPIKE
GRAND CENTRAL PKWY.
HILLSIDE AVE.
JAMAICA AVE.
LIBERTY AVE.
ARCHER AVE.
ATLANTIC AVE.
LINDEN BLVD.
MURDOCK AVE.
FRANCIS LEWIS BLVD.
VAN WYCK EXPWY.
MAIN ST.
PARSONS BLVD.
164 ST.
UTOPIA PKWY.
MIDLAND PKWY.
CHERRY AVE.
DUNTON ST.
HOLLIS AVE.
JAMAICA AVE.
SPRINGFIELD BLVD.

FRESH Map 8

FRESH 1 Area

FRESH Expansion Area

N

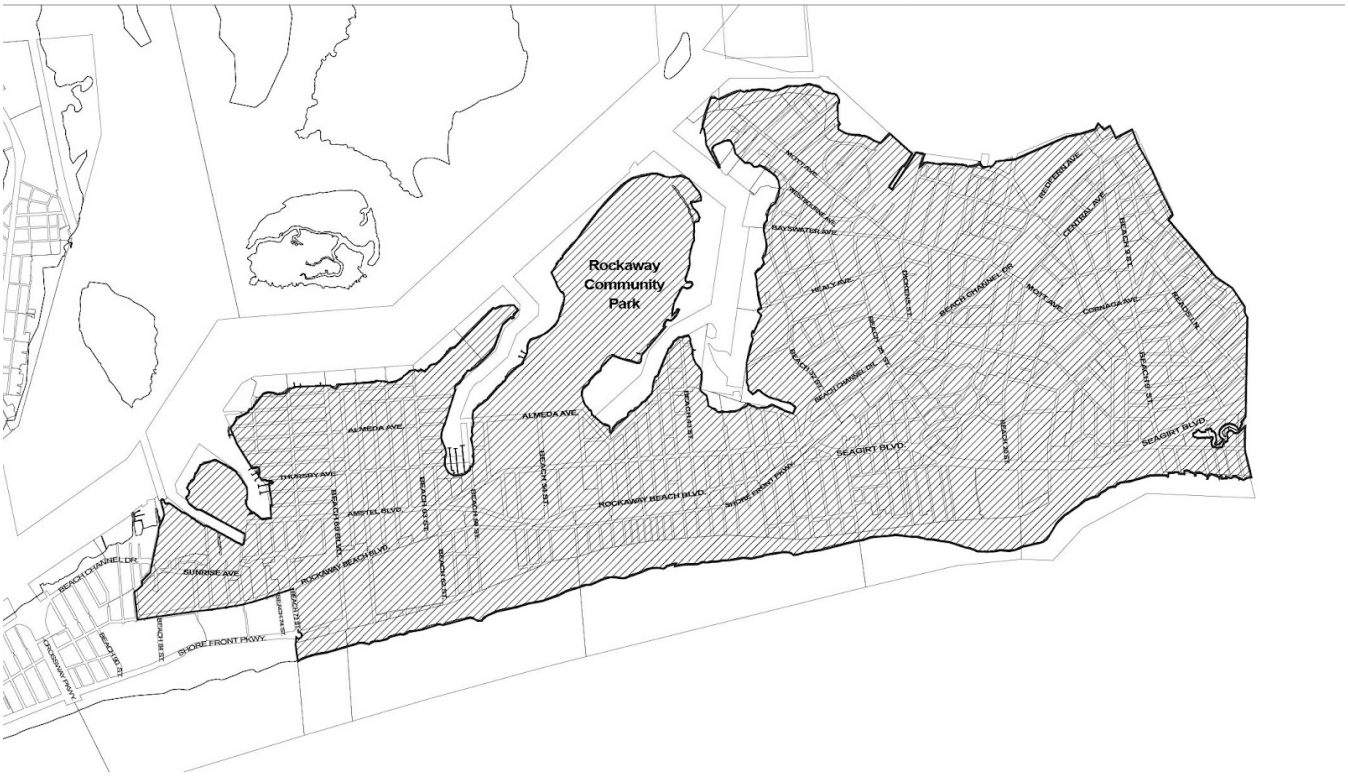
0 0.25 0.5 Miles

FRESH Map 9

FRESH Expansion Area

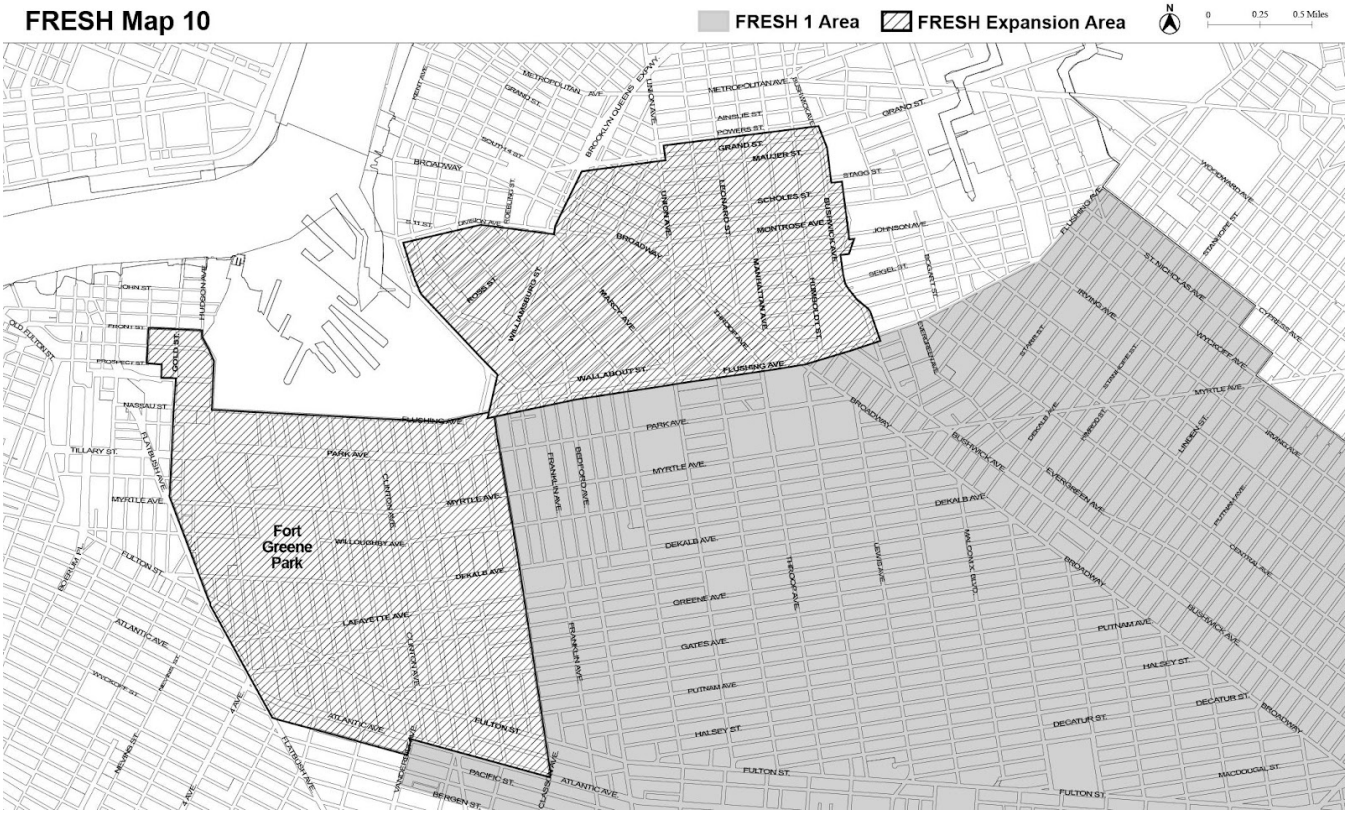
N

0 0.25 0.5 Miles



FRESH Map 10

FRESH 1 Area | FRESH Expansion Area



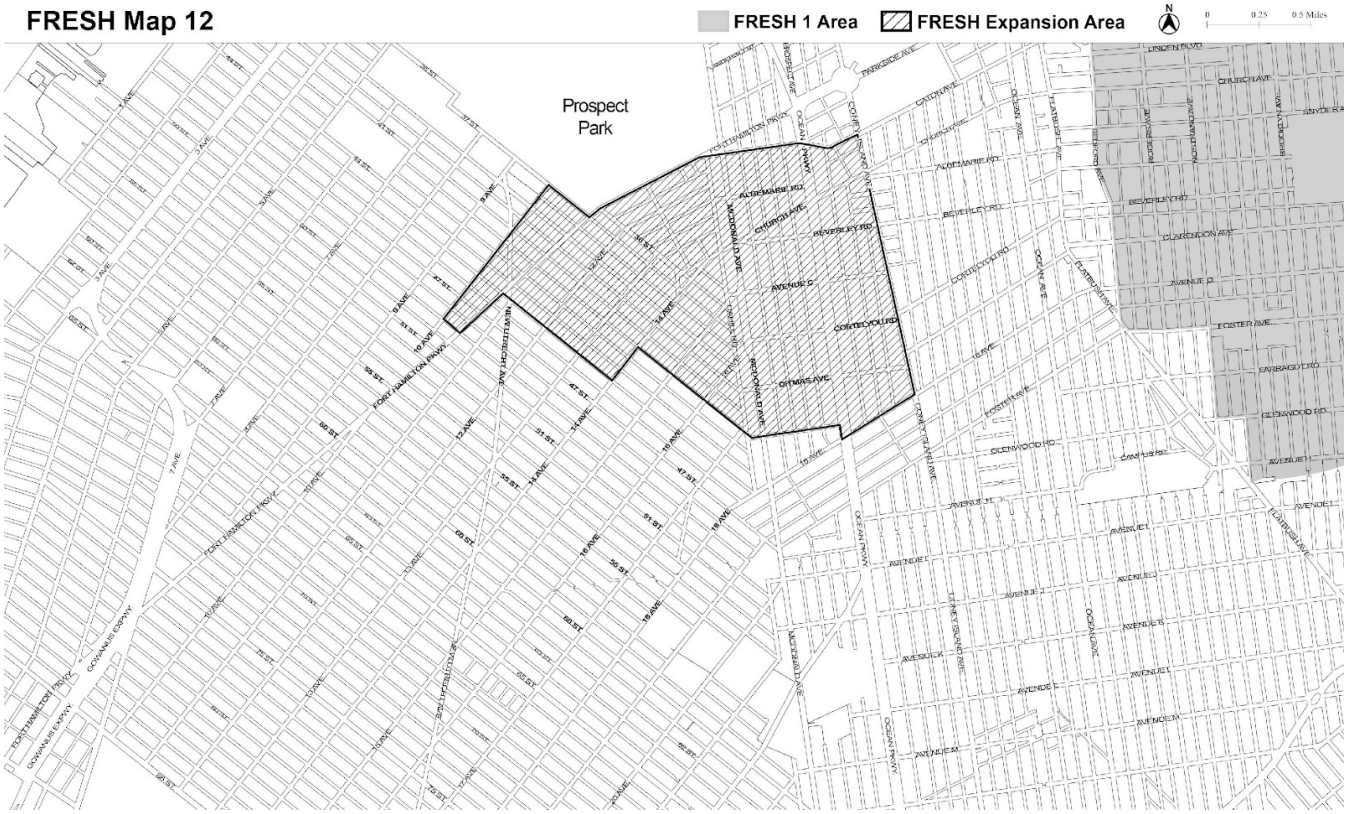
FRESH Map 11

FRESH 1 Area | FRESH Expansion Area

N
0
0.25
0.5 Miles
Prospect Park
FULTON ST.
DECATUR ST.
MACDOUGAL ST.
BROADWAY
BUSHWICK AVE
JAMAICA AVE
ATLANTIC AVE.
PACIFIC ST.
BERGEN ST.
PARK PL.
ST. JOHN'S PL.
EASTERN PKWY.
EASTERN PKWY.
ATLANTIC AVE.
ATLANTIC AVE
PENNSYLVANIA AVE
PITKIN AVE.
SUTTER AVE.
E. NEW YORK AVE.
MONTGOMERY ST.
MONTGOMERY ST.
EMPIRE BLVD.
LEFFERTS AVE.
DUMONT AVE.
LIVONIA AVE.
RIVERDALE AVE.
NEWPORT ST.
NEW LOTS AVE.
LINDEN BLVD
RUTLAND RD.
CLARKSON AVE.
LOTT AVE
LINDEN BLVD.
CHURCH AVE
SNYDER AVE.
TILDEN AVE.
CLARENDON RD.
ALBEMARLE RD.
CATON AVE.
PARKSIDE AVE.
FLATBUSH AVE.
OCEAN AVE.
BEDFORD AVE.
NOSTRAND AVE.
BROOKLYN AVE.
ALBANY AVE.
KINGS HWY.
REMSEN AVE.
AVENUE A
AVENUE D
FOSTER AVE.
E. 98 ST.
E. 105 ST.
STANLEY AVE
MOTHER GASTON BLVD.
POWELL ST.
WILLIAMS AVE
BROOKLYN AVE.
BROOKLYN AVE.
BUFFALO AVE.
ROCHESTER AVE.
HOWARD AVE.
THOMAS S. BOYLAND ST.
SCHENCK AVE.
BEDFORD AVE.
NOSTRAND AVE.
ROGERS AVE
FLATBUSH AVE.
VANDERBILT AVE
PARK PL.
ST. MARKS AVE.
WASHINGTON AVE
CLASSON AVE.
ROCKAWAY AVE.
FLUSHING AVE
PROSPECT PARK W.
PROSPECT AVE
TERRACE PL.
FORT HAMILTON PKWY.
OCEAN PKWY.
CONEY ISLAND AVE
FLATBUSH AVE.
BEDFORD AVE.
ROGERS AVE
NOSTRAND AVE

FRESH Map 12

FRESH 1 Area | FRESH Expansion Area



FRESH Map 13

FRESH Expansion Area

N

0 0.25 0.5 Miles

FRESH Map 14

FRESH Expansion Area

N

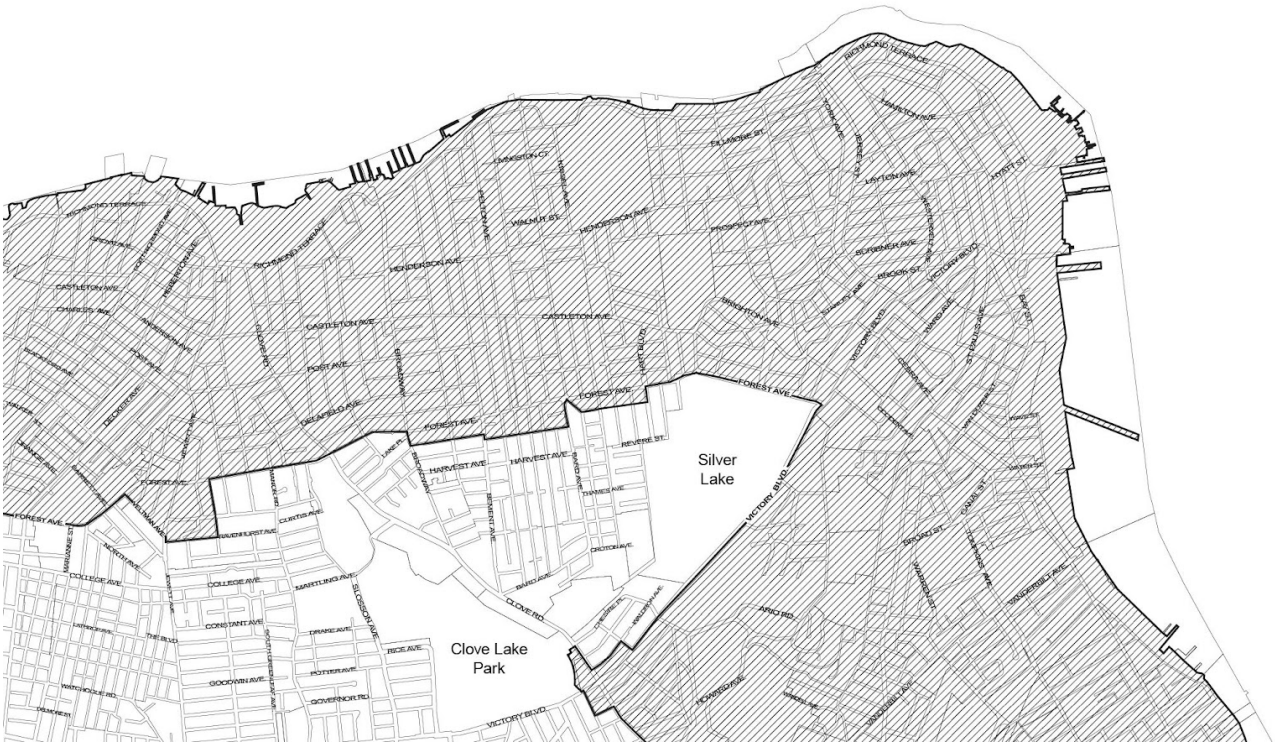
0 0.25 0.5 Miles

FRESH Map 15

FRESH Expansion Area

N

0 0.25 0.5 Miles



FRESH Map 16

FRESH Expansion Area

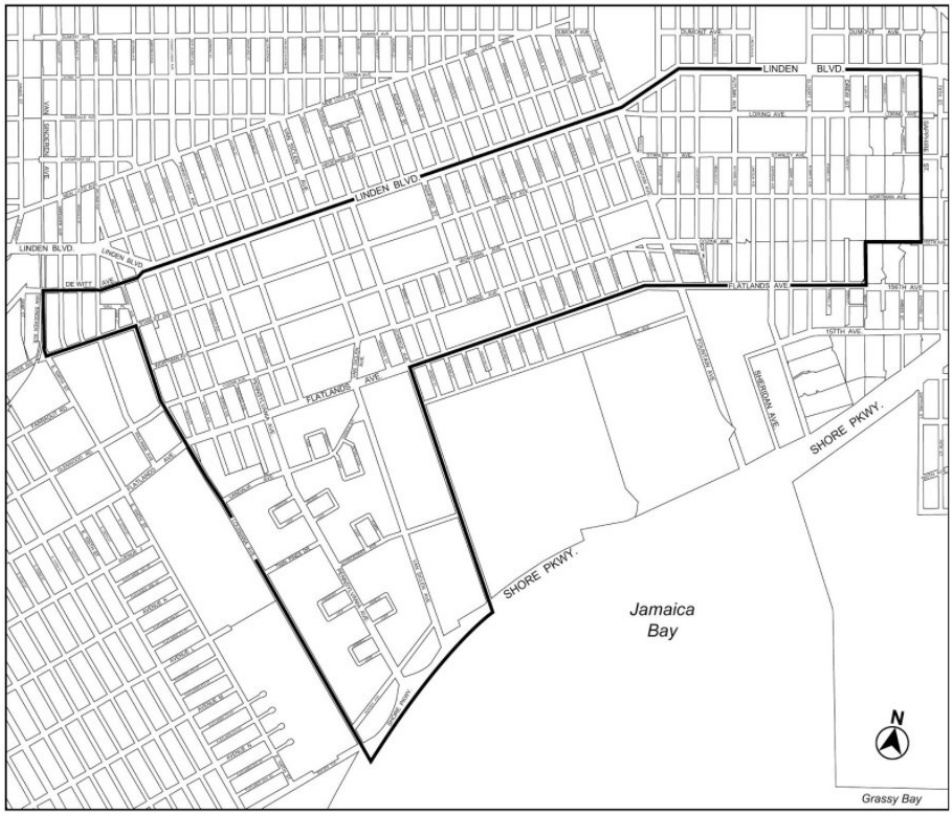
N

0 0.25 0.5 Miles

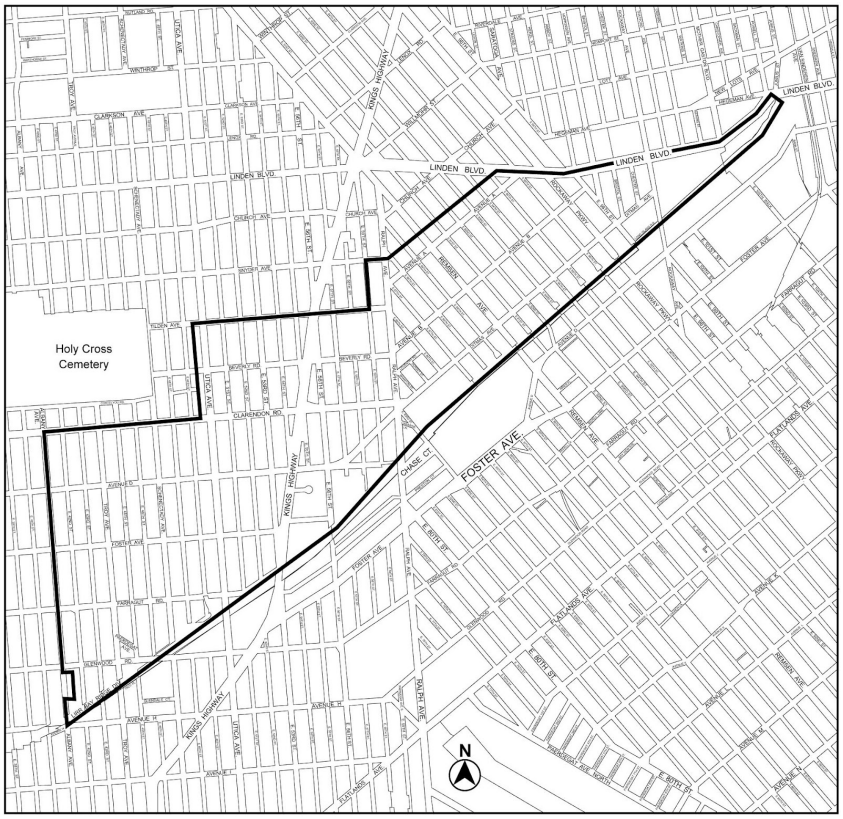
Appendix B - Required Off-street Accessory Parking Exceptions

LAST AMENDED12/15/2021

Map 1. Excluded portions of Community District 5, Brooklyn



Map 2. Excluded portions of Community District 16 and 17, Brooklyn



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Regulations Applying in Flood Zones

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 4 - Special Regulations Applying in Flood Zones

64-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) to facilitate the development and alteration of buildings in flood zones consistent with the flood-resistant construction standards of Appendix G of the New York City Building Code;

(b) to enable buildings to be constructed or retrofitted pursuant to flood-resistant construction standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;

(c) to allow sea level rise to be incorporated into the design of buildings in flood zones in order to provide longer-term and greater protection from flood risk than what is currently required by Appendix G of the New York City Building Code;

(d) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and

(e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

64-10 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

64-11 - Definitions

LAST AMENDED
5/12/2021

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Cottage envelope building

A "cottage envelope building" is a #single-# or #two-family# #detached# #residence# located within R1 through R5 Districts, #developed#, #enlarged#, or altered, pursuant to any of the optional provisions of Section 64-33 (Special Regulations for Cottage Envelope Buildings), provided that:

(a) such #single-# or #two-family# #detached# #residence# complies with Section 64-333 (Height and setback regulations for cottage envelope buildings); and

(b) is located within a #zoning lot# that has a #lot area# that is less than that required by the applicable district; and

(1) has a #lot width# that is either:

(i) less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) in R1, R2, R3-1, R3-2, R3X, R4, R4A, R5, and R5A Districts; or

(ii) equal to or less than 30 feet in R3A, R4-1, R4B, R5B, and R5D Districts; or

(2) has a depth of less than 95 feet at any point.

All #cottage envelope buildings# shall also be #flood-resistant buildings#.

First story above the flood elevation

The “first story above the flood elevation” shall be the finished floor level of the first #story# located at or above the level at which a #building# complies with #flood-resistant construction standards# and, for #buildings# utilizing the #reference plane#, shall be no lower than the particular level established as the #reference plane#.

Flood map

“Flood map” shall be the most recent map or map data used as the basis for #flood-resistant construction standards#.

Flood-resistant building

A “flood-resistant building” is a #building or other structure#, which complies with all applicable #flood-resistant construction standards#.

Flood-resistant construction elevation

The “flood-resistant construction elevation” shall be the level of flood elevation required by Appendix G of the New York City Building Code for the “Flood design classification” of a #building or other structure# as set forth therein, or a height of two feet above the lowest grade adjacent to the #building or other structure#, whichever is higher.

Flood-resistant construction standards

“Flood-resistant construction standards” are the construction standards set forth in Appendix G of the New York City Building Code for “Post-FIRM Construction” that aid in protecting #buildings or other structures# in #flood zones# from flood damage, and governs both #building or other structures# that are required to comply with such standards and those that voluntarily comply. For #buildings or other structures# utilizing the provisions of this Chapter, #flood-resistant construction standards# shall be applied up to the #flood-resistant construction elevation# or higher.

High-risk flood zone

The “high-risk flood zone” is the area, as indicated on the #flood maps#, that has a one percent chance of flooding in a given year.

Lowest usable floor

The “lowest usable floor” of a #building# is the lowest floor of such #building# that contains #floor area#, and may include #basements# and #cellars#, as defined in Section 12-10 (DEFINITIONS).

Moderate-risk flood zone

The “moderate-risk flood zone” is the area, as indicated on the #flood maps#, and not within of the #high-risk flood zone#, that has a 0.2 percent chance of flooding in a given year.

Primary street frontage

For the purposes of applying the provisions of Section 64-322(c), a “primary street frontage” shall include:

(a) in #Commercial Districts#, frontages that meet the criteria for a “primary street frontage” as defined in Section 37-311;

(b) in M1 Districts paired with #Residence Districts#, frontages along:

(1) #wide streets#;

(2) #narrow streets# within 50 feet of a #wide street#; and

(3) #narrrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and

(c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

Reference plane

The "reference plane" is a horizontal plane from which the height and setback regulations governing a #building or other structure# may be measured, in accordance with certain provisions of this Chapter. The #reference plane# shall not be located above the #first story above flood elevation#, as applicable.

For #zoning lots# located wholly or partially within the #high-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. However, where the #flood-resistant construction elevation# exceeds a height of 10 feet above the #base plane# or #curb level#, as applicable, the #reference plane# may be established at the #flood-resistant construction elevation#.

For #zoning lots# located wholly or partially within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable.

64-12 - Applicability

LAST AMENDED
5/12/2021

The optional provisions of this Chapter shall apply to #zoning lots# located wholly or partially within #flood zones#, as follows:

(a) For all #zoning lots# in the #flood zone#

The provisions of Sections 64-21 (Special Use Regulations for All Buildings), 64-31 (Special Bulk Regulations for All Buildings) and 64-41 (Special Parking Regulations for All Buildings), inclusive, may be applied to all #zoning lots#, regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

(b) For #zoning lots# containing #flood-resistant buildings#

The provisions of Sections 64-22 (Special Use Regulations for Flood-resistant Buildings), 64-32 (Special Bulk Regulations for Flood-resistant Buildings), 64-42 (Special Parking Regulations for Flood-resistant Buildings), and 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), inclusive, may be applied only to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#, as applicable, and Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings) may additionally be applied exclusively to #zoning lots# containing #cottage envelope buildings#. Where such provisions are utilized, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

(c) For portions of #buildings#

The following provisions may be applied to portions of #buildings# as follows:

(1) the provisions of Section 64-311 (Special floor area modifications for all buildings) and 64-313 (Special height and setback regulations for all buildings) may be applied to portions of #buildings#, regardless of whether such portions comply with #flood-resistant construction standards#;

(2) the provisions of Section 64-32 (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to portions of #buildings#, provided that such portions comply with #flood-resistant construction standards# for the entirety of its vertically contiguous segments. Where such provisions are utilized within portions of #buildings#, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

64-13 - Applicability of District Regulations

LAST AMENDED
10/10/2013

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

64-20 - SPECIAL USE REGULATIONS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section 64-21 (Special Use Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section 64-22 (Special Use Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

64-21 - Special Use Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-211 - Limitation on floors occupied by commercial uses

LAST AMENDED
5/12/2021

C1 C2

For the purposes of this Section, in the districts indicated, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) may be modified to allow #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 to occupy the lowest two #stories# of a #mixed building#, provided that such #mixed building# contains no #basement# or #cellar#. In addition, such #uses# listed in Use Group 6, 7, 8, 9 or 14 may occupy the same #story# occupied in whole or in part by #dwelling units#, provided that the #uses# are located in a portion of the #mixed building# that has a separate access to the #street# with no direct access to the #residential# portion of the #building# at any #story#.

64-22 - Special Use Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-221 - Measurement of height

LAST AMENDED
5/12/2021

In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#. However, this provision shall not apply to #signs# not affixed to #buildings or other structures#.

64-222 - Ground floor use

LAST AMENDED
5/12/2021

In all districts, any applicable ground floor level requirements of this Resolution including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements, may be modified as follows:

(a) In locations of the #flood zone# where #flood-resistant construction standards# prohibit dry-flood-proofing, thereby limiting #uses# other than parking, storage and building access from being located below the #flood-resistant construction elevation#, such ground floor level requirements need not apply.

(b) In all other locations of the #flood zone#, all regulations of this Resolution restricting the location of a ground floor in relation to the adjoining sidewalk level need not apply, provided that all other ground floor level regulations shall be applied to the lowest #story# above grade that is not solely used for parking, storage or building access, and further provided that the finished floor level of such #story# shall be located either at or below the level of the #flood-resistant construction elevation# or five feet above #curb level#, whichever is higher. All associated transparency requirements may be measured from such level of the finished floor instead of the level of the adjoining sidewalk.

64-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section 64-31 (Special Bulk Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section 64-32 (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

The provisions of Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings), inclusive, may be applied to #zoning lots# with #cottage envelope buildings#.

64-31 - Special Bulk Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-311 - Special floor area modifications for all buildings

LAST AMENDED
5/12/2021

For all #buildings#, the definition of #floor area# in Section 12-10 (DEFINITIONS) shall be modified in accordance with the provisions of this Section.

(a) Mechanical equipment

In R1-2A, R2A, R2X, R3, R4 or R5 Districts, the limitations on exempting #floor area# for mechanical equipment set forth in paragraphs (m) and (8) in the definition of #floor area# in Section 12-10 (DEFINITIONS), shall not apply, provided that all mechanical equipment is located at or above the #flood-resistant construction elevation#.

(b) Flood control devices

In all districts, for every linear foot of protection by temporary flood control devices and associated fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter, up to 15 square feet of floor space used for the storage of such devices may be excluded from the definition of #floor area#, provided that in no event shall such exempted floor space exceed 1,000 square feet.

(c) Buildings containing non-#residential uses#

In #Commercial# and #Manufacturing Districts#, where the permitted #commercial# or #manufacturing# #floor area ratio# does not exceed 1.0, up to 500 square feet of floor space may be excluded from the definition of #floor area#, provided that:

(1) the #building# is used exclusively for #non-residential uses#; and

(2) such floor space is located at or above the #flood-resistant construction elevation#.

64-312 - Permitted obstructions in required yards, courts, and open spaces for all zoning lots

LAST AMENDED
5/12/2021

The regulations for permitted obstructions in #yards#, #courts# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Mechanical equipment

In all districts, the underlying allowances for #accessory# power systems as permitted obstructions in any #open space#, #yard#, #rear yard equivalent#, or #court#, may be expanded to include all #accessory# mechanical equipment, provided that:

(1) all equipment shall be subject to the following enclosure and screening requirements, as applicable:

(i) all power system equipment shall be enclosed within a #building or other structure#, or screened, as applicable, pursuant to the requirements set forth in the applicable underlying district allowances;

(ii) all other types of equipment, including all mechanical, electrical and plumbing equipment, shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation; and

(2) the size and location of all #accessory# mechanical equipment, including all screening and enclosures containing such equipment, shall not exceed the size limitations specified in the underlying allowances, except that, where such equipment is elevated above the #flood-resistant construction elevation#, the permitted size and location of such #accessory# mechanical equipment may be modified as follows:

(i) where any equipment is required to be located at least five feet from any #lot line#, such distance may be reduced to three feet for #zoning lots# that have less than the prescribed minimum #lot area# or #lot width# required by the applicable district regulations;

(ii) the maximum height of such permitted obstructions for the applicable district:

(a) may be measured from the #reference plane# instead of the level of the adjoining grade or #curb level#, as applicable; or

(b) for #zoning lots# containing #residences# and a #lot area# greater than or equal to one and one-half acres, may exceed the applicable height limitations, provided that:

(1) such equipment is contained within a #building or other structure# that is located at least 30 feet from any #legally required window#;

(2) any stack associated with heating, ventilation, and air conditioning (HVAC) systems exhausts at a height at least as tall as the tallest #building# containing #residences# on the #zoning lot#; and

(3) such #building or other structure# complies with one point of the streetscape mitigations set forth in Section 64-52 (Ground floor level mitigation options); and

(iii) the maximum area that such equipment may occupy within a required #side yard#, #rear yard# or #rear yard equivalent#, or any #court# containing #legally required windows# need not apply where the height of such obstructions do not exceed the applicable underlying height allowances, as modified by the provisions of paragraph (a)(2)(ii)(a) of this Section.

(b) Berms

In all districts, structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, shall be permitted obstructions in any required #open space#, #yard# or #rear yard equivalent# on the #zoning lot#, provided that the height of such berm does not exceed the highest #flood-resistant construction elevation# required on the #zoning lot#, or five

feet above the lowest adjoining grade, whichever is higher.

(c) Flood control devices

In all districts, temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts#, #open space#, #public plazas#, #arcades#, pedestrian circulation spaces and all other publicly accessible open spaces. However, permanent fixtures for self-standing flood control devices installed in #publicly accessible open areas#, #arcades#, and pedestrian circulation spaces shall be flush-to-grade.

(d) Steps

In all #Residence Districts#, the provisions of paragraph (a)(17) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to allow steps within a required #yard# or #rear yard equivalent#, provided that such steps access any #story# located at or below the #first story above the flood elevation#.

64-313 - Special height and setback regulations for all buildings

LAST AMENDED
5/12/2021

The regulations for permitted obstructions to applicable height and setback regulations shall be modified in accordance with the provisions of this Section.

(a) Bulkheads and mechanical equipment in low-density #Residence Districts#

In R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, for #buildings# other than #single-# and #two-family residences#, the underlying permitted obstructions regulations governing elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, and #accessory# mechanical equipment, other than solar or wind energy systems, may be modified as follows:

(1) In R3-2 and R4 Districts, for #buildings#, or portions thereof, subject to the provisions of Article II, Chapter 3, the provisions of Section 23-621 (Permitted obstructions in certain districts) shall be modified to permit such obstructions, provided that:

(i) such obstructions shall be located not less than 10 feet from the #street wall# of a #building# ;

(ii) all mechanical equipment shall be screened on all sides;

(iii) the #lot coverage# of all such obstructions and such screening shall not exceed 250 square feet or 10 percent of the #lot coverage# of the #building#, whichever is greater; and

(iv) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls;

(2) In R3-2 and R4 Districts, for #buildings#, or portions thereof, subject to the provisions of Article II, Chapter 4, the provisions of paragraph (f) of Section 24-51 (Permitted Obstructions) shall apply, except that the maximum #lot coverage# may be increased from 20 percent to 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 25 feet;

(3) In R5 Districts, the provisions of paragraph (g) of Section 23-62 (Permitted Obstructions), and paragraph (f) of Section 24-51 shall apply, as applicable, except that the maximum #lot coverage# may be increased from 20 percent to 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 25 feet.

(b) Bulkheads and mechanical equipment in medium- and high-density #Residence Districts#, and #Commercial# and #Manufacturing Districts#

In R6 through R10 Districts, and in all #Commercial# and #Manufacturing Districts#, the underlying permitted obstructions regulations of paragraph (g) of Section 23-62, paragraph (f) of Section 24-51, paragraph (f) of Section 33-42, or paragraph (e) of Section 43-42, as applicable, governing elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, and #accessory# mechanical equipment, other than solar or wind energy systems, may be modified as follows:

(1) where the maximum permitted height of a #building#, or portion thereof is less than 120 feet:

(i) the maximum #lot coverage# may be increased from 20 percent to 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 25 feet; or

(ii) the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#;

(2) where the maximum permitted height of a #building#, or portion thereof is 120 feet or greater:

(i) the maximum #lot coverage# may be increased from 20 percent to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 40 feet; or

(ii) the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#.

(c) Dormers

For #Quality Housing buildings#, or portions thereof, as an alternative to the provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

64-32 - Special Bulk Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-321 - Measurement of height for flood-resistant buildings

LAST AMENDED
5/12/2021

In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#, except as follows:

(a) for #Quality Housing Buildings#, any minimum base height requirements shall continue to be measured from the #base plane#; and

(b) the provisions of this Section shall not apply:

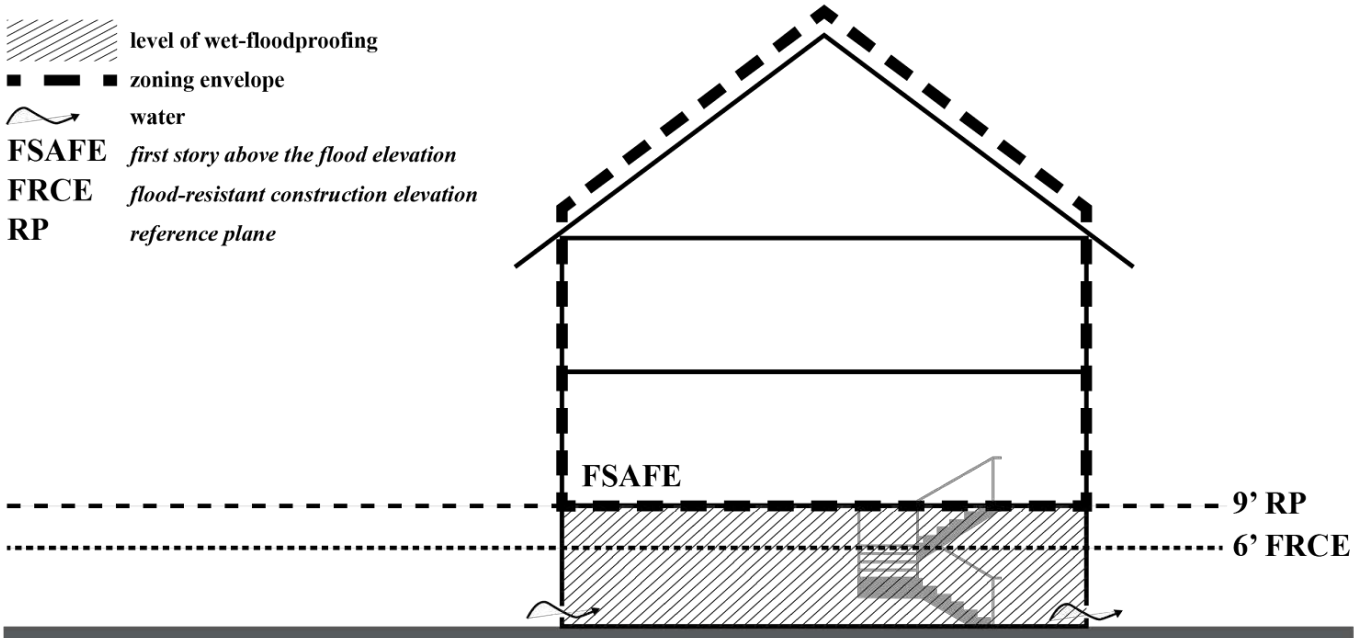
(1) to fences or other structures that are not #buildings#; and

(2) to #buildings# that are #accessory# to #single-# or #two-family residences#, except when mechanical equipment is located within such #building#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the optional height regulations available to #zoning lots# in #flood zones#. Specially, the examples illustrate how the defined terms #reference plane#, from which height is measured, relates to the #flood-resistant construction elevation# and the #first story above the flood elevation#. All terms are defined in Section 64-11 (Definitions).

EXAMPLE 1



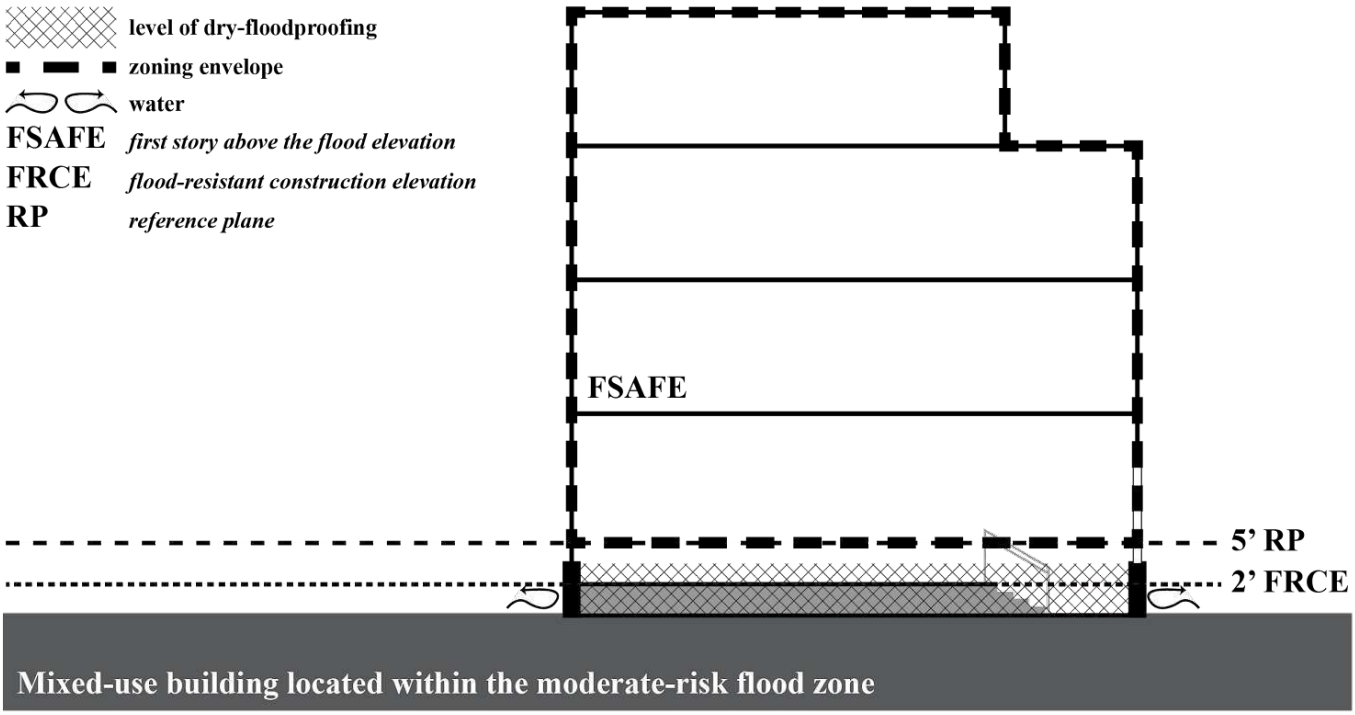
Residential building located within the high-risk flood zone

A #zoning lot# located within the #high-risk flood zone# has a #flood-resistant construction elevation# (as defined in Section 64-11) that equates to being located six feet above grade (for illustrative purposes). The owner of a #single-family# #detached# #residence# would like to elevate the first habitable floor three feet above the #flood-resistant construction elevation# and wet-floodproof the ground floor up to that same level (nine feet above grade) to account for sea level rise projections.

Pursuant to Section 64-321, height measurements in #flood zones#, including height and setback regulations, may start from the #reference plane#, allowing the owner the necessary flexibility to address long-term climate change. For #zoning lots# located within the #high-risk flood zone#, the #reference plane#, may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. (Where the #flood-resistant construction elevation# exceeds 10 feet, the #reference plane# may still be established at the #flood-resistant construction elevation#, but that is not the case here.) While there is a level of flexibility built into the #reference plane# definition, the #reference plane# itself must also be located at or below the #first story above flood elevation#.

Considering the owner of such #single-family# #detached# #residence# is proposing to wet-floodproof the ground floor up to nine feet above grade, the #first story above flood elevation# becomes the finished floor level of the first #story# located at or above nine feet, which is, in this case, the second #story#. Therefore, the #reference plane# was able to be situated at that same level (nine feet above grade), but not higher.

EXAMPLE 2



A #zoning lot# located within the #moderate-risk flood zone# has a #flood-resistant construction elevation# (as defined in Section 64-11) of two feet above the lowest grade adjacent to the #building or other structure#. The owner of a #mixed building# that was flooded during Hurricane Sandy, would like to proactively comply with #flood-resistant construction standards# to be better prepared in the event of a future storm. To realize that, the owner decided to elevate the ground floor with a #commercial# #use# to the #flood-resistant construction elevation#, and dry-floodproof one foot above that for extra safety.

Pursuant to Section 64-321, height measurements in #flood zones#, including height and setback regulations, may start from the #reference plane#, allowing the owner the necessary flexibility to address long-term climate change. For #zoning lots# located within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable. While there is a level of flexibility built within the #reference plane# definition, the #reference plane# must also be located at or below the #first story above flood elevation#.

Considering that the owner of such #mixed building# is proposing to elevate and dry-floodproof the ground floor up to three feet above grade, the #first story above flood elevation# becomes the finished floor level of the first #story# located at or above three feet, which is, in this case, the second #story#. Therefore, the #reference plane# was able to be situated at five feet above the #base plane# or #curb level#, as applicable.

64-322 - Special floor area modifications for flood-resistant buildings

LAST AMENDED
5/12/2021

For all #flood-resistant buildings#, the definition of #floor area# may be modified in accordance with the provisions of this Section.

(a) Entryways

In all districts, for #buildings# other than #residential buildings# with enclosed entryways below the #first story above the flood elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #first story above the flood elevation# and the level of the adjoining sidewalk, provided such floor space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each entryway.

Such exempted floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for #floor area# at the ground floor.

(b) Modifications to attic allowances for #residential buildings#

In R2X, R3, R4, R4A, and R4-1 Districts outside of #lower density growth management areas#, the provisions of paragraph (a) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall be modified to allow the #floor area ratio# set forth in the table of such Section to be exceeded by 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least three and one-half inches in vertical distance for each foot of horizontal distance.

(c) Flood-proofed ground floors

(1) For #buildings# along #primary street frontages#, or portions thereof, as defined in Section 64-11, floor space located below the #first story above the flood elevation# and within 30 feet of the #street wall# along such #primary street frontage# may be excluded from the calculation of #floor area#, provided that:

(i) such floor space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher;

(ii) the level of the finished floor of such floor space is located no more than two feet above nor two feet below #curb level#;

(iii) such floor space shall be limited to non-#residential uses# other than #accessory# parking or #public parking garages# and subject to the minimum depth requirements set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses);

(iv) #ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements); and

(v) for #developments#, the level of the #first story above the flood elevation# is 13 feet or more above the level of the adjoining sidewalk.

However, such floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for non-#residential# #floor area# at the ground floor.

(2) In all districts, floor space located below the #first story above the flood elevation# may be excluded from the calculation of #floor area# provided such floor space complies with the #flood-resistant construction standards# for wet-flood-proofing up to the #flood-resistant construction elevation# or higher.

(d) #Floor area# for existing #buildings#

For #zoning lots# containing #buildings# existing prior to May 12, 2021, as an alternative to the #floor area# regulations of this Chapter, the amount of #floor area# allocated to a #basement# or #cellar# in such existing #building# may be determined in accordance with how those terms were defined prior to May 12, 2021.

64-323 - Special regulations for required yards and open spaces for zoning lots with flood-resistant buildings

LAST AMENDED
5/12/2021

For #zoning lots# with #flood-resistant buildings#, the regulations for #yards# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Level of required yards

In all districts, the underlying #yard# regulations shall be modified to allow the level of a #yard# or a #rear yard equivalent# to be located higher than #curb level#, provided that it does not exceed the #flood-resistant construction elevation#, and the level set forth by the following regulations:

(1) in #Residence Districts#, the final grade of #front yards# and #side yards# shall not penetrate a plane that begins three feet above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2 feet 6 inches of horizontal distance;

(2) in #Commercial# and in #Manufacturing Districts#, for portions of #zoning lots# where Sections 33-29 and 43-30 (SPECIAL

PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) apply, the level of #front yards# and #side yards# may be permitted to exceed #curb level# only pursuant to paragraph (a)(1) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces below grade on all sides in a manner inconsistent with #flood-resistant construction standards#.

(b) Permitted obstructions

(1) Covered porches, balconies, and covered access areas

In all districts, a porch or access area covered by a roof or other permanent structure shall be permitted obstructions in any required #open space# or #yard# on the #zoning lot#. Where permanent structures such as balconies are located directly above a porch or access area, such balconies may exceed the width and depth standards of Section 23-13 (Balconies).

(2) Retaining walls

In #Residence Districts#, retaining walls shall be permitted in #front yards# and #side yards# provided any retaining wall parallel to, or within 15 degrees of being parallel to, the #street# shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall, so that no more than three feet of such retaining wall is visible from the #street#; and

(3) Fences

In #Residence Districts#, portions of fences located in #front yards# with height greater than four feet above #curb level# shall be required to be no more than 50 percent opaque.

(c) Front yard planting requirement

In R1 through R5 Districts, where the distance between the #street wall# and the #street line# is 10 feet or less, or for #zoning lots# with #front yards# that are shallower than the minimum required pursuant to the applicable district regulations, stairs, ramps or lifts that access the #first story above the flood elevation# shall be exempted from the area of a #front yard# for the purpose of calculating the planting requirements of Section 23-451 (Planting requirement).

64-324 - Street wall location for flood-resistant buildings

LAST AMENDED
5/12/2021

For all #buildings#, where the #street wall# location regulations of this Resolution require the #street wall# to be located within eight feet of the #street line#, such regulations may be modified to accommodate exterior stairs and ramps for access to the #building#, to comply with the requirements of Section 64-50 (Streetscape Regulations), or to provide temporary flood control devices and associated fixtures, as follows:

(a) no #street wall# need be located closer to the #street line# than eight feet;

(b) for #buildings# on #zoning lots# with a #lot width# greater than or equal to 50 feet, up to 50 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court# and the height of such recess shall not be less than the height of the first #story# located completely above the level of the adjoining grade; and

(c) for #buildings# on #zoning lots# with a #lot width# of less than 50 feet:

(1) for the first #story# above the #flood-resistant construction elevation#, or #reference plane#, as applicable, and any #street wall# below such first #story#, the #aggregate width of street wall# may be located anywhere; and

(2) for the remaining #aggregate width of street walls# above such #stories#, up to 50 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

For all #buildings# where the aggregate width of exterior stairs, ramps, or elevated platforms in front of a #street wall# exceeds 70 percent or more along the ground floor of the #street wall#, such stairs, ramps, or elevated platforms shall be screened by living plant material or by the provisions of paragraph (b)(1) of Section 64-521 (Options available for all buildings).

64-33 - Special Bulk Regulations for Cottage Envelope Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# with #cottage envelope buildings#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

No #building# that utilizes the provisions of this Section shall subsequently be #enlarged# pursuant to Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

64-331 - Modifications to the attic allowance for cottage envelope buildings

LAST AMENDED
5/12/2021

R3 R4A R4-1

In #lower density growth management areas# in the districts indicated, the provisions of paragraph (b) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall be modified to allow the #floor area ratio# set forth in the table of such Section to be exceeded by 20 percent, provided that any such increase in #floor area# is located in any portion of a #cottage envelope building# covered by a sloping roof that rises at least three and one-half inches in vertical distance for each foot of horizontal distance.

64-332 - Special regulations for required yards, courts and open spaces on zoning lots with cottage envelope buildings

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# containing #cottage envelope buildings#, the following #yards#, #courts# and #open space# regulations may be modified in accordance with the provisions of this Section.

(a) Lot Coverage and Open Space

In R1-2A, R2A, R3-1, R3-2, R4, R4-1, and R4A Districts, the #lot coverage# and #open space# regulations need not apply. In lieu thereof, the #yard# requirements of this Section shall apply.

(b) Front Yards

For #buildings# that are utilizing the provisions of this paragraph, the provisions of paragraphs (b) and (c) of Section 23-45 (Minimum Required Front Yards) need not apply.

For the purpose of this Section, the area between the #street line# and the #street wall line# of adjacent #buildings# containing #residences# on the same or adjoining #zoning lots# fronting on the same #street# shall be considered adjacent #front yards#.

Where an adjacent #front yard# is shallower than the minimum required pursuant to the applicable district regulations, then the #front yard# of the #zoning lot# containing #cottage envelope buildings# may be as shallow as the shallowest adjacent #front yard#.

(c) Side Yards

The #side yard# provisions for the applicable district shall apply, except that the required total width of #side yards# for a #zoning lot# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than the minimum widths set forth in the definition of #cottage envelope building# in Section 64-11 (Definitions). However, in no event shall the required width of a #side yard# be less than three feet.

In addition, for #buildings# utilizing the provisions of this paragraph, the provisions of paragraph (c) of Section 23-461 (Side yards for single- or two-family residences) need not apply, provided such open area does not serve as access or contain #accessory# off-street parking spaces serving existing #buildings# that remain on the #zoning lot#, or an adjoining #zoning lot#.

(d) Rear Yards

(1) Where an #interior lot# is less than 95 feet deep at any point, the depth of a required #rear yard#, or portion thereof, for such #interior lot#, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 95 feet. However, in no event shall the minimum depth of a required #rear yard#, or portion thereof, be reduced to less than 10 feet.

(2) Where a #through lot# is less than 180 feet deep at any point, the depth of a required #rear yard equivalent#, or portion thereof, for such #through lot#, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event shall the minimum depth of a required #rear yard equivalent#, or portion thereof, be reduced to less than 20 feet.

(e) Corner Lots

Where a #corner lot# has a #lot area# equal to or less than 3,000 square feet, only one #front yard# need be provided, and the remaining #front lot line# may be treated as a #side lot line#.

64-333 - Height and setback regulations for cottage envelope buildings

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, all #cottage envelope buildings# shall be subject to the height and setback provisions set forth in paragraph (b) of Section 23-631 (General provisions), except that:

(a) the maximum height of a perimeter wall of a #cottage envelope building# before setback shall be 21 feet;

(b) the maximum height of a ridge line shall be 25 feet; and

(c) all heights may be measured from the #reference plane#.

In addition, the maximum number of #stories# in any #cottage envelope building# shall not exceed two #stories# above the #reference plane#. For the purposes of this Section, attic space providing structural headroom of less than eight feet shall not be considered a #story#.

64-40 - SPECIAL PARKING REGULATIONS

LAST AMENDED
5/12/2021

The underlying parking regulations of this Resolution may be modified in accordance with the provisions of this Section inclusive. The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section 64-41 (Special Parking Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section 64-42 (Special Parking Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

64-41 - Special Parking Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# regardless of whether #buildings or other structures# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying parking regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-411 - For residential buildings with below-grade parking

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where existing below-grade off-street parking facilities within #residential buildings# are eliminated and, in compliance with #flood-resistant construction standards#, are filled in, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#, and such relocated parking spaces need not comply with the underlying parking location, curb cut spacing or permitted obstruction regulations that limit parking, provided that:

(a) no more than two parking spaces may be located in tandem (one behind the other);

(b) each relocated parking space shall have a dimension that conforms with the minimums set forth in Section 25-62 (Size and Location of Spaces); and

(c) where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

In the event that there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that #buildings# existing on May 12, 2021, will remain, the Commissioner of Buildings may waive the requirement for such spaces.

64-412 - Surfacing

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, Section 25-65 (Surfacing) may be modified to allow dustless gravel on all open off-street parking spaces and on portions of driveways beyond the #front lot line# that access #single-# or #two-family residences# on a #zoning lot#.

64-42 - Special Parking Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# containing #flood-resistant buildings#.

64-421 - Parking modifications

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #zoning lots# containing #single-# or #two-family residences#. For such #zoning lots#, where off-street parking spaces are required pursuant to Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES) inclusive, the underlying parking regulations may be modified as follows:

(a) the regulations governing parking location, curb cut location, or permitted obstruction that limit parking need not apply, provided that all parking spaces are either located beneath the #first story above the flood elevation# within #buildings# or driveways directly in front of a garage opening. Such spaces shall have a dimension that conforms with the minimums set forth in Section 25-62 (Size and Location of Spaces). However, within #lower density growth management areas# the provisions of paragraph (c) of Section 25-632 (Driveway and curb cut regulations in lower density growth management areas) shall continue to apply; and

(b) the underlying curb cut spacing regulations for #zoning lots# existing on May 12, 2021, with a frontage of less than 35 feet along a #street# need not apply, provided that at least four feet of curb space is provided between a new curb cut and an existing curb cut on the same or an adjacent #zoning lot#.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

All #zoning lots# utilizing this Section shall comply with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

64-50 - STREETSCAPE REGULATIONS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, shall apply to #zoning lots# containing #flood-resistant buildings#, as set forth in paragraphs (b) and (c) of Section 64-12 (Applicability), that have a #street wall# within 50 feet of the #street line# in #Residence Districts#, #Commercial Districts# and M1 Districts. However, the provisions shall not apply to such #buildings# containing #uses# predominantly listed in Use Group 18.

All #buildings# shall provide streetscape mitigation elements in the categories of access or ground floor level, in order to achieve the total points required in the following table. The total points required varies based upon the level of the #first story above the flood elevation#, as measured from #curb level#. The individual mitigation options are set forth in Sections 64-51 (Building Access Mitigation Options) and 64-52 (Ground Floor Level Mitigation Options). Cells marked with an “x” designate mandatory categories to fulfill at least one point out of the total points requirement.

The points awarded for compliance with each individual mitigation are set forth in parentheses after the title to each paragraph describing a mitigation element.

For #corner lots#, the total points requirement set forth in this Section shall apply separately along each #street frontage# except where the #street wall# width along one of the #street frontages# is 25 feet or less, the requirements need only apply to one frontage.

Where #zoning lots# are required to provide streetscape elements in accordance with other provisions of this Resolution, such elements may also be utilized towards meeting the requirements of this Section, provided that such elements comply with the applicable standard herein.

In addition, all #buildings# shall meet the requirements set forth in Section 64-53 (Screening Requirements for Parking Within or Below Buildings) as applicable.

Level of the #first story above the flood elevation#	Streetscape Mitigation Elements		Total Points Required
	Building Access (Section 64-51)	Ground Floor Level (Section 64-52)	
Below five feet or no #first story above the flood elevation#			1
Five feet or above	x	x	3[1,2]

[1] #Single-# and #two-family residences# on a #zoning lot# less than 25 feet wide with a #first story above the flood elevation# at five feet or above need only satisfy a total of two points instead of the three points set forth in the above table.

[2] If the requirements of this Section apply to only a portion of the #building# with a #first story above the flood elevation# at five feet or above, and such portion of the #building# does not have a #primary entrance#, the total points required shall be two, and they need only be satisfied through the ground floor level category.

64-51 - Building Access Mitigation Options

LAST AMENDED
5/12/2021

64-511 - Options available for all #buildings#

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Entrance close to grade

(one point)

The #primary entrance# for the principal #use# for the #building# shall be located within two feet of the level of the adjoining sidewalk. However, for #mixed buildings# in #Commercial Districts# the #primary entrance# for the non-#residential use# on the ground floor shall be located within two feet of the level of the adjoining sidewalk, regardless of whether it is the principal #use#.

(b) Recessed access

(one point)

Recesses in the #street wall# shall accommodate the #primary entrance# to the #building#, including stairs or ramps to such entrance. However, recesses shall not exceed 50 percent of the #aggregate width of street wall# for the #building#.

(c) Wide stairs

(one point)

The #primary entrance# to a #building# along the #street wall# shall include stairs:

(1) with a minimum width of five feet where the #aggregate width of street walls# of the #building# is less than or equal to 25 feet; and

(2) with a minimum width of eight feet where the #aggregate width of street walls# of the #building# is greater than 25 feet.

In both cases, the run of such stairs shall be oriented perpendicular, or within 15 degrees of being perpendicular, to such #primary entrance# for at least 50 percent of the height of such stairs.

(d) Covered access

(one point)

The #primary entrance# to a #building# shall have a porch or access area covered by a roof or other permanent structure, provided that all structural elements shall have a minimum width or depth of at least three inches. Such roof or other permanent structure shall be located at a minimum height at least eight feet above the finished floor of the #primary entrance#. In addition, such covering shall have a depth of at least three feet measured perpendicular to the #street wall# and shall extend along at least 50 percent of the #aggregate width of the street wall#.

64-512 - Additional options available for single-family, two-family, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Porch or landing

(one point)

The #primary entrance# to a building shall have a porch or landing with a depth of at least three feet and a width that is at least 50 percent of the #aggregate width of the street wall#. However, such porch or landing need not exceed a width of 25 feet.

(b) Stair turn or stair landing

(one point)

The #primary entrance# shall be accessed by stairs or ramps that, at a point no higher or lower than two feet from the beginning and end of the stair run, respectively, either change direction in plan or incorporate at least one landing.

64-513 - Additional options available for all buildings except single-, two-family, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings# except #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

Multiple entrances

(one point)

Multiple entrances into the #building# shall be provided, with at least one entrance per every 50 linear feet of #street frontage#. Fractions equal to or greater than one-half resulting from this calculation shall be considered one entrance.

64-52 - Ground Floor Level Mitigation Options

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

For the purposes of this Section, where there is a reference to a “blank wall,” the following shall apply:

(a) For #manufacturing buildings#, the provisions of Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds) shall apply.

(b) For #commercial buildings#, #community facility buildings# and #mixed buildings#, the provisions of Type 3 blank walls set forth in Section 37-361 shall apply.

(c) For #residential buildings#, the provisions of Type 4 blank walls set forth in Section 37-361 shall apply.

Such blank walls shall be covered by one or more options in Section 37-362 (Mitigation elements) or by options as described in this Section, inclusive. In addition, any surface area of a wall which bounds stairs, ramps, landings, or chair lifts facing a #street# and that exceeds a height and width of four feet shall constitute a blank wall and comply with the standards of Type 3 blank wall. Such blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation#. In addition, any surface area of a wall which bounds stairs, ramps, landings, or chair lifts facing a #street# and that exceeds a height and width of four feet shall constitute a blank wall and comply with the standards of Type 3 blank wall. Such blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation#.

64-521 - Options available for all buildings

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Surface treatment

(one point)

Surface treatment shall be provided for blank walls in the form of wall treatment, surface texture, or any combination thereof, pursuant to the provisions set forth in paragraphs (a)(1) or (a)(2) of Section 37-362 (Mitigation elements).

If the level of the #first story above flood elevation# is greater than 10 feet, surface treatment shall only be required to a height of 10 feet above the level of the adjoining sidewalk.

(b) Linear treatment

(one or, where noted, two points)

Linear treatment shall be provided for blank walls in the form of planting, pursuant to the provisions set forth in paragraph (b)(1) of Section 37-362, pursuant to one of the following options below, or any combination thereof. Where the options of this Section are utilized, the percentage requirement associated with the applicable type of blank wall set forth in Section 37-36 (Special Requirements for Blank Walls) shall not apply.

(1) Raised front #yards# and #open space#

For #residential buildings# in #Residence Districts# where the distance between the #street wall# and the #street line# is 10 feet or more, the grade between the #street line# and blank walls, and their prolongations, shall be elevated above the level of the adjoining sidewalk so that the height of such grade that is midway between the #street line# and blank walls and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to 64-40 (SPECIAL PARKING REGULATIONS). The area with final grade above the level of the adjoining sidewalk shall be greater than 30 percent of the total area between the #street line# and blank walls and their prolongations.

Raised front #yards# and #open spaces# shall be planted in accordance with applicable planting requirements in this Resolution.

This option shall satisfy two points if the area with final grade above #curb level# is greater than 50 percent of the total area between the #street line# and blank walls and their prolongations.

(2) Terraced front #yards# and #open spaces#

For #residential buildings# in #Residence Districts#, terraced planting areas shall be provided. The retaining walls of such areas shall not be less than an average height of three feet and exceed an average height of six feet, as measured from the level of the adjoining sidewalk below such wall, and the retaining wall closest to the #street line# shall not exceed a height of three feet. The area with the retaining walls shall be greater than 30 percent of the total area between the #street line# and blank walls and their prolongations. Planting shall also be provided for at least 50 percent of the linear footage above and below the retaining walls, through a combination of perennials, annual flowers, decorative grasses or shrubs.

This option shall satisfy two points if the area with the retaining walls is greater than 50 percent of the total area between the #street line# and blank walls and their prolongations.

64-522 - Additional options available for single-, two-, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Transparency

(one point)

Transparent glazing materials shall occupy at least 20 percent of the surface area of the #street wall# of the ground floor, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

(b) Additional fenestration

(one point)

In addition to the #primary entrance#, one or more doors, including garage doors, shall be provided.

64-523 - Additional options available for all buildings except single-, two-, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings# except #single-family#, #two-family#, or three-family residences. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Transparency with #use#

(one point)

One or more of the following options may apply:

(1) Lobby

(one point)

In all districts, a lobby that complies with the standards of Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses), shall be provided. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

(2) #Community facilities# and #accessory# #residential uses#

(one point)

In all districts, for #buildings# containing #residences# with three or more #dwelling units#, at least 50 percent of the #ground floor level# #street wall# shall be allocated to #accessory# #residential uses# other than #accessory# off-street parking, or #community facilities uses#, including, but not limited to, recreation space or bicycle storage, that extends to a minimum depth of 15 feet from the #street wall#. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of such #uses#, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Where the spaces for such #uses# need not be fully enclosed, decorative screening or latticework may be substituted for transparent glazing materials.

(3) Non-#residential uses#

(one point)

In #Commercial Districts#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with Section 37-33. Ground floor level #street walls# shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements) except that the transparent materials may begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk.

If #group parking facilities# are provided, they shall be wrapped by #floor area#, in accordance with paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).

(b) Transparency close to grade

(one point)

In all districts, transparent materials provided to satisfy #street wall# transparency requirements shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#.

(c) Linear treatment

(one point)

Linear treatment shall be provided for blank walls in the form of benches, bicycle racks, tables and chairs, or any combination thereof, as set forth in paragraph (b) of Section 37-362 (Mitigation elements).

64-53 - Screening Requirements for Parking Within or Below Buildings

LAST AMENDED
5/12/2021

The provisions of this Section shall apply to all #buildings# other than:

(a) #single# or #two-family residences#; and

(b) #buildings# containing predominantly Use Group 18 #uses# in M1 Districts.

Where the #first story above the flood elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be either wrapped by #floor area# or screened pursuant to the provisions of Section 37-35 (Parking Wrap and Screening Requirements).

#Buildings# in existence prior to May 12, 2021, shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

64-60 - SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and may be applied to #buildings# with #non-conforming# #uses#, or to #non-complying# #buildings or other structures#, as applicable, that are also #flood-resistant buildings#.

64-61 - Special Provisions for Non-conforming Uses

LAST AMENDED
5/12/2021

For all #buildings# with #non-conforming# #uses#, the provisions of Sections 52-20 (REPAIRS OR ALTERATIONS), 52-40 (ENLARGEMENTS OR EXTENSIONS), and 52-50 (DAMAGE OR DESTRUCTION), inclusive, shall be modified to allow a #non-conforming# #use# to be continued, and a #building# with #non-conforming# #uses# to be altered, #enlarged#, relocated or reconstructed to comply with #flood-resistant construction standards#, pursuant to the provisions of this Section, inclusive.

Where a #building# with #non-conforming# #uses# is also #non-complying# with the applicable #bulk# regulations, #non-compliances# may be continued, increased or newly created only in accordance with the provisions of Section 64-612 (Special floor area regulations for buildings with non-conforming uses), Section 64-613 (Special height regulations for buildings with non-conforming uses), and Section 64-614 (Process for establishing non-conforming uses), except that Section 64-622 (Special open area regulations for non-complying buildings) and Section 64-624 (Process for establishing non-compliances) may also apply.

In addition, damage and destruction provisions set forth in Section 64-611 (Special regulations for damage or destruction provisions for buildings with non-conforming uses) shall apply to such #buildings#.

64-611 - Special regulations for damage or destruction provisions for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The provisions set forth in Sections 52-53 (Buildings or Other Structures in All Districts) and 52-54 (Buildings Designed for Residential Use in Residence Districts) shall be modified to allow all #buildings# containing #non-conforming# #uses# to be reconstructed, provided that:

(a) for #non-conforming# #single-# and #two-family residences# in #Residence Districts# and #Commercial Districts#, except C8 Districts, such reconstruction may exceed 75 percent of the total #floor area# of the #building#;

(b) for #non-conforming# #single-# and #two-family residences# in C8 Districts or #Manufacturing Districts#, such reconstruction may exceed 75 percent of the total #floor area# of the #building# provided that 25 percent or more of the aggregate length of the #block# frontage on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility uses#;

(c) for all other #buildings# with #non-conforming# #uses#, the extent of reconstructed #floor area# shall not exceed 75 percent of the total #floor area# of the #building#.

64-612 - Special floor area regulations for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The maximum amount of #non-conforming# #floor area# in the altered, #enlarged#, relocated or reconstructed #building# shall not exceed the amount

of #non-conforming# #floor area# existing prior to the alteration or reconstruction work.

64-613 - Special height regulations for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The maximum height of such altered, #enlarged#, relocated or reconstructed #building# with #non-conforming# #uses#, shall not exceed the maximum height permitted by the applicable district regulations, except that for #non-conforming# #residences# in C8 Districts or #Manufacturing Districts#, the maximum height of such altered, #enlarged#, relocated or reconstructed #building#, shall comply with one of the following options:

(a) for #single# or #two-family residences#, a horizontal plane equivalent to a height of 35 feet, and for #buildings# other than #single-# or #two-family residences#, the applicable #sky exposure plane# for the district; or

(b) for all #residences# a horizontal plane equivalent to the pre-existing height of such #building#, as measured from the top of the #lowest usable floor#, to the highest point of such pre-existing #building#, as measured from the #reference plane#.

64-614 - Process for establishing non-conforming uses

LAST AMENDED
5/12/2021

For all #buildings# with #non-conforming# #uses# utilizing any of the provisions of this Section, the amount of pre-existing #non-conforming# #floor area# and pre-existing #non-compliances#, as applicable, shall be based either on construction documents for such #building# that were previously approved by the Department of Buildings at the time of construction, #enlargement#, or subsequent alteration, as applicable, of the #building# or, where an approved set of construction documents does not exist for such #building#, an as-built drawing set completed by a professional engineer or architect. The Department of Buildings may request additional information to substantiate proof of #non-conformances# and #non-compliances#, as applicable. Verification by the Department of Buildings of such documentation shall be a pre-condition prior to any demolition for reconstruction work, or alteration permit issued by the Department of Buildings for a #zoning lot# altering or reconstructing #buildings# with #non-conforming# #uses# and #non-compliances#, as applicable, pursuant to the provisions of this Section.

64-62 - Special Provisions for Non-complying Buildings

LAST AMENDED
5/12/2021

For all #non-complying# #buildings or other structures#, the provisions of Sections 54-20 (REPAIRS OR ALTERATIONS), 54-30 (ENLARGEMENTS OR CONVERSIONS), and 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), inclusive, shall be modified to allow a #non-compliance# to be continued, and such #non-complying# #building or other structure# to be altered, #enlarged#, relocated or reconstructed to comply with #flood-resistant construction standards#, subject to the permitted thresholds of Sections 54-41 (Permitted Reconstruction) and 54-42 (Use of Alternate Formula), and the provisions of this Section.

In addition, such altered, #enlarged#, relocated or reconstructed #building or other structure# may create a new #non-compliance# with, or increase the degree of existing #non-compliance# with the applicable #bulk# regulations for the district, subject to the applicable provisions of this Section, inclusive.

64-621 - Special floor area regulations for non-complying buildings

LAST AMENDED
5/12/2021

For #buildings# with #non-complying# #floor area#, the maximum amount of #floor area# in the altered, #enlarged#, relocated or reconstructed #building# shall not exceed the amount of pre-existing #floor area#, nor shall it exceed the maximum #floor area# permitted by the applicable district regulations by more than 20 percent. In addition, subsequent to such alteration, #enlargement#, relocation or reconstruction, no #extension# or change of #use# may create a new #non-compliance# or increase the degree of existing #non-compliance# with #floor area#.

64-622 - Special open area regulations for non-complying buildings

LAST AMENDED

The following provisions may apply to #non-complying# #buildings or other structures#.

(a) Relocation allowances

#Non-complying# #buildings or other structures# may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with #yards#, #open space#, #open space ratio#, #lot coverage#, #courts#, minimum distances between two or more #buildings#, or minimum distances between #legally required windows# and walls or #lot lines#, in order to relocate or alter the footprint of the #building#, provided that:

(1) the resulting #lot coverage# shall be less than or equal to that of the pre-existing #building or other structure# as it existed prior to the alteration, #enlargement#, relocation or reconstruction work or the amount permitted by the district, as applicable, whichever is greater, except that, where the provisions of paragraph (b) of this Section are utilized, the #first story above the flood elevation# and any #stories# below, may be exempted from such calculation;

(2) a new or increased #non-compliance# into an open area shall not exceed a horizontal distance of five feet, as measured perpendicular to the outermost edge of the #non-complying# #building or other structure#, as it existed prior to the alteration, #enlargement#, relocation or reconstruction work, except that such limitation shall not apply:

(i) where the pre-existing #building or other structure# is located either partially or entirely seaward of the #shoreline#, and such #building or other structure# will be altered, #enlarged#, relocated or reconstructed to be repositioned landward of the #shoreline# on the same #zoning lot#; or

(ii) where additional distance is necessary to accommodate access, including stairs, ramps or lifts in a required #yard#, provided that any additional encroachment is limited to the depth of such access;

(3) any new or increased #non-compliance# shall not result in an open area of:

(i) less than five feet between the wall of a #building or other structure# and a #rear lot line#;

(ii) less than three feet between the wall of a #building or other structure# and a #front lot line#, in districts with #front yard# requirements; and

(iii) three feet between the wall of a #building or other structure# and a #side lot line# for #detached buildings# in districts that do not allow #zero lot line buildings#; and

(4) the height of #buildings or other structures# within #non-complying# #yards# or #open space#, as measured from the #reference plane#, shall not exceed the height set forth in paragraph (a) of Section 64-623 (Special height regulations for non-complying buildings).

(b) Allowances for horizontal expansions

The #first story above the flood elevation# and #stories# located below such #story#, may create a new #non-compliance# with, or increase the degree of existing #non-compliance# with the applicable #rear yards#, #open space#, #open space ratio#, or #lot coverage# regulations for the district, provided that:

(1) the increased #lot coverage# does not exceed an additional 20 percent of such #lot coverage# permitted by the underlying regulations in R1-2A, R2A, R3-1, R3-2, R4, R4B, R5, R5B, and R5D Districts;

(2) the increased #lot coverage# does not exceed an additional 20 percent of the maximum footprint permitted by applying the applicable district #rear#, #side# and #front yard# regulations in R2X, R3A, R3X, R4-1, R4A, and R5A Districts;

(3) for #single-# or #two-family residences#, the encroachment into a #rear yard# does not result in a #rear yard# with a depth of less than 20 feet; and

(4) in all districts, the encroachment into a required open area does not exceed a height of 15 feet, as measured from the #first story above the flood elevation#.

Nothing in this Section shall affect the permitted obstruction allowances set forth by the district regulations.

64-623 - Special height regulations for non-complying buildings

LAST AMENDED
5/12/2021

For #buildings or other structures# that are #non-complying# with the applicable district height and setback regulations, the maximum height of such altered, #enlarged#, relocated or reconstructed #building or other structure#, shall not exceed the height permitted pursuant to either paragraph (a) or (b) of this Section, as applicable. An alteration, #enlargement#, relocation or reconstruction pursuant to this Section may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with height and setback regulations, and may continue or increase a #non-compliance# with other #bulk# regulations associated with such #non-complying# height, subject to the limitations of this Section. All permitted obstruction allowances shall be measured with respect to the modified envelopes of this Section.

(a) For pre-existing #buildings or other structures# that do not exceed the overall permitted height

Where the height of a pre-existing #building or other structure# does not exceed the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#, the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# shall not exceed:

(1) the applicable #sky exposure plane#, for #buildings# governed by #sky exposure planes# as measured from the #reference plane#; or

(2) a horizontal plane equivalent to the maximum #building# height permitted by the applicable district for all other #buildings# as measured from the #reference plane#.

(b) For pre-existing #buildings or other structures# that exceed the overall permitted height

Where the height of a pre-existing #building or other structure# exceeds the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#:

(1) the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed a horizontal plane equivalent to the pre-existing height of such #building#, as measured from the top of the #lowest usable floor#, to the highest point of such pre-existing #building#, provided also that such height shall not exceed the overall height permitted by the applicable district regulations by 10 percent, or 10 feet, whichever is less; and

(2) for #single# or #two-family residences# in R1-2A, R2A, R2X, R3, R4, R4-1, R4A, or R5A Districts, where the degree of the alteration or reconstruction exceeds 75 percent of the #floor area#, the height of a perimeter wall of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed the higher of the maximum perimeter wall height for the district, or the pre-existing height of such perimeter wall, as measured from the top of the #lowest usable floor# to the highest point in such pre-existing #building# before setback.

However, the height allowances of this Section shall not apply to #single# or #two-family residences# that are not #non-complying# with #floor area# requirements, or where the provisions of paragraph (b) Section 64-622 (Special open area regulations for non-complying buildings) are utilized.

64-624 - Process for establishing non-compliances

LAST AMENDED
5/12/2021

For all #non-complying# #buildings or other structures# utilizing any of the provisions of this Section, the amount of pre-existing #non-compliances# shall be based either on the construction documents of such #building or other structure# previously approved by the Department of Buildings at the time of construction, #enlargement#, or subsequent alteration of such #building or other structure#, as applicable, or, where an approved set of construction documents does not exist for such #building or other structure#, an as-built drawing set completed by a professional engineer or architect. The Department of Buildings may request additional information to substantiate proof of #non-compliances#. Verification by the Department of Buildings of such documentation shall be a pre-condition prior to any demolition for reconstruction work, or alteration permit issued by the Department of Buildings for a #zoning lot# altering or reconstructing #non-compliances# pursuant to the provisions of this Section.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special Regulations Applying in Designated Recovery Areas

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Chapter 5 - Special Regulations Applying in Designated Recovery Areas

65-00 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

The provisions of this Resolution shall apply as modified by this Chapter and by the special regulations set forth herein. The provisions of this Chapter establish optional special regulations which are designed to facilitate, on a temporary basis, the recovery of areas impacted by a severe disaster and in so doing promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) to expedite the recovery of neighborhoods that have experienced physical or non-physical impacts from a severe disaster;

(b) to enable the reconstruction and alteration of buildings damaged by a severe disaster, by removing disincentives; and

(c) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

65-01 - Applicability of Article VI, Chapter 5

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply based on the type of impacts caused by each #severe disaster#, and such applicability shall be determined at the time such provisions are added to the Chapter's applicability. #Designated recovery areas# shall be determined based on the extent of the impacts caused by the #severe disaster# and recovery plans, as applicable. For each of the #designated recovery areas#, applicable recovery provisions will be set forth in this Chapter based on the type of impacts caused by the #severe disaster#. The #designated recovery areas# shall be listed in Appendix A of this Chapter, and the applicable time duration shall be set forth in the following table.

#Designated Recovery Area# Number and #severe disaster#	Effective Date	Applicable Sections								Time Duration (after effective date)*
		65-11	65-12	65-13	65-21	65-31	65-41	65-42	64-51	
1: COVID-19	May 12, 2021		x	x						2 years

* Such time duration limitation may be modified by the specific provision located in this Chapter

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

65-10 - SPECIAL TIME-BASED PROVISIONS

LAST AMENDED
5/12/2021

The modifications to time limits associated with this Resolution and set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-11 - Vesting Provisions

LAST AMENDED
5/12/2021

In all districts, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, and any other provision that requires a building permit to be submitted, or a particular amount of construction to be completed within a certain timeframe, shall be suspended. Subsequent to the expiration of the applicable time duration as set forth in Section 65-01 (Applicability of Article VI, Chapter 5), the time period established by the applicable provisions of this Resolution shall be resumed, and the remaining time associated with submitting a building permit, or completing a particular amount of construction shall be the amount existing prior to the #severe disaster#.

65-12 - Authorizations or Special Permits Granted by the City Planning Commission

LAST AMENDED
5/12/2021

In all districts, for special permits or authorizations granted by the City Planning Commission where substantial construction has not taken place and such approval would lapse after a total of 10 years within the applicable time duration set forth in Section 65-01 (Applicability of Article VI, Chapter 5), the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit) shall be modified to allow the renewal of such authorization or special permit without public hearing, for one additional three-year term, provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed. An application for a renewal of authorization or special permit shall be filed with the Commission before it lapses.

65-13 - Discontinuance Provisions

LAST AMENDED
5/12/2021

In all districts, where a #non-conforming# #use# has been discontinued, the time limits associated with restoring active operations of such #use# to retain its #non-conforming# status shall be suspended. Subsequent to the expiration of the applicable time duration as set forth in Section 65-01 (Applicability of Article VI, Chapter 5), the time period established by the applicable provisions of this Resolution shall be resumed, and the remaining time associated with restoring active operations shall be the amount existing prior to the #severe disaster#.

65-20 - SPECIAL DAMAGE AND DESTRUCTION PROVISIONS

LAST AMENDED
5/12/2021

The following modifications to damage and destruction provisions associated with this Resolution may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-21 - Reconstruction Provisions

LAST AMENDED
5/12/2021

In all districts, where the provisions of this Section are utilized, the provisions of Article V, Chapters 2 (Non-Conforming Uses) and 4 (Non-Complying Buildings) shall be modified to allow the reconstruction of #buildings or other structures# containing #non-conforming# #uses# and #non-complying# #buildings or other structures#, that were damaged due to the effects of the #severe disaster#, as follows:

(a) Section 52-53 (Buildings or Other Structures in All Districts), inclusive, shall be modified to allow the reconstruction of a #non-conforming# #use# where a #building or other structure# containing such #use# is damaged to the extent of 50 percent or more due to the effects of a #severe disaster#. In addition, for the purpose of this paragraph, the provisions of Section 52-60 (DISCONTINUANCE) shall not apply to such damaged #building or other structure# with #non-conforming# #uses#; and

(b) Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying# #building or other structure# where such #building or other structure# is damaged to the extent of 75 percent or more due to the effects of a #severe disaster#.

For the purpose of applying waterfront and parking regulations, #buildings# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

65-30 - SPECIAL USE REGULATIONS

LAST AMENDED
5/12/2021

The following modifications to #use# regulations set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-31 - Temporary Uses

LAST AMENDED
5/12/2021

In all districts, where the provisions of this Section are utilized, the #use# provisions of this Resolution, including any supplemental use regulations and provisions regulating size limitations, change of #non-conforming# #uses#, #enlargement# or #extension# of #non-conforming# #uses#, shall be modified to allow a temporary #non-conforming# #use# to be created, and a #non-conforming use# to be #enlarged# or #extended#, on a temporary basis, to aid in the immediate restoration and recovery of an area adversely impacted by a #severe disaster#.

The creation of a new #non-conforming# #use# shall be subject to the following limitations:

#Severe Disaster#	District	Use Group of permitted new #non-conformance#	Time Duration (if different from Section 65-01)

Subsequent to the expiration of the applicable time duration as set forth in this Section, any #non-conforming# #use# that was created, or any portion of a #non-conforming# #use# that was #enlarged# or #extended# on a #zoning lot#, shall be terminated and, thereafter, such #zoning lot# shall be restored to its pre-existing degree of #non-conformity#, or used only for a conforming #use#.

65-40 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/12/2021

The following modifications to #bulk# regulations set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-41 - Reconstruction and Alteration of Disaster-Damaged Buildings

LAST AMENDED
5/12/2021

In all districts, where the provisions of this Section are utilized, the #bulk# provisions of this Resolution, and the provisions regulating the reconstruction, #enlargement# and alteration of #buildings# with #non-conforming# #uses# and #non-complying# #buildings or other structures# shall be modified to allow the reconstruction, #enlargement#, relocation and alteration of #buildings or other structures# that were damaged due to the effects of the #severe disaster#, including #non-conformances# to be continued, and #non-compliances# to be created, continued, or increased, provided the #building or other structure# is subject to the following provisions, as applicable:

(a) Floor area

The maximum amount of #floor area# shall not exceed the amount of pre-existing #floor area# as it existed prior to the reconstruction, #enlargement#, relocation or alteration work or the amount permitted by the district, whichever is greater. Furthermore, no #extension# or change of #use# may create a new #non-conformance# or a new #non-compliance#, or increase the degree of existing #non-conformance# or #non-compliance# with #floor area#.

(b) Building footprint

The resulting #lot coverage# shall be less than or equal to that of the pre-existing #building or other structure# as it existed prior to the reconstruction, #enlargement#, relocation or alteration work or the amount permitted by the district, as applicable, whichever is greater. Furthermore, a #building or other structure# may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with respect to open areas required through regulations for #yards#, #open space#, #open space ratio#, #lot coverage#, #courts#, and

minimum distance between #buildings#, in order to relocate or alter the footprint of the #building or other structure#, provided that:

(1) a new or increased #non-compliance# into an open area shall not exceed a horizontal distance of five feet, as measured perpendicular to the outermost edge of the #non-complying# #building or other structure#, as it existed prior to the reconstruction, #enlargement#, relocation or alteration work; and

(2) any new or increased #non-compliance# shall not result in an open area of:

(i) less than five feet between the wall of a #building or other structure# and a #rear lot line#;

(ii) less than three feet between the wall of a #building or other structure# and a #front lot line#, in districts with #front yard# requirements; and

(iii) less than three feet between the wall of a #building or other structure# and a #side lot line# for #detached buildings# in districts that do not allow #zero lot line buildings#.

Nothing in this Section shall affect the permitted obstruction allowances set forth by the district regulations.

(c) Building height

The resulting height and setback may continue an existing #non-compliance#, provided that the height of such reconstructed, #enlarged#, relocated or altered #building or other structure# as measured from #curb level#, #base plane# or other applicable underlying datum, does not exceed the pre-existing height of such #building#, as measured from the top of the lowest floor that contains #floor area#, to the highest point of such pre-existing #building#. All permitted obstruction allowances shall be measured with respect to the modified height and setback regulations set forth in this Section.

For the purpose of applying waterfront and parking regulations, #buildings or other structures# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

65-42 - Properties with Disaster-Damaged Buildings

LAST AMENDED
5/12/2021

In all districts, the definition of #zoning lot# set forth in Section 12-10 (DEFINITIONS) may be modified to allow a tax lot containing one or more #buildings# that were damaged by the #severe disaster#, or where a #building# or #buildings# that were damaged by the #severe disaster# occupied more than one tax lot on the date of the #severe disaster#, to be provisionally considered a #zoning lot# for the sole purpose of demonstrating compliance with the #bulk# requirements of this Resolution, including the provisions of Section 65-31 (Reconstruction and Alteration of Disaster-Damaged Buildings), as applicable.

65-50 - SPECIAL DOCUMENTATION PROVISIONS

LAST AMENDED
5/12/2021

The following modifications to documentation procedures may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-51 - Documentation Provisions

LAST AMENDED
5/12/2021

For #buildings or other structures# that were damaged due to the effects of the #severe disaster# and do not have a certificate of occupancy, construction documents, or other lawful documentation filed with the Department of Buildings indicating the existence of such #building or other structure# prior to the #severe disaster# and the presence and extent of #non-conforming# #uses# or #non-compliances# as to #bulk#, as applicable, in order to receive a building permit to reconstruct, #enlarge#, relocate or alter #buildings or other structures# pursuant to the provisions of this Resolution, inclusive of this Chapter, the Commissioner of Buildings may determine alternate and appropriate documentation necessary to substantiate proof of such #non-conformances# or #non-compliances#, as applicable.

Appendix A - Designated Recovery Areas

LAST AMENDED5/12/2021

The boundaries of each #designated recovery area# are described in this Appendix, and are subject to the temporary provisions of this Chapter, as specified in Section 65-01 (Applicability of Article VI, Chapter 5).

Designated Recovery Area 1: COVID-19 (5/12/21)

The #designated recovery area 1# shall include all #zoning lots# located within the City of New York.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special Regulations Applying Around Mass Transit Stations

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Chapter 6 - Special Regulations Applying Around Mass Transit Stations

66-00 - GENERAL PURPOSES

LAST AMENDED10/7/2021

The provisions of this Chapter establish special regulations which are designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations, and in doing so, promote and protect public health, safety, general welfare and amenity. The general goals of this Chapter include, among others, the following purposes:

(a) to support the long-term planning needs of mass transit stations and systemwide accessibility;

(b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;

(c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;

(d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;

(e) to coordinate the present and future relationship of land uses around transit stations; and

(f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

66-10 - GENERAL PROVISIONS

LAST AMENDED10/7/2021

66-11 - Definitions

LAST AMENDED10/7/2021

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Above-grade mass transit station

For the purposes of this Chapter, an “above-grade mass transit station” shall refer to a #mass transit station# with a platform that is located entirely above five feet from #curb level#.

At or below-grade mass transit station

For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a #mass transit station# that is not an #above-grade mass transit stations#.

Central Business Districts

For the purposes of this Chapter, "Central Business Districts" shall refer to #Special Midtown District#, #Special Hudson Yards District#, #Special Lower Manhattan District#, #Special Downtown Brooklyn District#, #Special Long Island City Mixed Use District# or #Special Garment Center District#.

Clear path

For the purposes of this Chapter, a "clear path" shall refer to an unobstructed area between the #street line# and #street wall# that:

(a) directly #abuts# an adjoining public sidewalk; and

(b) extends along the #street line# for a distance equal to the width of an existing or planned access point to a #mass transit station# facing such #transit-adjacent site#, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All #clear paths# shall be accessible to the public at all times.

Easement volume

For the purposes of this Chapter, an "easement volume" shall refer to an area of the #zoning lot# used to accommodate either:

(a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or

(b) ancillary facilities that are needed to support transit system functionality.

Eligible zoning districts

For the purposes of this Chapter, "eligible zoning districts" shall refer to the following zoning districts:

(a) R5D, R6, R7, R8, R9 or R10 Districts;

(b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;

(c) M1 Districts paired with R6 through R10 Districts; or

(d) #Manufacturing Districts#.

Mass transit station

For the purposes of this Chapter, "mass transit station" shall refer to any subway or rail #mass transit station# operated by a #transit agency#. Such #mass transit stations# shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are

currently closed but could be reopened and that have previously been open to the public.

Primary transit-adjacent sites

For the purposes of this Chapter, "primary transit-adjacent sites" shall refer to #transit-adjacent sites# that have a #lot area# of 5,000 square feet or more.

Qualifying transit improvement sites

For the purposes of this Chapter, "qualifying transit improvement sites" shall refer to #zoning lots# that are:

(a) located in one of the following zoning districts:

(1) R9 or R10 Districts;

(2) #Commercial Districts# mapped within, or with an equivalent of an R9 or R10 District;

(3) M1 Districts paired with an R9 or R10 District; or

(4) M1-6 Districts; and

(b) located wholly or partially within the following distance from a #mass transit station#:

(1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or

(2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

Such distance shall be measured from the outermost extent of the #mass transit station#. For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.

Secondary transit-adjacent sites

For the purposes of this Chapter, "secondary transit-adjacent sites" shall refer to #transit-adjacent sites# that have a #lot area# of less than 5,000 square feet.

Transit agency

For the purposes of this Chapter, a "transit agency" shall refer to any governmental agency with jurisdiction over the affected #mass transit station#.

Transit-adjacent sites

For the purposes of this Chapter, "transit-adjacent sites" shall refer to #zoning lots# that are located within 50 feet of a #mass transit station# and located in #eligible zoning districts#. #Transit-adjacent sites# include #primary transit-adjacent sites# and

#secondary transit-adjacent sites#.

Transit volume

For the purposes of this Chapter, a “transit volume” shall refer to an area of a #transit-adjacent site# where, pursuant to the provisions of this Chapter, a #transit agency# has determined transit or pedestrian circulation improvements are needed for a #mass transit station#. Such #transit volume# may be used to accommodate #easement volumes# or #clear paths#.

66-12 - Applicability

LAST AMENDED10/7/2021

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

66-121 - General applicability

LAST AMENDED10/7/2021

The provisions of this Chapter shall apply to #transit-adjacent sites# or #qualifying transit improvement sites#, as follows:

(a) For #transit-adjacent sites#

(1) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#.

(2) The provisions of Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#.

(3) The provisions of Section 66-40 (CONSTRUCTION, MAINTENANCE AND ADDITIONAL PROVISIONS), inclusive, shall apply to all #transit-adjacent sites# providing an #easement volume# pursuant to Section 66-20 or Section 66-30.

(b) For #qualifying transit improvement sites#

The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall be optional for #qualifying transit improvement sites#.

66-122 - Limitations on applicability in certain areas

LAST AMENDED10/7/2021

The provisions of this Chapter shall not apply as follows:

(a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) and Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:

(1) all subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(2) #qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(3) the #Special Transit Land Use District#.

(b) The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall not apply:

(1) to the following areas within Special Purpose Districts:

(i) all subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(ii) the Court Square Subdistrict within #Special Long Island Mixed Use District#; or

(iii) #qualifying sites# in the East Midtown Subdistrict within the #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(2) to the 34th Street - Hudson Yards Station.

66-123 - Other limitations on applicability

LAST AMENDED10/7/2021

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. In addition, the following special vesting provisions shall apply:

(a) Inapplicability of easement provisions for vested sites and previously approved easements

The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), shall not apply to:

(1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before October 7, 2021, where such easement is providing transit station access infrastructure or ancillary facilities; or

(2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before October 7, 2021:

(i) an application has been filed with the Department of Buildings, and if, on or before October 7, 2021, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is not increased beyond the amount described in the approved application;

(ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;

(iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or

(iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

Subsequent to October 7, 2021, such applications for #developments# or #enlargements# may be continued, and, if approved, construction may be started or continued pursuant to the provisions in effect prior to October 7, 2021.

(b) Applicability of bonus provisions to previously filed special permits applications

If, before October 7, 2021, an application for a special permit for a #floor area# bonus for subway station improvements has been referred for public review by the City Planning Commission pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to October 7, 2021, such application may continue pursuant to the regulations in effect at the time such special permit was referred for public review by the Commission. Such special permit, if granted by the Commission, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was referred by the Commission.

66-20 - SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

LAST AMENDED10/7/2021

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination, or certification, where applicable, for a #transit volume# shall be obtained pursuant to Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-22 (Special Use Regulations), 66-23 (Special Bulk Regulations), 66-24 (Special Regulations for Accessory Off-street Parking), and 66-25 (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

66-21 - Determination and Certification for Transit Volumes

LAST AMENDED10/7/2021

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

(a) Initial determination

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

(b) Determination of easement dimensions and location

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#.

Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

(1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or

(2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section 66-41 (Construction, Maintenance and Other Obligations).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume# setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section 66-41, have been completed.

66-22 - Special Use Regulations

LAST AMENDED10/7/2021

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

66-221 - Temporary uses

LAST AMENDED10/7/2021

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

(a) in all districts, any #community facility use# without sleeping accommodations allowed by the underlying district;

(b) in #Residence Districts#, #uses# listed in Use Group 6A and 6C; or

(c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

66-222 - Special use allowances around easement volumes

LAST AMENDED10/7/2021

The following #use# allowances around #easement volumes# shall apply in applicable districts.

(a) Special #use# allowances in #Residence Districts#

In all #Residence Districts#, #uses# listed in Use Group 6A and 6C shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

(1) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or

(2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

(b) Special regulations for #commercial use# location in #mixed buildings# in #Commercial Districts#

In C1 or C2 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# that are #developed# or #enlarged# with an #easement volume# serving an #above-grade mass transit station#, to allow all permitted #commercial uses# on the lowest two #stories#.

66-23 - Special Bulk Regulations

LAST AMENDED10/7/2021

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section 66-233 (Special street wall modifications) shall apply.

66-231 - Special floor area modifications

LAST AMENDED10/7/2021

The #floor area# modifications of this Section shall apply as follows:

(a) #Floor area# exemption

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

(b) #Commercial# #floor area# in #Residence Districts#

Where special #use# allowances pursuant to paragraph (a) of Section 66-222 (Special use allowances around easement volumes) are permitted in #Residence Districts#, the maximum permitted #commercial floor area# shall be equivalent to the area permitted for #commercial uses# pursuant to such Section.

66-232 - Special open space, lot coverage and yard modifications

LAST AMENDED10/7/2021

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level#, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

(b) Special #open space# modifications in certain districts

In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the provisions of paragraph (g) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall not apply.

(c) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except as modified pursuant to this paragraph.

(1) Any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.

(2) In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 85 percent. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#.

(3) In R6 and R7 Districts, for #Quality Housing buildings#, the maximum #residential lot coverage# for #interior lots# and #through lots# shall be 70 percent.

66-233 - Special street wall modifications

LAST AMENDED10/7/2021

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

For #Quality Housing buildings#, the underlying #street wall# location provisions shall be modified pursuant to this paragraph.

(1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.

(2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

(b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

66-234 - Special height and setback modifications

LAST AMENDED10/7/2021

The height and setback modifications of this Section shall apply as follows:

(a) Permitted obstructions

(1) #Easement volumes#

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Dormers

For #Quality Housing buildings#, as an alternative to the provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the #street wall# shall be determined pursuant to the provisions of paragraph (a) of Section 234 (Special street wall modifications).

(b) Special height and setback provisions for R5 Districts

The requirements of Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts) shall be modified for the portions of a #building# used for #residential use#, as follows:

(1) In #Commercial Districts# mapped within, or with a #residential# equivalent of an R5 District, the maximum height of a #street wall# before setback shall be 35 feet. Above such height, a setback of 10 feet shall be provided, and the maximum #building# height shall be 45 feet. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#; and

(2) In R5D Districts or #Commercial Districts# mapped within, or with a #residential# equivalent of an R5D District, the maximum #building# height shall be increased by 10 feet or one #story#, whichever is less.

(c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts

In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R6 through R10 Districts, and M1-6 Districts, where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R7 through R10 Districts, and M1-6 Districts, the maximum #building# height shall be increased by 20 feet

or two #stories#, whichever is less.

66-24 - Special Regulations for Accessory Off-street Parking

LAST AMENDED10/7/2021

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

(a) Parking space deduction

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or waivers of #accessory# off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

(b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

District	Lot Area (in square feet)
R5 R5D C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C7 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	10,000 or less

R6 R7 R8 R9 R10 C1-4 C2-4 C4-4 C4-5D C8-3 C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	15,000 or less

(c) Waiver of requirements where access would be forbidden

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections 25-27, 25-34, 36-24, 36-38 or 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

66-25 - Special Streetscape Regulations

LAST AMENDED10/7/2021

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections 62-251 (Ground floor level requirements) and 62-252 (Planting requirements).

66-251 - Ground floor level requirements

LAST AMENDED10/7/2021

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

66-252 - Planting requirements

■

LAST AMENDED10/7/2021

(a) Planting requirements for R5D Districts

In R5D Districts, planting requirements shall be modified as follows:

(1) The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the

planting requirement of Section 23-451 (Planting requirement); and

(2) Where planting strips are required along the entire length of the curb of the #street# pursuant to Section 26-42 (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.

(b) Planting requirements for #Quality Housing buildings#

For #Quality Housing buildings#, the area of the #zoning lot# between the #street line# and the #easement volume# shall be exempt from the planting requirements of Section 28-23 (Planting Areas).

66-26 - Additional Modifications

LAST AMENDED10/7/2021

Where a #transit volume# is provided pursuant to Section 66-21 (Determination and Certification for Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section 66-52 (Additional Modifications).

66-30 - SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

LAST AMENDED10/7/2021

For all #secondary transit-adjacent sites#, the provisions of this Section are optional. On such sites, an optional #transit volume# may be provided in accordance with a determination by the #transit agency# and certification by the Chairperson of the City Planning Commission pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes). Where a #transit volume# is provided, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-32 (Special Modifications for Secondary Transit-adjacent Sites).

66-31 - Determination and Certification for Optional Transit Volumes

LAST AMENDED10/7/2021

For all #developments# and #enlargements# on #secondary transit-adjacent sites# and #conversions# on all #transit-adjacent sites# seeking to provide a #transit volume#, an initial determination by the #transit agency# shall be made in accordance with the provisions of paragraph (a) of Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of Section 66-21, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of such Section.

66-32 - Special Modifications for Secondary Transit-adjacent Sites

LAST AMENDED10/7/2021

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

(a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections 66-22 through 66-25 shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.

(b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:

(1) #Use# modifications pursuant to Section 66-221 (Temporary uses);

(2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modifications), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard modifications), Section 66-233 (Special street wall modifications), and paragraph (a)(1) of Section 66-234 (Special height and setback modifications);

(3) Waiver provisions for required parking pursuant to paragraph (c) of Section 66-24 (Special Regulations for Accessory Off-street Parking); and

(4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

66-33 - Additional Modifications

LAST AMENDED10/7/2021

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in this Section, pursuant to Section 66-52 (Additional Modifications).

66-40 - CONSTRUCTION, MAINTENANCE, AND ADDITIONAL PROVISIONS

LAST AMENDED10/7/2021

Where an #easement volume# is provided pursuant to Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) or Section 66-30 (SPECIAL PROVISIONS FORSECONDARY TRANSIT-ADJACENT SITES) the provisions of this Section, inclusive, shall apply. Where a #clear path# is provided pursuant to the aforementioned Sections, the provisions of Section 66-42 (Termination of a Transit Volume) shall also apply.

66-41 - Construction, Maintenance and Other Obligations

LAST AMENDED10/7/2021

Where an #easement volume# is provided pursuant to this Chapter, transit access improvements within such volume shall be constructed and maintained either by the #transit agency# or the owner of the #zoning lot# with the #development#, #enlargement# or #conversion#.

(a) Where such transit access improvement is constructed and maintained by the #transit agency#:

(1) the owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date;

(2) in the event that the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit agency#;

(3) temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#; and

(4) in the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.

(b) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#:

(1) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;

(2) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;

(3) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

(4) no temporary certificate of occupancy shall be granted by the Department of Buildings until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

66-42 - Termination of a Transit Volume

LAST AMENDED10/7/2021

In the event that the #transit agency# and the Chairperson of the City Planning Commission jointly notify, in writing, the owner of the #zoning lot# and the Department of Buildings that a #transit volume# is not needed on such #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the #transit agency# to the extinguishment of the #transit volume#.

Where initially determined that an #easement volume# is needed on any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Chapter, where termination of such #easement volume# has been certified pursuant to this paragraph, the #use# provisions of Section 66-221 (Temporary uses) and Section 66-222 (Special use allowances around easement volumes) shall continue to apply to any floor space in a previously needed #easement volume# and around such #easement volume# where special #uses# allowances are permitted in #Residence Districts# pursuant to this Chapter. Additionally, any floor space in a previously needed #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously needed volume is located within a #building#, the ground floor space shall be subject to all applicable ground floor level requirements of this Resolution.

66-43 - Annual Reporting

LAST AMENDED10/7/2021

The #transit agency# shall submit annually to the Chairperson of the City Planning Commission and to the City Council a report containing an inventory of all #easement volumes# established through the provisions of this Chapter and describing the status of improvements within all such #easement volume#.

66-50 - SPECIAL APPROVALS

LAST AMENDED10/7/2021

For #qualifying transit improvement sites#, a #floor area# bonus may be granted, either by authorization or special permit, where major #mass transit station# improvements are provided pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements).

For all applications pursuant to the provisions of Sections 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or 66-51, additional modifications may be granted by the City Planning Commission, either by authorization or special permit, pursuant to Section 66-52 (Additional Modifications).

66-51 - Additional Floor Area for Mass Transit Station Improvements

LAST AMENDED10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites#, the City Planning Commission may grant a #floor area# bonus, by authorization, pursuant to Section 66-511 (Additional floor area for mass transit station improvements by authorization), or by special permit, pursuant to Section 66-512 (Additional floor area for mass transit station improvements by special permit). All such #floor area# bonuses shall comply with the conditions, findings and additional requirements set forth in Section 66-513 (Additional rules and limitations, conditions, findings and requirements).

66-511 - Additional floor area for mass transit station improvements by authorization

LAST AMENDED10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by authorization, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent or 200,000 square feet of #floor area#, whichever is less, where a major improvement to a #mass transit station# is provided.

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the authorization, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-512 - Additional floor area for mass transit station improvements by special permit

LAST AMENDED10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by special permit, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, without limitation on overall square footage, where a major improvement to a #mass transit station# is provided.

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the special permit, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-513 - Additional rules and limitations, conditions, findings and requirements

LAST AMENDED10/7/2021

Any authorization or special permit application pursuant to the provisions of Section 66-511 (Additional floor area for mass transit station improvements by authorization) or Section 66-512 (Additional floor area for mass transit station improvements by special permit), respectively, shall be subject to the following provisions.

(a) Additional rules and limitations on bonus #floor area#

The following rules and limitations on bonus #floor area# shall apply in addition to the provisions set forth in Sections 66-511 and 66-512:

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

(2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:

(i) where explicitly stated otherwise in a Special Purpose District; or

(ii) within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#;

(3) Within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #residential# #floor area ratio# set forth in paragraph (a) or (b) of Section 23-154 (Inclusionary Housing), as applicable; and

(4) For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# granted under the provisions of this Section.

For the purposes of applying this paragraph to applications seeking an authorization pursuant to Section 66-511, notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate #mass transit station#, that shall be characteristic of current best practice in mass transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a #mass transit station# that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

(c) Application requirements

All applications shall include the following:

(1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.

(2) At the time of application referral or certification, the Commission shall be provided with the following application materials:

(i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(3) Where a #transit volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

(1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization or special permit;

(2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

(3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

(1) Prior to the granting of such #floor area# bonus, the following requirements shall be met:

(i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

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

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

Where an #easement volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes) or Section 66-31 (Determination and Certification for Optional Transit Volumes), the provisions of paragraph (b) of Section 66-41 (Construction, Maintenance and Other Obligations) shall not apply.

66-52 - Additional Modifications

LAST AMENDED10/7/2021

In conjunction with any application pursuant to Section 66-21 (Determination and Certification for Transit Volumes), 66-31 (Determination and Certification for Optional Transit Volumes) and 66-51 (Additional Floor Area for Mass Transit Station Improvements), modifications may be granted pursuant to Section 66-521 (Authorization for transit-adjacent sites or qualifying transit improvement sites) or Section 66-522 (Special permit for transit-adjacent sites or qualifying transit improvement sites).

66-521 - Authorization for transit-adjacent sites or qualifying transit improvement sites

LAST AMENDED10/7/2021

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations. Any additional height permitted pursuant to Section 66-234 (Special height and setback modifications) shall not be included in such percentage increase but may be applied in addition to the resulting #building# height limits.

(b) Application requirements

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

(c) Findings

The Commission shall find that:

(1) such proposed modifications are the minimum extent necessary to:

(i) reasonably accommodate an #easement volume#, including any associated access thereto; or

(ii) where improvements to #mass transit stations# are provided, reasonably accommodate the additional #floor area# granted pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

(2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;

(3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and

(4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the

character of the surrounding area.

66-522 - Special permit for transit-adjacent sites or qualifying transit improvement sites

LAST AMENDED10/7/2021

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

(a) Application requirements

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

(b) Findings

The Commission shall find that:

(1) such proposed modifications are necessary

(i) to facilitate an #easement volume#, including any associated access thereto; or

(ii) where improvements to #mass transit stations# are provided, to accommodate the additional #floor area# granted pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

(2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;

(3) any modifications to #bulk# regulations:

(i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and

(ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and

(4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article VII - Administration

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Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Enforcement, Administration and Amendments

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Enforcement, Administration and Amendments

71-00 - ENFORCEMENT AND ADMINISTRATION

LAST AMENDED
12/15/1961

The Commissioner of the Department of Buildings shall administer and enforce this Resolution, except as otherwise specifically provided in the New York City Charter and in this Resolution.

The Department of Environmental Protection shall have exclusive jurisdiction to administer and enforce all provisions of this Resolution relating to air pollution, specifically including the performance standards regulating #smoke#, #dust# and other #particulate matter#, odorous matter, and #toxic or noxious matter# emitted into the atmosphere, in accordance with rules and regulations adopted by the Department of Environmental Protection.

71-10 - PROCEDURE FOR AMENDMENTS

LAST AMENDED
4/30/2012

The City Planning Commission shall adopt resolutions to amend the text of this Resolution or the #zoning maps# incorporated therein, and the City Council shall act upon such amendments, in accordance with the provisions of the New York City Charter.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Interpretations and Variances

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Chapter 2 - Interpretations and Variances

72-00 - POWERS OF THE BOARD OF STANDARDS AND APPEALS

LAST AMENDED
12/15/1961

72-01 - General Provisions

LAST AMENDED
2/2/2011

The Board of Standards and Appeals (referred to hereinafter as the Board) shall have the power, pursuant to the provisions of the New York City Charter and of this Resolution, after public notice and hearing:

(a) to hear and decide appeals from and to review interpretations of this Resolution;

(b) to hear, decide, and determine, in a specific case of practical difficulties or unnecessary hardship, whether to vary the application of the provisions of this Resolution;

(c) to hear and decide applications for such special permits as are set forth in this Resolution and are more specifically enumerated in Section 73-01 (General Provisions);

(d) to adopt, amend, or repeal such rules or regulations as may be necessary to carry into effect the provisions of this Resolution;

(e) to hear and decide applications for such authorizations as are set forth in this Resolution and enumerated in Section 72-30; and

(f) to make such administrative determinations and findings as may be set forth in this Resolution or pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS) or to Section 72-41 (Continuation of Certain Adult Establishments).

(g) to waive #bulk# regulations affected by unimproved #streets# where a #development#, #enlargement# or alteration consists in part of construction within such #streets# and where such #development#, #enlargement# or alteration would be #non-complying# absent such waiver, provided the Board has granted a permit pursuant to Section 35 of the General City Law and has prescribed conditions which require the portion of the #development# or #enlargement# to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such bulk waivers shall only be as necessary to address #non-compliance# resulting from the location of the #development# or #enlargement# within and outside the unimproved #streets#, and the #zoning lot# shall comply to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped. Where such #zoning lots# with #private roads# access fewer than 20 #dwelling units#, such #bulk# waivers may be granted by the Board only where the #zoning lots# are fully compliant with the regulations for #private roads# set forth in Article II, Chapter 6. However, for #zoning lots# with #private roads# that access at least 20 #dwelling units#, or for #zoning lots# with #private roads# that access fewer than 20 #dwelling units# for which a modification or waiver of the requirements for #private roads#, pursuant to Section 26-26, is necessary, such #bulk# waivers shall be permitted only by authorization of the City Planning Commission, pursuant to Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets).

72-10 - APPEALS FOR INTERPRETATION

LAST AMENDED
12/15/1961

72-11 - General Provisions

LAST AMENDED
12/15/1961

The Board of Standards and Appeals shall hear and decide appeals from or may, on its own initiative, review any rule or regulation, order, requirement, decision or determination of the Commissioner of Buildings, of any duly authorized officer of the Department of Buildings, or of the Commissioner of any agency which, under the provisions of the New York City Charter, has jurisdiction over the #use# of land or over the #use# or #bulk# of #buildings or other structures#, subject to the requirements of this Resolution.

On such an appeal or review, the Board may reverse, affirm, in whole or in part, or modify, such rule, regulation, order, requirement, decision or determination and may make such rule, regulation, order, requirement, decision or determination as in its opinion should have been made in the premises in strictly applying and interpreting the provisions of this Resolution, and for such purposes the Board shall have the power of the officer from whose ruling the appeal or review is taken.

However, there shall be no appeal to or review by the Board from an interpretation of this Resolution made by the Board of Environmental Protection of the Department of Environmental Protection, or any other agency for which the New York City Charter establishes a board empowered to adopt rules and regulations for such agency.

72-12 - Street Layout Varying From Maps

LAST AMENDED
12/15/1961

Where the street layout actually on the ground varies from the street layout as shown on the #zoning maps#, the designation as shown on such maps shall be applied by the Board of Standards and Appeals, after public notice and hearing, in such a way as to carry out the intent and purpose of this Resolution.

72-20 - VARIANCES

LAST AMENDED
12/15/1961

72-21 - Findings Required for Variances

LAST AMENDED
2/2/2011

When in the course of enforcement of this Resolution, any officer from whom an appeal may be taken under the provisions of Section 72-11 (General Provisions) has applied or interpreted a provision of this Resolution, and there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such provision, the Board of Standards and Appeals may, in accordance with the requirements set forth in this Section, vary or modify the provision so that the spirit of the law shall be observed, public safety secured and substantial justice done.

Where it is alleged that there are practical difficulties or unnecessary hardship, the Board may grant a variance in the application of the provisions of this Resolution in the specific case, provided that as a condition to the grant of any such variance, the Board shall make each and every one of the following findings:

(a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular #zoning lot#; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the #zoning lot# is located;

(b) that because of such physical conditions there is no reasonable possibility that a #development#, #enlargement#, extension, alteration or change of #use# on the #zoning lot# in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; this finding shall not be required for the granting of a variance to a non-profit organization;

(c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the #zoning lot# is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a #zoning lot# subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

(e) that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.

It shall be a further requirement that the decision or determination of the Board shall set forth each required finding in each specific grant of a variance, and in each denial thereof which of the required findings have not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Board in reaching its decision, including the personal knowledge of, or inspection by, the members of the Board. Reports of other City agencies made as a result of inquiry by the Board shall not be considered hearsay, but may be considered by the Board as if the data therein contained were secured by personal inspection.

72-22 - Conditions or Restrictions

LAST AMENDED
12/15/1961

The Board of Standards and Appeals may prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

72-23 - Lapse of Variances

LAST AMENDED
7/18/1995

A variance granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such variance was granted, has not been completed within four years from the date of granting such variance by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision to

grant any variance, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals.

72-30 - AUTHORIZATIONS

LAST AMENDED
4/9/1981

72-31 - General Provisions

LAST AMENDED
4/9/1981

The Board of Standards and Appeals shall have the power to issue authorizations on such matters as are set forth in this Section. The Board shall hear and decide applications for authorizations in an administrative proceeding in the same manner in which it hears appeals for interpretation pursuant to Section 72-10.

72-40 - AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS

LAST AMENDED
10/31/2001

The Board of Standards and Appeals may permit any #non-conforming# #adult establishment# or any #non-conforming# #sign#, other than #advertising signs#, for an #adult establishment# to continue for a limited period of time beyond that provided for in Sections 52-734 (Non-conforming signs for adult establishments) or 52-77 (Termination of Adult Establishments), provided that:

(a) an application is made by the owner of such establishment to the Board of Standards and Appeals at least 120 days prior to the date on which such establishment or #sign# must terminate;

(b) the Board shall find, in connection with such establishment or #sign#, that:

(1) the applicant had made, prior to the #non-conformity#, substantial financial expenditures related to the #non-conformity#; and

(2) the applicant has not recovered substantially all of the financial expenditures related to the #non-conformity#; and

(3) the period for which such establishment or #sign# may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of the financial expenditures incurred related to the #non-conformity#.

For the purpose of this Section, "financial expenditures" shall mean the capital outlay made by the applicant to establish the #adult establishment# or #sign#, exclusive of the fair market value of the #building# in which such #use# or #sign# is located and exclusive of any improvements unrelated to the #non-conforming# #adult establishment# or #non-conforming# #accessory# business #sign# for #adult establishments#.

This Section shall not apply to #commercial# establishments described in Section 72-41 (Continuation of Certain Adult Establishments).

72-41 - Continuation of Certain Adult Establishments

LAST AMENDED
2/2/2011

Any #commercial# establishment in existence as of August 8, 2001 which: (i) subsequent to September 18, 1995, and prior to August 8, 2001, made financial expenditures so as to avoid becoming subject to the provisions of Section 32-01 or 42-01 (Special Provisions for Adult Establishments); and (ii) is defined as an #adult establishment# pursuant to the amendments to the definition of #adult establishment# in Section 12-10 adopted on October 31, 2001, shall terminate as an #adult establishment# within one year from October 31, 2001. Notwithstanding the foregoing, the Board of Standards and Appeals may permit such #adult establishment# to continue for a limited period beyond such one year period, provided that:

(a) an application is made by the owner of such establishment to the Board of Standards and Appeals at least 120 days prior to the date on which such establishment must terminate;

(b) the Board shall find, in connection with such establishment, that:

(1) the applicant had made, subsequent to September 18,1995 and prior to August 8, 2001, substantial financial expenditures so as to avoid becoming subject to the provisions of Section 32-01 or 42-01;

(2) the applicant has not recovered substantially all such financial expenditures; and

(3) the period for which such establishment may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of such financial expenditures.

For purposes of this Section, "financial expenditures" shall mean the following: (i) any capital outlay for improvements made in connection with the configuration or reconfiguration of the amount of #floor area# and #cellar# space within such establishment accessible to customers either: (a) containing books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual matter characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or (b) allocated to one of the activities described in paragraphs (1)(b), (1)(c) or (1)(d) of the definition of #adult establishment# in Section 12-10; and (ii) any purchases of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual matter, which are not characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

The provisions of Sections 52-77 (Termination of Adult Establishments) and 72-40 (AMORTIZATION OF CERTAIN ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS) shall not apply to #commercial# establishments subject to this Section.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Permits by the Board of Standards and Appeals

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Chapter 3 - Special Permits by the Board of Standards and Appeals

73-00 - SPECIAL PERMIT USES AND MODIFICATIONS

LAST AMENDED
12/19/2017

73-01 - General Provisions

LAST AMENDED
4/22/2009

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the Board of Standards and Appeals may, in an appropriate case:

(a) grant special permits for specified #uses# in specific districts (referred to hereinafter as special permit #uses#);

(b) permit specified modifications of the #use# or #bulk# regulations of this Resolution;

(c) permit the renewal of revoked building permits as provided in Sections 11-31 to 11-33, inclusive, relating to Building Permits Issued before Effective Date of Amendment; or

(d) permit the renewal of a variance, exception, or permit issued by the Board prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances, or Permits Previously Authorized;

provided that, in each specific case, the requirement for findings as set forth in this Chapter (or in the Sections referred to in paragraph (c) or (d) of this Section) shall constitute a condition precedent to the grant of such special permit, modification, or renewal.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Board as set forth in this Chapter, each such special permit #use# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory# #signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution, except as otherwise specifically provided in this Chapter or as they may be modified in accordance with paragraph (b) of this Section. In the case of required #accessory# off-street parking, such #use# shall satisfy the requirements specified for such #uses# in Sections 25-31, 36-21 or 44-21 (General Provisions) except that, where no parking requirement is specified therein, such #use# shall satisfy the requirements set forth in this Chapter.

In the #waterfront area#, the powers of the Board to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-131 (Applicability of Article VII, Chapter 3).

73-02 - Further Requirements

LAST AMENDED
12/15/1961

It shall be a further requirement that the decision or determination of the Board of Standards and Appeals shall set forth each required finding in each specific grant of a special permit #use#, modification or renewal and, in each denial thereof, which of the required findings have not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Board in reaching its decision, including the personal knowledge of or inspection by the members of the Board.

73-03 - General Findings Required for All Special Permit Uses and Modifications

LAST AMENDED
12/18/1980

The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit #uses# or modifications of #use#, parking, or #bulk# regulations as specifically provided in this Chapter, provided in each case:

(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use# or modification of #use#, parking or #bulk# regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit #use# or modification of #use#, parking or #bulk# regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit #use# or modification of #use#, parking or #bulk# regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases the Board shall deny a special permit whenever such proposed special permit #use# or modification of #use#, parking or #bulk# regulations will interfere with any public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

(c) When under the applicable findings the Board is required to determine whether the special permit #use# or modification of #use#, parking or #bulk# regulations is appropriately located in relation to the #street# system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit #use# or modification of #use#, parking or #bulk# regulations in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such #street#.

(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit #use# or modification of #use#, parking or #bulk# regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.

(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit #uses# or modification of #use# parking or #bulk# regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit #use# or modification of #use# parking or #bulk# regulations.

(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.

(g) The Board may permit the #enlargement# or #extension# of any existing #use#, which, if new, would be permitted by

special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Board shall make all of the required findings applicable to the special permit #use#, except that:

(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and

(2) in the case of public utility #uses#, the Board may waive all such required findings set forth in Sections 73-14 (Public Service Establishments) or 73-16 (Public Transit, Railroad or Electric Utility Substations).

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the existing degree of #non-compliance# with the applicable #bulk# regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

73-04 - Conditions and Safeguards

LAST AMENDED
8/16/1979

The Board of Standards and Appeals may prescribe such conditions and safeguards to the grant of special permit (#uses#) as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

73-10 - SPECIAL PERMIT USES

LAST AMENDED
7/22/1971

73-11 - General Provisions

LAST AMENDED
12/19/2017

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit special permit #uses# are modified by the provisions of Sections 81-13 (Special Permit Use Modifications) and 81-061 (Applicability of Chapter 3 of Article VII).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

Camps

Public utility or public service facilities

Radio and television towers, non-#accessory#

Riding academies or stables.

73-12 - Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts

LAST AMENDED
9/9/2004

In R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts, the Board of Standards and Appeals may permit specified #community facility uses# in accordance with the provisions of this Section.

73-121 - Colleges or universities

LAST AMENDED
12/15/1961

The Board of Standards and Appeals may permit colleges or universities including professional schools but excluding business colleges or trade schools in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#.

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

73-122 - College or school student dormitories or fraternity or sorority student houses

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts);

(b) that the amount of #open space# and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;

(c) that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number), at least one #accessory# off-street parking space is provided for each six beds; and

(d) that such #use# conforms to all the other applicable Off-street Parking Regulations as set forth in Article II, Chapter 5.

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

73-123 - Non-commercial clubs

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming

pools located less than 500 feet from any #lot line#, in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;

(c) that such #use# complies with the minimum required #open space ratio# and maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts);

(d) that not more than half the #open space# provided is occupied by driveways, private streets, open #accessory# off-street parking spaces or active outdoor recreation facilities; and

(e) that the amount of #open space# provided and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening or landscaping.

73-124 - Welfare centers

LAST AMENDED
12/15/1961

The Board of Standards and Appeals may permit welfare centers in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and

(b) that such #use# is conveniently accessible to the people it serves.

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

73-125 - Ambulatory diagnostic or treatment health care facilities

LAST AMENDED
1/18/2011

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, excluding #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

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

73-126 - Certain community facility uses in lower density growth management areas

LAST AMENDED
1/18/2011

In R3-1, R3A, R3X, R4-1, R4A or R4B Districts in #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas).

In addition, for #buildings# in R3, R4 and R5 Districts in #lower density growth management areas# subject to the provisions of paragraph (b) of Section 24-012 (Exceptions to the bulk regulations of this Chapter) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts).

In order to grant such special permit, the Board shall find that:

(a) the amount and type of open area and its distribution on the #zoning lot# is compatible with the character of the neighborhood;

(b) the distribution of #bulk# on the #zoning lot# will not unduly obstruct access of light and air to adjoining properties or #streets#; and

(c) the scale and placement of the #building# on the #zoning lot# relates harmoniously with surrounding #buildings#.

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

73-13 - Open Uses in R1 or R2 Districts

LAST AMENDED
2/2/2011

In R1 or R2 Districts, the Board of Standards and Appeals may permit outdoor tennis courts or ice skating rinks, provided that the Board finds that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#.

The Board shall prescribe the following conditions:

(a) that such #use# and any #accessory# facilities affixed to the land are not located closer than 20 feet to any #lot line#; and

(b) that all lighting is directed away from nearby #zoning lots# containing #residences#.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for screening or for landscaping.

73-14 - Public Service Establishments

LAST AMENDED
2/2/2011

In all #Residence Districts#, the Board of Standards and Appeals may permit electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet, potable water pumping stations, or telephone exchanges or other communications equipment structures, provided that the following findings are made:

(a) that such #use# will serve the residential area within which it is proposed to be located; that there are serious difficulties in

locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and

(b) in the case of such electric or gas utility substations or potable water pumping stations, that the site for such #use# has a minimum #lot area# of 4,500 square feet.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that electric utility substations shall meet the performance standards for an M1 District; that such electric or gas utility substations or potable water pumping stations shall be surrounded with fences, barriers, or other safety devices; or that any such #use# shall be landscaped.

73-15 - Other Public Utility Facilities

LAST AMENDED
12/15/1961

In all #Residence Districts#, the Board of Standards and Appeals may permit public utility stations for oil or gas metering or regulating, or terminal facilities located at river crossings for access to electric, gas or steam lines, provided that the Board finds that the proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for construction of fences, barriers or other safety devices, or for landscaping.

73-16 - Public Transit, Railroad or Electric Utility Substations

LAST AMENDED
2/2/2011

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board of Standards and Appeals may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet, and in the case of electric utility substations to a site of not less than 10,000 square feet, provided that the following findings are made:

(a) that such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) in the case of public transit or railroad electric substations, that the site for such #use# has a minimum frontage of 50 feet and a minimum #lot area# of 4,500 square feet;

(c) that the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;

(d) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(e) that such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

73-17 - Camps, Overnight or Outdoor Day

LAST AMENDED
12/15/1961

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit overnight or outdoor day camps, whether commercial or philanthropic, for a term not to exceed five years, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

(a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;

(b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land;

(c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a #Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; and

(d) that in the case of outdoor day camps, for each 6,000 square feet of #lot area#, one #accessory# off-street parking space of 500 square feet is provided to accommodate buses used in the transportation of campers, in addition to the #accessory# off-street parking requirement established for such #uses# under the applicable provisions of Sections 25-31 or 36-21 (General Provisions).

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

73-18 - Riding Academies or Stables

LAST AMENDED
12/15/1961

In all #Residence Districts#, and in C2, C6 or C7 Districts, the Board of Standards and Appeals may permit riding academies or stables operated as a recreation service, for a term not to exceed five years, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character of the surrounding area;

(b) that adequate horseback riding facilities are available on the same #zoning lot# or within 600 feet of such #zoning lot#;

(c) that the location and operation of such #use# will not be such as to result in any serious traffic hazards or conflicts on nearby #streets#; and

(d) that in #Residence Districts#, no stables or riding areas are located within 40 feet of any #side# or #rear lot line#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation, for screening, or for landscaping.

73-19 - Schools

LAST AMENDED

11/19/1987

In C8 or M1 Districts, the Board of Standards and Appeals may permit #schools# which have no #residential# accommodations except #accessory# accommodations for a caretaker, provided that the following findings are made:

(a) that within the neighborhood to be served by the proposed #school# there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;

(b) that such #school# is located not more than 400 feet from the boundary of a district wherein such #school# is permitted as-of-right;

(c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-#Residential Districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#; and

(d) that the movement of traffic through the #street# on which the #school# is located can be controlled so as to protect children going to and from the #school#. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.

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

73-20 - ADDITIONAL SPECIAL PERMIT USES

LAST AMENDED
5/12/2021

73-201 - Theaters in C1 Districts

LAST AMENDED
5/12/2021

In C1 Districts, the Board of Standards and Appeals may permit theaters with a capacity of not more than 500 persons in a new or existing #building#. In C1-5, C1-6, C1-7, C1-8 and C1-9 Districts, motion picture theaters shall have a minimum of four square feet of waiting area within the #zoning lot# for each seat. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. The Board shall not apply these requirements to any additional motion picture theater created by the subdivision of an existing motion picture theater.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of nearby residential areas.

73-202 - Theaters in M1-5B Districts

LAST AMENDED
5/12/2021

In M1-5B Districts, the Board of Standards and Appeals may permit theaters for a term not to exceed five years, provided that the following findings are made:

(a) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;

(b) that such #use# will not cause undue congestion in local #streets#; and

(c) that such #use# provides a waiting area of adequate size to prevent obstruction of #street# areas and other #uses# within the same or other #building#.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows; provision of sound-lock vestibules; specification of acoustical insulation; maximum size of establishment; number, kinds of amplification of musical instruments or voices; shielding of flood lights; adequate screening; curb cuts, or parking.

73-21 - Automotive Service Stations

LAST AMENDED
12/15/1961

73-211 - Location in C2, C4, C6 or C7 Districts

LAST AMENDED
4/8/1998

In any C2, C4, C6 or C7 District whose longer dimension is 375 feet or more (exclusive of land in #streets#), the Board of Standards and Appeals may permit #automotive service stations#, provided that the following findings are made:

(a) that the site for such #use# has a minimum area of 7,500 square feet; and

(b) that the site for any such #use# which is not located on an arterial highway or a major #street# has a maximum area of 15,000 square feet.

The Board shall prescribe the following conditions:

(1) that any facilities for lubrication, minor repairs or washing are located within a #completely enclosed# #building#;

(2) that the site is so designed as to provide reservoir space for five waiting automobiles within the #zoning lot# in addition to spaces available within an enclosed lubritorium or at the pumps;

(3) that entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #automotive service station# will cause a minimum of obstruction on #streets# or sidewalks;

(4) that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is screened, as the Board may prescribe, by either of the following methods:

(i) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(ii) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of its face is open; and

(5) that #signs#, other than #advertising signs#, shall be subject to the applicable district #sign# regulations, provided that:

(i) in C2 Districts, the provisions of Sections 32-642 (Non-illuminated signs) and 32-643 (Illuminated non-flashing signs) shall be modified to permit non-#illuminated# or #illuminated# non-#flashing signs# with a total #surface area# not exceeding 150 square feet on any #zoning lot#; and

(ii) the provisions set forth in Section 32-652 (Permitted projection in all other Commercial Districts) may be modified in accordance with the provisions of Section 73-212 (Projection of accessory signs).

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and to protect #residential zoning lots# which are adjoining or across the #street#.

73-212 - Projection of accessory signs

LAST AMENDED
12/15/1961

In C2, C4, C6 or C8 Districts, the Board of Standards and Appeals may permit not more than one #sign accessory# to an #automotive service station#, to project across a #street line# more than the amount permitted in Section 32-652 (Permitted projection in all other Commercial Districts), but in no case more than four feet, provided that the following findings are made:

(a) That projection in the amount permitted is required for adequate advance identification of such #automotive service station# to motorists on heavily traveled #streets# in the interests of traffic safety.

(b) That such #sign# conforms to all other applicable district #sign# regulations, and its total #surface area# is not more than 30 square feet.

73-22 - Commercial Beaches

LAST AMENDED
2/2/2011

In C3 Districts, the Board of Standards and Appeals may permit #commercial# beaches for a term not to exceed five years, provided that the Department of Health has certified that the waters may be used for bathing purposes and do not violate safe and acceptable standards of water pollution, and provided further that the Board shall make the following findings:

(a) that such #use# is so located as to minimize interference with the movement and navigation of ships or boats;

(b) that no more than 20 percent of the shore line in any one mapped district is used for such #use#;

(c) that no #accessory# stands for the sale of food or drink shall be located within 100 feet of a #Residence District# boundary, and that the total #floor area# of all such stands shall not exceed 200 square feet; and

(d) that such #use# will not create such traffic congestion as to impair the residential character of the area. The Board shall refer the application to the Department of Traffic for a report as to whether the #use# will create such detrimental traffic congestion that it impairs such residential character.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, or requirements for the shielding of floodlights or adequate screening.

73-23 - Commercial Swimming Pools

LAST AMENDED
2/2/2011

In C3 Districts, the Board of Standards and Appeals may permit #commercial# swimming pools with a pool area of not more than 5,000 square feet for a term not to exceed five years, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and

(b) that such pool is not located within 200 feet of the shore line.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or adequate screening.

73-24 - Eating or Drinking Places

LAST AMENDED
12/18/1980

73-241 - In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5 or M1-5B Districts

■

LAST AMENDED
2/2/2011

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5 or M1-5B Districts, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less, for a term not to exceed 10 years, provided that the following findings are made:

(a) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood;

(b) that such #use# will not cause undue congestion in local #streets#;

(c) that in M1-5B Districts, eating and drinking places shall be limited to not more than 5,000 square feet of floor space;

(d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5 and M1-5B Districts, such #use# shall be subject to the enclosure provisions of Section 32-411; and

(e) that the application is made jointly by the owner of such #building# and the operators of such eating or drinking establishment.

The Board may modify the regulations relating to #signs# in C3 Districts to permit a maximum total #surface area# of 50 square feet of non-#illuminated# or #illuminated# non-#flashing signs#, provided that any #illuminated sign# shall not be less than 150 feet from the boundary of any #Residence District#.

For eating and drinking establishments for which special permits have previously been granted, the term may exceed 10 years at the discretion of the Board.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of floodlights,

adequate screening, curb cuts or parking.

73-242 - In C3 Districts

LAST AMENDED
5/12/2021

In C3 Districts, the Board of Standards and Appeals may permit eating or drinking establishments (including those which provide outdoor table service or musical entertainment but not dancing, with a capacity of 200 persons or less, and including those which provide music for which there is no cover charge and no specified showtime) for a term not to exceed five years, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and

(b) that such #use# will generate a minimum of vehicular traffic to and through local #streets# in residential areas.

The Board may modify the regulations relating to #signs# in C3 Districts to permit a maximum total #surface area# of 50 square feet of non-#illuminated# or #illuminated# non-#flashing signs#, provided that any #illuminated sign# shall not be less than 150 feet from the boundary of any #Residence District#.

For eating and drinking establishments for which special permits have previously been granted, the term may exceed 10 years at the discretion of the Board.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or adequate screening.

73-243 - In C1-1, C1-2 and C1-3 Districts

LAST AMENDED
2/8/1990

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board of Standards and Appeals may permit eating or drinking places (including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, and those which provide outdoor table service) with #accessory# drive-through facilities for a term not to exceed five years, provided that the following findings are made:

(a) the drive-through facility contains reservoir space for not less than 10 automobiles;

(b) the drive-through facility will cause minimal interference with traffic flow in the immediate vicinity;

(c) the eating or drinking place with #accessory# drive-through facility fully complies with the #accessory# off-street parking regulations for the indicated zoning district, including provision of the required number of #accessory# off-street parking spaces for the indicated zoning district (for the purpose of this finding, the waiver provisions of Sections 36-231 and 36-232 shall be inapplicable);

(d) the character of the commercially zoned #street# frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing #commercial uses# contained within such area and to the subject eating or drinking place (excluding the #accessory# drive-through facility portion);

(e) the drive-through facility shall not have an undue adverse impact on #residences# within the immediate vicinity of the

subject premises; and

(f) there will be adequate buffering between the drive-through facility and adjacent #residential uses#.

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

73-244 - In C2, C3, C4*, C6-4**, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District

LAST AMENDED
3/20/2013

In C2, C3, C4*, C6-4**, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

(a) that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;

(b) that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;

(c) that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;

(d) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;

(e) that such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code; and

(f) that the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

Any violation of the terms of a special permit may be grounds for its revocation.

* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue

73-25 - Children's Amusement Parks

LAST AMENDED
2/2/2011

In C8 or M1 Districts, the Board of Standards and Appeals may permit children's amusement parks with an area of at least 10,000 square feet but not more than 75,000 square feet, for a term not to exceed five years, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area;

(b) that the principal vehicular access for such #use# is not located on a local #street# or on an arterial highway;

(c) that such #use# is not located within 400 feet of a #Residence District#;

(d) that vehicular entrances and exits for such #use# are provided separately, and that no entrance is located less than 50 feet from any exit; and

(e) that such #use# will not cause traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such #use# is so located as to minimize vehicular traffic to and through local #streets# in residential areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, or requirements for shielding of floodlights, adequate screening, or surfacing all access roads or driveways.

73-26 - Funeral Establishments

LAST AMENDED
2/2/2011

In C1 or C4 Districts, the Board of Standards and Appeals may permit funeral establishments provided that the following findings are made:

(a) that there are serious difficulties involved in locating within a district wherein such #use# is permitted as-of-right and from which it could serve the needs of its prospective clientele, which make it necessary to locate such #use# within a C1 or C4 District;

(b) that the site for such #use# is so located as to cause minimum interruption of the continuity of the frontage devoted to retail shopping #uses#. In determining whether the #use# will cause only minimum interruption of such retail frontage, the Board may make a favorable finding on the ground that there exists a substantial number of other incompatible #uses# interrupting such frontage within 200 feet on either side of the proposed site (not including land in #streets#); and

(c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

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

73-27 - Newspaper Publishing

LAST AMENDED
2/2/2011

In C6 Districts, the Board of Standards and Appeals may permit newspaper publishing establishments provided that the following findings are made:

(a) that such #use# will not cause undue traffic congestion in local #streets#;

(b) that such #use# is not located within 200 feet of a #Residence District#; and

(c) that such #use# shall conform to all performance standards applicable in M1 Districts.

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

73-28 - Utilization of Explosives in Manufacturing Processes

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the Board of Standards and Appeals may permit the utilization of Class IV explosives, as defined in Section 42-272 (Classifications), in manufacturing processes or other production and storage #accessory# thereto, provided that the following findings are made:

(a) that such manufacture is carried on within #completely enclosed# #buildings or other structures# whose exterior walls are of incombustible materials;

(b) that such #buildings or other structures# are protected throughout by an automatic fire extinguishing system which meets all requirements set forth in the Administrative Code of the City of New York; and

(c) that such utilization and the storage #accessory# thereto complies with all additional applicable provisions of the Administrative Code and all rules and regulations of the Fire Department.

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

73-30 - Radio or Television Towers

LAST AMENDED
12/15/1961

In all districts, the Board of Standards and Appeals may permit non-#accessory# radio or television towers, provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood.

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

73-31 - Sand, Gravel or Clay Pits

LAST AMENDED
12/15/1961

73-311 - General provisions

LAST AMENDED
4/23/1964

In all districts, the Board of Standards and Appeals may permit, for a term not to exceed 10 years, the extraction of sand, gravel, or clay from a #zoning lot# which is limited in size to a maximum of 50 acres and which is located not less than 1,000 feet from the nearest boundary of any #zoning lot# 10 acres or more in area used for such extraction, provided that the Board finds that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area, and provided that the following conditions are met:

(a) that the applicant submits a site plan showing the proposed extent and depth of the area to be excavated, together with the certification of the Department of Buildings that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby #streets#, sewers, #buildings or other structures#, or installations;

(b) that the applicant submits a plan for the rehabilitation of the #zoning lot# to be undertaken after the completion of the excavation operations which is satisfactory to the Board, and posts a bond, in an amount to be determined by the Board, for the performance of such rehabilitation;

(c) that the entire perimeter of the #zoning lot#, except for necessary truck roads, is fenced, including locked gates, so as to prevent children from gaining access to the excavated areas;

(d) that one #accessory# off-street parking space is provided for every 2,000 square feet of #lot area# or for every three employees, whichever shall require a lesser number of spaces; and

(e) that the performance standards for M1 Districts shall apply to such operations in all districts other than M2 or M3 Districts, where the applicable performance standards shall govern.

73-312 - Conditions on operation

LAST AMENDED
12/15/1961

The Board of Standards and Appeals shall impose the following conditions on the method of operation of such #uses#:

(a) that all drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.;

(b) that the emission of process dust either from the area of operations or from the excavated materials themselves shall be minimized by frequent watering or by such other means as the Board shall direct;

(c) that the warning notices respecting unlawful entry shall be posted on the fence, and that a watchman shall be stationed on the premises to police the entire area after normal working hours and on weekends and holidays; and

(d) that excavation operations shall be undertaken in such manner as to avoid the creation of undrained pockets and the formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed in accordance with the requirements of the Department of Health to eliminate breeding places for mosquitoes or other insects.

The Board may prescribe additional appropriate conditions and safeguards to protect the public health, safety and general welfare during the period between the cessation of operations and the final rehabilitation of the site in accordance with approved plans.

73-32 - Manufacture of Gaseous or Liquid Oxygen

LAST AMENDED
10/11/1962

In M3 Districts, the Board of Standards and Appeals may permit the manufacture of gaseous or liquid oxygen provided that such manufacture complies with all the applicable provisions of the Administrative Code of the City of New York and all rules and regulations of the Fire Department.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including adequate buffering.

73-33 - Storage of Non-flammable Liquids

LAST AMENDED
8/21/1969

In M1 Districts, the Board of Standards and Appeals may permit the storage of non-flammable liquids in tanks to be located no closer than 100 feet from a #Residence District# boundary.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including adequate buffering.

73-34 - Fire Stations in Prefabricated Temporary Structures

LAST AMENDED
2/13/1970

In all #Residence Districts# except R1, R2, R3 and R4 Districts, the Board of Standards and Appeals may permit, for a term of five years, fire stations in prefabricated temporary structures, provided that such #use# is located in a high fire incidence area as designated by the Fire Department.

For fire stations in prefabricated temporary structures, in all #Residence Districts# except R1, R2, R3 and R4 Districts and in all #Commercial# and #Manufacturing Districts#, the Board may permit modifications of the applicable regulations in Sections 23-40 to 23-55, inclusive, Sections 33-20 to 33-31, inclusive, and Sections 43-20 to 43-22, inclusive, relating to Yard Regulations.

73-35 - Amusement Arcades

LAST AMENDED
4/8/1998

In C4-1 Districts, or in M2 or M3 Districts which contain shopping centers on March 4, 1976, the Board of Standards and Appeals may permit amusement arcades to be located within shopping centers for a term of one year, provided the following findings are made:

(a) that the application for the special permit is a joint application made by the management of such shopping center and the operator of the proposed amusement arcade;

(b) that such amusement arcade will be beneficial to the other #uses# located within the shopping center; and

(c) that the #use# is so located within the shopping center that no entrance and no #sign# fronts upon or faces a #street#.

The special permit may be renewed for subsequent one year terms provided the Board finds that the facts upon which the special permit was granted have not substantially changed.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on hours of operation or requirements for security and supervision.

73-40 - MODIFICATIONS OF USE OR PARKING REGULATIONS

LAST AMENDED
7/22/1971

73-41 - General Provisions

LAST AMENDED
12/17/1987

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-42 to 73-53, the Board of Standards and Appeals shall have the power to permit modification of #use# or parking regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

73-42 - Enlargement of Uses Across District Boundaries

LAST AMENDED
1/28/1965

In all districts, the Board of Standards and Appeals may permit the expansion of a conforming #use# located within a #building or other structure# into a district where such #use# is not permitted, provided that the #enlarged use# is contained within a single #block# and the expansion of either the depth or the width of the conforming #use# is no greater than 50 percent of either the depth or width, respectively, of that portion of the #zoning lot# located in the district where such #use# is a conforming #use#, but in no case shall the area of the expansion exceed 50 percent of the area of the #zoning lot# located in the district where such #use# is a conforming #use#, and provided further that the following findings are made:

(a) there is no reasonable possibility of expanding such #use# within the existing district where it is a conforming #use#;

(b) such conforming #use# was in existence prior to January 6, 1965, or the date of any applicable subsequent amendment to the #zoning maps#; and

(c) such expanded #use# is not so situated or of such character or size as to impair the essential character or the future use or development of the surrounding area.

In the case of a #use# which, at the time of application to the Board under the provisions of this Section, is already partially located in the more restricted district, where it is a #non-conforming use#, or which has extended into such district in accordance with the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot), the maximum expansion to be permitted under the provisions of this Section shall be computed as 50 percent of the width or depth of that portion of the #zoning lot# located within the mapped boundary of the district where such #use# is a conforming #use#, and shall be measured from such mapped district boundary.

In every case where the Board permits such expansion, the #building or other structure#, or portion thereof, situated on the expanded portion of the #zoning lot# shall comply on such expanded portion with the applicable #bulk# regulations of the district in which such #use# is a conforming #use# and, subject to such compliance on the expanded portion of the #zoning lot#, the Board may permit such conforming #use#, even when located in an existing #building or other structure# which is #non-complying#, to expand across the district boundary in accordance with the provisions of this Section.

All the applicable regulations of the district in which such #use# is a conforming #use# shall apply on the entire #zoning lot#, or

any portion thereof, to be occupied by such #use# and any special regulation applying along district boundaries shall apply along #rear# and #side lot lines# of the expanded #zoning lot#.

Where #yard# regulations are applicable, the Board may permit the expanded area to include, in addition to area permitted under other provisions of this Section, such area as is necessary for the required #yards#. However, such additional area shall not be counted as #lot area# for purposes of #bulk# computations.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the district including requirements for adequate screening.

73-43 - Reduction of Parking Spaces

LAST AMENDED
9/9/2004

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions), in accordance with the applicable provisions of Sections 73-431 through 73-435 for the reduction of parking spaces.

73-431 - Reduction of parking spaces for houses of worship

LAST AMENDED
9/9/2004

In all districts, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for houses of worship, provided:

(a) the house of worship will be operated or utilized in such a manner as to reduce demand for on-site parking; and

(b) such reduction is commensurate with the reduced demand for on-site parking.

Factors to be considered by the Board may include, without limitation, the size of the congregation, the frequency and time of worship services and other events, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-432 - Reduction of parking spaces for places of assembly

LAST AMENDED
2/2/2011

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category D (Places of Assembly) whenever such #uses# are located on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds:

(a) that the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the place of assembly during the entire period that such place of assembly remains in #use#; and

(b) that, in accordance with submitted schedules of the times of operation for all #uses# on the #zoning lot#, there will be no conflict in the #use# of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for places of assembly is therefore not needed. The permit to reduce such spaces shall be

automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

73-433 - Reduction of existing parking spaces for income-restricted housing units

LAST AMENDED3/22/2016

For #zoning lots# within the #Transit Zone# with #buildings# containing #income-restricted housing units# in receipt of a certificate of occupancy prior to March 22, 2016, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of #accessory# off-street parking spaces required for such #income-restricted housing units# prior to March 22, 2016, provided that the Board finds that such waiver or reduction will:

(a) facilitate an improved site plan;

(b) facilitate the creation or preservation of affordable housing, where a #development# includes new #residential floor area# on the #zoning lot#;

(c) not cause traffic congestion; and

(d) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-434 - Reduction of existing parking spaces for affordable independent residences for seniors

LAST AMENDED3/22/2016

For #zoning lots# outside the #Transit Zone# with #buildings# containing #affordable independent residences for seniors# in receipt of a certificate of occupancy prior to March 22, 2016, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required for such #affordable independent residences for seniors# prior to March 22, 2016, provided that the Board finds that:

(a) such reduction will facilitate an improved site plan;

(b) any new #dwelling units# created on the portion of the #zoning lot# previously occupied by such parking spaces will be #income-restricted housing units#;

(c) such reduction will not cause traffic congestion; and

(d) such reduction will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

Any permitted reduction shall be in compliance with the parking requirement for #affordable independent residences for seniors# developed after March 22, 2016, as set forth in Section 25-252.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area and the proximity to public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-435 - Reduction of parking spaces for other government-assisted dwelling units

LAST AMENDED3/22/2016

In all districts in the #Transit Zone#, the Board of Standards and Appeals may permit a waiver of, or reduction in, the number of required #accessory# off-street parking spaces required for government-assisted #dwelling units# subject to restrictions on rents in #developments# or #enlargements#, provided that the conditions and findings set forth in this Section are met.

As a condition for such waiver or reduction, at least 20 percent of all #dwelling units# in such #development# or #enlarged building# shall be #income-restricted housing units#, and an additional 30 percent of all #dwelling units# in such #development# or #enlarged building# shall be subject to a legally binding restriction limiting rents as prescribed by a City, State, or Federal agency, law, regulation, or regulatory agreement, for a period of not less than 30 years.

In order to grant such permit, the Board shall find that such waiver or reduction will:

(a) facilitate such #development# or #enlargement#;

(b) not cause traffic congestion; and

(c) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

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

73-44 - Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1

LAST AMENDED
9/9/2004

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14 or 16 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by ambulatory diagnostic or treatment facilities listed in Use Group 4 or #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR AMBULATORY DIAGNOSTIC OR TREATMENT FACILITIES LISTED IN USE GROUP 4 AND COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking Spaces Required per Number of Square Feet of #Floor Area# *	Districts

1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

* For ambulatory diagnostic or treatment facilities listed in Use Group 4, parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space used for storage

73-45 - Modification of Off-site Parking Provisions

LAST AMENDED
5/8/2013

In all districts, the Board of Standards and Appeals may modify the provisions regulating the location of #accessory# off-street parking spaces provided off the site, in accordance with the provisions of this Section which are applicable in the specified district. However, in no event shall #accessory# off-street parking spaces be permitted off-site in a #public parking garage#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

In all cases, the Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-451 - For residences

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit off-site spaces #accessory# to #residences# or to #non-profit hospital staff dwellings# to be located in any district except an R1 or R2 District, or at a greater distance from the #zoning lot# than the maximum distance specified in the applicable district regulations, provided that the following special findings are made:

(a) that the required #accessory# on-street parking spaces cannot reasonably be provided on the #zoning lot# because of physical conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions;

(b) that within the maximum permitted radius for off-site parking or within a district other than a #Residence District#, there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces because such sites are occupied by substantial improvements;

(c) that where such spaces are located at a greater distance from the #zoning lot# than the maximum distance permitted by the district regulations, such distance is not greater than as shown in the following table for the specified districts; and

Maximum Distance (in feet)	Districts
1,200	R3 R4 R5 R6 R7-1 R7B C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3
1,500	R7-2 R7A R7X R8 R9 R10 C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

(d) that where such off-site spaces are located in a #Residence District#, they are so located as not to impair the essential character or the future use or development of the nearby residential neighborhood.

73-452 - For community facilities in Residence Districts

LAST AMENDED
6/27/1963

The Board of Standards and Appeals may permit off-street parking spaces #accessory# to a #community facility# #use# other than a #non-profit hospital staff dwelling#, which #use# is located in an R1, R2, R3 or R4 District, to be provided off-site and located in any district, or may permit off-street parking spaces #accessory# to a #community facility# #use# other than a #non-profit hospital staff dwelling#, which #use# is located in any other #Residence District#, to be provided off-site and located in an R1, R2, R3 or R4 District or located in any other #Residence District# at a greater distance from the #zoning lot# than the maximum distance specified in Section 25-53 (Off-site Spaces for Permitted Non-residential Uses), provided that in such instances, all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #use#, and provided further that the following special findings are made:

(a) that where such spaces are located in an R1 or R2 District, the #community facility# #use# to which they are #accessory# is a #use# permitted as-of-right in such district;

(b) that there is no way to arrange such spaces on the same #zoning lot# as such #use#;

(c) that such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontage; and

(d) either that such spaces are located on an adjoining #zoning lot# or a #zoning lot# directly across the #street# from such #use# or, if such spaces are not so located, that there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces on an adjoining #zoning lot# or a #zoning lot# directly across the #street# from such #use# or in a location where such off-site spaces would be permitted as-of-right, because such sites are occupied by substantial improvements.

73-453 - For non-residential uses in Commercial or Manufacturing Districts

LAST AMENDED
6/27/1963

For non-#residential uses#, other than #non-profit hospital staff dwellings#, the Board of Standards and Appeals may extend the maximum permitted radius for off-site parking spaces located in #Commercial# or #Manufacturing Districts#, as specified in Sections 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-43 (Off-site Spaces for Commercial or Community Facility Uses) or 44-32 (Off-site Spaces for All Permitted Uses), from 600 to 1,200 feet, whenever the Board finds:

(a) that the required #accessory# off-street parking spaces cannot reasonably be provided on the #zoning lot# because of physical conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions; and

(b) that, within 600 feet of a boundary of the #zoning lot#, there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces because such sites are occupied by substantial improvements.

73-454 - For houses of worship

LAST AMENDED
9/9/2004

The Board of Standards and Appeals may modify, as applicable, the provisions of Sections 25-53 (Off-site Spaces for Permitted Non-residential Uses), 25-542 (Shared parking facilities for houses of worship), 36-43 (Off-site Spaces for Commercial or Community Facility Uses), 36-442 (Shared parking facilities for houses of worship), 44-32 (Off-site Spaces for All Permitted Uses) or 44-332 (Shared facilities for houses of worship), relating to the maximum permitted distance of the location of #accessory# off-street parking spaces for houses of worship, provided that in such instances all such spaces shall be not further than 1,000 feet from the nearest boundary of the #zoning lot# containing such house of worship, upon finding that:

(a) such spaces conform to all applicable regulations of the district in which they are located; and

(b) the location of such spaces will not result in undue traffic congestion in the area.

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

73-46 - Waiver of Requirements for Conversions

LAST AMENDED
2/2/2011

In R6 or R7-1 Districts, in C1 or C2 Districts mapped within R6 or R7-1 Districts, or in C4-2 or C4-3 Districts, where the number of #accessory# off-street parking spaces required for additional #dwelling units# created by #conversions# of any kind exceeds the number of spaces which may be waived as of right under the provisions of Sections 25-262 (For conversions), 36-363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) or 36-364 (For conversions in C4 Districts), the Board of Standards and Appeals may waive all or part of the required spaces, provided that the Board finds that there is neither a practical possibility of providing such spaces:

(a) on the same #zoning lot# because of insufficient #open space# and the prohibitive cost of structural changes necessary to provide the required spaces within the #building#; nor

(b) on a site located within 1,200 feet of the nearest boundary of the #zoning lot# because all sites within such radius are occupied by substantial improvements.

73-47 - Rental of Accessory Off-Street Parking Spaces to Non-Residents

LAST AMENDED
5/8/2013

In C1 or C5 Districts, for a term not to exceed five years, the Board of Standards and Appeals may permit off-street parking spaces #accessory# to #residences# or #non-profit hospital staff dwellings# to be rented for periods of less than one week, to persons who are not occupants of such #residences# or #non-profit hospital staff dwellings#, provided that such rental of spaces conforms to the provisions set forth in Section 36-46 (Restrictions on Use of Accessory Off-street Parking Spaces) and that the following special findings are made:

(a) that the number of spaces to be rented or the location of access, thereto, is such as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;

(b) that the total number of spaces to be rented to non-residents does not exceed 100; and

(c) that where the total number of spaces to be rented to non-residents exceeds 20, reservoir space is provided at the vehicular entrance to accommodate 10 automobiles or 20 percent of the spaces so rented, whichever amount is less.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

73-48 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
5/8/2013

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

73-481 - For hospitals and related facilities in Residence Districts

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces for hospitals and related facilities in all #Residence Districts#, provided that the following findings are made:

(a) that such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(b) that such facility has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 20 automobiles; and

(c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for locations of entrances and exits or for shielding of floodlights.

73-482 - In Commercial or Manufacturing Districts

LAST AMENDED
6/27/1963

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:

(a) that such facility, if #accessory# to a non-#residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and

(b) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.

73-49 - Roof Parking

LAST AMENDED
6/27/1963

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the Board of Standards and Appeals may permit the parking or storage of motor vehicles on the roof of a #public parking garage# with a total of 150 spaces or less and, in all districts, the Board may permit modifications of the applicable provisions of Sections 25-11, 36-11 or 44-11 (General Provisions) so as to permit #accessory# off-street parking spaces to be located on the roof of a #building#. As a condition of permitting such roof parking, the Board shall find that the roof parking is so located as not to impair the essential character or the future use or development of adjacent areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for setback of roof parking areas from #lot lines#, or for shielding of floodlights.

73-50 - SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED
6/12/1996

In appropriate cases, for #zoning lots# with single frontage, the Board of Standards and Appeals may permit primary business entrances, #show windows#, or #signs# not otherwise permitted under the provisions of Section 32-51 or 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided that in no case shall any such primary business entrance, #show window# or #sign# be permitted within 10 feet of a #Residence District# boundary.

In addition, in appropriate cases, the Board may waive the requirements for #rear yards# or #side yards# set forth in Sections 33-29 or 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) or the requirements for #front yards# as set forth in Section 34-233 (Special provisions applying along district boundaries).

It is further provided that, in appropriate cases, the Board may waive in whole or in part the #front yard# requirement set forth in Section 43-304 (Required front yards along district boundary located in a street) after finding that such waiver will not have an adverse effect on the surrounding area. The Board shall prescribe appropriate conditions and safeguards to preserve and enhance the character of the surrounding area, and to ensure the maintenance of resulting #front yards#.

73-51 - Modification of Supplementary Use Regulations

LAST AMENDED
8/22/1963

In C1, C2, C3, C4, C5, C6 or C7 Districts, the Board of Standards and Appeals may permit public utility radio or television facilities which do not comply with the applicable provisions of Section 32-42 (Location Within Buildings) to be located on the top #story# or the roof of a #building# and may prescribe appropriate conditions and safeguards to minimize adverse effects on #uses# occupying lower #stories# or on the character of the surrounding area.

In addition, the Board may permit public utility antennas, microwave platforms and dishes or other radio or television equipment to penetrate the maximum height limit or the #sky exposure plane# set forth in Section 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks) provided that such equipment shall not exceed 20 feet in height.

73-52 - Modifications for Zoning Lots Divided by District Boundaries

LAST AMENDED
6/25/1964

Whenever a #zoning lot# existing in single ownership on December 15, 1961, or on the effective date of any applicable subsequent amendment to the #zoning maps# is divided by a boundary between two or more districts in which different #uses# are permitted, the Board of Standards and Appeals may permit a #use# which is a permitted #use# in the district in which more than 50 percent of the #lot area# of the #zoning lot# is located to #extend# not more than 25 feet into the remaining portion of the #zoning lot#, where such #use# is not a permitted #use#, provided that the following findings are made:

(a) that, without any such extension, it would not be economically feasible to use or #develop# the remaining portion of the #zoning lot# for a permitted #use#; and

(b) that such extension will not cause impairment of the essential character or the future use or development of the surrounding area.

Where such an extension of a #use# is permitted, the Board may permit the #bulk#, off-street parking and loading, and all other regulations of the district in which more than 50 percent of the #lot area# of the #zoning lot# is located, to apply for the distance, not exceeding 25 feet, that such #use# is permitted to #extend# into the remaining portion of the #zoning lot#.

Any portion of the #zoning lot# beyond such distance shall be subject to all the regulations of the district in which it is located, and shall not be counted as #lot area# for a #building or other structure#, or portion thereof, used for such #extended use#.

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

73-53 - Enlargements or Extensions of Certain Manufacturing or Related Uses

LAST AMENDED
2/2/2011

(a) In all districts, the Board of Standards and Appeals may modify #use# and #bulk# regulations to permit the #enlargement# or #extension# of #floor area# of a conforming or #non-conforming# #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), provided that:

(1) such #use# is not subject to termination pursuant to Section 52-70, et seq.;

(2) the #use# for which such special permit is being sought has been lawfully located on the #zoning lot# on which the expansion is to occur, or a portion thereof, for five years or more;

(3) the #building# in which such #use# is located has not previously been #enlarged#, pursuant to Sections 11-412, 43-121 or 72-21;

(4) the #use# is not listed in Use Group 18; and

(5) in a #Residence District#, such #enlargement# or #extension# shall be permitted in existing #floor area# or on a vacant portion of a #zoning lot# only when no lawful #residential use# has occupied such #floor area# or vacant portion of a #zoning lot# at any time during the five years prior to the date of application for such special permit.

(b) Any #enlargement# or #extension# permitted pursuant to this Section shall be subject to the following requirements:

(1) the permitted #enlargement# or #extension# may be the greater of:

(i) 45 percent of the #floor area# occupied by such #use# on December 17, 1987; or

(ii) 2,500 square feet additional to the #floor area# occupied by such #use# on December 17, 1987.

In no event shall the amount of #enlargement# or #extension# under paragraph (b)(i) of this Section exceed 10,000 square feet additional to the #floor area# occupied by such #use# on December 17, 1987;

(2) unless the #zoning lot# is located within an M2 or M3 District, more than 300 feet from a #Residence District# boundary, any #enlarged# or #extended# portion, or activity generated by such #enlargement# or #extension#, including storage and processing, shall be in #completely enclosed# #buildings#;

(3) in the case of a #non-conforming# #use#, such #enlarged# or #extended use# shall conform to all performance standards applicable in an M1 District located at the boundary with a #Residence District#; however, conforming #uses# shall conform to the applicable performance standards of the district in which they are located;

(4) no open #uses# of any kind, including storage or processing, shall be permitted within 30 feet of a #rear lot line# that is located within a #Residence District# or within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(5) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(6) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(7) no open #uses# of any kind, including storage or processing, shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(8) no #enlargement# or #extension#, or open #uses# of any kind, including storage or processing, shall be permitted

within eight feet of the #lot line# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District; and

(9) no #side yard# shall be required in an R6, R7, R8, R9 or R10 District or in a #Commercial District# or #Manufacturing District#; however, if such #side yard# is provided, it must be at least eight feet in width.

(c) In granting such special permit, the Board shall find:

(1) that such #enlargement# or #extension# will not generate significant increases in vehicular or pedestrian traffic nor cause congestion in the surrounding area;

(2) that there will be adequate parking for any vehicles generated by such #enlargement# or #extension#;

(3) that any required #side yard# shall be suitably landscaped or fenced as the Board shall prescribe;

(4) that any #accessory# parking or loading generated by such #enlargement# or #extension# shall be suitably buffered from adjacent #uses# by methods that the Board shall prescribe; and

(5) that the special permit, if granted, will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future use or development of the surrounding area.

The Board may prescribe appropriate conditions and safeguards including, if appropriate, limitations on hours of parking and delivery, requirements for off-street loading, and location of curb cuts to minimize adverse effects of the #enlargement#, #extension# or existing #uses# on the character of the surrounding area, and to protect #residential# or #commercial zoning lots#.

73-60 - MODIFICATIONS OF BULK REGULATIONS

LAST AMENDED
7/22/1971

73-61 - General Provisions

LAST AMENDED
5/13/1982

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-62 to 73-68 inclusive, the Board of Standards and Appeals shall have the power to permit modification of the #bulk# regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit modification of the #bulk# regulations are made inapplicable in accordance with the provisions of Section 81-061 (Applicability of Chapter 3 of Article VII).

73-62 - Modification of Bulk Regulations for Buildings Containing Residences

LAST AMENDED
2/2/2011

73-621 - Enlargement, change of use, or extension within buildings containing residential uses

LAST AMENDED
2/2/2011

For a complying or #non-complying# #building# existing on December 15, 1961, or in R2X, R3, R4 or R5 Districts on June 30, 1989, and containing #residential uses#, the Board of Standards and Appeals may permit an #enlargement#, a change of #use# or (in the case of a #mixed building#) an #extension#, provided that such #enlargement#, change of #use# or #extension# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In the districts and for the #buildings# for which an #open space ratio# is required, the #open space ratio# permitted under this Section shall not be less than 90 percent of the #open space ratio# required under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In the districts and for the #buildings# to which a maximum #lot coverage# applies, the maximum #lot coverage# permitted under this Section shall not exceed 110 percent of the maximum #lot coverage# permitted under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under such regulations by more than 10 percent. In R2X, R3 or R4 Districts, the additional #floor area# permitted pursuant to this Section may be computed using a base #floor area ratio# including the #floor area# permitted under a sloping roof with a structural headroom between five and eight feet when such space is provided in the #building#.

73-622 - Enlargements of single- and two-family detached and semi-detached residences

LAST AMENDED
5/12/2021

The Board of Standards and Appeals may permit an #enlargement# of an existing #single-# or #two-family# #detached# or #semi-detached# #residence#, except #cottage envelope buildings# as such term is defined in Section 64-11 (Definitions), utilizing the provisions of Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings), within the following areas:

(a) Community Districts 11 and 15, in the Borough of Brooklyn;

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn; and

(c) within Community District 10 in the Borough of Brooklyn, after October 27, 2016, only the following applications, Board of Standards and Appeals Calendar numbers 2016-4218-BZ, 234-15-BZ and 2016-4163-BZ, may be granted a special permit pursuant to this Section. In addition, the provisions of Section 73-70 (LAPSE OF PERMIT) and paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), shall not apply to such applications and such special permit shall automatically lapse and shall not be renewed if substantial construction, in compliance with the approved plans for which the special permit was granted, has not been completed within two years from the effective date of issuance of such special permit.

Such #enlargement# may create a new #non-compliance#, or increase the amount or degree of any existing #non-compliance#, with the applicable #bulk# regulations for #lot coverage#, #open space#, #floor area#, #side yard#, #rear yard# or perimeter wall height regulations, provided that:

(1) any #enlargement# within a #side yard# shall be limited to an #enlargement# within an existing #non-complying# #side yard# and such #enlargement# shall not result in a decrease in the existing minimum width of open area between the #building# that is being #enlarged# and the #side lot line#;

(2) any #enlargement# that is located in a #rear yard# is not located within 20 feet of the #rear lot line#; and

(3) any #enlargement# resulting in a #non-complying# perimeter wall height shall only be permitted in R2X, R3, R4, R4A

and R4-1 Districts, and only where the #enlarged building# is adjacent to a #single-# or #two-family# #detached# or #semi-detached# #residence# with an existing #non-complying# perimeter wall facing the #street#. The increased height of the perimeter wall of the #enlarged building# shall be equal to or less than the height of the adjacent #building's# #non-complying# perimeter wall facing the #street#, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the #enlarged# #building# will not alter the essential character of the neighborhood or district in which the #building# is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-623 - Bulk modifications for certain Quality Housing buildings on irregular sites

LAST AMENDED3/22/2016

For #developments# or #enlargements# of #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the Board of Standards and Appeals may modify the underlying #bulk# regulations, other than #floor area ratio#, provided that in no event shall such #building# height or the number of #stories# therein exceed those set forth in paragraph (b) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), and provided that the Board finds that:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or topographical features that create practical difficulties in complying with the #bulk# regulations for #Quality Housing buildings# and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#;

(d) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(e) the requested modification is the least amount necessary to relieve such practical difficulties.

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

73-624 - Reduction or modification of Mandatory Inclusionary Housing requirements

LAST AMENDED
3/22/2016

For a #development#, #enlargement# or #conversion# subject to the provisions of paragraph (d)(3), inclusive, of Section 23-154 (Inclusionary Housing), the Board of Standards and Appeals may, upon determining that a hardship that is specifically created by the requirements of such Section exists, modify the income levels specified for #qualifying households#, reduce the amount of #affordable floor area# required or reduce the amount of a payment into the #affordable housing fund#, provided the Board finds that:

(a) the applicant has applied for any appropriate relief for which such #development#, #enlargement# or #conversion# is

eligible for any financial hardship or practical difficulty not specifically created by the requirements of Section 23-154, paragraphs (d)(3)(i) through (d)(3)(v) and (d)(5);

(b) such requirements for #affordable housing# or a contribution to an #affordable housing fund# create an unnecessary hardship, with no reasonable possibility that a #development#, #enlargement# or #conversion# on the #zoning lot# in strict compliance with the provisions of Section 23-154, paragraphs (d)(3)(i) through (d)(3)(v) and (d)(5), and Section 23-90 (INCLUSIONARY HOUSING), inclusive, will bring a reasonable return, and that a modification or reduction of these requirements is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; and

(c) the unnecessary hardship claimed as a basis for such modification or reduction has not been created by the owner or by a predecessor in title.

In determining whether a hardship exists, the Board shall consider whether alternative permitted #uses#, or alternative forms of housing tenure would bring a reasonable return from the #zoning lot#.

The Board may modify #affordable housing# requirements set forth in Section 23-154, paragraphs (d)(3)(i) through (d)(3)(iv) and (d)(5), to permit appropriate relief as follows.

First, the Board shall determine whether compliance with the requirements of Option 1, Option 2 or the Deep Affordability Option, as set forth in Section 23-154, paragraphs (d)(3)(i), (d)(3)(ii) and (d)(3)(iii), respectively, where not otherwise permitted, provides sufficient relief.

If the Board does not so find, the Board shall next determine whether compliance with the requirements of the Workforce Option, as set forth in Section 23-154, paragraph (d)(3)(iv), where not otherwise permitted, provides sufficient relief.

If the Board does not so find, the Board, in consultation with the Department of Housing Preservation and Development, shall determine a modification or reduction of the requirements of Section 23-154, paragraph (d)(3)(i) through (d)(3)(iv) and (d)(5), that represents the minimum necessary modification or reduction to afford relief.

In addition, the Board, in consultation with the Department of Housing Preservation and Development, may permit a modification or reduction of the requirements of Section 23-154, paragraph (d)(3)(v) that represents the minimum necessary modification or reduction to afford relief.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board. Before the Board issues a final determination on any application made pursuant to this Section, #HPD# shall submit comment or appear before the Board regarding such application.

A special permit pursuant to this Section shall lapse after a term of four years, pursuant to Section 73-70 (LAPSE OF PERMIT). When considering an application for renewal of a special permit pursuant to paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), the Board shall consult with #HPD# in determining whether the circumstances warranting the original grant of such permit still obtain, and may renew, modify, or deny the application for renewal, as appropriate.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

73-625 - Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District

LAST AMENDED12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, for #conversions# from non-#residential# to #residential use# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to paragraph (d)(3)(v) of Section 23-154 (Inclusionary Housing), the Board of Standards and Appeals may permit a contribution to the #affordable housing fund# pursuant to such paragraph to satisfy the requirements of paragraph (d)(3), inclusive, of such Section, provided that the Board finds that:

(a) the configuration of the #building# imposes constraints, including, but not limited to, deep, narrow or otherwise irregular #building# floorplates, limited opportunities to locate #legally required windows#, or pre-existing locations of vertical circulation or structural column systems, that would create practical difficulties in reasonably configuring the required #affordable floor area# into a range of apartment sizes and bedroom mixes serving a number of lower-income residents comparable to what such quantity of #affordable floor area# would serve in a more typical configuration, pursuant to the #guidelines# of the Inclusionary Housing Program. Before the Board issues a final determination on any application made pursuant to this Section, the Department of Housing Preservation and Development shall submit comment or appear before the Board regarding this finding;

(b) the practical difficulties existed on December 15, 2021.

For the purposes of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

73-63 - Enlargement of Non-residential Buildings

LAST AMENDED
2/2/2011

For a complying or #non-complying# #non-residential building# existing on December 15, 1961, the Board of Standards and Appeals may permit an #enlargement#, provided that such #enlargement# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under the applicable #bulk# regulations set forth in Article II, III or IV of this Resolution by more than 10 percent, or 10,000 square feet, whichever is less.

73-64 - Modifications for Community Facility Uses

LAST AMENDED
9/9/2004

On a #zoning lot# occupied by any of the #community facility# #uses# specified in this Section, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility# #uses# are:

College or school student dormitories or fraternity and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools

Community centers

Houses of worship, rectories, parish houses or seminaries

Libraries, museums or non-commercial art galleries

Monasteries, convents or novitiates

#Non-profit hospital staff dwellings#

Non-profit or voluntary hospitals and related facilities

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

#Schools#.

73-641 - Integration of new buildings or enlargements with existing buildings

LAST AMENDED
11/30/2017

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-50 through 24-55, inclusive, paragraphs (b) through (d) of Section 24-56, Sections 33-40 through 33-45, inclusive, or Sections 43-41 through 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 through 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility# #use#, from December 15, 1961, until the time of application. However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Sections 24-50 and 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

As a condition of granting such modification, the Board shall find:

(a) that such modification is required in order to enable such #use# to provide an essential service to the community;

(b) that without such modification there is no way to design and construct the new #buildings# or #enlargements# in satisfactory physical relationships to the existing #buildings# which are to remain upon the site, so as to produce an integrated development; and

(c) that such modification is the minimum modification necessary to permit the development of such integrated community facility, and thereby creates the least detriment to the character of the neighborhood and the use of nearby #zoning lots#.

73-642 - Temporary failure to comply

LAST AMENDED
2/2/2011

In any district where such a specified #community facility# #use# is permitted, and on any #zoning lot# where one or more #buildings# occupied by such #use# exist on the date of application for the special permit, the Board of Standards and Appeals may permit #development# or #enlargements# which, only because of the continued existence of such #buildings# on a temporary basis, fail to comply with one or more of the applicable district #bulk# regulations, provided that the Board finds that continued use of the existing #buildings# is essential as a service to the community until the new construction makes it possible to replace the facilities contained therein.

The Board shall prescribe as a condition of such permit that such existing #buildings# will be removed within a stated period of time not to exceed two years after completion of the #development# or #enlargement#.

73-643 - Community centers

LAST AMENDED
2/2/2011

In any such #development# or #enlargement# consisting of a community center serving primarily the residents of the #zoning lot#, the Board of Standards and Appeals may permit the density regulations set forth in Sections 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACUILITY USES) or 35-40 (APPLICABILITY OF DENSITY REGULATIONS) to be modified, provided that the total number of #dwelling units# permitted by these Sections and all other applicable #bulk# regulations set forth in Articles II and III of this Resolution shall not be increased by more than 10 percent.

73-65 - Enlargement of Public Utility Facilities

LAST AMENDED
3/8/1962

The Board of Standards and Appeals may permit an #enlargement# which does not comply with the applicable district #bulk# regulations for any #building or other structure# existing on December 15, 1961, within which any one of the following public utilities is located:

Electric or gas utility substations

Telephone exchanges or other communications equipment structures

Water or sewage pumping stations;

provided that the following findings are made:

(a) that the growth of the utility service demand in the area served by the #building or other structure# requires such #enlargement# to house the additional facilities needed to fulfill the demand;

(b) that the network of lines, pipes or other distribution facilities located below the surface of the #streets# is so integrated with the operations carried on within such #building# that the provision of such additional facilities at another location would cause substantial duplication of plant and facilities and inconvenience to the public; and

(c) that #non-compliance#, if any, with the applicable #yard# or height and setback regulations is the minimum made necessary by essential engineering requirements.

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

73-66 - Height Regulations Around Airports

LAST AMENDED
7/23/1964

The Board of Standards and Appeals may permit the construction, #enlargement#, or reconstruction of a #building or other structure# in excess of the height limits established under Sections 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection Within any Flight Obstruction Area), provided that the applicant submits a site plan, with elevations, showing the proposed #building or other structure# in relation to such maximum height limits, and that the Board finds that such proposed #building or other structure#, #enlargement#, or reconstruction would not constitute a hazard (either under the existing layout of the airport or under any planned reorientation or lengthening of the airport runways) to the safety of the occupants of such proposed #building#, to other #buildings# in the vicinity or to the safety of air passengers, and would not disrupt established airways.

The Board shall refer the application to the Federal Aviation Administration for a report as to whether such construction will constitute a danger to the safety of air passengers or disrupt established airways.

73-67 - Additional Floor Space of Public Parking Garages

LAST AMENDED
10/29/2007

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, for #public parking garages# with a total of 150 spaces or less, the Board of Standards and Appeals may permit floor space on one or more #stories# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), provided that all floor space so exempted is located not more than 23 feet above #curb level# and provided that the following findings are made:

(a) that the additional floor space permitted is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and

(b) that the hazards or disadvantages to the community at large resulting from the additional floor space permitted are outweighed by the advantages to be derived by the community therefrom under the conditions and safeguards imposed.

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

73-68 - Height and Setback and Yard Modifications

LAST AMENDED
2/2/2011

In C5-5, C6-8 and C6-9 Districts, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Rear Yard Regulations, or in Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations.

The Board may grant such modifications upon consideration that the applicable height and setback or #rear yard# regulations cannot be complied with by some method feasible for the applicant to pursue because of size or irregular shape of the lot, size or irregular shape of the #block#, and width of #streets#. The Board shall also consider the characteristics of surrounding development.

The Board shall require, where appropriate, sufficient safeguards to ensure the free flow of pedestrian and vehicular traffic in the general area. The Board may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

73-69 - Rear Yard Modifications

LAST AMENDED
4/30/2008

The Board of Standards and Appeals may permit modifications to the #rear yards# required pursuant to Sections 23-543, 24-393, 33-303 or 43-313 (For zoning lots with multiple rear lot lines) for #zoning lots# existing on April 30, 2008, provided the following findings are made:

(a) that due to the irregular shape of the #zoning lot#, compliance with the #rear yard# regulations would create site planning constraints and adversely affect the layout and development of the site; and

(b) that the requested reduction in #rear yard# depth is the least amount necessary to grant relief.

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

73-70 - SPECIAL PERMITS IN THE FLOOD ZONE

LAST AMENDED
5/12/2021

The following Sections shall apply to #zoning lots# located wholly or partially within the #flood zone#.

73-71 - Special Permit for Modification of Certain Zoning Regulations

LAST AMENDED
5/12/2021

In #flood zones#, for all districts, the Board of Standards and Appeals may permit modification of the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), and any other applicable ground floor #use#, supplementary #use#, #bulk#, and parking regulations of the Zoning Resolution, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) are met.

For the purposes of this Section, defined terms include those in Section 12-10 and those in Section 64-11.

(a) Conditions

All applications shall be subject to the following conditions:

(1) the #building# complies with #flood-resistant construction standards#;

(2) any modification of height and setback regulations related to increasing the permitted overall height shall not exceed the maximum height permitted by the applicable underlying district regulations by 10 percent, or 10 feet, whichever is greater, as measured from the #reference plane#; and

(3) any increase in the amount of permitted #floor area# shall be limited to no more than 20 percent of the #floor area# permitted on the #zoning lot#, and in no event more than 10,000 square feet of #floor area#. However,

such restriction shall not apply to #non-complying# #buildings# with #non-complying# #floor area#, provided that the total #floor area# of the altered, #enlarged#, relocated, or reconstructed #building#, does not exceed the amount of existing #floor area# of such pre-existing #building#.

(b) Findings

In order to grant the special permit, the Board shall find that:

(1) there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;

(2) any modification related to an increase in the amount of permitted #floor area# is the minimum necessary to address practical difficulties in retaining pre-existing habitable space;

(3) any modification related to parking regulations to permit a reduction in the number of #accessory# off-street parking spaces and the change in location of #accessory# off-street parking spaces, will:

(i) facilitate an improved site plan;

(ii) not cause traffic congestion; and

(iii) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#; and

(4) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

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

73-72 - Special Permit for Ground Floor Uses in Residence Districts

LAST AMENDED
5/12/2021

In all #Residence Districts#, for #buildings# containing #residential uses#, the Board of Standards and Appeals may permit offices, as listed in Use Group 6B, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) of this Section are met:

(a) Conditions

All applications shall be subject to the following conditions:

(1) the #building# complies with #flood-resistant construction standards#;

(2) the office #use# is located on the lowest #story# above grade within the #building#;

(3) access to such office #use# is from a separate entrance than that serving the #residential# portion of the #building#;

(4) the #floor area# associated with such office #use# shall be considered as #community facility# #use# for the

purposes of determining compliance with the applicable district #floor area ratio# regulations, and amount of #floor area# attributed to such office #use# shall not exceed 10,000 square feet;

(5) the office #use# complies with the #accessory# off-street parking regulations for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), in accordance with Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations); and

(6) such office #use# complies with #accessory# #signs# regulations for #buildings# containing #residences#, as set forth in Section 22-32 (Permitted Non-Illuminated Accessory Signs).

(b) Findings

In order to grant the special permit, the Board shall find that:

(a) such office #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;

(b) such office #use# will not produce objectionable effects; and

(c) such office #use# will not alter the essential character of the neighborhood in which the #building# is located.

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

73-80 - LAPSE OF PERMIT

LAST AMENDED
5/12/2021

A special permit for a specified #use# or for a modification of the #use# or #bulk# regulations granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such permit was granted, has not been completed within four years from the date of granting such permit by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Permits by the City Planning Commission

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Chapter 4 - Special Permits by the City Planning Commission

74-00 - POWERS OF THE CITY PLANNING COMMISSION

LAST AMENDED
12/15/1961

74-01 - General Provisions

LAST AMENDED
3/22/2016

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits in specific districts for the #uses# listed in this Chapter, whose location or control requires special consideration or major planning factors, or for specified modifications of the #use# or #bulk# regulations of this Resolution, provided that in each specific case the requirement for findings as set forth in this Chapter shall constitute a condition precedent to the grant of such special permit.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such special permit #use# or #building or other structure# permitted hereunder shall conform to and comply with all of the applicable regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory# #signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution except as otherwise specifically provided in this Chapter.

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances or Permits Previously Authorized.

In all Special Purpose Districts, the provisions of 23-934 (Special permit approval in Special Purpose Districts), with respect to special permits that modify #use# or #bulk#, shall apply. In the #Special Midtown District#, the powers of the Commission to permit special permit #uses# are modified by the provisions of Section 81-13 (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or grant bonus #floor area# for certain amenities are made inapplicable or modified in accordance with the provisions of Section 81-062 (Applicability of Chapter 4 of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

Fire stations

Police stations

Public transit, railroad or electric utility substations limited to sites of not less than 40,000 square feet and not more than 10 acres

Sewage disposal plants.

74-02 - Further Requirements

LAST AMENDED
8/24/1967

It shall be a further requirement that the decision or determination of the City Planning Commission shall set forth each required finding in each specific grant of a special permit #use#, or modification of the #use# or #bulk# regulations, and in each denial thereof which of the required findings has not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Commission in reaching its final decision, including the personal knowledge of or inspection by the members of the Commission.

In no case shall a special permit for a proposed sewage treatment plant or pumping station under Section 74-73 of this Chapter be denied without a prior public hearing by the Commission. Such public hearing must be held by the Commission and decision given within six months of the date of filing of the request for such special permit with the Commission.

74-20 - REQUIREMENTS FOR APPLICATIONS

LAST AMENDED
7/26/1962

An application to the City Planning Commission for the grant of a special permit respecting any of the #uses# specified in this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

74-21 - Conditions and Safeguards

LAST AMENDED
8/16/1979

The City Planning Commission may prescribe such conditions and safeguards to the grant of special permits as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

74-30 - SPECIAL PERMIT USES

LAST AMENDED
12/15/1961

74-31 - General Provisions for Special Permit Uses

LAST AMENDED
3/22/2016

The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon,

provided that in each specific case:

(a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#, and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#.

The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such #use# will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases, the Commission shall deny a special permit #use# whenever such #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit #use#.

(c) Where, under the applicable findings, the Commission is required to determine whether the special permit #use# is appropriately located in relation to the #street# system, the Commission shall make such determination on the basis of the Master Plan of Arterial Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit #use# in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such #streets#.

(d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

(e) The Commission may authorize any special permit #use# for such term of years as it deems appropriate.

(f) The Commission may permit the #enlargement# or #extension# of any existing #use# which, if new, would be permitted by special permit in the specified districts under the provisions of Section 74-01 (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Commission shall make all of the required findings applicable to the special permit #use#, except that:

(1) in the case of #public parking garages# or #public parking lots#, the Commission may waive all such applicable required findings set forth in Section 74-51 or 74-52, except that the capacity of any such garage or lot in a C1 District shall not exceed 100 spaces; and

(2) in the case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Section 74-61, except that the requirements with respect to site size shall not be waived.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the degree of #non-compliance# with the applicable #bulk# regulations.

74-32 - Additional Considerations for Special Permit Use and Bulk Modifications

LAST AMENDED
3/22/2016

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

74-40 - USE PERMITS

LAST AMENDED
12/21/2005

74-41 - Arenas, Auditoriums, Stadiums or Trade Expositions

LAST AMENDED
12/10/2013

C4 C6 C7 C8 M1 M2 M3

(a) The City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:

(1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(3) that such #use# is not located within 200 feet of a #Residence District#;

(4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;

(5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and

(6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.

(b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that:

(1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;

(2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;

(3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;

(4) where Sections 32-64 and 32-655 are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and

(5) where Section 36-62 is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein. In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such #plazas#.

74-42 - Drive-in Theaters

LAST AMENDED
2/2/2011

In C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit drive-in theaters, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:

(a) that the principal vehicular access for such #use# is not located on a local #street# or an arterial highway but is located on a major or secondary #street# within one-quarter mile of an arterial highway;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that such #use# is not located within 200 feet of a #Residence District#;

(d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and

(e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

74-43 - Racetracks

LAST AMENDED
2/2/2011

In C8 Districts or any #Manufacturing District#, the City Planning Commission may permit racetracks, provided that the following findings are made:

(a) that the principal vehicular access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;

(d) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and

(e) that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating #uses#.

74-44 - Children's Amusement Parks

LAST AMENDED
2/2/2011

In C8 or M1 Districts, the City Planning Commission may permit children's amusement parks with an area of at least 75,000 square feet, but not more than 10 acres, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area;

(b) that the principal vehicular access for such #use# is not located on a local #street# or on an arterial highway, but is located on a major or secondary #street# within one-quarter mile of an arterial highway or a major #street#;

(c) that such #use# will not produce traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(d) that such #use# is not located within 400 feet of a #Residence District#; and

(e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

74-45 - Swimming Pool Clubs or Certain Non-commercial Clubs

LAST AMENDED
2/2/2011

In all #Residence Districts#, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line#, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;

(c) that such #use# has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the #streets#;

(d) that in R1, R2, R3 or R4 Districts, the pool or any #accessory# facilities affixed to the land are not located closer than 100 feet or, in the case of an #accessory# outdoor tennis court, such tennis court shall not be closer than 20 feet, to any #side# or #rear lot line# coincident with a #side# or #rear lot line# of an adjoining #zoning lot# in a #Residence District#, and not located closer than 50 feet to any #street line#, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any #street# or #lot line#, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and

(e) that for every 200 square feet of #lot area# used for the pool and its #accessory# facilities, one #accessory# off-street parking space is provided.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.

74-46 - Indoor Interactive Entertainment Facilities

LAST AMENDED
1/8/1997

In C4, C6, C7, C8 Districts and M1 Districts, except in M1-1, M1-5B Districts and M1 Districts with a suffix "D," the City Planning Commission may permit, for a term not to exceed five years, indoor interactive entertainment facilities with eating and drinking, consisting of mechanical, electronic or computer-supported games subject to the following conditions:

(a) there shall be a minimum of 1,000 square feet of #floor area# per game. This requirement shall not apply within the Theater Subdistrict of the #Special Midtown District#;

(b) the entrance to such #use# shall be a minimum of 200 feet from the nearest #Residence District# boundary;

(c) in C4 and C6 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms;

(d) parking shall be provided in accordance with the parking regulations for Use Group 12A (Parking Category D); and

(e) the application is made jointly by the owner of the #building# and the operators of such indoor interactive entertainment facility.

In addition to the above conditions, the Commission shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) there is a reasonable plan to prevent the gathering of crowds and the formation of lines on the #street#;

(3) such #use# will not cause undue vehicular or pedestrian congestion in local #streets#; and

(4) such #use# will not cause the sound level in any affected conforming #residential use# or #joint living-work quarters for artists# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The Commission shall prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including, but not limited to: location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of mechanical amplification, shielding of flood lights, adequate screening, curb cuts or parking.

74-47 - Amusement Arcades

LAST AMENDED
7/26/2001

In C6 Districts only, the City Planning Commission may permit amusement arcades to be located within department stores of a minimum 150,000 square feet of #floor area#, railroad terminal #buildings# other than Grand Central Station, bus terminal #buildings# or office #buildings# of a minimum 500,000 square feet of #floor area#. Such amusement arcades shall not occupy more than one location in one #building# and shall not occupy more than 4,000 square feet of area and the arcade shall be located at least 500 feet from any #Residence District# or any C1 or C2 District, or for #zoning lots# located wholly or partially within the Fulton Mall Subdistrict of the #Special Downtown Brooklyn District#, such amusement arcade may be separated from any #Residence District# or any C1 or C2 District by a #street# that has a width greater than 110 feet and such amusement arcade shall be located below #street# level. An application for an amusement arcade pursuant to this Section shall contain plans of the location and arrangement of the proposed #use# and duplicate copies of the application filed with the Department of Consumer Affairs for an arcade license. Such amusement arcades may be permitted for renewable terms, subject to annual certification as to compliance with the conditions of this permit, provided the Commission finds that:

(a) the application for such special permit is a joint application made by the owner of the #building# and the operator of the proposed amusement arcade;

(b) such amusement arcade will not have a deleterious effect on the other #uses# located within the #building# and the surrounding area; and

(c) the #use# is so located within the #building# that no entrance nor any #sign# of the amusement arcade fronts upon or faces a #street#.

No special permit shall be issued pursuant to this Section unless the Commission has received a report from the Department of Consumer Affairs concerning the applicant, including any prior experience with the said Department and recommendations as to the operation of the arcade so as to protect the consumer.

This permit shall become effective upon the issuance of an appropriate license from the Department of Consumer Affairs, whose requirements concerning the location, number and arrangement of machines, hours of operation and requirements for supervision or security shall be incorporated within the special permit and govern those aspects of the special permit.

The Commission may renew the special permit for subsequent terms provided the Commission finds that the facts upon which the permit was granted have not substantially changed. With respect to any special permit or subsequent renewals under this Section, the provisions of paragraph (d) of Section 74-31 (General Provisions) shall not apply.

The Commission shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized. The Commission and the Department of Consumer Affairs shall notify each other of any permit or license revocation hereunder.

Revocation of a special permit or a Department of Consumer Affairs license shall cause a revocation of the related license or special permit respectively. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

74-48 - Scientific Research and Development Facility

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LAST AMENDED
5/5/2004

In C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts, the City Planning Commission may permit a scientific research and development facility as a #commercial use#, where such facility contains laboratories for medical, biotechnological, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research and, in conjunction with such facility, may allow the modifications set forth in paragraph (a) of this Section. For a special permit to be granted, applications shall comply with conditions in paragraph (b) and the findings of paragraph (c) of this Section. Additional requirements are set forth in paragraph (d).

(a) Additional modifications

For such scientific research and development facility, the Commission may modify the following:

(1) height and setback regulations; and

(2) where such facility is located within C2-7 Districts:

(i) #sign# regulations;

(ii) #floor area ratio# regulations, up to the maximum #floor area ratio# permitted for #community facility uses# for the District; and

(iii) #yard# regulations.

(b) Conditions

As a condition for granting a special permit, such facility shall:

(1) conform to the performance standards applicable to M1 Districts;

(2) occupy a #zoning lot# that either contains a minimum #lot area# of 40,000 square feet or comprises an entire #block#; and

(3) occupy a #zoning lot# containing no #residential use#.

(c) Findings

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

(1) will not unduly affect the essential character or impair the future use and development of the surrounding area;

(2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;

(3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and

(4) that the modification of such height and setback to any applicable #bulk# regulations will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

(5) with regard to #sign# modifications:

(i) a signage plan has been submitted showing the location, size, height, and illumination of all #signs# on the #zoning lot#;

(ii) the modifications are consistent with the amount and location of commercial life sciences laboratories that the Commission finds appropriate on the #zoning lot#; and

(iii) #illuminated signs#, if provided:

(a) utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and

(b) do not alter the essential character of the adjacent area.

(d) Additional requirements

(1) To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off-street Loading Berths) for #commercial uses#.

(2) The Commission may also require the provision of #accessory# off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#. The size and location of such parking, bicycle parking, and loading facilities shall comply with the applicable provisions of Section 36-00, inclusive.

(3) All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.)

74-49 - Residential Use in C4-1 Districts in Staten Island

LAST AMENDED
2/2/2011

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

74-50 - OFF-STREET PARKING ESTABLISHMENTS

LAST AMENDED
12/15/1961

74-51 - Public Parking Garages or Public Parking Lots Outside High Density Central Areas

LAST AMENDED
1/11/1962

74-511 - In C1 Districts

LAST AMENDED
2/2/2011

In C1-1, C1-2, C1-3 or C1-4 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less;

(c) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(d) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights or for setback of any roof parking area from #lot lines#.

74-512 - In other Districts

LAST AMENDED
10/17/2019

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before October 17, 2019, and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

74-513 - In C7 Districts

LAST AMENDED
2/2/2011

In C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# of any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a

condition of permitting such #use#, the Commission shall make the following findings:

(a) that the principal vehicular access for such #use# is located on an arterial highway, or major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

74-52 - Parking Garages or Public Parking Lots in High Density Central Areas

LAST AMENDED
5/8/2013

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

(e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

74-53 - Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments

LAST AMENDED
5/8/2013

74-531 - Additional parking spaces or roof parking for accessory group parking facilities

LAST AMENDED3/22/2016

The City Planning Commission may permit #group parking facilities# #accessory# to #uses# in #large-scale residential developments# or #large-scale community facility developments# or #large-scale general developments# with more than the prescribed maximum number of parking spaces set forth in Sections 25-12, 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections 25-11, 36-11 and 44-11 (General Provisions) so as to permit off-street parking spaces #accessory# to such #uses# to be located on the roof of a #building#.

As a condition of permitting such exceptions or modifications, the Commission shall make the following findings:

(a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and

(d) that where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, or to the #Long Island City area#, as defined in Section 16-02 (Definitions), where the regulations set forth in Article I, Chapter 6, shall apply.

74-532 - Reduction or waiver of parking requirements for accessory group parking facilities

LAST AMENDED3/22/2016

The City Planning Commission may, in conjunction with an application for a #large-scale residential development# or #large-scale general development# in the #Transit Zone# seeking a #bulk# modification, reduce or waive the number of required #accessory# #residential# off-street parking spaces, including any spaces previously required for an existing #building# on the #zoning lot#, provided the Commission finds that:

(a) where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of #income-restricted housing units# in such #large-scale residential development# or #large-scale general development#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

(b) the anticipated rates of automobile ownership for residents of such #large-scale residential development# or #large-scale general development# are minimal and that such reduction or waiver is warranted;

(c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or #community facilities# in the surrounding area, including the availability of parking spaces for such #uses#; and

(d) such reduction of parking spaces will result in a better site plan.

In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.

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

74-533 - Reduction of parking spaces to facilitate affordable housing

LAST AMENDED3/22/2016

In all districts in the #Transit Zone#, the City Planning Commission may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided the Commission finds that such waiver or reduction:

(a) will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

(b) will not cause traffic congestion; and

(c) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

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

74-54 - Rear Yard Modifications

LAST AMENDED
10/9/1969

In C4, C6, C7, C8, M1, M2 or M3 Districts, for #public parking garages# with more than 150 spaces, the City Planning Commission may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, and Sections 43-26 to 43-31, inclusive, relative to #rear yard# regulations, provided the following findings are made:

(a) that the #public parking garage# will alleviate excessive on-street parking demand and thereby relieve traffic congestion in the area; and

(b) that because of site limitations such modification is necessary for the proper design and operation of the #public parking garage#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

74-55 - Off-street Parking Requirement for Youth-oriented or Senior Citizen-oriented Community Centers and Non-profit Neighborhood Settlement Houses

LAST AMENDED
2/2/2011

In C1-2 and C2-2 Districts, for youth-oriented or senior citizen-oriented community centers and non-profit neighborhood settlement houses, the City Planning Commission may permit modifications of the parking requirement of Section 36-21, provided the following findings are made:

(a) that, because of site limitations, such a reduction is necessary for the proper design and operation of such community centers and non-profit neighborhood settlement houses; and

(b) that available off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by such #community facility#.

74-56 - Open Automobile Rental Establishments

LAST AMENDED
2/2/2011

In C2 Districts within a one-half mile radius of the main entrance of La Guardia Airport, located at the intersection of Grand Central Parkway and the 94th Street Bridge, the City Planning Commission may permit open automobile rental establishments on #zoning lots# having a frontage of at least 200 feet on Ditmars Boulevard, provided that the following findings are made:

(a) that such open #use# will not be incompatible with, or adversely affect the growth and development of, appropriate #uses# in the general area within which such open #use# is to be located;

(b) that such open #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that such open #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(d) that such open #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the open #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(e) that the #streets# providing access to such open #use# will be adequate to handle the traffic generated thereby;

(f) that acoustic barriers be installed around the parking areas to minimize noise impacts on surrounding properties;

(g) that visual barriers be installed and properly maintained to screen the parking area from surrounding properties; and

(h) that #accessory# automotive repairs, maintenance and car washing are within an enclosed #building#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, requirements for shielding of floodlights and for locations of entrances and exits.

74-60 - PUBLIC SERVICE OR TRANSPORTATION FACILITIES

LAST AMENDED
12/15/1961

74-61 - Public Transit, Railroad or Electric Utility Substations

LAST AMENDED
9/10/2007

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

(a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

74-62 - Railroad Passenger Stations

LAST AMENDED
2/2/2011

(a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:

(1) that the principal access for such #use# is not located on a local #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and

(3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

(1) that the principal access for such railroad passenger station is not located on a local #street#;

(2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;

(4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;

(5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and

(6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:

(i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and

(ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

74-63 - Bus Stations

LAST AMENDED
12/15/1961

74-631 - New bus stations with 10 or more berths

LAST AMENDED
2/2/2011

In C4, C6 or #Manufacturing Districts#, the City Planning Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;

(b) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(c) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby residential areas by topographical or physical conditions of the land;

(d) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and

(e) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

74-632 - New bus stations with fewer than 10 berths

LAST AMENDED
12/15/1961

In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the City Planning Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the City;

(b) that the principal access of such #use# is not located on a local #street#;

(c) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and

(d) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

74-633 - Existing bus stations

LAST AMENDED
12/15/1961

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in Sections 74-631 or 74-632.

74-64 - Trucking Terminals or Motor Freight Stations

LAST AMENDED
12/15/1961

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations with sites in excess of 20,000 square feet, provided that the following findings are made:

(a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;

(b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;

(c) that such #use# is not located within 200 feet of a #Residence District# boundary; and

(d) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening and surfacing all access roads or driveways.

74-65 - Airports

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities, in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:

(a) that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

74-66 - Heliports

LAST AMENDED
7/23/1964

In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities where the applicant has submitted a site plan showing the location of landing areas, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:

(a) that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.

74-67 - Fire or Police Stations

LAST AMENDED
2/2/2011

In all #Residence Districts#, the City Planning Commission may permit fire or police stations, provided that the following findings are made:

(a) that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and

(b) in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.

For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

74-68 - Development Within or Over a Right-of-Way or Yards

LAST AMENDED
2/22/1990

74-681 - Development within or over a railroad or transit right-of-way or yard

LAST AMENDED
7/26/2001

(a) In all districts, when a #development# or #enlargement#, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:

(1) that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or

#enlargement#;

(2) any portion of the right-of-way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;

(3) notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:

(i) any #use# #accessory# to a primary #use# located on the #zoning lot#;

(ii) a #public parking garage# or #public parking lot# provided the findings set forth in Section 74-52 and hereby made applicable, are met for such garage or lot;

(iii) a railroad passenger station (pursuant to Section 74-62) or a railroad including right-of-way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;

(iv) a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on #lot area# per establishment).

(b) As a condition for granting a special permit, the Commission shall find that:

(1) the #streets# providing access to all #uses# pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;

(2) the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right-of-way or yard;

(3) all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;

(4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

(c) For any #development# or #enlargement# located within or over railroad or transit right-of-way or yard:

(1) the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:

(i) the total #lot area# of that portion of a railroad or transit right-of-way or yard to be covered by a platform; and/or

(ii) the total #lot area# of such right-of-way or yard that has been permanently discontinued or terminated;

(2) ownership of rights to #develop# in #railroad or transit air space# or within a railroad or transit right-of-way or yard where such #use# has been permanently discontinued or terminated, shall meet the requirements of the #zoning lot# definition in Section 12-10 (DEFINITIONS);

(3) where the railroad or transit right-of-way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;

(4) the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#;

(5) the Commission may permit #buildings# to be connected by a bridge or tunnel, within a portion of a #street#, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as #lot area# or generate any #floor area#; and in the case of a bridge, the Commission shall find that such bridge will:

(i) provide adequate vertical clearance at all points measured from #curb level# to the soffit;

(ii) not rest upon columns or other supports that intrude upon the #street#;

(iii) provide illumination of at least five foot candles at the #curb level# for the #street# area beneath the bridge;

(iv) not unduly obstruct any significant scenic view; and

(v) provide adequate light and air to the #street# or surrounding public spaces or #streets#.

In the case of a tunnel, the Commission may permit #buildings# to be connected by a tunnel under a #street#, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets#.

(d) The Commission shall require the provision of adequate #accessory# off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any #use# permitted on the #zoning lot#, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been permanently discontinued or terminated.

74-682 - Developments over streets

LAST AMENDED
10/7/2008

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within

the demapped air space.

In order to grant such special permit, the Commission shall find:

(a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on-site and in the area; and

(b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning# #lot lines#, provided that such loading berths shall be:

(1) adequate to serve the requirements of the institution;

(2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and

(3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

74-69 - Seaplane Bases

LAST AMENDED
2/2/2011

In all districts, the City Planning Commission may permit seaplane bases provided that the following findings are made:

(a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

74-70 - NON-PROFIT HOSPITAL STAFF DWELLINGS

LAST AMENDED
12/19/2017

The City Planning Commission may permit #non-profit hospital staff dwellings# in accordance with the conditions of paragraph (a) of this Section, provided that the findings of paragraph (b) are met.

(a) The Commission may permit:

(1) in all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or voluntary hospital and related facilities; or

(2) in C4-2 Districts without a letter suffix, in Community District 11 in the Borough of the Bronx, #non-profit hospital staff dwellings# on #zoning lots# located not more than 1,500 feet from the non-profit or voluntary hospital and related facilities.

(b) To permit such #non-profit hospital staff dwellings#, the Commission shall find:

(1) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use or development of the surrounding area; and

(2) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

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

74-71 - Landmark Preservation

LAST AMENDED
11/25/1997

74-711 - Landmark preservation in all districts

LAST AMENDED
2/2/2011

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

(a) The following conditions are met:

(1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

(2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such #bulk# modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and

(3) the maximum number of #dwelling units# shall be as set forth in Section 15-111 (Number of permitted dwelling units).

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

(1) such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(2) such #use# modifications shall have minimal adverse effects on the conforming #uses# within the #building# and in the surrounding area.

The Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# and #buildings# on the #zoning lot#.

74-712 - Developments in Historic Districts

LAST AMENDED
1/6/2016

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

(a) In M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential# #development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided:

(1) the #use# modifications shall meet the following conditions, that:

(i) #residential# #development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;

(ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;

(iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;

(iv) all #signs# for #residential# or #commercial# #uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and

(v) eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and

(2) the Commission shall find that such #use# modifications:

(i) have minimal adverse effects on the conforming #uses# in the surrounding area;

(ii) are compatible with the character of the surrounding area; and

(iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

(b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:

(1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

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

74-72 - Bulk Modification

LAST AMENDED
12/17/1981

74-721 - Height and setback and yard regulations

LAST AMENDED
2/2/2011

(a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations, including tower coverage controls, for #developments# or #enlargements# located on a #zoning lot# having a minimum #lot area# of 40,000 square feet or occupying an entire #block#.

In C5-3, C6-6 and C6-7 Districts on such #zoning lots#, and in C6-4 Districts as set forth in paragraph (e) of this Section, the Commission also may modify #yard# and court regulations, and regulations governing the minimum required distance between #buildings# and/or the minimum required distance between #legally required windows# and walls or #lot lines#, provided that the Commission finds that such modifications:

(1) provide a better distribution of #bulk# on the #zoning lot#;

(2) result in a better relationship of the #building# to open areas, adjacent #streets# and surrounding development; and

(3) provide adequate light and air for #buildings# on the #zoning lot# and neither impair access to light and air to #legally required windows# in adjacent #buildings# nor adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties.

As a condition of this special permit, if any open area extending along a #side lot line# is provided at any level, such open area shall be at least eight feet in width.

(b) In a C6-4 District, the Commission may modify the supplementary #use# regulations of Section 32-422 (Location of floors occupied by commercial uses) for #developments# or #enlargements# on #zoning lots# occupying an entire #block# with a base #commercial# #floor area ratio# of 10.0, provided the following conditions are met:

(1) that the non-#residential uses# are located in a portion of a #mixed building# that has separate access to the #street# with no openings of any kind to the #residential# portion of the #building# at any #story#; and

(2) that the non-#residential uses# are not located above the lowest #story# containing #dwelling units# unless the #residential# and non-#residential# portions are separated in accordance with the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Requirements).

(c) In C5-3, C6-6 and C6-7 Districts, the Commission may modify height and setback and #yard# regulations, including tower coverage controls for #developments# or #enlargements# located on a #zoning lot# having an area less than 40,000 square feet, that occupies an entire #block# front on a #wide street#, subject to the following conditions:

(1) where #buildings# or portions thereof penetrate the established #sky exposure plane#, the aggregate area occupied by such #buildings# or portions thereof at such elevation shall not exceed:

(i) 55 percent of the area of such #zoning lot#; or

(ii) an equivalent of 55 percent of the aggregate area of such #zoning lot# and any adjoining #zoning lots# with a common #lot line# for at least 90 feet with negative easements limiting height of existing and future #developments# on the adjoining #zoning lots# by recorded deed or other written instruments;

(2) that the #development# or #enlargement# includes on-site amenities, such as #arcades#, #through block arcades# or #covered pedestrian spaces# where the size and dimensions of such spaces are substantially greater than the required minimum standards, and includes skylights or other provisions for additional access of direct natural light so as to provide for an increased penetration of light and air therein at the #street# level of the #development# or #enlargement#, or a transit station improvement that results in a direct major connection to a subway station.

(3) In lieu of condition (c)(2), the #development# or #enlargement# may provide, in the same or an adjoining #block# of such #development# or #enlargement#, compensatory "off-site public open space." For the purposes of this paragraph, (c)(3), the term "adjoining block" shall mean a #block# that is contiguous to the #block# containing the #development# or #enlargement# but for its separation by a #street# or #street# intersection. The area of such off-site public open space shall be at least 4,000 square feet, or 15 percent of the #lot area# of a #zoning lot# containing the #development# or #enlargement#, whichever is more, and a width of at least 40 feet at any point.

Such public open areas shall have a southern exposure, and adjoin a public sidewalk and be #developed# pursuant to the provisions of Section 37-70 (PUBLIC PLAZAS). A plan for the development and maintenance of such off-site public space shall be approved by the Commission. The off-site public area shall be kept open to the general public in accordance with a time schedule specified by the Commission. In no event shall such off-site public open space be eligible for #floor area# or bonus computation in connection with this or any other #development# or #enlargement#.

For such #developments# or #enlargements#, the Commission may also modify the applicable regulations of Sections 32-51 (Limitations on Business Entrances, Show Windows or Signs) and 36-683 (Restrictions on location of berths near Residence Districts) where adjoining frontage within a distance of 75 feet on the same side of the #street# is occupied by a #community facility# or ground floor #commercial# #use#, provided that such modification is part of an overall design for #show windows#, signage and entrances or off-street loading berths developed in conjunction with a public amenity such as a #public plaza#, #through block arcade# or #covered pedestrian space#, and will not alter the essential character of the immediate neighborhood.

In the case of existing #buildings# containing #residences# to remain temporarily on such #zoning lot#, the provisions of Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS) may be modified provided that each and every one of the following conditions are met:

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

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

(iii) that no temporary or final certificate of occupancy shall be issued for that portion of #floor area# in the #development# or #enlargement# equal to twice the #floor area# in the temporary existing #buildings# until such #buildings# are vacated, demolished and their sites are redeveloped in accordance with the approved project plan, except that where the Commission shall have determined that the applicant for a special permit has made an offer to purchase the leasehold interests from the lessees at a fair market value of the remainder of the lease term, the Commission may decrease the amount of #floor area# for which no certificate of occupancy may be issued; and

(iv) that the #development# or #enlargement# conform with all the applicable laws relating to construction, operation and maintenance.

The owner of the #zoning lot# shall have prominently displayed thereon a sign stating the date by which the #buildings# are to be demolished.

(4) As a further condition for the issuance of a permit under this paragraph (c), the owner of the #zoning lot# upon which #developments# or #enlargements# are to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel as to form, sufficient in amount as determined by the Commission to cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time set forth in the approved project plan, and ensure that all #floor area# which is to be vacant in the #development# shall remain unfinished and vacant.

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

The Commission must find, with each grant for a special permit under this paragraph, (c), that the #development# or #enlargement#:

(i) shall result in improved circulation; and

(ii) would eliminate the undesirable pre-emption of ground level space by private #buildings or other structures#.

In making these findings, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this paragraph (c), shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of #development# or #enlargement# and other improvements on the #zoning lot#.

In addition to the conditions in paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Section, the Commission shall find that the modification of height and setback will provide a better distribution of #bulk# on the #zoning lot# and will not adversely affect other adjacent #zoning lots# by unduly restricting access to light and air to surrounding public spaces, #streets# and properties.

(d) Notwithstanding any other provisions of the Zoning Resolution, where a #development# shares a #lot line# with a landmark #building# site for an aggregate distance of at least 90 feet, or contains a historically significant #street# that has been demapped and an archeologically significant site, both of which have been identified by the Landmarks Preservation Commission, the Commission may permit modification of the height and setback and #yard# regulations regardless of the lot size, provided that the following findings are made:

(1) there is a harmonious architectural relationship between the landmark and the new structure, and such relationship is approved by the Landmarks Preservation Commission or, in the case of a #development# which contains a historically significant #street# that has been demapped and an archeologically significant site, there is a visual recognition of the location of the demapped #street# and of the archeologically significant site created by a design treatment that has been approved by both the Landmarks Preservation Commission and the City Planning Commission and, if such #development# is located within 200 feet of a historic district, there is a harmonious relationship between the proposed #development# and the historic district; and

(2) pedestrian amenities are contained in the new structure including, where appropriate, retail stores and substantial pedestrian space at the principal levels of circulation, such as wider sidewalks,

#arcades#, #covered pedestrian space#, subsurface concourses and convenient subway connections.

(e) The City Planning Commission may also permit modification of all #bulk# regulations as set forth in paragraph (a) of this Section on #zoning lots# with a minimum #lot area# of 30,000 square feet, where such #zoning lot# is located in a C6-4 District in Manhattan Community District 3, has frontage on a #wide street# and existed on August 8, 2018.

74-73 - Sewage Disposal Plants and Pumping Stations

LAST AMENDED
7/23/1970

74-731 - Private sewage disposal plants

LAST AMENDED
2/2/2011

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit sewage disposal plants provided that such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located; that in the case of a residential area, such area contains more than 50 #dwelling units#; and that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area or commercial area. In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Protection for a report.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

74-732 - Private sewage pumping stations and sewage disposal plants

LAST AMENDED
2/2/2011

In all #Residence Districts#, the City Planning Commission may permit sanitary or storm water sewage pumping stations and sewage disposal plants, provided that such use will serve a #development# which contains more than 15 #dwelling units#; and that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area. In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Resources for a report. The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.

As a condition of granting a special permit for a sewage pumping station or a sewage disposal plant, the Commission shall find:

(a) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;

(b) in the case of sewage disposal plants serving a residential area, the related #development# is arranged in such a way as best to serve active and passive recreation needs; protect and preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of #buildings# to achieve these objectives; and

(c) in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served; or

(d) in all cases, the proposal promotes and protects the public health, safety and general welfare.

74-733 - Municipal sewage disposal plants

LAST AMENDED
2/2/2011

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit municipal sewage disposal plants, provided that there are serious difficulties in locating it in a district where it is permitted as-of-right. The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.

As a condition of granting a special permit for a municipal sewage disposal plant, the Commission shall find:

(a) the proposed plant will be adequate for anticipated development in the area to be served; and

(b) that the proposal promotes and protects the public health, safety and general welfare.

74-734 - Municipal sewage pumping stations

LAST AMENDED
2/2/2011

In all #Residence Districts#, the City Planning Commission may permit municipal sewage pumping stations provided that there are serious difficulties in locating it in a district where it is permitted as-of-right. The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.

As a condition of granting a special permit for a municipal sewage pumping station, the Commission shall find:

(a) that the proposal promotes and protects the public health, safety and general welfare; and

(b) the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities.

74-74 - Large-scale General Development

LAST AMENDED
2/2/2011

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present

or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

(a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (DEFINITIONS AND GENERAL PROVISIONS);

(b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

74-741 - Requirements for application

LAST AMENDED
8/13/2015

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section 74-742, such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e)(2) of Section 74-742.

74-742 - Ownership

LAST AMENDED
8/13/2015

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large- scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

(a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or

(b) owned by the Federal government and is within Brooklyn Community District 2; or

(c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or

(d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Hallets Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

    (1) tracts of land in State or City ownership; or

    (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the bulkhead line;

(e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:

    (1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and

    (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#; or

(f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

    However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest.

74-743 - Special provisions for bulk modification

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LAST AMENDED
8/13/2015

(a) For a #large-scale general development#, the City Planning Commission may permit:

    (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

        (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

        (ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of #commercial# #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted, except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of #commercial# #floor area# from a C6 District to a C2

District may be permitted;

(2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;

(3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #large-scale general development# without regard to regulations applicable near #Residence District# boundaries;

(4) the maximum #floor area ratio# permitted pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph (a)(4) shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section 23-151 for the applicable district;

(5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District:

(i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or

(ii) #community facility# #floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95;

(6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:

(i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the #development# or #enlargement# and a wall or #lot line# on an #abutting# property; and

(ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located;

(7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by #building# walls and is not otherwise a #yard# or an #inner court#, provided that:

(i) such modifications are permitted only for #large-scale general developments#, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7; and

(ii) the minimum distance between a #legally required window# facing onto such #outer court# and a #building# wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening;

(8) in an #Inclusionary Housing designated area# in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#, as set forth in a restrictive declaration:

(i) modification of the base and maximum #floor area ratios# specified in Section 23-154 (Inclusionary Housing), not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area#, as defined in Section 23-911, and #residential# #floor area# in #buildings# containing multiple #uses#; and

(ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section 23-911, specified in paragraph (b) of Section 23-96 (Requirements for Generating Sites or MIH Sites);

(9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#;

(10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk;

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility# #development#, a #floor area# bonus not to

exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

(i) A request for such bonus #floor area# shall be accompanied by:

(a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and

(b) a letter from the Commissioner of Parks and Recreation stating:

(i) the selection of the #public park# for the #public park# improvement has been informed by community input in the form of consultation or an existing plan;

(ii) such #public park# improvement provides an appropriate amenity for the surrounding area; and

(iii) that, absent funding to be provided by the applicant, such #public park# improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(i) cost estimates for the #public park# improvement; and

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement;

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Hallets Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

(i) such parcel shall be made part of such #zoning lot# upon approval of such #large-scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished; or

(13) within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, portions of the land, #piers# or #platforms# projecting seaward of the bulkhead line and existing on December 15, 2021, may be replaced or reconstructed with #new piers# or #new platforms#, as follows:

(i) any such existing land projecting seaward of the bulkhead line may be replaced or reconstructed with #new platforms# and such #new platforms# may be included as part of the #upland lot#. In no event shall the #lot area# generated by such #new platforms# exceed the #lot area# of the land projecting seaward of the bulkhead line, as it existed on December 15, 2021;

(ii) any other such #new piers# or #new platforms# may be considered #lot area# for the purposes of determining allowable #floor area# or number of #dwelling units#, or to satisfy any other #bulk# regulations, in accordance with the provisions of paragraphs (b) and (c) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots). In no event shall the #floor area# generated by such #new piers# or #new platforms# exceed the #floor area# generated by #piers# or #platforms# projecting seaward of the bulkhead line, as they existed on December 15, 2021; and

(iii) any #new piers# or #new platforms# that are subject to the provisions of this paragraph (a)(13) need not meet the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers) or 62-63 (Design Requirements for Public Access on Piers and Floating Structures), inclusive.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

(1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;

(2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

(3) where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;

(4) considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;

(5) when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

(6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged# #buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged# #buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged# #buildings#;

(7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-scale General Development) with respect to better site planning;

(8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#;

(9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:

(i) the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and

(ii) such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks# or of people using the public #streets#.

Grant of a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large-scale general development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner;

(10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission;

(11) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such #floor area# distribution shall contribute to better site planning of the #waterfront public access area# and shall facilitate the #development# of affordable housing units within a #large-scale general development#; and

(12) where #new piers# or #new platforms# are constructed, replaced or reconstructed in accordance with the provisions of paragraph (a)(13) of this Section, such #new piers# and #new platforms# are an integral part of such #large-scale general development#, result in a superior site plan and form an appropriate relationship with adjacent #waterfront public access areas# and #shorelines#, and provide significant public access to or within the #seaward lot# portion of the #waterfront zoning lot#.

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a #large-scale general development# and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to paragraph (a)(4) of Section 74-743 is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to paragraph (a)(4) of Section 74-743 shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92

(General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2) of Section 23-154. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

74-744 - Modification of use regulations

LAST AMENDED
10/11/2012

(a) #Use# modifications

(1) Waterfront and related #commercial# #uses#

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

(i) the #uses# are appropriate for the location and blend harmoniously with the rest of the #large-scale general development#; and

(ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(2) Automotive sales and service #uses#

For #large-scale general developments#, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7, Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

(i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a #cellar# level and below grade or established #curb level#, and the ground floor level of such establishment is used only for showrooms and sales;

(ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and

(iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(3) Retail establishments

For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission may modify applicable district regulations to allow Use Groups 10, 11A and 12A, except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions and stadiums, provided the Commission finds that:

(i) such #uses# will not impair the character of future #uses# or development of the surrounding area; and

(ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(b) Location of #commercial# #uses#

For any #large-scale general development#, the Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings), provided the Commission shall find that:

(1) the #commercial# #uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;

(2) the #commercial# #uses# are not located directly over any #story# containing #dwelling units#; and

(3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

(c) Modifications of #sign# regulations

(1) In all #Commercial# or #Manufacturing Districts#, the Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted Projection or Height of Signs), 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.

(2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such #large-scale general development# within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow #signs# #accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial# #uses# that the Commission finds appropriate within such #large-scale general development#.

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

74-745 - Modifications of parking and loading regulations

LAST AMENDED
3/22/2018

For a #large-scale general development# the City Planning Commission may permit:

(a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot# #lines#, provided that the Commission shall find:

(1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;

(2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and

(3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for #zoning# #lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.

(b) Waiver or reduction of loading berth requirements

For #zoning lots# in a #large-scale general development#, located either within a #Special Mixed Use District# in Community District 2 in the Borough of The Bronx, or within a waterfront area pursuant to paragraph (b) of Section 62-132, in Community District 1 in the Borough of Brooklyn, where such #zoning lots# in the waterfront area contain one or more retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A, and where no single such establishment in the waterfront area exceeds 8,500 square feet in #floor area#, the Commission may waive or reduce the number of required loading berths, provided that:

(1) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#;

(2) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment;

(3) such modification allows for a better relationship between the #street walls# of the #building# containing such establishment and the adjacent sidewalk and surrounding area; and

(4) such modification will not impair or adversely affect the development of the surrounding area.

(c) Reduction of parking requirements

For #buildings# on #zoning lots# in a #large-scale general development#, within R7-2 Districts in Community District 1 in the Borough of the Bronx, that contain an #affordable independent residence for seniors#, the Commission may waive or reduce the number of required #accessory# off-street parking spaces, including any spaces previously required for an existing #building#, provided that the Commission finds that:

(1) the anticipated automobile ownership patterns for residents of such #affordable independent residence for seniors# are minimal and that such waiver or reduction is warranted;

(2) such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and

(3) such waiver or reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to waive or reduce, the Commission may take into account current automobile ownership patterns for an existing #affordable independent residence for seniors# on the #zoning lot#, as applicable.

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

74-746 - Special provisions for development or enlargement over streets

LAST AMENDED
2/2/2011

Within a #large-scale general development#, when the volume above a #street#, or portion thereof, has been eliminated, discontinued and closed, the City Planning Commission may permit such volume to be considered part of an adjoining #zoning lot# and may allow, within such volume, a #development# or #enlargement# that is part of a #building# or #buildings# in the #large-scale general development#. In no event shall such volume contribute to the amount of #lot area# counted for the purposes of qualifying as a #large-scale general development# or generating any #floor area#.

(a) The following conditions must be met for the #development# or #enlargement# to be permitted in such volume:

(1) a satisfactory ventilation plan consistent with the requirements of New York City's Departments of Transportation and Environmental Protection is provided for the #street# below the volume;

(2) an illumination of at least five foot candles at the #curb level# is provided for the #street# below the volume; and

(b) In order to grant the special permit, the Commission shall find that the #development# or #enlargement# in such volume:

(1) is functionally necessary or will improve the internal circulation within the #large-scale general development#, or will improve vehicular or pedestrian circulation on adjacent #streets#;

(2) will not adversely impact the continued use of the #street#;

(3) will not have an adverse impact on the essential character or future use or development of the adjacent area; and

(4) will not unduly obstruct any significant scenic view.

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

74-747 - Previously granted special permits

LAST AMENDED
2/2/2011

Any #development# or #enlargement# granted a special permit by the City Planning Commission under previous Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990, may be started or continued pursuant to that special permit.

The Commission may administratively, upon application, allow modifications of the special permit granted under previous Section 74-74 (Commercial Development Extending into More than One Block) before February 22, 1990.

In no event may the Commission grant a modification of a special permit approved prior to February 22, 1990, that would require additional #bulk# distribution among #zoning lots# or modification of the height and #lot coverage# limitations previously established. Any modifications exceeding the limitations set forth herein shall be subject to the provisions of the new Section 74-74 (Large-scale General Development).

No existing #publicly accessible open area# or other public amenity for which a #floor area# bonus or any increase in tower coverage above 40 percent of the #lot area# of the #zoning lot# has been received under previous Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990, shall be eliminated or reduced in size except by special permit of the Commission pursuant to a finding that a proposed change will provide a greater public benefit in the light of the public amenity's purpose.

Any #sign# shown on a site plan incorporated as part of a special permit of the Commission under the provisions of Section 74-74 (Large-scale General Development) prior to February 27, 2001, may be erected and maintained in accordance with such special permit.

74-75 - Educational Construction Fund Projects

LAST AMENDED
8/24/2017

74-751 - Educational Construction Fund in certain districts

LAST AMENDED9/26/2018

In R5, R6, R7, R8, R9 or R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4, C5, C6 or C7 Districts, for combined #school# and #residences# including air rights over #schools# built on a #zoning lot# owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a #dwelling unit# or #rooming unit# on the #zoning lot# in order to qualify as #open space#; permit ownership, control of access and maintenance of portions of the #open space# to be vested in the New York City Educational Construction Fund or City agency successor in title; permit modification of #yard# regulations and height and setback regulations; permit the distribution of #lot coverage# without regard for #zoning# #lot lines# for a #zoning lot# containing the Co-op Tech High School in Manhattan Community District 11; authorize the total #floor area#, #open space#, #dwelling units# or #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #dwelling units# or #rooming units# permissible under the applicable district regulations. For the purposes of this Section, a #zoning lot# owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school listed in the following table.

School	Community District
P.S. 151	CD 8, Manhattan

The total number of #dwelling units# or #rooming units# and #residential# #floor area# shall not exceed that permissible for a #residential# #building# on the same #zoning lot#.

The distribution of #bulk# on the #zoning lot# shall permit adequate access of light and air to the surrounding #streets# and properties.

As further conditions for such modifications:

(a) the #school# and the #residence# shall be #developed# as a unit in accordance with a plan approved by the Commission;

(b) at least 25 percent of the total #open space# required by the applicable district regulations, or such greater percentage as may be determined by the Commission to be the appropriate minimum percentage, shall be accessible exclusively to the occupants of such #residence# and under the direct control of its management;

(c) notwithstanding the provisions of Section 23-12 (Permitted Obstructions in Open Space), none of the required #open space# shall include driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths; and

(d) the Commission shall find that:

(1) a substantial portion of the #open space# which is not accessible exclusively to the occupants of such #residence# will be accessible and usable by them on satisfactory terms part-time;

(2) playgrounds, if any, provided in conjunction with the #school# will be so designed and sited in relation to the #residence# as to minimize any adverse effects of noise; and

(3) all #open space# will be arranged in such a way as to minimize friction among those using #open space# of the #buildings or other structures# on the #zoning lot#.

The Commission shall give due consideration to the landscape design of the #open space# areas. The Commission shall also give due consideration to the relationship of the #development# to the #open space# needs of the surrounding area and may require the provision of a greater amount of total #open space# than the minimum amount required by the applicable district regulation where appropriate for the purpose of achieving the #open space# objectives of the #Residence District# regulations.

The Commission may prescribe other appropriate conditions and safeguards to enhance the character of the surrounding area.

74-752 - Educational Construction Fund projects in certain areas

LAST AMENDED9/26/2018

In C6-9 Districts within the #Special Downtown Brooklyn District#, for #developments#, #enlargements# or #conversions# that include one or more #schools# on a tract of land owned by the New York City Educational Construction Fund, the City Planning Commission may permit the modifications set forth in paragraph (a) of this Section. For the purposes of this Section, a tract of land owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school.

(a) Modifications

The Commission may modify:

a. applicable ground floor #use# regulations;

b. in a #Mandatory Inclusionary Housing area#, the affordable housing requirements of paragraph (d) of Section 23-154 (Inclusionary Housing);

c. other #bulk# regulations, except that the maximum permitted #floor area ratio# may not be increased; and

d. #accessory# off-street parking and loading berth requirements.

(b) Findings

To grant a special permit pursuant to this Section, the Commission shall find that:

(1) such modifications will facilitate the construction of one or more #schools# on the #zoning lot#;

(2) such ground floor #use# modifications will improve the layout and design of the #school# or #schools#, shall not have an adverse effect on the #uses# located within any portion of the #zoning lot# and will not impair the essential character of the surrounding area;

(3) such modifications to the affordable housing requirements in a #Mandatory Inclusionary Housing area# will facilitate significant public infrastructure or public facilities, including one or more #schools#, addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#;

(4) such #bulk# modifications will result in a better site plan for the #school# or #schools# and will have minimal adverse effects on the surrounding area;

(5) such parking and loading modifications will improve the layout and design of the school and will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area.

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

74-76 - Plazas

LAST AMENDED
6/21/1973

74-761 - Elimination or reduction in size of bonused public amenities

LAST AMENDED
10/17/2007

In all districts, the City Planning Commission may, by special permit, allow the elimination or reduction in size of any existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, provided that such reduction or elimination shall not create a #floor area# #non-compliance# on the #zoning lot#.

In granting such special permit, the Commission shall find that:

(a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the #zoning lot# that shall provide equal or increased public benefit; and

(b) for #publicly accessible open areas# any remaining bonused open area will comply to the maximum extent feasible with the standards of #public plazas# as set forth in Section 37-70.

However, the Commission may waive the provisions of paragraph (b) of this Section if it finds that such standards for #public plazas# would compromise the design integrity of the #publicly accessible open area# or would result in the loss of significant design elements or character that are integral components of the #publicly accessible open area's# design.

The Commission may prescribe additional conditions to enhance the relationship of public open areas, #buildings# or other amenities on the #zoning lot#, to the surrounding areas.

74-77 - Artists' Centers

LAST AMENDED
8/12/1969

In C6-1, C6-2, C6-3 or C6-4 Districts, for alterations or additions to existing #buildings#, to be occupied as living and working quarters by #artists# engaged in the visual or performing arts, with or without related community studio space, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within the #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings). For alterations of such #buildings# but not for additions, the Commission may permit modifications of the regulations set forth in Sections 23-81 to 23-87, inclusive, relating to Court Regulations and Minimum Distance between Windows or Walls or Lot Lines and may permit modification of the requirements set forth in Sections 23-40 to 23-47, inclusive, relating to #rear# and #side yard# regulations.

As a condition precedent to the grant of such special permit, the Commission shall make the following findings:

(a) that the location, design and construction of such #building# particularly suit it to use as an #artists'# center, and that full realization of these advantages requires modification of the regulations controlling arrangement of #residential# and non-#residential uses# within the #building#, or modification of the #court# regulations or the required distance between #legally required windows# and existing walls or #lot lines#, or modification of the #rear# and #side yard# requirements; and

(b) that an organization has been established for assuring that the #dwelling units# will be occupied by persons who qualify as #artists#.

For the purposes of this Section, non-#commercial# studio space for use in common by artists residing in the #building# may be classified as a #community facility use#.

74-78 - Conversions of Non-residential Floor Area

LAST AMENDED
2/2/2011

74-781 - Modifications by special permit of the City Planning Commission of uses in M1-5B Districts

LAST AMENDED
2/2/2011

In M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of Section 42-14, paragraphs D.(1)(c), D.(1)(d), D.(2)(a) or D.(2)(b), provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet, prior to the date of the application for a special permit.

74-782 - Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts

LAST AMENDED
2/2/2011

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021, paragraph (e), or 15-21, and in M1-5B Districts, the Commission may permit modification of the requirements of Section 42-14, paragraph D.(1)(b), provided that the Commission finds that:

(a) the #conversion# will not harm the industrial sector of the City's economy;

(b) the applicant for the special permit or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such effort shall have been actively pursued for a minimum of one year immediately preceding the application. A good faith effort shall include, but not be limited to, advertising in local and citywide press, listing the space with brokers doing business in the industrial real estate market and informing local and citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;

(c) there is sufficient alternative space to meet the needs of #commercial# and #manufacturing uses# in the area. The vacancy rate for industrial space in the area shall be one evidentiary element to prove the availability of alternative space;

(d) City, State and Federal economic development programs, to the extent applicable, had been explored and found not suitable;

(e) the #commercial# and industrial tenants were given the opportunity by the applicant, or predecessor in title, to remain in the spaces at fair market rentals, and the property owner or predecessor in title did not cause the vacating of the space for the additional #conversion#;

(f) the neighborhood in which the #conversion# is taking place will not be excessively burdened by increased residential activity; and

(g) all #dwelling units# or #joint living-work quarters for artists# permitted by this special permit meet the standards of the applicable district for such units or quarters.

If the Commission determines that #floor area# in the #building#, or portion thereof, was occupied as #dwelling units# or #joint living-work quarters for artists# on September 1, 1980, findings (b), (c), (d) and (e) of this Section shall not be required for the grant of a special permit for such #floor area#, provided that a complete application to prove occupancy as a #dwelling unit# or #joint living-work quarters for artists# is submitted to Commission by the owner of the #building# or the occupant of a #dwelling unit# or #joint living-work quarters for artists# in such #buildings# not later than June 21, 1983. In addition, the Commission must find that there is no substantial evidence that the landlord forced #commercial# or #manufacturing# tenants to vacate such #floor area# through harassment, non-renewal of leases or the charging of rents in excess of the then fair market value. Notwithstanding anything to the contrary above, the Commission shall not grant or deny a special permit pursuant to the provisions of this Section unless an application for such special permit has been submitted by the owner of the #building#.

The Commission shall request a report from the Office of Economic Development regarding information useful in making findings (a), (b), (c), (d) and (e) of this Section. Said report is to be provided within 30 days of the Commission's request.

In granting the special permit under this Section, the Commission shall require the preservation of the maximum amount of #floor area# for #commercial# or #manufacturing uses# that the Commission deems feasible.

74-79 - Transfer of Development Rights From Landmark Sites

LAST AMENDED
2/2/2011

In all districts except R1, R2, R3, R4 or R5 Districts or C1 or C2 Districts mapped within such districts, for #developments# or #enlargements#, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark #buildings or other structures#, may permit the maximum permitted #floor area# on such adjacent lot to be increased on the basis of such transfer of development rights, may permit, in the case of #developments# or #enlargements# containing #residences#, the minimum required #open space# or the density requirements to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in #public plaza#, #arcade# and #yard# regulations, for the purpose of providing a harmonious architectural relationship between the #development# or #enlargement# and the landmark #building or other structure#.

Where a #zoning lot# occupied by a landmark #building or other structure# is located in a #Residence District#, the Commission may modify the applicable regulation of primary business entrances, #show windows#, #signs# and entrances and exits to #accessory# off-street loading berths on the "adjacent lot" in a #Commercial District# provided that such modifications will not adversely affect the harmonious relationship between the #building# on the "adjacent lot" and landmark #building or other structure#.

For the purposes of this Section, the term "adjacent lot" shall mean a lot that is contiguous to the lot occupied by the landmark #building or other structure# or one that is across a #street# and opposite the lot occupied by the landmark #building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by the landmark #building or other structure#. It shall also mean, in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, a lot contiguous or one that is across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10).

A "landmark #building or other structure#" shall include any structure designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments and bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, any structures within historic districts, statues, monuments or bridges.

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for application), 74-792 (Conditions and limitations) and 74-793 (Transfer instruments and notice of restrictions).

74-791 - Requirements for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective #zoning lots# and shall include: a site plan of the landmark lot and the adjacent lot, including plans for all #developments# or #enlargements# on the adjacent lot; a program for the continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission. The application shall be accompanied by a report from the Landmarks Preservation Commission.

A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

74-792 - Conditions and limitations

LAST AMENDED
2/2/2011

(a) For the purposes of this Section, except in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the basic maximum allowable #floor area# for a #zoning lot# occupied by a landmark shall be the maximum #floor area# allowed by the applicable district regulations on maximum #floor area ratio# or minimum required #open space ratio# and shall not include any additional #floor area# allowed for #public plazas#, #arcades# or any other form of bonus whether by right or special permit.

(b) The maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark #building# shall be computed in the following manner:

(1) the maximum allowable #floor area# that could be built for #buildings# other than #community facility buildings# under existing district regulations on the same #zoning lot# if it were undeveloped;

(2) less the total #floor area# of all #buildings# on the landmark lot;

(3) the figure computed from paragraphs (a) and (b) of this Section, inclusive, shall be the maximum amount that may be transferred to any one or number of adjacent lots; and

(4) unutilized #floor area# may be transferred from one or any number of #zoning lots# occupied by a landmark #building# to one or any number of #zoning lots# adjacent to the landmark lot so as to increase the basic maximum allowable #floor area# that may be utilized on such adjacent #zoning lots#. For each such adjacent #zoning lot#, the increase in #floor area# allowed under the provisions of this Section shall in no event exceed the basic maximum #floor area# allowable on such adjacent #zoning lot# by more than 20 percent.

(c) When adjacent lots are located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts and are to be #developed# or #enlarged# with #commercial buildings#, the following conditions and limitations shall apply:

(1) the maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark #building# shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on said landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;

(2) for each such adjacent #zoning lot#, the increase in #floor area# allowed by the transfer pursuant to this Section shall be over and above the maximum #floor area# allowed by the applicable district regulations; and

(3) the City Planning Commission may require, where appropriate, that the design of the #development# or #enlargement# include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, #public plazas# and #arcades#.

(d) In any and all districts, the transfer once completed shall irrevocably reduce the amount of #floor area# that can be utilized upon the lot occupied by a landmark by the amount of #floor area# transferred. In the event that the landmark's designation is removed or if the landmark #building# is destroyed, or if for any reason the landmark #building# is #enlarged# or the landmark lot is redeveloped, the lot occupied by a landmark can only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by the transfer.

(e) As a condition of permitting such transfers of development rights, the Commission shall make the following findings:

(1) that the permitted transfer of #floor area# or variations in the front height and setback regulations will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole;

(2) that the program for continuing maintenance will result in the preservation of the landmark; and

(3) that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.

The Commission shall give due consideration to the relationship between the landmark #building# and any #buildings# #developed# or #enlarged# on the adjacent lot regarding materials, design, scale and location of #bulk#.

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

74-793 - Transfer instruments and notice of restrictions

LAST AMENDED
2/2/2011

The owners of the landmark lot and the adjacent lot shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# on the lot occupied by the landmark and the adjacent lot shall be filed by the owners of the respective lots in the place and county designated by law for the filing by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which, such transfer is made.

74-80 - TRANSIENT HOTELS

LAST AMENDED
9/21/2011

74-801 - In R10H Districts

LAST AMENDED
9/21/2011

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel# #use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel# #use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

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

74-802 - Transient hotels within Commercial Districts

LAST AMENDED
9/21/2011

In C1 Districts, except C1-1, C1-2, C1-3 and C1-4 Districts; in C2 Districts, except C2-1, C2-2, C2-3 and C2-4 Districts where #transient hotels# are not permitted pursuant to Section 32-14 (Use Group 5); in C4, C5, C6 and C8 Districts; in M1 Districts paired with a #Residence District#; and in M1-6D Districts, #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

(a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;

(b) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and

(c) such #use# will not impair the future use or development of the surrounding area.

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

74-803 - Transient hotels within M1 Districts

LAST AMENDED12/20/2018

In M1 Districts, pursuant to Section 42-111 (Special provisions for hotels in M1 Districts), #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

(a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;

(b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;

(c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and

(d) such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.

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

74-81 - Affordable Independent Residences for Seniors

LAST AMENDED
8/20/1970

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

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

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

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

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

74-82 - Through Block Arcades

LAST AMENDED
2/2/2011

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

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

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

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

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

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

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

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

74-83 - Public Service Establishments

LAST AMENDED
10/17/2019

74-831 - Court houses

LAST AMENDED
10/17/2019

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to

33-45, inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

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

74-832 - Borough-based jail system

LAST AMENDED
10/17/2019

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

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

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

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

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

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

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

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

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

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

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

74-84 - Developments With Existing Buildings

LAST AMENDED
5/22/1969

74-841 - Development in certain Commercial Districts

LAST AMENDED
10/14/1971

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LAST AMENDED
10/14/1971

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

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

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

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

(d) that no final certificate of occupancy shall be issued by the Department of Buildings for the new construction until all pre-existing #buildings# except those #buildings# which are to be retained in accordance with the approved development plan are vacated, demolished and their sites are redeveloped in accordance with the approved project plan;

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

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

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

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

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

LAST AMENDED
2/2/2011

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

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

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

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

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

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

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

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

(g) that on-site tenants have not been subject to harassment by intent or otherwise or where harassment has occurred, it has ceased as of the date of the application for the special permit hereunder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LAST AMENDED
2/2/2011

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

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

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

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

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

(2) 40 feet;

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

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

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

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

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

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

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

74-85 - Special Height and Setback Regulations

LAST AMENDED

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

LAST AMENDED
2/2/2011

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

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

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

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

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

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

LAST AMENDED
2/2/2011

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

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

74-86 - Accessory Outdoor Swimming Pools for Residences

LAST AMENDED
2/2/2011

The City Planning Commission may permit, as #accessory# to a #use# in Use Group 2 other than a #single-family# or #two-family residence#, an outdoor swimming pool to be located not less than 50 feet from any #lot line#, provided that such pool is so located as not to impair the essential character of the residential neighborhood.

The Commission may require that the pool be appropriately screened from other areas on the same or adjacent #zoning lots#. In special circumstances where the Commission finds that the design operates as a suitable buffer or the conditions of topography so warrant, the minimum distance of 50 feet may be reduced or waived.

The Commission shall in each case give due consideration to the effect of such location on the adjacent #residences# and the #street# and may impose appropriate conditions and safeguards.

74-87 - Covered Pedestrian Space

LAST AMENDED
6/12/1996

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

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

74-871 - Floor area bonus for covered pedestrian space

LAST AMENDED
2/2/2011

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

PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

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

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

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

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

(a) An escalator, providing pedestrian access from sidewalk level to any floor level containing #uses# specified in paragraph (c) of Section 74-872 (Design requirements for covered pedestrian spaces). Such

escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.

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

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

74-872 - Design requirements for covered pedestrian spaces

LAST AMENDED
12/19/2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A #covered pedestrian space# located at 12 feet or more below the sidewalk level shall provide direct subway or below grade pedestrian concourse access. For such #covered pedestrian spaces#, the entrance openings at the sidewalk level may be less than 30 feet in height, but not less than 15 feet, provided the entrance opening is unenclosed for its full height and is extended along the face of the #building# for the entire width of the #covered pedestrian space#.

74-873 - Findings for covered pedestrian spaces

LAST AMENDED
2/2/2011

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

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

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

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

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

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

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

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

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

LAST AMENDED
2/2/2011

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

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

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

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

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

LAST AMENDED
2/2/2011

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

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

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

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

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

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

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

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

74-90 - USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES

LAST AMENDED
2/2/2011

74-901 - Long-term care facilities

LAST AMENDED
5/12/2021

The City Planning Commission may permit #long-term care facilities# in locations where they are not permitted as-of-right, in accordance with paragraph (a) or (b) of this Section.

(a) In R1 and R2 Districts

The Commission may permit #long-term care facilities# in R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts#, provided that the following findings are made:

(1) such #use# is compatible with the character of the surrounding area;

(2) the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and

(3) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

(b) In certain Community Districts

The Commission may permit the #development# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, provided that the Commission finds that the #development# of additional nursing home beds will not unduly burden such community district. However, such special permit shall not apply to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes).

Where such #use# is permitted by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and

certain Commercial Districts), or Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts), as applicable.

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

74-902 - Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

LAST AMENDED
2/2/2011

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# permitted as-of-right pursuant to the provisions of Sections 22-13 (Use Group 3) or 22-14 (Use Group 4), or #long-term care facilities# for which a special permit has been granted pursuant to Section 74-901, the City Planning Commission may permit the allowable #community facility# #floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

(a) that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;

(b) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;

(c) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

(d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

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

74-903 - Certain community facility uses in R3 to R9 Districts and certain Commercial Districts

LAST AMENDED
2/2/2011

The City Planning Commission may permit the #community facility# #floor area ratio# and the #community facility# #bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Commission may permit:

(1) in R3 through R9 Districts, or in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility# #floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3;

(2) in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C3A Districts, the #community facility# #floor area ratio# of Section 24-11 to apply to #buildings# containing #long-term care facilities#, as listed in Use Group 3;

(3) in R3-2 Districts, or R4 or R5 Districts without a letter or number suffix, or in C1 or C2 Districts mapped within an R3-2 District or within an R4 or R5 District without a letter suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 4, Article III, Chapter 3, or Article III, Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section 24-11, to apply to #buildings# containing #long-term care facilities#; or

(4) in R6 through R10 Districts without a letter suffix, and in C1 or C2 Districts mapped within an R6 through R10 District without a letter suffix or in #Commercial Districts# with an R6 through R10 District equivalent without a letter suffix, the #bulk# regulations of Article II Chapter 4, Article III, Chapter 3 or Article III, Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section 24-11, as applicable, to apply to #buildings# containing #long-term care facilities#.

(b) In order to grant such a special permit for #community facility# #floor area ratio# or #community facility# #bulk#, as applicable, the Commission shall find that:

(1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;

(2) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

(3) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

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

74-91 - Modification of Public Plazas

LAST AMENDED
2/2/2011

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

74-92 - Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

LAST AMENDED
9/9/2004

74-921 - Use Groups 3A and 4A community facilities

LAST AMENDED
10/13/2010

(a) #Use# modifications for Use Groups 3A and 4A in M1 Districts

In M1 Districts, except for houses of worship and ambulatory diagnostic or treatment health care facilities, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such #community facility# is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

(1) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;

(2) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;

(3) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;

(4) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

(5) for a Use Group 4A #use#, within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and

(6) such facility will not impair the essential character of the surrounding area.

(b) #Bulk# modifications for museums in M1-5 Districts

For a #building# containing a museum #use# listed in Use Group 3A, in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

(1) provide a better distribution of #bulk# on the #zoning lot#;

(2) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding properties;

(3) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and

(4) result in a #building# containing a museum #use# that facilitates the public's use and enjoyment of the High Line.

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

74-922 - Certain large retail establishments

LAST AMENDED
2/28/1985

In M1 Districts, the City Planning Commission may permit department stores, carpet, rug, linoleum or other floor covering stores, clothing or clothing accessory stores, dry goods or fabric stores, food stores, furniture stores, television, radio, phonograph or household appliance stores, or variety stores, with no limitation on #floor area# per establishment.

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

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

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

(a) that the principal vehicular access for such #use# is not located on a local #narrow street#;

(b) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;

(c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;

(d) that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;

(e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

(f) that such #use# is so located as not to impair the essential character or the future use of or development of the surrounding area;

(g) that such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;

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

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

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

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

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

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

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

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

74-93 - Special Commercial and Manufacturing Developments

LAST AMENDED
12/19/2017

74-931 - Special commercial or mixed use developments in Commercial Districts

LAST AMENDED
12/19/2017

Within the boundaries of Community District 6, Borough of Queens, for #commercial# or #mixed use# #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

(a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #uses# proposed;

(b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile ways, or for pedestrian ways, provided the Commission finds that:

(1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;

(2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;

(3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;

(4) all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and

(5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet and is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;

(c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations;

(d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning# #lot lines# and permitting the location of #buildings# without regard for the applicable height and setback regulations, provided the Commission finds that:

(1) such distribution of #floor area# and location of #buildings# will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and

(2) such distribution of #floor area# and location of #buildings# will permit adequate access of light and air to surrounding #streets# and properties; and

(e) modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# or #enlargement# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial# #uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

74-932 - Self-service storage facility in designated areas within Manufacturing Districts

LAST AMENDED
12/19/2017

On #zoning lots# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the #development#, #enlargement# not permitted pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), or change of #use# of a #building# for #self-service storage facility# #use#.

To grant such permit, the Commission shall find that the #zoning lot# is appropriate for such #self-service storage facility# #use#, based on the land use characteristics of the proposed #zoning lot# and the surrounding area. In making this determination, the Commission may consider the following:

(a) whether such #use# is consistent with the economic development objectives of the City for the designated area in which the #self-service storage facility# seeks to be located, and may, in making this determination, consult with the Department of Small Business Services;

(b) whether recent trends for and levels of investment by #uses# listed in Use Groups 16D (other than a #self-service storage facility#), 17 or 18 demonstrate that there is minimal demand for space for such #uses# in the surrounding area;

(c) whether the size and configuration of the #zoning lot# make it better suited for #self-service storage facility# #use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(d) for changes of #use# to existing #buildings#, whether the design and layout of loading docks, interior column spacing, floor-to-ceiling height and other relevant physical characteristics of the existing #building# make the #building# better suited for #self-service storage facility# #use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(e) whether the distance of the #zoning lot# from an arterial highway or a designated truck route, or lack of frontage on a #wide street#, makes the #zoning lot# better suited for #self-service storage facility use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(f) whether the distance of the #zoning lot# from mass transit that serves employees makes the #zoning lot# better suited for #self-service storage facility# #use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(g) whether the establishment of a #self-service storage facility# will cause environmental remediation work to be undertaken on the #zoning lot#; or

(h) whether there is a concentration of existing #self-service storage facilities# in the surrounding area.

The Commission may impose appropriate conditions and safeguards to minimize any adverse effects upon the existing #uses# in the surrounding area.

74-94 - Residences for People With Disabilities

LAST AMENDED
8/18/1977

In C6-2 Districts, for any #development# designed as a residence for people with disabilities, the City Planning Commission may, by special permit, modify the applicable height and setback regulations, #open space# and density requirements, regulations pertaining to permitted obstructions in required #yards#, and #accessory# parking requirements, and may increase, to a maximum of 7.2, the allowable #residential# #floor area ratio# on the #zoning lot# in accordance with the provisions of this Section. For purposes of this Section, a "residence for people with disabilities" is defined as a #residence# occupied at least 75 percent by disabled individuals or by households at least one of the members of which is disabled, and the remainder by individuals 62 years of age or older or by households at least one of the members of which is 62 years of age or older, and by the staff of such #residence# that:

(a) contains #dwelling units# especially designed for disabled persons and reserved for use as residences for the disabled for a period of not less than 40 years;

(b) contains related #accessory# social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, provided that these facilities shall occupy #floor area#, #cellar# space or roof space in an amount equal to not less than 10 percent of the total #floor area# of the #building# or #buildings#. In no event shall the floor space occupied by lobbies, passageways, storage areas or other spaces normally provided in usual #residential buildings# be considered as part of the floor space attributable to the social and welfare facilities; and

(c) is constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State or Federal government agency.

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

(1) that the Mayor's Office for People with Disabilities, which may consult with other appropriate City agencies, has certified that the organization making the application for the special permit for the proposed residence for people with disabilities is a responsible group dealing with the needs of the disabled;

(2) that the Commission, in consultation with the Mayor's Office for People with Disabilities and/or other appropriate City agencies, has determined that the special features and facilities are appropriate to the needs of the intended disabled residents of the #development#;

(3) that the modifications of #bulk# requirements for the #development# will not impede adequate access of light and air to the surrounding #streets# and #residential# properties; and

(4) that the modification of #accessory# off-street parking requirements on the #zoning lot# will not unduly inhibit surface traffic and pedestrian flow in the area.

For each square foot of space provided for #accessory# social or welfare facilities, the total #residential# #floor area# permitted on the #zoning lot# may be increased by two square feet. No #floor area# bonus provisions other than those set forth herein shall be applicable to the #zoning lot#. In no event shall the maximum #floor area ratio# on the #zoning lot# exceed 7.2.

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

For the purposes of this Section, the term "disabled" shall be applicable to any person who in the determination of the New York City Commissioner of Health has an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.

74-95 - Modifications of Housing Quality Special Permits

LAST AMENDED
2/2/2011

Housing Quality #developments# granted a special permit by the Board of Estimate, prior to August 14, 1987, may be started or continued pursuant to that special permit.

The City Planning Commission may, upon application, authorize modifications of special permits granted before August 14, 1987, under previous Sections 74-95 (Housing Quality Developments) and 74-97 (Special Provisions for a Housing Quality Development on a Through Lot Divided by Residence-Manufacturing District Boundaries with a Substantial Grade Differential).

No such modification may create a new #non-compliance# or increase the degree of an existing #non-compliance#.

#Non-compliance# shall be measured pursuant to the applicable district #bulk# regulations and the provisions of Article II, Chapter 8.

In no event may the Commission grant a modification of a previously approved special permit, which would:

(a) increase the height of the #building#;

(b) extend the location of the exterior walls of the #building#;

(c) increase the portion of the #zoning lot# covered by the #building#;

(d) increase the #floor area# on the #zoning lot#;

(e) reduce the amount of indoor and outdoor recreation space other than laundry rooms in the #building#;

(f) reduce the amount of #bulk# storage within a #dwelling unit# or reduce shared #bulk# storage below 40 cubic feet of storage space for each additional 300 square feet of #dwelling unit#, or portion thereof, above 450 square feet; or

(g) affect the provision and maintenance of off-site neighborhood improvements.

74-96 - Industrial Business Incentive Areas

LAST AMENDED
4/9/2019

For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the maps in Section 74-968 (Maps of Industrial Business Incentive Areas), the City Planning Commission may increase the maximum permitted #floor area ratio# in accordance with Section 74-963 (Permitted floor area increase). In conjunction with such #floor area# increase, the Commission may permit modifications to other #bulk# regulations, provisions for publicly accessible open spaces, as well as parking and loading requirements for such #developments# or #enlargements#,

pursuant to Section 74-964 (Modifications in conjunction with a floor area increase).

All applications for a special permit pursuant to this Section, inclusive, shall be subject to the requirements, conditions and findings set forth in Section 74-962 (Application requirements), Section 74-965 (Conditions), Section 74-966 (Findings), and Section 74-967 (Compliance, recordation and reporting requirements).

74-961 - Definitions

LAST AMENDED
7/14/2016

For the purposes of Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas), inclusive, a "required industrial use" and an "incentive use" shall be defined as follows:

Incentive Use

An "incentive use" is a #use# permitted by the applicable zoning district, that is allowed to occupy the additional #floor area# generated by a #required industrial use# with the exception of the following #uses#:

#transient hotels# in Use Group 5, as specified in Section 32-14;

#uses# in Use Groups 6A or 6C, as specified in Section 32-15;

#uses# in Use Group 7A, as specified in Section 32-16;

#uses# in Use Group 8C, as specified in Section 32-17;

#uses# in Use Group 10A, and any retail spaces #accessory# to wholesale offices or showrooms, with storage restricted to samples; in Use Group 10B as specified in Section 32-19;

#uses# in Use Group 12, as specified in Section 32-21;

#uses# in Use Group 13, as specified in Section 32-22; and

moving or storage offices, with no limitation as to storage or #floor area# per establishment, as well as packing or crating establishments, and warehouses, as specified in Section 32-25 (Use Group 16).

Required Industrial Use

A "required industrial use" is a #use# that helps achieve a desirable mix of #commercial# and #manufacturing uses# in an Industrial Business Incentive Area, and that generates additional #floor area# pursuant to provisions set forth in Section 74-962 and is listed in:

Use Group 11A as specified in Section 32-20;

Use Group 16A, as specified in Section 32-25, excluding animal hospitals and kennels; animal pounds or crematoriums; automobile, motorcycle, trailer, or boat sales; crematoriums, human; motorcycle or motor scooter rental establishments; poultry or rabbit killing establishments; riding academies; stables for horses; and trade schools for adults;

Use Group 16B, as specified in Section 32-25;

Use Group 17B, as specified in Section 42-14;

Use Group 17C, as specified in Section 42-14; and

Use Group 18A, as specified in Section 42-15, limited to beverages, alcoholic or breweries; where permitted by the provisions of the applicable zoning district and provided the applicable performance standards pursuant to Section 42-20 are met.

Any diagnostic medical laboratories that receive patients shall not be considered a #required industrial use#.

74-962 - Application requirements

LAST AMENDED
5/12/2021

All applications for a special permit pursuant to this Section shall include the following:

(a) site plans and elevations which shall establish distribution of #floor area#, height and #setback#, sidewalk widths, primary business entrances, including parking and loading, #yards# and publicly accessible open space, signage and lighting;

(b) floor plans of all floors which shall establish the location, access plan and dimensions of freight elevators and loading areas and the location of #floor area# dedicated to #required industrial uses# and #incentive uses#;

(c) drawings that show, within a 600-foot radius, the location and type of #uses#, the location, dimensions and elements of off-site open areas including #streets#, waterfront and #upland# parcels, elements of a Waterfront Access Plan, as applicable, and the location of #street# trees and #street# furniture and any other urban design elements. Where applicable, for applications in Industrial Business Incentive Area 1, the plans shall demonstrate that any publicly accessible open space provided meets the requirements of paragraph (f) of Section 74-965 (Conditions); and

(d) for #zoning lots# in #flood zones#, flood protection plans, location of mechanical equipment, areas for storage of any hazardous materials and proposed structural or design elements intended to mitigate the impacts of flood and storm events.

74-963 - Permitted floor area increase

LAST AMENDED
7/14/2016

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section.

For #developments# or #enlargements# in the district indicated in Column A, for each square foot of #required industrial uses#, the base maximum #floor area ratio# on a #zoning lot#, set forth in Column B, may be increased by 3.5 square feet for each square foot of #required industrial uses#, up to the maximum #floor area ratio# for all #uses# on the #zoning lot#, as set forth in Column E, provided that such

#development# or #enlargement# does not include a #transient hotel#, and that such additional increase in #floor area# is occupied by #required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively. In no event shall such #development# or #enlargement# include a #transient hotel#.

FLOOR AREA INCREASE PERMITTED
IN INDUSTRIAL BUSINESS INCENTIVE AREAS

A	B	C	D	E
District	Base Maximum #Floor Area Ratio#	Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#	Maximum Additional #Floor Area Ratio# for #Incentive Uses#	Maximum #Floor Area Ratio# for All #Uses#
M1-2	2.0	0.8	2.0	4.8
M1-4	2.0	1.3	3.2	6.5

Applications for such #floor area# increases are eligible for modifications set forth in Section 74-964 (Modifications in conjunction with a floor area increase), and are subject to the conditions set forth in Section 74-965 and findings set forth in Section 74-966.

74-964 - Modifications in conjunction with a floor area increase

LAST AMENDED3/18/2021

In Industrial Business Incentive Areas, the City Planning Commission may modify the following in conjunction with an application for a #floor area# increase pursuant to Section 74-963 (Permitted floor area increase).

(a) Bulk modifications

(1) Yard regulations

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall be modified pursuant to the provisions of paragraph (c) of Section 74-965 (Conditions). In addition, the Commission may modify any other #yard# regulations set forth in Section 43-20, inclusive.

(2) Height and setback regulations

(i) In Industrial Business Incentive Area 1, the height and setback regulations of Section 43-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, shall be modified pursuant to the conditions of paragraph (d) of Section 74-965.

(ii) In Industrial Business Incentive Area 2, the Commission may modify the height and setback regulations of Section 43-40, inclusive.

(b) Modification for publicly accessible open space

In Industrial Business Incentive Area 1, where a publicly accessible open space is provided pursuant to paragraph (f) of Section 74-965, the Commission may modify the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

(c) Parking and loading modifications

In all Industrial Business Incentive Areas, the Commission may reduce or waive the off-street parking requirements set forth in Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section 44-50 (GENERAL PURPOSES), inclusive.

74-965 - Conditions

LAST AMENDED
5/12/2021

In Industrial Business Incentive Areas, applications for #floor area# increases pursuant to Section 74-963 (Permitted floor area increase) and modifications pursuant to Section 74-964 (Modifications in conjunction with a floor area increase), are subject to the following conditions:

(a) Minimum amount of #required industrial uses#

#Required industrial uses# shall occupy a minimum of 5,000 square feet of horizontally contiguous #floor area# of 5,000 square feet in Industrial Business Incentive Area 1, and 2,500 square feet in Industrial Business Incentive Area 2, and shall be served by loading areas and freight elevators with sufficient capacity.

(b) Minimum sidewalk width

In all Industrial Business Incentive areas, all #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall be accessible to the public at all times.

(c) Yards

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall not apply to any #development# or #enlargement# on a #through lot# or the #through lot# portion of a #zoning lot#.

(d) Height and setback

In Industrial Business Incentive Area 1, the #street wall# location requirements and height and setback regulations of this paragraph shall apply to any #development# or #enlargement#. For the

purposes of applying the provisions of this paragraph, any sidewalk widening line provided pursuant to the minimum sidewalk width requirement of paragraph (b) shall be considered the #street line#. All heights shall be measured from the #base plane#.

(1) The #street wall# of any #building# shall be located on the #street line# and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the #building#, whichever is less. At least 70 percent of the aggregate width of such #street wall# below 12 feet shall be located at the #street line# and no less than 70 percent of the aggregate area of the #street wall# up to the base height shall be located at the #street line#. However, up to a width of 130 feet of such #street wall# located on the short end of the #block# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section.

(2) The height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or within 15 feet of a #narrow street# shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 50 percent of the #street wall# and a maximum height of 110 feet. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 110 feet. Where a publicly accessible open space is provided pursuant to paragraph (f) of this Section, such maximum #building# height may be increased to 135 feet.

(3) Along the short dimension of a #block#, up to 130 feet of such #street wall# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section, and a #street wall# located at the #street line# that occupies not more than 40 percent of the short end of the #block# may rise without setback to the maximum #building# height.

(e) Ground floor design

In all Industrial Business Incentive Areas the ground floor level #street walls#, and ground floor level walls fronting on a publicly accessible open space of a #development# or horizontal #enlargement# provided pursuant to paragraph (f) of this Section, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements). The ground floor transparency requirements of this paragraph (e) shall not apply to #uses# listed in Use Groups 11, 16, 17 and 18, provided that any portion of the #ground floor level street wall# without transparency shall be subject to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds), and any #street wall# exceeding the particular thresholds set forth in such Section shall provide visual mitigation elements in accordance with the provisions of paragraphs (a) or (b)(1) of Section 37-362 (Mitigation elements).

(f) Publicly accessible open space

In Industrial Business Incentive Area 1, a publicly accessible open space shall be provided where the additional #building# height provision of paragraph (d)(2) of this Section is used. Such publicly accessible open space shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and a minimum of at least 2,000 square feet in area. In addition, such publicly accessible open space shall comply with the provisions set forth in Section 37-70 (PUBLIC PLAZAS), inclusive, except that certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.

(g) Signs

In all Industrial Business Incentive Areas, the following shall apply:

(1) #Signs# shall be subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60 (SIGN REGULATIONS), inclusive. Information #signs# provided pursuant to paragraph (g)(2) of this Section shall not count towards the maximum permitted #surface area# regulations of Section 32-64 (Surface Area and Illumination Provisions), inclusive.

(2) An information #sign# shall be provided for all #buildings# subject to the #use# restrictions of this special permit. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the building, and at a height no less than four feet and no more than five and a half feet above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain: the name and address of the building in lettering no less than three-quarters of an inch in height; and the following statement in lettering no less than one-half of an inch in height, "This building is subject to Industrial Business Incentive Area regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include the internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b) of Section 74-967 (Compliance, recordation and reporting requirements) is available to the public.

74-966 - Findings

LAST AMENDED3/18/2021

In order to grant additional #floor area# and any modifications to #bulk#, publicly accessible open space or parking and loading regulations, the City Planning Commission shall find that:

(a) For all applications with a #floor area# increase, and for any applications with #bulk# modifications, such increase or modification:

(1) will promote a beneficial mix of #required industrial# and #incentive uses#;

(2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;

(3) will result in a #building# that has a better design relationship with surrounding #streets# and adjacent open areas;

(4) will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and

(5) will, for #yard# or height and setback regulations, provide a better distribution of #bulk# on the #zoning lot# and will not unduly obstruct the access to light and air of surrounding #streets# and properties.

(b) Where modifications to publicly accessible open space requirements of paragraph (f) of Section 74-965 (Conditions) are proposed, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.

(c) Where modifications to parking or loading regulations are proposed:

(1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

(2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;

(3) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and

(4) the reduction or waiver of loading berths requirements will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

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

74-967 - Compliance, recordation and reporting requirements

LAST AMENDED3/18/2021

Applications for #floor area# increases and modifications in Industrial Business Incentive Areas are subject to the following requirements:

(a) Compliance and recordation

Failure to comply with a condition or restriction in a special permit granted pursuant to Section 74-96 (Industrial Business Incentive Areas), inclusive, or with applicable approved plans, or with provisions of paragraphs (a), (b) and (c) of this Section, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the implementation of all other applicable remedies.

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to #use# restrictions or #public plaza# requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lot is located.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the #building# to be occupied by #incentive uses# shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the #building# required to be occupied by #required industrial uses#.

(b) Periodic notification by owner

No later than the 20th day after the lease executed by a new tenant permits occupancy of any #required industrial space#, the owner of a #building# subject to #use# restrictions of this special permit shall provide the following information at the designated internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to paragraph (g)(2) of Section 74-965 (Conditions). If no new tenant executes a lease for any #required industrial space# within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:

(1) the date of the most recent update of this information;

(2) total #floor area# of the #required industrial uses# in the #development#;

(3) a digital copy of all approved special permit drawings pursuant to paragraph (a)(1) through (a)(4) of this Section Section 74-962 (Application requirements);

(4) the name of each business establishment occupying #floor area# reserved for #required industrial uses#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(5) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(6) all prior periodic notification information required pursuant to the provisions of this paragraph (e)(b). However, such notification information that is older than four years from the date of the most recent update need not be included.

(c) Annual reporting by qualified third party

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a #building# subject to #use# restrictions of this Section, the owner of a #building# subject to #use# restrictions of this Section shall cause to be prepared a report on the existing conditions of the #building#, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.

The inspection shall be preceded by an annual notification letter from the owner of a #building# subject to #use# restrictions of this Section to all the #required industrial use# tenants of the #building# announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by #required industrial uses#, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.

The owner of a #building# subject to #use# restrictions of this Section shall cause such report to be prepared by an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, or, in Industrial Business Incentive Area 2, by a special inspection agency that is registered with the City as established in Section 28-101.5 of the Administrative Code. Such organization or agency selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the Director of the Department of City Planning, and shall include all of the information required pursuant to the provisions of paragraph (b) of this Section, and additional information as set forth in this paragraph (c):

(1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;

(2) the total amount of #required industrial use# #floor area# that is vacant, as applicable;

(3) the average annual rent for the portions of the #building#, in the aggregate, required to be occupied by #required industrial uses#. However, prior to 36 months from the date of execution of a lease by the first #required industrial use# tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph (c). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the annual average rent for the calendar year two years prior to the year in which the report is due; and

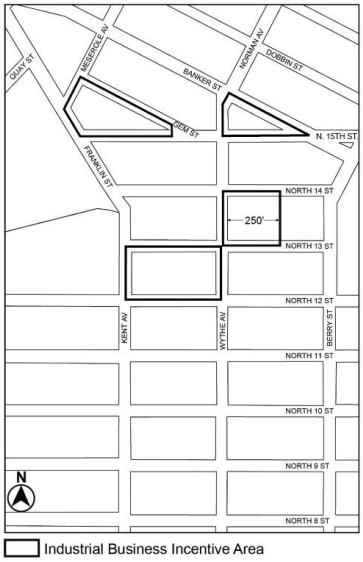
(4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local City Council member shall be included in such transmission.

74-968 - Maps of Industrial Business Incentive Areas

LAST AMENDED12/9/2021

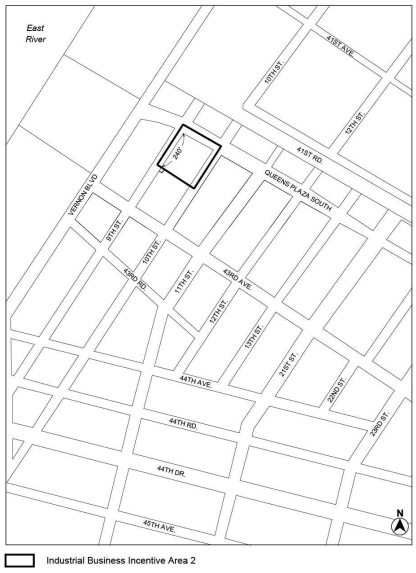
Map 1: Brooklyn



Portion of Community District 1,

Borough of Brooklyn

Map 2: Queens



Portion of Community District 2,

Borough of Queens

74-99 - Lapse of Authorization or Special Permit

LAST AMENDED
7/18/1995

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Certifications

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 5 - Certifications

75-00 - CERTIFICATIONS

LAST AMENDED
4/30/2012

75-01 - Certification for Rooftop Greenhouses

LAST AMENDED
4/30/2012

A rooftop greenhouse shall be excluded from the definition of #floor area# and may exceed #building# height limits, upon certification by the Chairperson of the City Planning Commission that such rooftop greenhouse:

(a) is located on the roof of a #building# that does not contain #residences# or other #uses# with sleeping accommodations;

(b) will only be used for cultivation of plants, or primarily for cultivation of plants when #accessory# to a #community facility use#;

(c) is no more than 25 feet in height;

(d) has roofs and walls consisting of at least 70 percent transparent materials, except as permitted pursuant to paragraph (f)(3) of this Section;

(e) where exceeding #building# height limits, is set back from the perimeter wall of the #story# immediately below by at least six feet on all sides; and

(f) has been represented in plans showing:

(1) the area and dimensions of the proposed greenhouse, the location of the existing or proposed #building# upon which the greenhouse will be located, and access to and from the #building# to the greenhouse;

(2) that the design of the greenhouse incorporates a rainwater collection and reuse system; and

(3) any portions of the greenhouse dedicated to office or storage space #accessory# to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse, and shall be exempt from the transparency requirement in paragraph (d) of this Section.

Plans submitted shall include sections and elevations, as necessary to demonstrate compliance with the provisions of paragraphs (a) through (f) of this Section, as applicable. A copy of the proposed rooftop greenhouse plan shall be delivered to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the Commission. The certification of a rooftop greenhouse shall not be complete until the earlier of the date that the affected Community Board submits comments regarding such proposal to the Chairperson of the Commission or informs the Chairperson that such Community Board has no comments; or 45 days from the date that such proposal was submitted to the affected Community Board.

No building permits or certificates of occupancy related to the addition of #residences# or other #uses# with sleeping accommodations within the #building# may be issued by the Department of Buildings unless and until such rooftop greenhouse has been fully dismantled. A Notice of Restrictions shall be recorded for the #zoning lot# providing notice of the certification pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson of the City Planning Commission, and the filing and recording of such instrument shall be a precondition to the use of such rooftop

greenhouse. The recording information for the rooftop greenhouse certification shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the rooftop greenhouse remains intact.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Location of District Boundaries

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Chapter 6 - Location of District Boundaries

76-00 - MEASUREMENT OF DISTANCES

LAST AMENDED
12/15/1961

76-01 - Method of Measurement

LAST AMENDED
12/15/1961

Except as otherwise specifically provided, all prescribed distances shall be measured in a straight line, not necessarily coinciding with a #street line#.

76-10 - DISTRICT BOUNDARIES ON THE ZONING MAPS

LAST AMENDED
12/15/1961

76-11 - General Provisions

LAST AMENDED
12/15/1961

The district boundaries on the #zoning maps# shall be interpreted in accordance with the provisions set forth in Sections 76-12 (Area Enclosed by District Boundary Line), 76-13 (Location of Boundary Line) and 76-14 (Additional Rules of Construction).

76-12 - Area Enclosed by District Boundary Line

LAST AMENDED
12/15/1961

An area enclosed by a district boundary line shall be in the district designated therein.

76-13 - Location of Boundary Line

LAST AMENDED
12/15/1961

The precise location of a boundary line is to be interpreted in accordance with the provisions set forth in this Section.

76-131 - Boundary line parallel to the short dimension of block

LAST AMENDED
12/15/1961

In cases where a boundary line extends parallel to the short dimension of the #block# and no dimensions are shown, such boundary line shall be considered to be located:

(a) in the case of C1-1, C4-1, C4-2 or C4-4 Districts, 200 feet from the nearest #street# within the district;

(b) in the case of C1-2, C1-3, C2-1, C2-2, C2-3, C4-3 or C7 Districts, 150 feet from the nearest #street# within the district; and

(c) in the case of all other districts, 100 feet from the nearest #street# within the district.

76-132 - Boundary line parallel to the long dimension of block between parallel streets

LAST AMENDED
12/15/1961

In case of parallel #streets#, where a boundary line extends parallel to the long dimension of the #block# and no dimension is shown, such boundary line shall be considered to coincide with the center line of the #block#.

76-133 - Boundary line parallel to the long dimension of block between streets which are not parallel

LAST AMENDED
12/15/1961

In case of #streets# which are not parallel, where a boundary line extends parallel to the long dimension of the #block# and no dimension is shown, such boundary line shall be considered as the bisector of the angle formed by prolonging the #street lines# to an intersection.

76-14 - Additional Rules of Construction

LAST AMENDED
12/15/1961

76-141 - When distance from street line shown

LAST AMENDED
2/26/1967

In cases where the boundary line is shown by a dimension as being located a specific distance from a #street line#, this distance shall be considered to be measured from the nearest #street line# of the #street# from which dimensioned.

In cases where a #Limited Height District# boundary line appears to be identical or approximately identical with the boundary line of another district whose location is shown by a dimension, the boundary line of the #Limited Height District# shall be considered to be identical with the boundary line of the other district.

76-142 - Boundary line within street

LAST AMENDED
6/11/1974

In cases where the boundary line is given a position within a #street#, it shall be considered to be in the center of the #street#.

In cases where a C1 or C2 District is mapped within a #Residence District# and such C1 or C2 District abuts a #street line#, the boundary line along such abutting portion shall be deemed to be located in the center of the abutting #street#.

76-143 - Boundary line oblique to streets

LAST AMENDED
12/15/1961

In cases where a boundary line is shown having a position oblique to the #streets# bounding the #block# in which it is located, it shall (unless otherwise fixed) be considered to be the bisector of the angle formed by the intersection of lines 100 feet from and parallel to each of said bounding #streets#, this distance being measured at right angles to said #street lines#.

76-144 - Boundary line adjoining a railroad

LAST AMENDED
12/15/1961

In cases where a boundary line is shown as adjoining a railroad, it shall (unless otherwise fixed) be considered to coincide with the boundary line of the railroad right-of-way.

76-145 - Boundary line coinciding with parks, cemeteries or navigable waters

LAST AMENDED
12/15/1961

In cases of parks, cemeteries, or navigable waters, the boundary line shall (unless otherwise fixed) be considered to coincide with the boundary line of the park or the cemetery or the pierhead line, except that in cases where no pierhead line has been established, the shore line shall control.

76-146 - Islands

LAST AMENDED
12/15/1961

Any island, or portion thereof, outside of the shore or pierhead lines, that is not a #public park# shall, unless otherwise designated or determined by the City Planning Commission, be considered to be in an R3-2 District.

76-147 - Park boundary line

LAST AMENDED
12/15/1961

The boundary line of a #public park# shall be considered a district boundary line.

76-148 - Scenic View District boundary line

LAST AMENDED
10/24/1974

The boundary lines of #Special Scenic View Districts# are set forth in Section 102-60 (SPECIAL SCENIC VIEW DISTRICTS SPECIFIED).

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special Provisions for Zoning Lots Divided by District Boundaries

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 7 - Special Provisions for Zoning Lots Divided by District Boundaries

77-00 - GENERAL PROVISIONS

LAST AMENDED
8/14/1987

77-01 - Applicability of This Chapter

LAST AMENDED
12/15/1961

Whenever any #zoning lot# is located in two or more districts in which different #uses# are permitted, or in which different #use#, #bulk#, #accessory# off-street parking and loading, or other regulations apply, the provisions of this Chapter shall apply.

77-02 - Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution

LAST AMENDED
2/2/2011

Whenever a #zoning lot# is divided by a boundary between two or more districts and such #zoning lot# did not exist on December 15, 1961, or any applicable subsequent amendment thereto, each portion of such #zoning lot# shall be regulated by all the provisions applicable to the district in which such portion of the #zoning lot# is located. However, the provisions of paragraph (a) of Section 77-22 (Floor Area Ratio) and Section 77-40 (SUPPLEMENTAL REGULATIONS) shall apply to #zoning lots# created at any time where different #bulk# regulations apply to different portions of such #zoning lot#.

77-03 - Zoning Lots Existing Prior to Effective Date or Amendment of Resolution

LAST AMENDED
12/15/1961

Whenever a #zoning lot# is divided by a boundary between two or more districts and such #zoning lot# existed on December 15, 1961, or any applicable subsequent amendment thereto, the provisions of this Resolution may be applied to such #zoning lot# as set forth in subsequent Sections of this Chapter. Except as specifically provided in this Chapter, each portion of such #zoning lot# shall be regulated by all the provisions applicable to the district in which such portion of the #zoning lot# is located.

77-10 - USE REGULATIONS

LAST AMENDED
12/15/1961

77-11 - Conditions for Application of Use Regulations to Entire Zoning Lot

LAST AMENDED
6/29/1989

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts in which different #uses# are permitted, the #use# regulations applicable to the district in which more than 50 percent of the #lot area# of the #zoning lot# is located may apply to the entire #zoning lot#, provided that the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50

percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the #use# regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the #bulk#, off-street parking and loading, and all other regulations applying to such expanded district shall apply to the entire #zoning lot#. However, when the #zoning lot# is divided by a district boundary between a district limited to #single-# or #two-family residences# and a district permitting multiple dwellings, the #use# and #bulk# regulations of an R3-2 District shall apply in the R1, R2, R3A, R3X or R3-1 portion, and the #use# and #bulk# regulations of an R4 District shall apply in the R2X, R4A, R4-1 or R4B portion.

Except as specifically provided by the provisions of a special purpose district, the provisions of this Section shall apply to #zoning lots# which are divided by a special purpose district boundary line.

77-12 - Application of Use Regulations Under All Other Conditions

LAST AMENDED
6/25/1964

Whenever a #zoning lot# is divided by a boundary between districts in which different #uses# are permitted and the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) do not apply, the applicable #use# regulations for each district shall apply to that portion of the #zoning lot# located within such district, except as provided in Section 73-42 (Enlargement of Uses Across District Boundaries) or 73-52 (Modifications for Zoning Lots Divided by District Boundaries).

The regulations governing #use# are set forth in Article II, Chapter 2; Article III, Chapter 2; and Article IV, Chapter 2.

77-20 - BULK REGULATIONS

LAST AMENDED
12/15/1961

77-21 - General Provisions

LAST AMENDED
9/27/1962

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts with different #bulk# regulations, and the provisions of Sections 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) or 77-211 (Conditions for application of bulk regulations to entire zoning lot) do not apply, the #bulk# regulations may apply as set forth in Sections 77-22 to 77-29, inclusive, relating to Bulk Regulations.

77-211 - Conditions for application of bulk regulations to entire zoning lot

LAST AMENDED
12/5/1990

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between:

(a) two #Residence Districts# limited to #single-# or #single-# and #two-family residences#; or

(b) two #Commercial Districts# or two #Manufacturing Districts# in which the same #uses# are permitted but different #bulk# regulations apply;

the #bulk# regulations applicable to the district in which more than 50 percent of the #lot area# of the #zoning lot# is located may apply to the entire #zoning lot#, provided that the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the #bulk# regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the off-street parking and loading and all other regulations applying to such expanded district shall apply to the entire #zoning lot#.

Except as specifically provided by the provisions of a Special Purpose District, the provisions of this Section shall apply to #zoning lots# that are divided by a Special Purpose District boundary line.

77-22 - Floor Area Ratio

LAST AMENDED
2/2/2011

The maximum #floor area ratio# permitted on each portion of such #zoning lot# for the applicable type of #building# or #buildings# on such #zoning lot# shall be determined under the applicable regulations of Articles II, III and IV.

Each such #floor area ratio# shall be multiplied by the percentage of the #zoning lot# to which such #floor area ratio# applies. The sum of the products thus obtained shall be the adjusted maximum #floor area ratio# applicable to such #zoning lot#.

In applying this provision, the #floor area# bonus permitted for #publicly accessible open areas# or #arcades#, under the applicable regulations of this Resolution, shall apply only to such #publicly accessible open areas#, #arcades# or portions thereof, as are located in a district in which such bonus is granted.

When a #zoning lot# (with a #height factor# greater than 21) does not have a specified maximum #floor area ratio#, for the purpose of computing the adjusted maximum #floor area ratio#, the #floor area ratio# of such #zoning lot# shall be deemed to be that which can be achieved at the minimum required #open space ratio# for such #zoning lot#.

The #floor area# resulting from application of the adjusted maximum #floor area ratio# may be located anywhere on the #zoning lot#, subject to all other regulations of this Resolution, and provided that the #floor area ratio# for any portion of the #zoning lot# within one district shall not exceed the maximum #floor area ratio#, by #height factor#, if applicable, specified for that district, or the adjusted maximum #floor area ratio# for the #zoning lot#, whichever is greater, except as follows:

(a) In R3-2 Districts, R4 Districts, except R4A, R4-1 and R4B Districts, R5 Districts, and equivalent #Commercial Districts#, and for #Quality Housing buildings# in R6, R7 and R8 Districts and equivalent #Commercial Districts# outside the #Manhattan Core#, the #residential# #floor area ratio# of that portion of the #zoning lot# fronting on and within 100 feet of a #wide street# and permitting the greater maximum permitted #residential# #floor area ratio# may exceed the maximum permitted #residential# #floor area ratio# for the portion of the #zoning lot# by up to 20 percent, provided that the maximum #residential# #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #residential# #floor area ratio# applicable to such #zoning lot#.

(b) For portions of #zoning lots# within an R2X, R3-1, R3A, R3X, R4-1, R4A or R4B District not subject to the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot), the #floor area ratio# for such portion of the #zoning lot# shall not exceed the maximum #floor area ratio# specified for that district.

77-23 - Open Space Ratio

LAST AMENDED
2/2/2011

The #open space# required for such #zoning lot# shall be computed separately for each portion of the #zoning lot# under the applicable regulations of the underlying districts. The total #open space# provided on the #zoning lot# shall not be less than the sum of such required #open space# so computed.

For portions of the #zoning lot# located in districts that have required #open space ratios#, the required #open space# for each such portion is computed by multiplying the #lot area# of that portion, by the maximum #floor area ratio# permitted for the applicable type of #building# or #buildings#, by the minimum #open space ratio# required at that #floor area ratio#, divided by 100.

For portions of the #zoning lot# located in other districts that do not have required #open space ratios# but do have required #open space#, the required #open space# for each such portion is computed by multiplying the #lot area# of that portion, by the minimum percentage of #open space# required, divided by 100.

For portions of the #zoning lot# located in districts that do not have a required #open space ratio# or required #open space#, no #open space# shall be required but any required #yards#, or #publicly accessible open area# provided, for which a #floor area# or #lot area# bonus is taken, shall be in addition to the amount of #open space# required on the remaining portion of the #zoning lot#. No open area may be counted twice in fulfilling these requirements.

The required #open space# may be located anywhere on the #zoning lot# subject to all other regulations of this Resolution and provided that the #open space ratio# for any portion of the #zoning lot# within one district shall not be less than 60 percent of the required #open space ratio# for that district.

77-24 - Lot Coverage

LAST AMENDED
2/2/2011

The maximum percent of #lot coverage# permitted on each portion of a #zoning lot# shall be determined under the applicable regulations of Article II, Chapters 3 and 4.

Each such maximum percent of #lot coverage# shall be multiplied by the #lot area# of the portion of the #zoning lot# to which such percent of #lot coverage# applies. The sum of the areas of #lot coverage# thus obtained shall be the maximum area of #lot coverage# for the #zoning lot#. Such maximum area of #lot coverage#, divided by the #lot area# of the #zoning lot#, shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

A #building# whose #lot coverage# does not exceed the adjusted maximum percentage of #lot coverage# may be located anywhere on such #zoning lot# or portion of such #zoning lot#, subject to all other regulations of this Resolution, and provided that the percentage of #lot coverage# for any portion of the #zoning lot# within one district shall not exceed the maximum percentage of #lot coverage# specified for that district, or the adjusted maximum percentage of #lot coverage# for the #zoning lot#, whichever is greater.

If a #zoning lot# divided by a boundary between two or more districts is partly a #corner lot# and partly an #interior lot# or #through lot#, separate adjusted maximum percentages of #lot coverage# shall be computed for such #corner lot# and for such #interior lot# or #through lot# and applied separately to such #corner lot# and to such #interior lot# or #through lot#, as though each were a separate #zoning lot#. The provisions of this paragraph shall not apply to #zoning lots# located on #waterfront blocks#.

If a #zoning lot# is partly in a district in which there is no maximum permitted percentage of #lot coverage# for the #use#, the provisions of this Section shall apply to such portions of the #zoning lot# as are in a district with a maximum #lot coverage#

requirement.

In R2X, R3, R4 or R5 Districts for #residential# portions of #buildings#, each portion of the #zoning lot# shall be governed by the #lot coverage# regulations specified for the district in which it is located as set forth in Article II, Chapter 3.

Wherever a #zoning lot# is divided by a district boundary in which one portion of the #zoning lot# is located in a district having a #lot coverage# requirement and the other portion is located in a district having an #open space ratio# requirement, the required #open space# for the portion having the #open space ratio# requirement shall be computed in accordance with Section 77-23 (Open Space Ratio). The inverse of such required #open space# shall be the maximum #lot coverage# permitted on that portion of the #zoning lot#, and may be located anywhere on the #zoning lot# subject to all other regulations of this Resolution.

77-25 - Density Requirements

LAST AMENDED
2/2/2011

Whenever a #zoning lot# is divided by a boundary between districts with different density requirements, the maximum number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the sum of the maximum number of #dwelling units# or #rooming units# permitted for each portion of the #zoning lot# in accordance with the applicable district regulations. Such #dwelling units# or #rooming units# may be located wherever a #building# is permitted on the #zoning lot#. However, for portions of #zoning lots# in R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B or R5A Districts, no more than one or two #dwelling units# may be provided, as applicable.

77-26 - Minimum Lot Area and Lot Width Requirements for Residences

LAST AMENDED
2/2/2011

The minimum #lot area# and #lot width# regulation applying to the district with the more restrictive regulations shall apply to the entire #zoning lot#.

77-27 - Yard Regulations

LAST AMENDED
2/2/2011

Each portion of the #zoning lot# shall be governed by the #yard# regulations specified for the district in which it is located.

77-28 - Height and Setback Regulations

LAST AMENDED
2/2/2011

For #zoning lots# divided by district boundaries in which all applicable height and setback regulations include the use of #sky exposure planes#, the height and setback regulations of each #street# frontage of the #zoning lot# shall be determined by multiplying the quantitative requirements set forth in the regulations of the Chapters, which are applicable to each portion of such #street# frontage, by the percentage of such #street# frontage to which such regulations apply. The sum of the products obtained shall be the controlling requirements for the #zoning lot#.

In determining the percentage of such #street# frontage, the percentage shall be based on the total frontage of the #zoning lot#

along such #street#.

However, if any portion of such #zoning lot# is located within a #Limited Height District#, the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts) shall apply to such portion of the #zoning lot#.

For all other #zoning lots#, each portion of such #zoning lot# shall be regulated by the height and setback provisions applicable to the district in which such portion of the #zoning lot# is located.

In R2X, R3, R4 or R5 Districts, for #residential# portions of #buildings#, each portion of the #zoning lot# shall be governed by the height and setback regulations specified for the district in which it is located, as set forth in Article II, Chapter 3.

For the purposes of defining a #building# envelope pursuant to

paragraph (b) of Section 23-631 (General provisions), apex points may be located on a zoning district boundary which divides a #building#.

Furthermore, if any portion of a #zoning lot# is located in an R2X, R3, R4, R4-1 or R4A District, the height and setback regulations specified for such district may apply to the entire #zoning lot# provided that such district comprises more than 50 percent of such #zoning lot#, and the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

77-29 - Tower Regulations

LAST AMENDED
2/2/2011

If 50 percent or more of a #zoning lot# is located within a district to which the provisions of Sections 23-65, 24-54, 33-45 or 43-45 (Tower Regulations) apply, and the remaining portion of the #zoning lot# is within a district to which such provisions do not apply, any #building# or portion thereof which, in the aggregate, occupies not more than 40 percent or, on small lots, the percentage set forth in Sections 23-65, 24-54, 33-454 or 43-451 (Towers on small lots) of the #lot area# of the entire #zoning lot# (which #building# or portion thereof is hereinafter referred to as a tower) may penetrate any applicable established #sky exposure plane#, provided that such tower shall comply with the applicable setback requirements or restrictions on aggregate area that may be occupied within 50 feet of a #narrow street# or 40 feet of a #wide street#, as set forth in Sections 23-65, 24-54, 33-45 or 43-45.

If 50 percent or more of a #zoning lot# is located in a district in which the provisions of Sections 33-455 (Alternate regulations for towers on lots bounded by two or more streets), 33-456 (Alternate setback regulations on lots bounded by two or more streets) or 33-457 (Tower setbacks on narrow blocks) apply, and the remaining portion of the #zoning lot# is within a district in which such provisions do not apply, any #building# or any tower that occupies not more than the applicable percent of the #lot area# of a #zoning lot# as set forth in Section 33-455 or 33-456 and which complies with the applicable setback requirements as set forth in Sections 33-455, 33-456 or 33-457, may penetrate any applicable established #sky exposure plane#.

Subject to the requirements set forth hereinbefore and those specified in Sections 77-22 (Floor Area Ratio) and 77-23 (Open Space Ratio), such tower may be located anywhere on such #zoning lot#.

77-30 - OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
12/15/1961

77-31 - General Provisions

LAST AMENDED
12/15/1961

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts with different off-street parking or loading regulations, and the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) do not apply, the off-street parking and loading regulations may apply as set forth in this Chapter.

77-32 - Districts of Same General Use Class

LAST AMENDED
12/15/1961

When such boundary is between two #Residence Districts# or two #Commercial Districts# or two #Manufacturing Districts#, the provisions of this Section shall apply.

77-321 - Provisions governing off-street parking for residences

LAST AMENDED
2/2/2011

The percentage requirements for #accessory# off-street parking for #residences# applicable to each portion of the #zoning lot# shall be multiplied by the percentage of the total #lot area# of the #zoning lot# to which each such requirement applies. The sum of the products obtained shall be the percentage requirement applicable to #residences# on such #zoning lot#. Such off-street parking spaces may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces shall conform to all the other applicable provisions of this Resolution.

77-322 - Provisions governing off-street parking for non-residential uses

LAST AMENDED
2/2/2011

For non-#residential uses#, the requirements for #accessory# off-street parking or loading of that district in which more than 50 percent of the total area of the #zoning lot# is located, shall apply to the entire #zoning lot#. The parking spaces or loading berths may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces or berths shall conform to all other applicable regulations of this Resolution.

77-33 - Districts of Different General Use Class

LAST AMENDED
12/15/1961

When such boundary is between a #Residence District# and a #Commercial District#, or between a #Commercial District# and a #Manufacturing District#, or between a #Residence District# and a #Manufacturing District#, the provisions of this Section shall apply.

77-331 - Use permitted in both districts

LAST AMENDED
12/15/1961

For any #use# which is permitted in both such districts, the applicable requirements for #accessory# off-street parking and loading of that district in which more than 50 percent of the #zoning lot# is located shall apply to the entire #zoning lot#. The parking spaces or loading berths may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces or berths shall conform to all other applicable regulations of this Resolution.

77-332 - Use not permitted in both districts

LAST AMENDED
12/15/1961

For any #use# which is permitted in one such district but not in the other, the applicable district requirements for #accessory# off-street parking and loading shall be satisfied entirely within the district within which such #use# is permitted, provided, however, that:

(a) the required parking spaces for #residential# or #community facility# #uses#, or the loading berths for #community facility# #uses#, may be located on that portion of the #zoning lot# which is in a C8 or #Manufacturing District#;

(b) the required parking spaces or loading berths for any #commercial# #use# may be located on that portion of the #zoning lot# which is in a #Manufacturing District#;

(c) the required parking spaces or loading berths for #manufacturing# #uses# may be located on that portion of the #zoning lot# which is in a C8 District; and

provided, further, that such spaces or berths shall conform to all other applicable regulations of this Resolution.

77-40 - SUPPLEMENTAL REGULATIONS

LAST AMENDED
4/30/2008

For #buildings# #developed# or #enlarged# on #zoning lots# in which a district boundary divides the #building# such that the Quality Housing Program applies in one portion of the #building# but not the other, the following Sections of Article II, Chapter 8, shall apply to the entire #building# or #zoning lot#, as applicable:

Section 28-10 (BUILDING INTERIOR)

Section 28-20 (RECREATION SPACE AND PLANTING AREAS)

Section 28-30 (SAFETY AND SECURITY)

Section 28-40 (PARKING FOR QUALITY HOUSING).

Where each zoning district has a different recreation space requirement, and/or density of #dwelling units# per corridor standard, the following rule shall apply:

To arrive at one standard for the #building#, each standard shall be multiplied by the percentage of the #zoning lot# to which such standard applies. The sum of the products thus obtained shall be the adjusted standard applicable to the #building#. For any portion of the #zoning lot# in an R3-2, R4 (except R4-1, R4A or R4B), or R5 District, the R6B District standards shall apply.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special Regulations Applying to Large-Scale Residential Developments

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Chapter 8 - Special Regulations Applying to Large-Scale Residential Developments

78-00 - GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
8/18/1977

78-01 - General Purposes

LAST AMENDED
8/24/1967

The regulations set forth in this Chapter are designed to deal with certain types of problems which arise only in connection with large-scale residential developments and to promote and facilitate better site planning and community planning through modified application of the district regulations in such developments.

For large-scale residential developments involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. For such developments, the regulations of this Chapter are designed to allow greater flexibility for the purpose of securing better site planning for development of vacant land and to provide incentives toward that end while safeguarding the present or future use and development of surrounding areas and, specifically, to achieve more efficient use of increasingly scarce land within the framework of the overall bulk controls, to enable open space in large-scale residential developments to be arranged in such a way as best to serve active and passive recreation needs of the residents, to protect and preserve scenic assets and natural features such as trees, streams and topographic features, to foster a more stable community by providing for a population of balanced family sizes, to encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings, and thus to promote and protect public health, safety and general welfare.

78-02 - Definitions

LAST AMENDED
2/2/2011

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

Floor area

For the purposes of this Chapter, in R3, R4 or R5 Districts, #floor area# shall be as defined in Section 12-10, except that:

(a) #floor area# shall not include up to 200 square feet of floor space located in any #story# used for required #accessory# off-street parking spaces within individual garages; and

(b) within the definition of #floor area# in Section 12-10, listed under "#floor area# includes," paragraph (i)(3) shall not apply, and listed under "#floor area# of a #building# shall not include," paragraph (6)(ii), shall not apply.

78-03 - Applicability of This Chapter

LAST AMENDED
2/27/2020

#Large-scale residential developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter and apply only to such #large-scale residential developments#.

Any #large-scale residential development# having a total of at least 500 #dwelling units# shall be subject to the provisions of Section 78-11 (General Provisions), relating to Provision of Public Facilities in Connection with Large-Scale Residential Developments.

#Large-scale residential developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

78-04 - Powers of the City Planning Commission

LAST AMENDED
8/24/1967

78-041 - Authorization by Commission

LAST AMENDED
8/24/1967

For any #large-scale residential development# for which proposed modifications of the applicable district regulations are limited to those which may be granted in accordance with the provisions of Sections 78-21 to 78-23, inclusive, relating to Use Regulations, Sections 78-311 and 78-313 relating to Bulk Regulations, Section 78-41 (Location of Accessory Parking Spaces), or Sections 78-51 to 78-53, inclusive, relating to Subdivision of Large-Scale Residential Developments, the City Planning Commission may grant such modifications in accordance with the provisions of such specified Sections and may prescribe appropriate conditions and safeguards thereon.

78-042 - Special permits

LAST AMENDED
12/18/1969

For #large-scale residential developments# for which proposed modifications of the applicable district regulations include those which may be granted only in accordance with the provisions of Sections 78-312 to 78-33, inclusive, relating to Bulk Regulations, or Section 78-42 (Parking Regulations for Commercial and Community Facility Uses), the City Planning Commission may grant special permits for such modifications in accordance with the applicable provisions of such specified Sections and other sections of this Chapter and may prescribe appropriate conditions and safeguards thereon.

78-043 - Requirements for findings

LAST AMENDED
2/2/2011

The requirements for findings as set forth in this Chapter shall constitute a condition precedent to the grant of any such modification by special permit or otherwise. The decision or determination of the City Planning Commission shall set forth each required finding in each grant of modifications for a #large-scale residential development#. Each finding shall be supported by substantial evidence or data considered by the Commission in reaching its final decision.

78-044 - Contractual agreements

LAST AMENDED
8/24/1967

The City of New York may enter into contractual agreements with the applicant as may be required to assure compliance with the terms and conditions of the modifications granted under the provisions of this Chapter.

78-05 - Requirements for Applications

LAST AMENDED
2/2/2011

An application to the City Planning Commission for an authorization or special permit respecting any #large-scale residential development# shall include a site plan and related schedules showing the location and proposed #use# of all #buildings or other structures# on the site, the location of existing natural features such as important trees or clusters of trees, streams or rock formations, and all information necessary to indicate the authorizations requested and their justification.

The Commission shall require, where relevant, a time schedule for carrying out the proposed #large-scale residential development#, a financial plan, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

78-06 - Ownership

LAST AMENDED
10/10/2013

(a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto, in accordance with the provisions of this Chapter, shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. Except as otherwise provided in this Section, no authorization or special permit or modification thereto, shall be granted for such #large-scale residential development# unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 for all #zoning lots# comprising the #large-scale residential development#) of, or executed a binding sales contract for, all of the property comprising such tract.

(b) Notwithstanding the provisions of paragraph (a) of this Section, the following actions shall be permitted:

(1) When a #large-scale residential development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and may be granted authorizations or special permits under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth in paragraph (a) of this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

(2) In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large-scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(2), may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5) of this Section.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	7	West Side URA

(3) The owner(s) of a developed parcel(s) within a #large-scale residential development# located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel(s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available #floor area# for #commercial# or #community facility# #uses#, subject to the conditions of paragraph (b)(5) of this Section and provided further that:

(i) no #residential use# existing prior to July 23, 2008, located above the level of the ground floor may be changed to a non-#residential use#;

(ii) the #enlarged# portion of the #building# shall be restricted to #community facility# #uses# and #commercial# #uses# listed in Use Groups 6A, 6C and 6F, provided that any ground floor #community facility# #use#, and any bank or loan office shall occupy not more than 25 feet of the #wide street# frontage, measured to a depth of 30 feet from the #wide# #street line#, and no #community facility# #use# shall be permitted above the level of the second #story# ceiling;

(iii) any #enlargement# fronting upon Columbus or Amsterdam Avenue shall contain a number of establishments, such that the entire #block# front on Columbus or Amsterdam Avenue shall contain no fewer than three establishments, each with a separate entrance on Columbus or Amsterdam Avenue. The Columbus or Amsterdam Avenue frontage of any one such establishment shall not exceed 100 feet;

(iv) the ground floor #street wall# of an #enlargement# located within C1-9 or C2-8 Districts shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area;

(v) required #open space# with appropriate circulation, seating, lighting and plantings shall be accessible and usable by all residents of the #large-scale residential development#;

(vi) a plan, including elevations, shall be submitted showing the proposed #building(s)# and modification, and #open space#; and

(vii) the #enlargement# enhances the streetscape and the design promotes a harmonious relationship with the existing #buildings# and contiguous #blocks# within the #large-scale residential development#.

In addition, any significant adverse impacts resulting from a #development# or #enlargement# pursuant to such modifications, considered in combination with #developments# or #enlargements# within the former urban renewal area listed in paragraph (b)(2), previously the subject of modifications under this paragraph, (b)(3), shall have been avoided or minimized to the maximum extent practicable by incorporating as conditions to the modification those mitigative measures that have been identified as practicable.

The provisions of paragraphs (b)(3)(ii) and (b)(3)(iii) shall not apply to #enlargements# of #community facility# #uses# and bank or loan offices existing prior to July 23, 2008, provided that such #enlargement# does not

increase existing #street# frontage on Columbus or Amsterdam Avenues by more than 10 feet.

An application filed pursuant to this paragraph, (b)(3), shall be referred to the affected Community Board, and the City Planning Commission shall not grant any modification of an authorization or special permit pursuant thereto prior to 45 days after such referral.

(4) For any #large-scale residential development# located in the Community District(s) listed in this paragraph, (b)(4), the owner(s) of a vacant parcel(s) may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5).

Borough	Community District
Queens	7

(5) Modifications of authorizations or special permits previously granted under the provisions of this Chapter, as permitted in paragraphs (b)(2), (b)(3) and (b)(4) of this Section, shall not:

(i) result in the distribution of #floor area# from any #zoning lot# not coextensive with or included within such parcel(s); or

(ii) increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond that amount permitted by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large-scale residential development#, provided that such modification would not create a #non-compliance# within the #large-scale residential development#.

(6) When a #large-scale residential development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, other than the City's urban renewal agency, or its agent, having the power of condemnation, authorizations or special permits may be applied for and may be granted under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth elsewhere in this Section.

(7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(7), may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

Borough	Community District	Former Urban Renewal Area (URA)

Manhattan	8	Ruppert Brewery URA

78-07 - Lapse of Authorization or Special Permit

LAST AMENDED
7/18/1995

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

78-10 - PROVISION OF PUBLIC FACILITIES IN CONNECTION WITH LARGE-SCALE RESIDENTIAL DEVELOPMENT

LAST AMENDED
8/24/1967

78-11 - General Provisions

LAST AMENDED
8/24/1967

The following regulations apply to all #large-scale residential developments# with a total of at least 500 #dwelling units#, except duly authorized urban renewal projects, as a condition precedent to the issuance of a building permit.

78-111 - Public facilities report

LAST AMENDED
2/2/2011

Within one month after a request from the Chairperson of the City Planning Commission, the Department of City Planning shall make a report, based upon information from the Department of Education and other appropriate City Departments, on the anticipated effect of the proposed #large-scale residential development# on the existing capacity of public #schools# or other public facilities serving the area in which the proposed #large-scale residential development# is to be located.

78-112 - If no additional public facilities needed

LAST AMENDED
2/2/2011

If the Department of City Planning reports that the proposed #large-scale residential development# will not require any significant addition to the public facilities serving the neighborhood, then the requirements of this Section shall be considered to be satisfied.

78-113 - If additional public facilities needed

LAST AMENDED

If the Department of City Planning reports that the proposed #large-scale residential development# can be expected to create a need for one or more new public facilities in the neighborhood, the City Planning Commission may, in its discretion, recommend that a site for one or more such facilities should be reserved within the site of such proposed #large-scale residential development#. If the Commission does so recommend, the issuance of a building permit shall be withheld for a period not to exceed three months. In such a case, the requirements of this Section shall be considered to be satisfied:

(a) if, within a period of less than three months, the developer and the appropriate City officials have agreed on the reservation of such a site or sites, or official proceedings have been initiated to authorize acquisition of such a site or sites, or if necessary to amend the capital budget to include the project as a prerequisite to site acquisition; or

(b) in any event, at the expiration of the above-mentioned period of three months.

78-20 - USE REGULATIONS

LAST AMENDED
8/24/1967

78-21 - Permitted Uses

LAST AMENDED
1/22/1970

A #large-scale residential development# may include within its area any #residential uses#, #commercial # #uses# or #community facility# #uses# permitted in the district or districts in which it is located. The #commercial# #uses# in these #Commercial Districts# shall be restricted to #uses# permitted in C1, C2 or C4 Districts.

78-22 - Accessory Uses in Large-Scale Residential Developments

LAST AMENDED
2/2/2011

A #large-scale residential development# in a #Residence District# may contain as #accessory # #uses#, any #commercial# #uses# listed in Use Group 6A or 6F which in the aggregate occupy not more than two percent of the total #floor area# in the #large-scale residential development#, and of which no single establishment occupies more than 15,000 square feet of #floor area#, provided that upon a review of the site plan, the City Planning Commission finds that such #commercial# #uses#:

(a) will be primarily for the use of the residents of the #large-scale residential development# and will provide more convenient shopping for such residents;

(b) are so located as to minimize interference with #residential# or recreational areas within the #large-scale residential development# and to avoid creation of traffic congestion or other objectionable influences affecting #residences# outside the #large-scale residential development#;

(c) comply with all the applicable #bulk# and off-street parking and loading regulations for such #accessory # #commercial# #uses#, as set forth in Article II, Chapters 3 and 5; and

(d) conform to those provisions of the following Sections which are applicable to #commercial # #uses# in C1 Districts:

Section 32-41 (Enclosure Within Buildings)

Section 32-42 (Location Within Buildings)

Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

78-23 - Other Accessory Uses

LAST AMENDED
4/30/1981

78-231 - Accessory swimming pools

LAST AMENDED
2/2/2011

Swimming pools may be authorized by the City Planning Commission as #accessory # #uses# even though not located on the same #zoning lots# as the principal #uses# to which they are related, provided that:

(a) any such swimming pool is located in a common #open space# area and as a part of such area meets all the requirements set forth in Section 78-52 (Common Open Space);

(b) the use of such swimming pool is restricted to the residents of the #large-scale residential development# or portion thereof served by such common #open space#, and their guests;

(c) the edge of such swimming pool is located not less than 50 feet from any #lot line# on the periphery of the #large-scale residential development#, and is suitably screened from other areas on the same or adjacent #zoning lots#; and

(d) such swimming pool complies in all other respects with the definition of #accessory # #use# as set forth in Section 12-10 (DEFINITIONS).

78-232 - Accessory sewage disposal plants

LAST AMENDED
4/30/1981

In Staten Island, sewage disposal plants to serve not more than 50 #dwelling units# may be authorized by the City Planning Commission as #accessory# #uses# to be located anywhere within a #large-scale residential development# without regard for #zoning lot lines#, provided the Commission finds that:

(a) the sewage disposal plant is located not closer than 100 feet from any #residential use#;

(b) the #large-scale residential development# is arranged so as to best serve the active and passive recreation needs of the #residential development#, protect and serve scenic assets and natural features and provide suitable variations in the siting of #buildings#;

(c) the sewage disposal plant is adequately landscaped and buffered from all #residential uses# on the same or adjacent #zoning lots#; and

(d) the proposal promotes and protects the public health, safety and general welfare.

78-24 - Special Permits

LAST AMENDED
2/2/2011

78-241 - Waterfront and related commercial uses

LAST AMENDED
2/2/2011

For any #large-scale residential development# in a C4 District, the City Planning Commission may, by special permit, modify applicable district regulations to allow #uses# listed in Use Group 14A, not otherwise allowed in such district, provided that:

(a) the #uses# are appropriate for the location and blend harmoniously with the rest of the #large-scale residential development#; and

(b) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the #large-scale residential development#.

78-242 - Location of commercial uses

LAST AMENDED
2/2/2011

For any #large-scale residential development#, the City Planning Commission, by special permit, may allow #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings) when terracing is required because of unusual topographic conditions in a #large-scale residential development# having a minimum area of 20 acres.

78-30 - BULK REGULATIONS

LAST AMENDED
8/24/1967

78-31 - Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks

LAST AMENDED
2/2/2011

(a) General provisions

For the purposes of this Section, the term "periphery" shall mean any #street line# bounding a #large-scale residential development# or any #lot line# abutting a #zoning lot# that is not part of the #large-scale residential development#. The term "wholly within" shall therefore mean any area of the #large-scale residential development# which is not within the area designated as "periphery." However, in R3-2 Districts, R4 Districts except R4-1, R4A and R4B Districts, or R5 Districts except R5B Districts, the "periphery" shall also include all portions of a #large-scale residential development# within 100 feet of a peripheral #street line# or within 30 feet of any other peripheral #lot line#, except for portions directly opposite:

(1) an area of at least 1.5 acres in a #Residence District# that is either vacant or #land with minor improvements#; or

(2) a #large-scale residential development# #developed# pursuant to the provisions of paragraph (b) of this Section; or

(3) a #Commercial# or a #Manufacturing District#.

All #buildings or other structures# in the periphery of a #large-scale residential development# shall comply with the height and setback regulations of Article II, Chapter 3, except as otherwise provided in this Section.

Special provisions applying to #large-scale residential developments# in R3, R4 or R5 Districts are set forth in paragraphs (b) and (c) of this Section. The provisions of paragraph (b) shall apply to any #large-scale residential development# in R3-2 Districts, R4 Districts except R4-1, R4A and R4B Districts, or R5 Districts except R5B Districts. The provisions of paragraph (c) shall apply only to #large-scale residential developments# in all R3, R4 or R5 Districts that utilize the bonus provisions of Section 78-32 through 78-35, inclusive.

(b) Alternate height and setback regulations for certain districts

In R3-2 Districts, R4 Districts except R4-1, R4A and R4B Districts, or R5 Districts except R5B Districts, #buildings or other structures#, or portions thereof, "wholly within" a #large-scale residential development# may use the alternate height and setback regulations set forth in paragraphs (b)(1) through (b)(3) of this Section.

(1) In R3-2 Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used.

(2) In R4 Districts, no portion of any #building or other structure#, including the apex of a roof, shall penetrate a plane 35 feet in height above the #base plane#.

(3) In R5 Districts, no portion of any #building or other structure#, including the apex of a pitched roof, shall penetrate a plane 40 feet in height above the #base plane#.

(c) Alternate #floor area# and #open space# regulations in R3, R4 or R5 Districts

In #large-scale residential developments# that utilize the bonus provisions of this Chapter, the #floor area ratio# and the #open space ratio# controls set forth in the following table shall apply in lieu of the #floor area ratio# and #lot coverage# controls of Article II, Chapter 3.

District	#Open Space Ratio#	#Floor Area Ratio#
R3	150	.50*
R4	80	.75*
R5	40	1.25

* The #floor area ratio# in the table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one-half inches in vertical distance per each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet. Any such additional #floor area# under a sloped roof shall not be used to compute the #open space ratio#

(d) Authorizations may be granted for #buildings# to be located, #bulk# and #open space# distributed, and height and setback modified, in accordance with the provisions of this Section.

(e) In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for #public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

(f) Alternate window to #lot line# regulations for a #zoning lot# directly adjoining a #public park#

In R7-1 and R8 Districts within a #large-scale residential development# in Community District 6 in the Borough of the Bronx, the required minimum distance between a #legally required window# and a #lot line#, as set forth in Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), inclusive, shall not apply where a #legally required window# is fronting upon a #public park# with an area of at least one-half acre.

78-311 - Authorizations by the City Planning Commission

LAST AMENDED
2/2/2011

When a #large-scale residential development# includes, or will include after subdivision, two or more #zoning lots#, the City Planning Commission may authorize:

(a) the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning# #lot lines#;

(b) the total #open space# required by the applicable district regulations for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning# #lot lines#, except that where subdivision is authorized in accordance with the provisions of Section 78-51 (General Provisions), the Commission, in authorizing such distribution may allow reductions in the minimum required #open space# on individual #zoning lots# only where adequate provision is made for common #open space# to serve such lots.

If the required #open space# on the roof of a #community facility building# has an equivalent access arrangement acceptable to the Commission, it may authorize modification of requirements set forth in paragraph (b) of the #open space# definition in Section 12-10;

(c) for #zoning lots# adequately served by common #open space#, the minimum required #lot area# as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) to be reduced, provided that any #residence# for which the minimum required #lot area# is so reduced shall be separated from all other #buildings# on the same or adjacent #zoning lots# by a distance consistent with the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), or in cases where at least one of the #buildings# is a one-family or two-family #detached# or #semi-detached# house, rowhouse, or series of rowhouses, by a lesser distance to be determined by the Commission;

(d) the location of #buildings# without regard for #yard# regulations which would otherwise apply along portions of #streets# or #lot lines# "wholly within" the #large-scale residential development# provided that any #building# for which required #rear# or #side yards# are reduced shall be separated from all other #buildings# with which it does not share a party wall, on the same or adjacent #zoning lots#, by a distance consistent with the provisions of Section 23-71 or, in cases where at least one of the #buildings# is a single-family or two-family #detached# or #semi-detached# house, rowhouse or series of rowhouses, by a lesser distance to be determined by the Commission, where the location of the

#buildings# will not be detrimental to the privacy of the occupants of the #buildings# on the #block#;

(e) the location of #buildings# without regard for the height and setback regulations which would otherwise apply along portions of #streets# "wholly within" the #large-scale residential development# or along #side# or #rear lot lines# #abutting# other #zoning lots# within the #large-scale residential development#, provided that any #building# for which required rear or side setbacks are reduced shall be separated from all other #buildings# with which it does not share a party wall, on the same or adjacent #zoning lots#, by a distance consistent with the provisions of Section 23-71;

(f) the location of primary business entrances, #show windows# or #signs# along frontages which are adjacent only to other #zoning lots# within the #large-scale residential development#, without regard to restrictions applicable near #Residence District# boundaries, for the purpose of achieving better site planning and community planning;

(g) special directional #signs# and their location and design within a #large-scale residential development# comprising an area of at least five acres provided that their construction would result in better pedestrian and vehicular circulation. The Commission shall in each case give due consideration to the effect of such #signs# on the surrounding residential area and may impose appropriate conditions and safeguards;

(h) the location of #buildings# on a single #zoning lot# without regard for spacing between #buildings#, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-71.

For that portion of a #large-scale residential development# located in an R6 District, the Commission may authorize the permitted #floor area ratio# and required #open space ratio# to be determined on the basis of a #height factor# which is different than the actual #height factor# of such portion of the #large-scale residential development#, for the purpose of achieving better site planning and community planning.

When subdivision is authorized in accordance with the provisions of Section 78-51 and satisfactory provision is made for common #open space#, the Commission may consider such common #open space# in determining to what extent, if any, modifications of the #yard# regulations are justified.

For any #large-scale residential development#, the City Planning Commission may, upon application, authorize in R3, R4 and R5 Districts, modifications of the height and setback regulations set forth in Section 23-631 and paragraph (b) of Section 78-31 for #buildings# "wholly within" the #large-scale residential development# for the purposes of introducing variety or preserving natural features or view corridors.

78-312 - Special permits by the City Planning Commission

LAST AMENDED
2/2/2011

For any #large-scale residential development#, the City Planning Commission may permit:

(a) the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations or by Sections 78-32 (Bonus for Good Site Plan) or 78-33 (Bonus for Common Open Space) for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning# #lot lines#;

(b) the total #open space# required by the applicable district regulations or by Sections 78-32 or 78-33 for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning# #lot lines# except that where subdivision is authorized in accordance with the provisions of Section 78-51 (General Provisions), the Commission, in authorizing such distribution may allow reductions in the minimum required #open space# on individual #zoning lots# only where adequate provision is made for common #open space# to serve such lots;

(c) minor variations in required #front# or #rear yards# on the periphery of such #large-scale residential development# for the purpose of introducing variety or preserving natural features;

(d) in R1, R2, R6, R7, R8, R9 or R10 Districts, minor variations in the front height and setback regulations on the periphery of such #large-scale residential development# for the purpose of introducing variety, preserving natural features, or providing for improved access of light and air, but within the general purpose and intent of the height and setback regulations. In R3, R4 or R5 Districts, the Commission may modify the height and setback regulations set forth in Section 23-631 and paragraph (b) of Section 78-31, on the periphery of such #large-scale residential development#, for the purposes of introducing variety, providing a transition in neighborhood scale between the #large-scale residential development# and surrounding #buildings#, preserving natural features or view corridors, or improving the access of light and air;

(e) variations in the location of primary business entrances, #show windows#, and #signs# along frontages adjacent to #zoning lots# outside the #large-scale residential development#, without regard to restrictions applicable near #Residence District# boundaries, for the purpose of achieving better site planning and community planning. However, in no event shall the Commission allow such primary business entrances, #show windows# or #signs# to be located within 10 feet of the #Residence District# boundary; and

(f) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot) and may authorize modifications of the spacing required by paragraphs (c), (d), (e) and (h) of Section 78-311 (Authorizations by the City Planning Commission).

78-313 - Findings

LAST AMENDED
10/25/1993

As a condition precedent to the granting of authorizations under the provisions of Section 78-311 (Authorizations by the City Planning Commission) or a special permit under the provisions of Section 78-312 (Special permits by the City Planning Commission), the Commission shall make the following findings:

(a) that such modifications will aid in achieving the general purposes and intent of this Chapter as set forth in Section 78-01 (General Purposes);

(b) that such distribution of #floor area#, #dwelling units#, #rooming units#, #open spaces#, locations of #buildings#, or location of primary business entrances, #show windows# or #signs# will permit better site planning and will thus benefit both the residents of the #large-scale residential development# and the City as a whole;

(c) that such distribution or location will not unduly increase the #bulk# of #buildings#, density of population, or intensity of #use# in any #block#, to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#;

(d) that such distribution or location will not affect adversely any other #zoning lots# outside the #large-scale residential development# by restricting access to light and air or by creating traffic congestion;

(e) where portions of the total required #open space# are pooled in common #open space# areas or common parking areas, that such common areas will, by location, size, shape and other physical characteristics, and by their relationship to surrounding development and the circulation system, permit realization of the full community service of advantages for which such pooled areas are designed;

(f) where one or more #zoning lots# in the #large-scale residential development# do not #abut# mapped #streets#, that suitable private access to mapped #streets# will be provided conforming to standards which will ensure adequate

circulation and make adequate provision for public services; and

(g) the modification of height and setback will not impair the essential character of the surrounding area and will not have adverse effects upon the access to light, air and privacy of adjacent properties.

78-32 - Bonus for Good Site Plan

LAST AMENDED
2/2/2011

In R1-2, R2 or R3-1 Districts, including #Commercial Districts# mapped within such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may allow the #open space ratio# otherwise required for the #large-scale residential development# as a whole and for individual #zoning lots# therein to be reduced by not more than 10 percent, may allow the maximum number of #dwelling units# to be increased by not more than five percent, and may allow the maximum #residential# #floor area ratio# to be increased by not more than 7.5 percent, if the Commission finds that throughout the #large-scale residential development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces# and preservation of important natural features than would be possible or practical for a development comprised of similar types built in strict compliance with the applicable district regulations.

78-33 - Bonus for Common Open Space

LAST AMENDED
2/2/2011

In R3-1 Districts, including #Commercial Districts# mapped within such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may allow the #open space ratio# otherwise required for such #large-scale residential development# as a whole to be reduced by not more than 20 percent, may allow the maximum number of #dwelling units# to be increased by not more than 10 percent and may allow the maximum #residential# #floor area ratio# to be increased by not more than 15 percent, provided that:

(a) at least one acre or 20 percent of the total #open space#, whichever is more, is provided in common areas meeting the requirements of Section 78-52 (Common Open Space) and not used for off-street parking;

(b) the #large-scale residential development# qualifies for a bonus in accordance with the provisions of Section 78-32; and

(c) the Commission makes the findings required in Section 78-32 and in paragraph (e) of Section 78-313 (Findings).

Such authorizations shall be instead of, rather than in addition to, those which would be allowable under the provisions of Section 78-32.

78-34 - Special Permit Provisions for Certain Large-scale Developments

LAST AMENDED
2/2/2011

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may make modifications in the #open space ratio#, #residential# #floor area ratio# and density regulations, pursuant to the provisions of Section 78-35 (Special Bonus Provisions), if the Commission finds that:

(a) throughout the #large-scale residential development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces# and preservation of important natural features to a greater degree than would be possible or practical for a development composed of similar types built in strict compliance with the applicable district regulations;

(b) the public facilities and utilities in the area are adequate to meet the needs of the #large-scale residential development# or that needed additional facilities will be provided as a part of the #large-scale residential development# by the developer or owner;

(c) the #large-scale residential development# complies with the provisions of Section 78-351 (Common open space and good site plan); and

(d) a #large-scale residential development# having an area of four acres or more complies with the provisions of Section 78-352 (Bonus for community facility space).

If the Commission determines that a proposed #large-scale residential development# containing not more than 250 #dwelling units# does not require #community facility# space, finding (d) shall be waived and the provisions of Section 78-352 made inapplicable. In making its determination, the Commission shall give due consideration to a recommendation from the Community Board within which the proposed #large-scale residential development# is located.

If a site for a fire or police station is provided within the Community District in which a #large-scale residential development# is to be located, which site has been donated in fee to the City, selected as a site pursuant to Section 218 (Site Selection) of the New York City Charter and, if applicable, approved under the provisions of Section 74-67 (Fire or Police Stations), the Commission may waive finding (d), provided that the #community facility# requirements contained in Section 78-352 are determined to be unnecessary.

Any #large-scale residential development# which qualifies for a bonus in accordance with this Section and the applicable provisions of Section 78-35 shall be eligible for any modifications permitted under Sections 78-311 (Authorizations by the City Planning Commission) or 78-312 (Special permits by the City Planning Commission) provided the findings of Section 78-313 (Findings) are satisfied.

78-35 - Special Bonus Provisions

LAST AMENDED
3/8/1973

78-351 - Common open space and good site plan

LAST AMENDED
2/2/2011

The provisions of this Section shall not apply to any #zoning lot# subdivided to under four acres after January 1, 1972, nor to any #large-scale residential development# for which authorization has been granted by the City Planning Commission prior to July 31, 1972.

In R3-2 or R4 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the requirements of Section 78-34 (Special Permit Provisions for Certain Large-scale Developments), the permitted #residential# #floor area ratio#, required #open space ratio# and density regulations for the #large-scale residential development# as a whole may be modified as set forth in this Section. At least 25 percent of the total required #open space# is to be provided in common areas meeting the requirements of Section 78-52 (Common Open Space). No portion of such common #open space# is to be used for driveways or

off-street parking. The findings required in paragraph (e) of Section 78-313 (Findings) are to be satisfied.

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3-2	.60	125.0
R4	1.00	66.5

The maximum number of #dwelling units# shall equal the total #residential# #floor area# permitted divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

In R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, at least 25 percent of the total required #open space# is to be provided in common areas that meet the requirements of Section 78-52. No portion of such common #open space# is to be used for driveways or off-street parking. All findings required in paragraph (c) of Section 78-313 are to be satisfied.

78-352 - Bonus for community facility space

LAST AMENDED
2/2/2011

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-scale Developments), the permitted #residential# #floor area ratio#, required #open space ratio#, and required #floor area# per #dwelling unit# for the #large-scale residential development# as a whole may be modified as set forth in this Section, provided floor space for #community facility# #use# and/or a program for improvement and maintenance for parks not included in the City capital budget is provided as required in paragraph (b) of this Section.

(a) Permitted #Floor Area Ratio# and Required #Open Space Ratio#:

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3-2	.70	102.0
R4	1.15	54.7
R5	1.45	37.7

The maximum number of #dwelling units# shall equal the total #residential# #floor area# permitted divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

(b) There shall be at least 15 square feet of #community facility# floor space for each #dwelling unit# within the #large-scale residential development# and/or a substantial park area located adjacent to or within a reasonable distance from the #large-scale residential development#. Such space shall be used for #schools# where the need is certified by the Board of Education and where the Board agrees to lease such space at no cost. Otherwise such space shall be allocated for one or more #uses# as specified in this Section where the need for such space has been certified by the City Planning Commission and a City Department agrees to lease such space at no cost. If such certification and agreement are not obtained in either case, the Commission shall approve any private #community facility# proposed to be rented or maintained by the developer, or the homeowners' association or other entity owning the common elements of the #large-scale residential development#. In no case shall the size of an individual #use# be less than the amount set forth in this Section.

#Community Facility#	Size (in square feet)
Day care center	3,000
Ambulatory care center	10,000
Library	7,500
Senior citizen center	3,750
Community center	2,000
Indoor recreation center	2,000

In the case of a program for improvement and/or maintenance for parks which is eligible for a bonus pursuant to this Section, comparable improvements and maintenance costs for an equivalent amount of the required #community facility# space shall be incurred.

(c) In no event shall the total #floor area# for any #development# constructed pursuant to the Provisions Section exceed the maximum #floor area ratio# for #community facility# #uses# permitted by the applicable district regulations.

78-353 - Bonus for enclosed parking

LAST AMENDED
2/2/2011

In R4 or R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-scale Developments), the permitted #residential# #floor area ratio# may be increased over the amount earned by other provisions of Section 78-35 (Special Bonus Provisions) and the required #open space ratio# for the #large-scale residential development# as a whole correspondingly decreased as set forth in this Section provided that at least two-thirds of the required off-street parking is enclosed.

District	Increase in #Floor Area Ratio#	Decrease in #Open Space Ratio#
R4	.25	14.5
R5	.25	10.0

For any #large-scale residential developments# comprising #buildings# of not more than four #stories# receiving a bonus under this Section, the Commission may modify where appropriate the requirements of Section 23-12 (Permitted Obstructions in Open Space), paragraph (e).

78-40 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
8/24/1967

78-41 - Location of Accessory Parking Spaces

LAST AMENDED
2/2/2011

When a #large-scale residential development# includes, or will include after subdivision, two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted or required #accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #large-scale residential development# without regard for #zoning# #lot lines#, provided that in each case the Commission shall make the following special findings:

(a) that such off-street parking spaces or bicycle parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;

(b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents or visitors of the #large-scale residential development# and the City as a whole; and

(c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #large-scale residential development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning # #lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life. Whenever any #zoning lot# within such a #large-scale residential development# is subdivided into two or more #zoning lots#, such subdivision shall be subject to the provisions of Section 78-51 (General Provisions).

78-42 - Parking Regulations for Commercial and Community Facility Uses

LAST AMENDED

2/2/2011

For #large-scale residential developments# in R3-2, R4, R5, R6, R7, R8, R9 or R10 Districts, or in #Commercial Districts# in which #residences# are governed by the #bulk# regulations of R3-2, R4, R5, R6, R7, R8, R9 or R10 Districts, the City Planning Commission may, by special permit, waive the requirements for off-street parking spaces #accessory# to any #commercial# or #community facility# #use# included in such #large-scale residential development# and intended primarily for the use of its residents.

78-43 - Modification for Open Space Requirements in Large-scale Developments

LAST AMENDED
2/2/2011

For all #large-scale residential developments# in R5, R6, R7, R8 or R9 Districts, or in #Commercial Districts# in which #residences# are governed by the #bulk# regulations of such #Residence Districts#, the City Planning Commission may modify the requirement for #open space# as set forth in the definition of #open space# in Section 12-10 (DEFINITIONS) by allowing parking space on the roofs of parking garages not #abutting# another #building# and not more than 23 feet in height above #curb level#, to count as #open space# and by not requiring connections from such roofs to ground level by exterior passageways or ramps, provided that the following findings are made:

(a) that the total area occupied by driveways, private streets, or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale residential development# shall not exceed 40 percent of the total required #open space# for the #large-scale residential development#; and

(b) that such arrangement and use of #open space# results in better site planning and community planning.

78-44 - Modification of Curb Cut Regulations

LAST AMENDED
2/2/2011

The City Planning Commission may, upon application, authorize modification of the requirements set forth in Section 25-631 (Location and width of curb cuts in certain districts), provided the Commission finds that the proposed location and width of curb cuts:

(a) results in a more efficient traffic circulation system;

(b) permits better site planning; and

(c) does not unduly increase the amount of traffic on nearby local #streets# so as to adversely affect #zoning lots# outside the #large-scale residential development#.

78-50 - SUBDIVISION OF LARGE-SCALE RESIDENTIAL DEVELOPMENTS

LAST AMENDED
8/24/1967

78-51 - General Provisions

LAST AMENDED
2/2/2011

A #large-scale residential development# may be subdivided before, during or after #development# into two or more #zoning lots# which may be in different ownerships, provided that either:

(a) all resulting #zoning lots# and all #buildings# thereon comply with all the applicable regulations of this Resolution;

(b) such subdivision conforms to a subdivision plan which was included as part of the application for authorizations or special permits under the provisions of this Chapter and whose execution has been authorized in the grant of such authorizations or special permits; or

(c) such subdivision is made necessary by forced sale or foreclosure of a portion of such #large-scale residential development#, but can be accommodated to any authorization or special permit granted pursuant to the provisions of this Chapter.

All #zoning lots# resulting from such subdivisions shall be subject to all the applicable regulations of this Resolution or, in the case of a #large-scale residential development# for which any modifications were granted in accordance with the provisions of this Chapter, shall be subject to the terms, conditions and limitations of the #large-scale residential development# plan as approved.

In any subdivision of a #large-scale residential development# for which such modifications were granted, covenants running with the land which shall permit of public or private enforcement, reflecting the terms, conditions and limitations of the #large-scale residential development# plan, as approved, shall be incorporated in the deed to each parcel conveyed.

Such subdivision may result in commonly or separately owned common #open space# or common parking areas, as set forth in Sections 78-52 (Common Open Space) or 78-53 (Common Parking Areas).

78-52 - Common Open Space

LAST AMENDED
2/2/2011

An area designated on the site plan of a #large-scale residential development# as "common #open space#" and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents occupying specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it meets the following requirements:

(a) it shall be conveniently accessible to all residents of #zoning lots# for which it is intended to satisfy the #open space# requirements;

(b) it shall be made available in its improved state as set forth on the site plan in accordance with an approved time schedule;

(c) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance;

(d) provisions to ensure its continuing availability shall be included in the covenants to be incorporated in the deed to each parcel to be served by such common #open space#;

(e) it shall be entirely at natural grade level or at the principal level of pedestrian circulation in adjacent areas;

(f) it may contain only such obstructions as are specifically permitted under the provisions of Section 23-12 (Permitted Obstructions in Open Space) or minor #accessory# structures, and the total area occupied by driveways, private streets or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale residential development#, shall not exceed 50 percent of the total required #open space# for the #large-scale residential development#; and

(g) such #open space# shall include both active and passive recreation space providing a range of recreational facilities and activities appropriate to the occupants of the #large-scale residential development#. Such space shall be physically and visually accessible to the occupants and shall be screened from unsuitable areas. Passive recreation space shall be landscaped and shall be located in areas other than access and egress spaces. Active recreation facilities, such as play equipment, court game facilities, or ball fields, shall be designed to provide the maximum possible area appropriate to the size of the #large-scale residential development#.

The approval of a subdivision plan which includes common #open space# shall be conditioned upon a finding that these requirements are met.

78-53 - Common Parking Areas

LAST AMENDED
2/2/2011

An area designated on the site plan of a #large-scale residential development# as "common off-street parking area" and on the subdivision plan as an area to be held in separate ownership for use by the occupants or visitors of specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it shall meet the following requirements:

(a) it shall be made available in its improved state as set forth in the site plan in accordance with an approved time schedule;

(b) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance; and

(c) provisions to ensure its continuing availability shall be included in the covenants to be served by such common off-street parking area.

The approval of a subdivision plan which includes common off-street parking areas shall be conditioned upon a finding that these requirements are met.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 9 - Special Regulations Applying to Large-Scale Community Facility Developments

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Chapter 9 - Special Regulations Applying to Large-Scale Community Facility Developments

79-00 - DEFINITIONS

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

79-10 - GENERAL PROVISIONS

LAST AMENDED
8/24/1967

79-11 - Applicability of This Chapter

LAST AMENDED
2/2/2011

#Large-scale community facility developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter. Such special provisions are designed to deal with problems which arise only in connection with #large-scale community facility developments# and apply only to such #large-scale community facility developments# as set forth herein.

#Large-scale community facility developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

79-12 - Permitted Uses

LAST AMENDED
1/25/1968

A #large-scale community facility development# may include within its area any #community facility # #uses#, #residential uses# or #commercial# #uses# permitted in the district or districts in which it is located.

79-20 - BULK REGULATIONS

LAST AMENDED
8/24/1967

79-21 - General Provisions

LAST AMENDED
2/2/2011

When a #large-scale community facility development# includes two or more #zoning lots# which are contiguous or would be contiguous but for their separation by a #street#, the City Planning Commission may, in appropriate cases, upon application, authorize the permitted #floor area#, #lot coverage#, #dwelling units# or #rooming units#, or the required #open space# for all #zoning lots# within the #large-scale community facility development#, to be distributed without regard for #zoning# #lot

lines#, may modify the minimum required distance between #buildings# as set forth in Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT), provided such reduction does not exceed 15 percent of that required by Section 23-71, may authorize the location of #buildings# without regard for #front yard# or height and setback regulation which would otherwise apply along portions of #streets# wholly within the #large-scale community facility development# and, further, may authorize the location of #community facility buildings# without regard to #side# or #rear yard# regulations which would otherwise apply along portions of #lot lines# #abutting# other #zoning lots# within the #large-scale community facility development#.

As a condition of granting such authorizations, in each case the Commission shall make the following special findings:

(a) that such distribution or location will permit better site planning and will thus benefit both the residents, occupants or users of the #large-scale community facility development# and the City as a whole;

(b) that such distribution or location will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; and

(c) that such distribution or location will not affect adversely any other #zoning lots# outside the #large-scale community facility development# by restricting access to light and air or by creating traffic congestion.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for #public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations prior to February 9, 1994, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

79-30 - PARKING REGULATIONS

LAST AMENDED
8/24/1967

79-31 - Location of Parking Spaces

LAST AMENDED
2/2/2011

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted or required #accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #large-scale community facility development# without regard for #zoning# #lot lines#, provided that in each case the Commission shall make the following special findings:

(a) that such off-street parking spaces or bicycle parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;

(b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents or visitors of the #large-scale community facility development# and the City as a whole; and

(c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any

single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #large-scale community facility development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning # #lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life.

79-32 - Location of Loading Berths

LAST AMENDED
2/2/2011

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted required #accessory# loading berths to be located anywhere within the #large-scale community facility development# without regard for #zoning# #lot lines#, provided that in each case the Commission shall make the following special findings:

(a) that such loading berths will be appropriately located in relation to the #use# or #uses# to which such berths are #accessory# so as to permit better site planning and will thus benefit the owners, occupants, employees, residents or visitors to the #large-scale community facility development# and the City as a whole;

(b) that such loading berths will be accessible to all the #uses# in the #large-scale community facility development# without the need to cross any #wide street# at grade;

(c) that the location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# within or surrounding such #large-scale community facility development#; and

(d) that the loading berths comply with all other applicable district regulations.

79-40 - SPECIAL PERMIT PROVISIONS

LAST AMENDED
7/19/1973

79-401 - Special permit for development over streets

LAST AMENDED
2/2/2011

In a #large-scale community facility development# containing #schools#, hospitals or functionally related facilities in R6 or R7-1 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, when the air space above a #narrow street# or portion thereof is closed and demapped, the City Planning Commission may, by special permit, allow the demapped air space to be considered as part of the adjoining #zoning lots# constituting a single #zoning lot#, and may allow within such demapped air space the #development# or #enlargement# of a #building# which is a necessary expansion of an existing #school#, hospital or functionally related facility located on adjoining #zoning lots#. As a condition for granting a permit for such #building#, or portion thereof, within the demapped air space, the Commission shall find:

(a) that there is a Master Plan for institutional development which demonstrates that the #building# over the #street# is necessary to avoid or minimize demolition of existing facilities, or #buildings designed for residential use#, and expansion on existing #zoning lots# owned by the #community facility# is not feasible to meet its expansion needs;

(b) that the location of such #building#, or portion thereof, will not impair the existing residential character of the area;

(c) that such #building#, or portion thereof, utilizes only unused #floor area# from adjoining #zoning lots# and no #floor area# credit is received from the demapped air space, and such #building# complies with the off-street parking and loading requirements of the underlying district or districts;

(d) that such #building#, or portion thereof, is contained entirely within the buildable area of the air space plane as defined in this Section, conforms with the height and setback regulations set forth in this Section, is no more than 200 feet in length and is the only such #building# on a #block# front;

(e) that such #building#, or portion thereof, links the #zoning lots# across the #street#, in the same ownership, with adequate clearance above the #street# bed, and there is no intrusion on the existing #street#, including column supports;

(f) that all #street# frontages of the #zoning lots# under such #building#, or portion thereof, are provided with fenestration or natural light along at least 75 percent of such frontages, and such #street# frontages when #developed# with #uses# other than open area, contain only #uses# requiring human occupancy such as amusement, education, dining, shopping and other similar #uses# permitted by the underlying district regulations; that the main entrance for principal pedestrian access to the #development# is located along the #street# frontages under such #building# and that no storage rooms, mechanical equipment rooms, parking and loading facilities or curb cuts are located along such #street# frontage unless authorized by the Commission;

(g) that a satisfactory lighting and ventilation plan consistent with current environmental standards is provided for the #development#; and

(h) that an additional amount of #open space# for public use at #street# level, linked with the pedestrian circulation system of the area, equivalent to the #street# area covered by such #building#, is provided within 1,000 feet of the #building# and such #open space# maintained as usable public area in the ownership of the applicant.

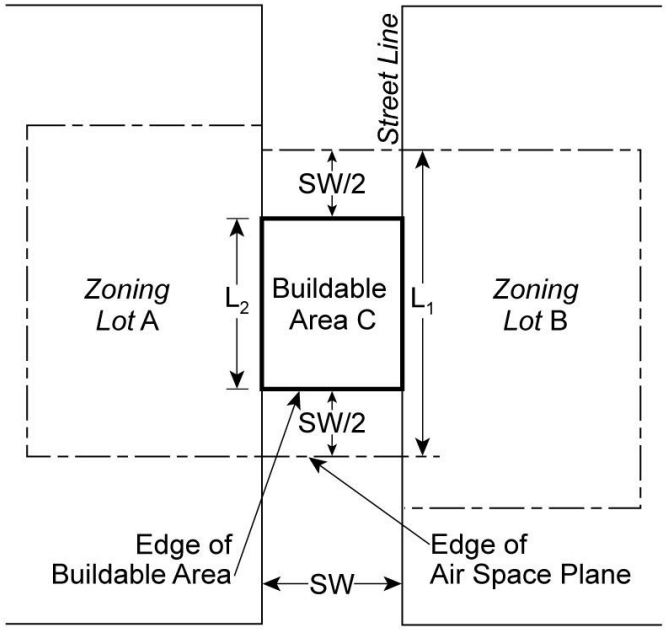
#Curb levels# of the pre-existing #zoning lots# shall not be affected by the closing and demapping of air space over such #street#.

The Commission may impose additional conditions and safeguards to improve the quality of the development and minimize adverse effects on the character of the surrounding area.

For the purposes of paragraph (d) of this Section:

Air space plane is a plane above a #narrow street# located at the same elevation as the lower limiting plane of a volume of #street# eliminated, discontinued and closed by the Board of Estimate, or its successors. The length "L1" of such air space plane is the length of the common lot frontage of two #zoning lots# opposite and across the #street# in the same ownership and its width is the width of the #narrow street# "SW" (See illustration of Required Setback for the Buildable Area).

The buildable area "C" is the lower limiting plane of the volume of #street# eliminated, discontinued and closed by the Board of Estimate, or its successors, except that in no case shall the edge of the buildable area be closer to the edge of the air space plane by a distance equal to one half the #street# width "SW/2" (See illustration of Required Setback for the Buildable Area).



SW - Width of a *narrow street*

SW/2 - Minimum required setback for the buildable area from the edge of air space plane

L_1 - Length of common lot frontage of two *zoning lots* across a *narrow street*

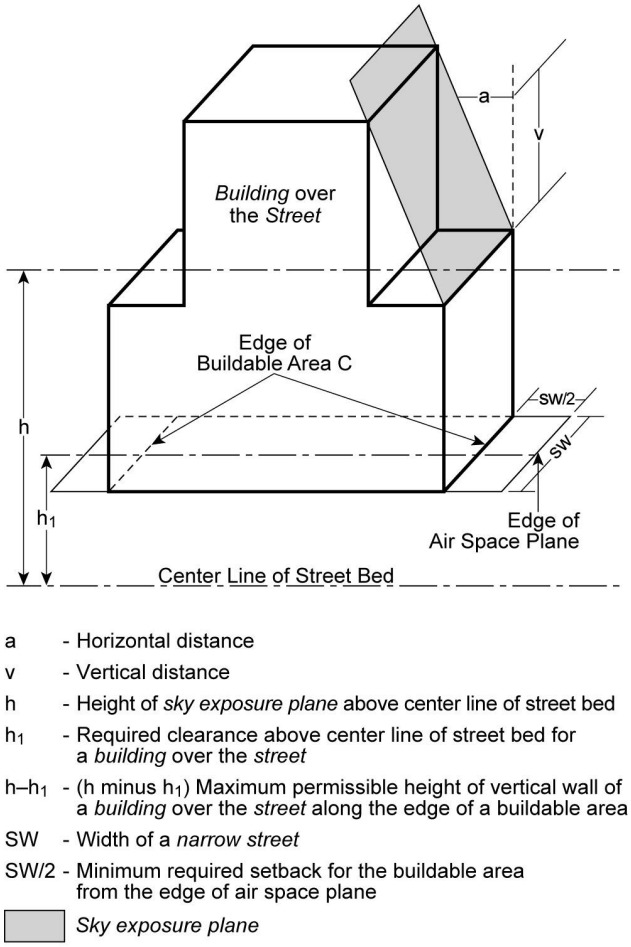
L_2 - Permissible length of the buildable area for a *building* over the *street*

REQUIRED SETBACK FOR THE BUILDABLE AREA

The #building# over the #street# shall comply with the height and setback regulations of this Section and the buildable area shall be completely covered by such #building#, except that such #building# may be set back from the edge of the buildable area which traverses the #street# provided that such setback area is open and obstructed from the lowest level of the #street# to the sky.

The #development# or #enlargement# of such #building# on the buildable area of the air space plane shall comply with the following #sky exposure plane# regulations (See illustration of Required Sky Exposure Plane):

Height above #street# bed (in feet)	#Sky Exposure Plane#			District
	Slope over buildable area (expressed as a ratio of vertical distance to horizontal distance)			
	Vertical Distance		Horizontal Distance	
60	2.7	to	1	R6 R7-1 C1 C2



REQUIRED SKY EXPOSURE PLANE

The height of the vertical wall or any other portion of a #building# over the #street#, shall not penetrate the #sky exposure plane#.

The #sky exposure plane# shall be measured from a point above the edge of the buildable area which traverses the #street#.

79-402 - Special permit for development of bridges over streets

LAST AMENDED
2/2/2011

In a #large-scale community facility development# containing hospitals or functionally related facilities in Manhattan Community Board 12, when the air space above a #wide street#, or portion thereof, is closed and demapped, the City Planning Commission may, by special permit, allow the #development# in such demapped air space of an enclosed bridge or bridges to connect #buildings# within the #large-scale community facility development#. As a condition for granting a permit for #development# of such bridges, the Commission shall find that:

(a) such bridge or bridges are essential to internal circulation of the medical function of the health care facility;

(b) such bridge or bridges shall not rest upon columns or other supports which intrude upon the #street#;

(c) the width of each such bridge shall not exceed 20 feet;

(d) such bridge within the demapped air space utilizes only #floor area# derived from the adjoining #zoning lots# and that no #floor area# credit is generated from the demapped air space;

(e) illumination of at least five foot candles is provided at the #curb level# of such bridge or bridges;

(f) such bridge in demapped air space over a #wide street# adjoins #zoning lots# wholly within the #large-scale community facility development#;

(g) the minimum horizontal distance between the nearest edges of two such bridges traversing the same #street# shall be two times the width of the #street#;

(h) the maximum exterior height of each such bridge shall not exceed 12 feet;

(i) the benefit gained from the bridge or bridges resulting from the #bulk# design or placement of such bridge or bridges outweighs any adverse impact on neighborhood character and any restriction of access to light and air to surrounding public spaces and #streets#; and

(j) a landscaped open area for public use at #street# level, linked with the pedestrian circulation system, which is at least equivalent to the #street# area covered by the bridge is provided in one location within the #large-scale community facility development# and such open area is maintained with planting and seating facilities by the owner of the #large-scale community facility development# or the owner's designee.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize the effect of the bridges, including but not limited to clearance above the #street# and surfacing materials of the bridge.

79-41 - Special Permit for Change of Community Facility Use

LAST AMENDED
10/10/1974

For #large-scale community facility developments# previously approved by the City Planning Commission, the Commission may, by special permit, allow a change of #community facility# #use# to a #residential use# subject to the applicable district regulations.

For the purpose of this special permit, such change of #use# shall be deemed not to alter the status and previous authorizations relating to the #large-scale community facility development#.

As a condition precedent to the grant of such special permit, the Commission shall find:

(a) that such #community facility# #use# does not provide essential services to the community at large; and

(b) that such #community facility# #use# has been actively operated as a #community facility# #use# for a period not less than five years following Commission approval of the #large-scale community facility development# or was actively operated as a #community facility# #use# prior to Commission approval of the #large-scale community facility development#.

79-42 - Special Permit for Non-profit Hospital Staff Dwelling Buildings

LAST AMENDED
9/9/2004

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

(a) Temporary occupancy of #dwelling units# by outpatients of the non-profit or voluntary hospital or by families visiting

hospitalized patients provided the following findings are made:

(1) that the density and transient nature of the population housed in such #dwelling units# will not impair the essential character, future use or development of the surrounding area; or impair the security of the hospital staff residing in the #building#;

(2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) that the number of such #dwelling units# so occupied is less than 50 percent of the total number of #dwelling units# in the #building#.

(b) Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 on the third floor of such #buildings# in C1 Districts, provided the following findings are made:

(1) that such facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;

(2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(3) that such #use# will not impair the essential character, future use or development of the surrounding area;

(4) that such #use# will not produce any adverse effects which interfere with the appropriate use of land in the districts or in any adjacent district; and

(5) that separate access to the outside is provided.

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

79-43 - Special Permit for Limited Bulk Modifications for Certain Large- scale Community Facility Developments

LAST AMENDED
2/2/2011

For #large-scale community facility developments# located within the boundaries of Community Districts 8 and 12 in the Borough of Manhattan, that contain #community facility# #uses# specified in Section 73-64 (Modification for Community Facility Uses), the City Planning Commission may, by special permit, permit modification of regulations relating to height and setback on the periphery of the #large-scale community facility development#, #courts# and distance between windows and walls or #lot lines# not otherwise allowed in Section 79-21 (General Provisions). As a condition for such action, the Commission shall find that such modification:

(a) is required in order to enable the #large-scale community facility development# to provide an essential service to the community;

(b) will provide a more satisfactory physical relationship to the existing #buildings# which form the #large-scale community facility development#, and provide a more efficient and integrated site plan;

(c) will better complement the existing character of the neighborhood;

(d) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; and

(e) will not adversely affect any other #zoning lots# or #streets# outside the #large-scale community facility development# by unduly restricting access to light and air.

79-44 - Lapse of Authorization or Special Permit

LAST AMENDED
7/18/1995

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article VIII - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Midtown District (MiD)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Midtown District (MiD)

81-00 - GENERAL PURPOSES

LAST AMENDED
8/9/2017

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

(a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;

(b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;

(c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;

(d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;

(e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;

(f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;

(g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;

(h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;

(i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;

(j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;

(k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;

(l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;

(m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;

(n) to protect and strengthen the economic vitality and competitiveness of the East Midtown Subdistrict by facilitating the development of its exceptional and sustainable buildings and enabling improvements to the pedestrian and mass transit circulation network;

(o) to ensure that development within the East Midtown Subdistrict occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;

(p) to protect and strengthen the role of landmark buildings as important features of the East Midtown Subdistrict;

(q) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area’s special character;

(r) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a

major transportation hub in the city;

(s) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and

(t) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01 - Definitions

LAST AMENDED
8/9/2017

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 81-261, 81-271 or 81-613 (Definitions).

81-02 - General Provisions

LAST AMENDED
8/9/2017

81-021 - Applicability of underlying district regulations

LAST AMENDED
4/28/1988

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

The regulations of the districts set forth below are applicable in the following Midtown districts unless modified by this Chapter:

Midtown Districts	Districts Whose Regulations Apply
C5P C5-2.5	C5-2
C6-4.5	C6-4
C6-5.5	C6-5
C6-6.5	C6-6
C6-7T	C6-7

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

81-022 - Applicability of Special Transit Land Use District regulations

LAST AMENDED
8/9/2017

Except as otherwise provided in paragraphs (a), (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as designated on the #zoning map# by the letters "MiD-TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

(a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:

(1) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-street Relocation or Renovation of a Subway Stair); or

(2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a #mass transit station# improvement in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

(b) Where the requirements of Article IX, Chapter 5, are not waived, modifications of the underlying district #bulk# regulations as set forth in this Chapter shall prevail over any inconsistent #bulk# regulations in Article IX, Chapter 5.

(c) In the East Midtown Subdistrict, the provisions of paragraph (c) of Section 81-673 (Mass transit access) shall supersede the provisions of Sections 95-031 (Selection of transit easement) and 95-052 (Special access facilities for persons with disabilities).

81-023 - Applicability of Special Clinton District regulations

LAST AMENDED
8/6/1998

Wherever the #Special Midtown District# includes an area which also lies within the #Special Clinton District#, the regulations of the #Special Clinton District# as set forth in Article IX, Chapter 6, shall also apply. In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations).

The portion of the #Special Clinton District# within the #Special Midtown District# includes the area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street. The area is designated on the #zoning maps# by the letters CL-MiD.

81-024 - Integration clauses

■

LAST AMENDED
10/31/2001

(a) The underlying zoning districts shall be deemed to be integral parts of the #Special Midtown District#. If the underlying zoning district of any #zoning lot# shall be amended or shall be nullified by any court of competent jurisdiction, such amendment or adjudication shall be construed to amend the #Special Midtown District# to remove such #zoning lot# from the #Special Midtown District# whereupon the regulations of the prior underlying district shall apply.

(b) The #bulk# regulations contained in Sections 81-20 through 81-28, inclusive, shall be deemed to be an integral unit and no modification thereof shall be permitted, except in accordance with the provisions of Section 200 of the New York City Charter. If any sentence, clause, paragraph or part of Sections 81-20 through 81-28, inclusive, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, but shall also be construed to invalidate and prohibit the application of the remainder of Sections 81-20 through 81-28, inclusive. However, any such judgment shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.

81-03 - District Plan

LAST AMENDED
8/9/2017

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

The District Plan includes the following maps:

Map 1 Special Midtown District and Subdistricts

Map 2 East Midtown Subdistrict and Subareas

Map 3 Retail and Street Wall Continuity

Map 4 Subway Station and Rail Mass Transit Facility Improvement Areas

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

81-04 - Subdistricts and Subareas

LAST AMENDED
8/9/2017

In order to carry out the purposes and provisions of this Chapter, five special Subdistricts are established within the #Special Midtown District#. In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The Subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter.

The Subdistricts, together with the Sections of this Chapter specially applying to each, are as follows:

Subdistricts	Sections Having Special Application
Penn Center Subdistrict	81-50
East Midtown Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas that do not apply within the remainder of the Subdistrict. These Subareas are established, as follows:

Grand Central Transit Improvement Zone Subarea

Northern Subarea

Other Transit Improvement Zone Subarea

Park Avenue Subarea

Southern Subarea

Vanderbilt Corridor Subarea

The entirety of the Vanderbilt Corridor Subarea and the Grand Central Transit Improvement Zone Subarea as well as the portions of the Other Transit Improvement Zone Subarea south of East 47th Street, are hereinafter referred to as the Grand Central Core Area.

These Subareas, as well as the boundary of the Grand Central Core Area, are shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter.

81-05 - Applicability of Certain Amendments

LAST AMENDED
4/28/1988

For #developments#, #enlargements# or other alterations within the #Special Midtown District#, any building permits issued by the Department of Buildings prior to April 28, 1988, shall continue in effect through May 12, 1988. Thereafter any #non-conformance# or #non-compliance# with the Zoning Resolution as so amended shall be subject to the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment).

81-06 - Applicability of Article VII Provisions

LAST AMENDED
8/26/1992

81-061 - Applicability of Article VII

LAST AMENDED
3/22/2016

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals for #non-complying# #buildings# shall not be applicable:

Section 73-621 (Enlargement, change of use, or extension within buildings containing residential uses)

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

Section 73-64 (Modifications for Community Facility Uses)

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-28 (Newspaper Publishing) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

81-062 - Applicability of Article VII, Chapter 4

LAST AMENDED
8/6/1998

Within the #Special Midtown District#, the following provisions regarding special permits by the City Planning Commission shall not be applicable:

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-scale Development)

Section 74-75 (Educational Construction Fund Projects)

Section 74-82 (Through Block Arcades)

Section 74-83 (Court Houses)

Section 74-841 (Developments in certain Commercial Districts)

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

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas)

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

Within the #Special Midtown District#, the following provisions regarding special permits by the City Planning Commission shall only be applicable as modified below:

Section 74-71 (Landmark Preservation) shall be applicable subject to the height and setback modifications of Sections 81-067, 81-254, 81-266 and 81-277

Section 74-79 (Transfer of Development Rights From Landmark Sites) shall be applicable subject to modifications of the conditions and limitations on transfer of #floor area# (see Sections 81-212 and 81-747), the meaning of the term "adjacent lot" (see Section 81-747) and the provisions relating to height and setback variations (see Sections 81-254, 81-266 and 81-277).

81-063 - Regulations for developments or enlargements on lots divided by district boundaries, within or partially within the Theater Subdistrict

LAST AMENDED
8/6/1998

Within the Theater Subdistrict of the #Special Midtown District#, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), are modified in part by the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

81-064 - Inapplicability of provisions for height and setback modifications in large-scale residential developments

LAST AMENDED
8/26/1992

Within the #Special Midtown District#, the provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback

regulations shall be inapplicable.

81-065 - Inapplicability of provisions for height and setback modifications in large-scale community facility developments

LAST AMENDED
8/26/1992

Within the #Special Midtown District#, the provisions of Article VII, Chapter 9 (Special Regulations Applying to Large-scale Community Facility Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback regulations shall be inapplicable.

81-066 - Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

LAST AMENDED
2/2/2011

(a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

(1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations, result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be integrally related to #developments#, both physically and programmatically;

(3) that the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;

(5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas on the #zoning lot#;

(6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

(1) the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(3) such modifications will not unduly obstruct the access of light and air to surrounding properties;

(4) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;

(5) such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;

(6) the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and

(7) the modifications of height and setback regulations:

(i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and

(ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

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

81-067 - Modification of provisions for minimum base height and street wall location in Historic Districts

LAST AMENDED
8/9/2017

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-671 (Special street wall requirements) pertaining to the East Midtown Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-66 and 35-65 (Height and Setback Regulations for Quality Housing Buildings).

81-10 - USE REGULATIONS

LAST AMENDED
8/9/2017

81-11 - Modifications of Use Regulations in Subdistricts

LAST AMENDED
8/9/2017

The #use# regulations of the underlying districts are modified in:

(a) the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive;

(b) the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations); and

(c) the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

81-12 - Special Retail Continuity Requirements

LAST AMENDED
5/13/1982

Special requirements for allocation of frontage to retail and service #uses# along designated #streets# are set forth in Section 81-42 (Retail Continuity Along Designated Streets).

81-13 - Special Permit Use Modifications

LAST AMENDED
5/13/1982

No special permits shall be issued by the Board of Standards and Appeals for #automotive service stations# pursuant to Section 73-21 for any #zoning lots# with frontage on any of the #streets# designated in Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets).

No other special permit #use# within the #Special Midtown District# shall be granted by the Board of Standards and Appeals pursuant to Section 73-10 (SPECIAL PERMIT USES) or by the City Planning Commission pursuant to Section 74-30 (SPECIAL PERMIT USES) without a finding that such special permit #use# will be consistent with the purposes and provisions of this Chapter.

81-14 - Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict

LAST AMENDED
4/28/1988

81-141 - Special sign regulations

LAST AMENDED
6/23/2005

(a) For all existing and new #uses# in the Fifth Avenue Subdistrict, #signs# shall not be permitted on the exterior of any #building# below a level of 10 feet above #curb level#. The aggregate #surface area# of all #signs# in ground floor windows is restricted to not more than one-third of the window area.

Any #sign# that does not comply with the provisions of this paragraph, (a), shall be terminated, except that a #sign# which the Chairperson of the City Planning Commission certifies is an integral part of the #building#, shall not be required to terminate.

(b) In a C5-3 District within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the requirements of Section 32-655 (Height of signs in all other Commercial Districts), to allow a single non-#illuminated sign# per #building#, other than an #advertising sign#, to be located at a height between 25 and 50 feet above #curb level#, provided that the permitted #sign# shall:

(1) be limited to one name and/or address of the #building# or the name of an establishment located therein, consisting only of individual letters and/or numbers not exceeding 18 inches in height;

(2) not be within a frame, a border, or any kind of background other than the #building# facade;

(3) not project more than three inches from the facade of the #building#; and

(4) not exceed 25 square feet in aggregate #surface area#.

(c) On any #zoning lot# occupied by a landmark designated by the Landmarks Preservation Commission which lies partially or wholly within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the applicable #sign# regulations of Section 32-60 to permit #illuminated signs# on the open area of the #zoning lot#, provided that such #signs# shall:

(1) be a re-creation of historic #signs# and that the Landmarks Preservation Commission has issued a Certificate of Appropriateness or other permit for such #signs#;

(2) not exceed a #surface area# of 12 square feet per #sign#; and

(3) not project across a #street line#.

81-142 - Special frontage regulations

LAST AMENDED
2/2/2011

(a) Transparency requirement

On #wide street# frontages in underlying C5 Districts, at least 50 percent of a #building's# #street wall# surface shall be glazed and transparent at the ground floor level, and not more than 50 percent of such transparent surface shall be painted. For the purpose of the glazing requirements, the #building's# #street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

(b) Banners or pennants

The display of banners or pennants from the exterior of any #building# in an underlying C5 District is prohibited.

81-20 - BULK REGULATIONS

LAST AMENDED
8/9/2017

81-21 - Floor Area Ratio Regulations

LAST AMENDED
8/9/2017

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of Section 81-21, inclusive, or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Section 81-21, inclusive, shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-63 or 81-64 shall apply.

81-211 - Maximum floor area ratio for non-residential or mixed buildings

LAST AMENDED
8/9/2017

(a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.

(b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such

additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

	Maximum #Floor Area Ratio# (FAR)				
Means for Achieving Permitted FAR Levels on a #Zoning Lot#	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right #Floor Area# Allowances: (District-wide Incentives), #Public plazas# - Section 81-23	—	1.0[1,2]	1.0[1,3]	—	1.0[2]
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0[1,2,7]	13.0[1,3]	14.0	16.0
D. Maximum #Floor Area# Allowances:(District-wide Incentives), #Mass Transit Station# - Section 66-51	1.6	2.0[6]	2.4	2.8	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	9.6	12.0	14.4	16.8	18.0
F. Maximum #Floor Area# Allowances in Penn Center Subdistrict: #Mass Transit Station# Improvement - Section 81-541	—	2.0	—	—	3.0
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives	—	12.0	—	—	18.0
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:					

Development rights (FAR) of a "granting site" - Section 81-744	—	10.0	12.0	14.0	15.0
Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" - Section 81-744(a)	—	2.0	2.4	2.8	3.0
Inclusionary Housing - Sections 23-90 and 81-22	—	2.0[4]	—	—	—
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict	—	12.0	14.4	16.8	18.0
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor - Section 81-744(b)	—	2.4	—	—	—
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	—	14.4	14.4	16.8	18.0
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" Section 81-745	—	4.4	2.4	2.8	3.0
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	9.6	14.4[8]	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as-of-right	8.0	10.0	12.0	14.0	15.0

Development rights (FAR) of a landmark lot for transfer purposes - Section 74-79	8.0	10.0	13.0[5]	14.0	16.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on an "adjacent lot" - Section 74-79	1.6	2.0	2.4	No Limit	No Limit
O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives	9.6	14.4[8]	14.4	No Limit	No Limit

1 Not available for #zoning lots# located wholly within Theater Subdistrict Core

2 Not available within the Eighth Avenue Corridor

3 Not available within 100 feet of a #wide street# in C5-2.5 Districts

4 Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#

5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core

6 Within R10 Districts outside of #Inclusionary Housing designated areas# the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)

7 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public spaces)

8 For #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted through combination with Inclusionary Housing

81-212 - Special provisions for transfer of development rights from landmark sites

LAST AMENDED
8/9/2017

The provisions of Section 74-79 (Transfer of Development Rights From Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites), 81-747 (Transfer of development rights from landmark theaters) and 81-85 (Transfer of Development Rights From Landmark Sites).

The provisions of Section 74-79 pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5

or C6-7T District.

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

(a) the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and

(b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark #building or other structure#, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62. In granting such special permit, the Commission shall find that:

(1) a loading berth permitted by Commission authorization, pursuant to Section 81-44, would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;

(2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and

(3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections 37-50 and 81-45. In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

81-213 - Special provisions for transfer of development rights from listed theaters within the Special Clinton District

LAST AMENDED
9/13/2006

In C6-2 Districts within the #Special Clinton District#, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

81-22 - As-of-right Floor Area Bonuses

LAST AMENDED
10/17/2007

As-of-right #floor area# bonuses are not permitted in the #Special Midtown District#, except in accordance with the provisions of the following Section:

Section 81-23 (Floor Area Bonus for Public Plazas).

In addition, the provisions of Section 23-90 (INCLUSIONARY HOUSING) shall be applicable in that portion of the #Special Midtown District# which is also within the #Special Clinton District#, pursuant to Section 81-023 (Applicability of the Special Clinton District regulations).

Any #floor area# bonus granted by certification for through #block# gallerias prior to August 6, 1998, shall remain in effect provided, however, that such certification shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within four years from the effective date of such certification.

81-23 - Floor Area Bonus for Public Plazas

LAST AMENDED
8/9/2017

Within the #Special Midtown District#, for each square foot of #public plaza# provided on a #zoning lot#, the basic maximum #floor area# permitted on that #zoning lot# under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

This Section shall be applicable in all underlying districts throughout the #Special Midtown District#, except that there shall be no #floor area# bonus for a #public plaza# that is:

(a) on #zoning lots# in the C5P District within the Preservation Subdistrict;

(b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);

(c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and

(d) on #zoning lots#, any portion of which is in the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, or on #qualifying sites#, as defined in Section 81-613, in any other subarea of the East Midtown Subdistrict.

All #public plazas# provided within the #Special Midtown District# shall comply with the requirements for #public plazas# set forth in Section 37-70, inclusive.

A major portion of a #public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-715.

81-231 - Existing plazas or other public amenities

LAST AMENDED
10/17/2007

(a) Elimination or reduction in size of existing #publicly accessible open area# or other public amenities

No existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing #publicly accessible open areas#

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a #floor area# bonus has been received, during certain nighttime hours, pursuant to Section 37-727 (Hours of access).

(d) Special provisions for certain #covered pedestrian spaces#

Where a portion of an existing #covered pedestrian space# was designated by a special authorization of the Commission prior to May 13, 1982, to be used for off-street loading after business hours, the Commission may, by special permit, after public notice and hearing, and subject to City Council action, allow relocation of the loading facilities and modifications relating to the loading berth requirements, provided that such modifications will result in substantial improvement of the pedestrian circulation system and amenities within the existing #covered pedestrian space# without adversely affecting the operation of off-street loading facilities.

(e) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

81-232 - Special provisions for zoning lots divided by district boundaries

LAST AMENDED
10/17/2007

Where a #public plaza# is located on a #zoning lot# divided by a district boundary, the #floor area# bonus for such #public plaza# may be credited to either portion of the #zoning lot# regardless of the #public plaza's# location or the date when the #zoning lot# was created, provided that the amount of such bonus permitted on either portion of the #zoning lot# shall not exceed the maximum amount that would be permitted on such portion if it were a separate #zoning lot# and subject to all other applicable provisions of Article VII, Chapter 7.

81-24 - Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses

LAST AMENDED
7/26/2001

81-241 - Maximum floor area ratios for a residential building or the residential portion of a mixed building

LAST AMENDED
2/2/2011

For #residential buildings# or #residential# portions of #mixed buildings# in the #Special Midtown District#, the maximum #floor area ratio# for each underlying district is as follows:

(a) In the C5-P District the maximum #floor area ratio# is 8.0, and no additional #floor area# shall be allowed above this limit.

(b) In all underlying districts other than the C5-P District, except as provided in paragraph (c) of this Section, the maximum #residential# #floor area ratio# is 10.0.

(c) In any underlying district other than a C5-P, C6-4 or C6-5 District, or in a C6-4 or C6-5 District within the Theater Subdistrict where a #zoning lot# has been granted bonus #floor area# or other #floor area# allowances in accordance with the provisions of Section 81-741 (General provisions), such #zoning lot# shall qualify for a maximum #residential# #floor area ratio# of 12.0 if the

#development# or the #building# containing the #enlargement# includes recreational space for the #residential# occupants in an amount not less than 13 square feet for each #rooming unit#, 16.25 square feet for each #dwelling unit#, or a total area of at least 5,000 square feet, whichever is greater. The recreational space may be located at any level including a roof. Such recreational space shall:

(1) be restricted to #residential# occupants of the #development# or the #building# containing the #enlargement# and their guests, for whom no admission or membership fees may be charged;

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

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

(4) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet;

(5) have not less than 50 percent of the area open from its lowest level to the sky. The remaining portion may be roofed and up to 50 percent of its perimeter may be enclosed. In no event may more than 25 percent of the required recreational space be fully enclosed. All enclosures shall be transparent except when located within the #building#. Covered areas shall contain recreational facilities or seating areas.

A copy of requirements (c)(1) through (c)(5), as set forth in this Section, shall be permanently posted in a conspicuous place within each recreational space.

81-242 - Regulations on minimum spacing between buildings

LAST AMENDED
2/2/2011

When a #building# containing #residential# #uses# is located on the same #zoning lot# as another #building#, the provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

81-25 - General Provisions Relating to Height and Setback of Buildings

LAST AMENDED
8/9/2017

For all #buildings# in the #Special Midtown District#, except as provided in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT), the height and setback regulations of the underlying districts are superseded by the provisions of this Section and by the two alternate sets of regulations controlling the height and setback of #buildings# as set forth in Sections 81-26 (Height and Setback Regulations--Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations--Daylight Evaluation), respectively. For the purposes of applying height and setback regulations, the term "#buildings#" shall include #buildings or other structures#, except if specifically stated otherwise.

For the purposes of Sections 81-25 through 81-27, inclusive, all #buildings# on a #zoning lot# shall be considered a single #building#. Existing portions of such #buildings# are referred to as an "existing #building#." A "new #building#" shall include #developments#, #enlargements# or alterations that increase the width or height of a #building# wall.

An applicant for plan approval by the Department of Buildings may elect to be governed by the provisions of either Section 81-26 or 81-27 in addition to the provisions of this Section.

This Section sets forth the provisions that are common to both sets of regulations.

81-251 - Purpose of height and setback regulations

LAST AMENDED
2/2/2011

The common purpose of these two sets of regulations is to offer maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public #streets# and adjacent #buildings#.

This purpose is implemented by the two alternate sets of regulations, which are based on two distinct approaches. Both sets are concerned with daylight at #street# level.

The daylight compensation regulations require any #building# generally to be built within a sky exposure curve which relates required setbacks to #building# heights. Within limits, the #buildings# may encroach outside the curve but only if extra setbacks or recesses provided elsewhere on the same #street# frontage of the #zoning lot# compensate for the #encroachment#. In the regulations, the sky exposure curve for three #street# width categories is represented in each case by a table of required setbacks related to #building# heights.

The daylight evaluation regulations measure and evaluate portions of sky blocked by a #building# as viewed from specified #vantage points# in the #street#. The #building# is plotted on #daylight evaluation charts# representing the #zoning lot's# available daylight from specified #vantage points#, measured in daylight squares as defined in paragraph (b) of Section 81-272. Daylight blockage by the #building# is then measured to determine the #building's# score on each frontage and the average score for the #building# as a whole. The regulations specify the minimum passing scores for compliance.

81-252 - Permitted obstructions

LAST AMENDED
4/30/2012

Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted Obstructions) or 34-11 or 35-10 (GENERAL PROVISIONS), are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations—Daylight Compensation), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses#, set forth in Section 81-26, and shall be excluded in determining daylight blockage, pursuant to the provisions of Section 81-27:

(a) unenclosed balconies conforming to the provisions of Section 23-13 (Balconies); and

(b) exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

81-253 - Special provisions for the East Midtown, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts

LAST AMENDED
8/9/2017

The provisions of Sections 81-26 (Height and Setback Regulations-- Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations--Daylight Evaluation) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the East Midtown Subdistrict as set forth in Sections 81-61 (General Provisions), 81-66 (Special Height and Setback Requirements), inclusive, or 81-671 (Special street wall requirements), or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where height and setback is regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

81-254 - Special permit for height and setback modifications

LAST AMENDED
8/9/2017

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)

Section 74-79 (Transfer of Development Rights From Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277

Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)

Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea)

Section 81-633 (Special permit for Grand Central public realm improvements)

Section 81-685 (Special permit to modify qualifying site provisions)

81-26 - Height and Setback Regulations--Daylight Compensation

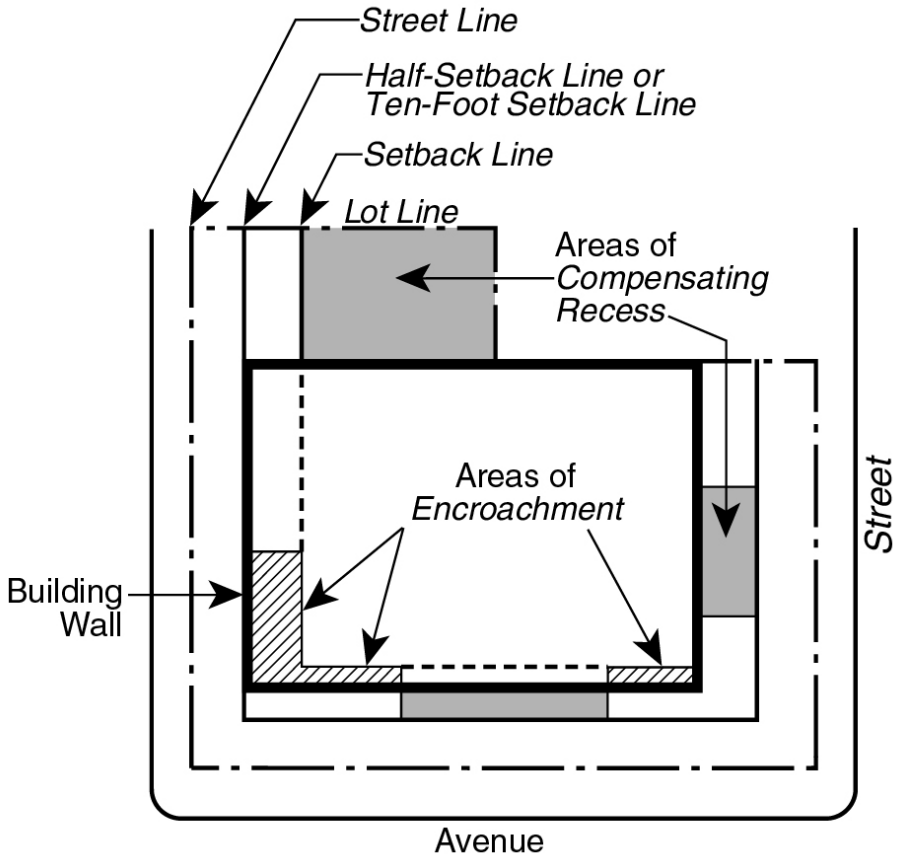
LAST AMENDED
5/13/1982

81-261 - Definitions

LAST AMENDED
2/2/2011

Compensating recess

A portion of a #zoning lot# which, at the #building# height selected for determining compliance with the provisions of Section 81-26 (Height and Setback Regulations--Daylight Compensation), lies in the #free zone# (Zone A on the #encroachment grid#), is not covered by any portion of a #building# and qualifies as compensating for #encroachments# beyond the #free zone# under the provisions of Section 81-264 (Encroachments and compensating recesses). (See illustration of #Compensating Recess# and #Encroachment#)



COMPENSATING RECESS AND ENCROACHMENT

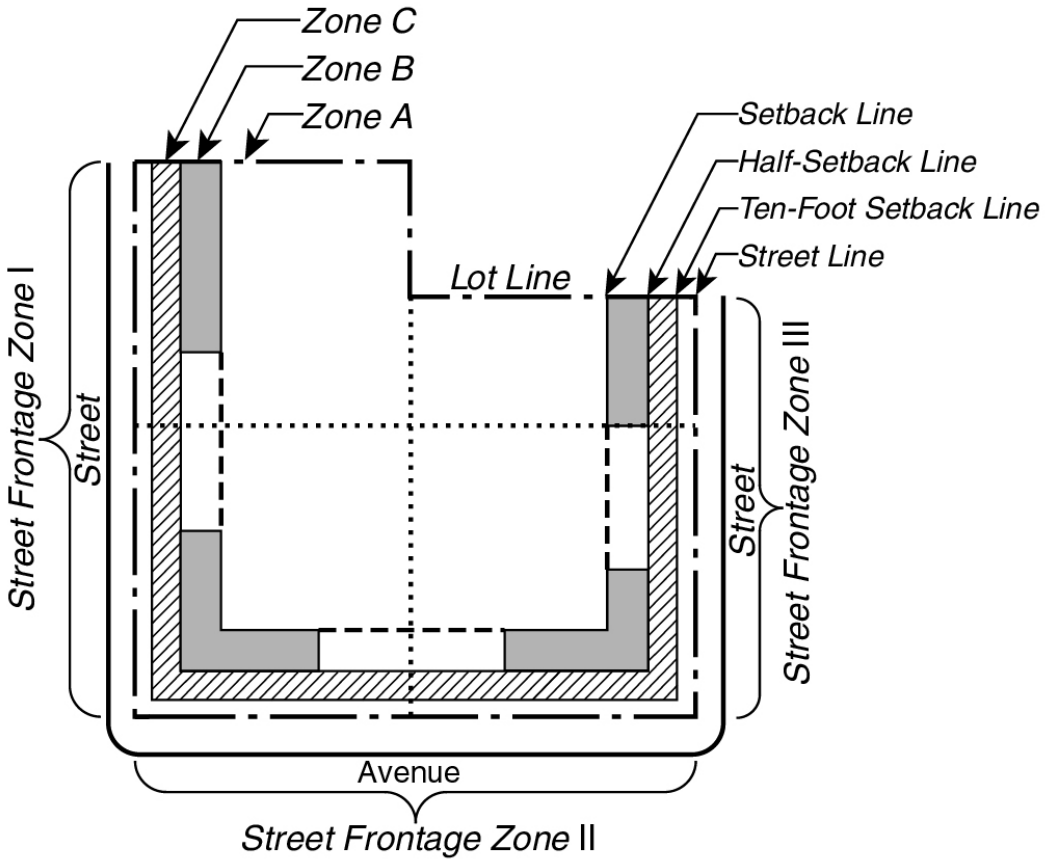
(81-261.1)

Encroachment

A projection beyond the #setback line#, the #free zone# or the #half-setback line# by any portion of a #building# that exceeds the maximum height permitted at the #street line#. (See illustration of #Compensating Recess# and #Encroachment#)

Encroachment grid

A plan drawing of the #zoning lot# at any given height above #curb level# selected to determine compliance with the provisions of Section 81-26 and showing, for that height, #street lines#, #setback lines#, #half-setback lines#, #Zone A# (the #free zone#), #Zone B# and #Zone C# (#encroachment zones#) and, where applicable, the #ten-foot setback line#. The #encroachment grid# serves as a device for measuring areas of #encroachment# beyond the #free zone# and areas of #compensating recess# within the #free zone#. (See illustration of #Encroachment Grid#)



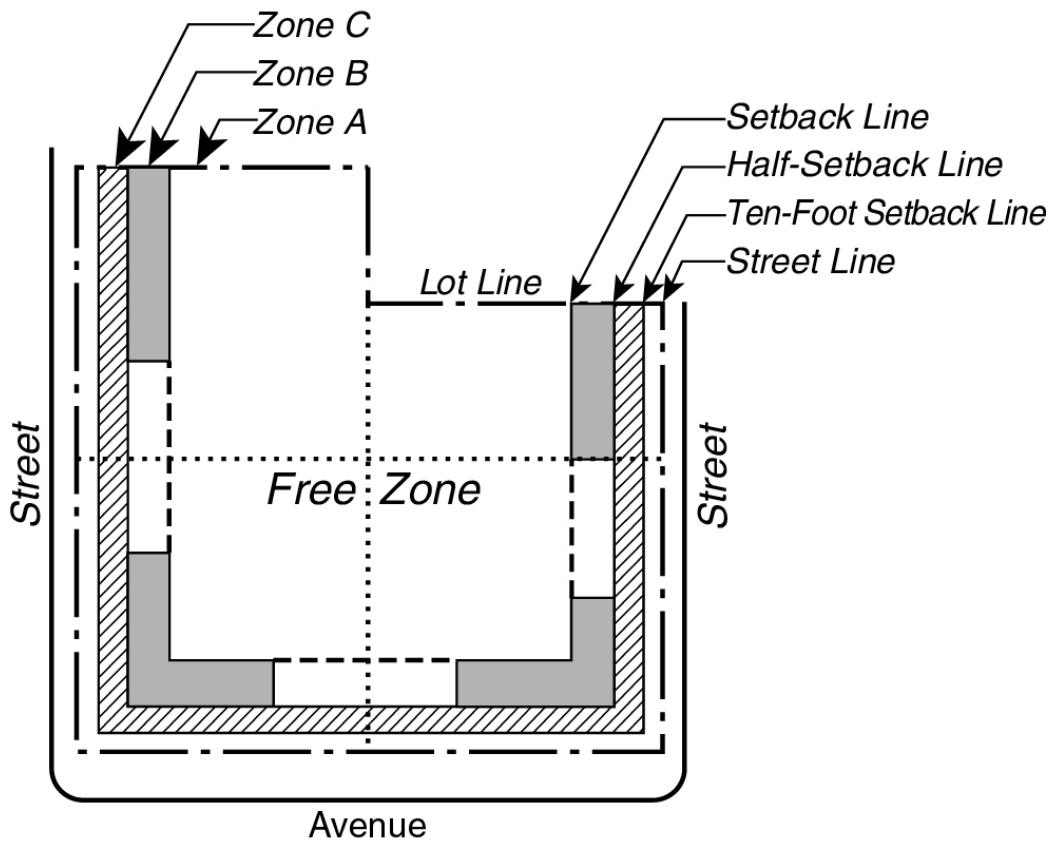
ENCROACHMENT GRID

(81-261.2)

Free zone

That portion of a #zoning lot#, at any given height, which may be covered by a #building# without coverage constituting an #encroachment# that requires daylight compensation.

In addition to the area that lies behind a #setback line# or #setback lines#, the #free zone# shall include areas between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#, and which qualify as #free zone# areas under the #middle one-third rule#. The #free zone# is referred to as #Zone A# on the #encroachment grid#.



FREE ZONE

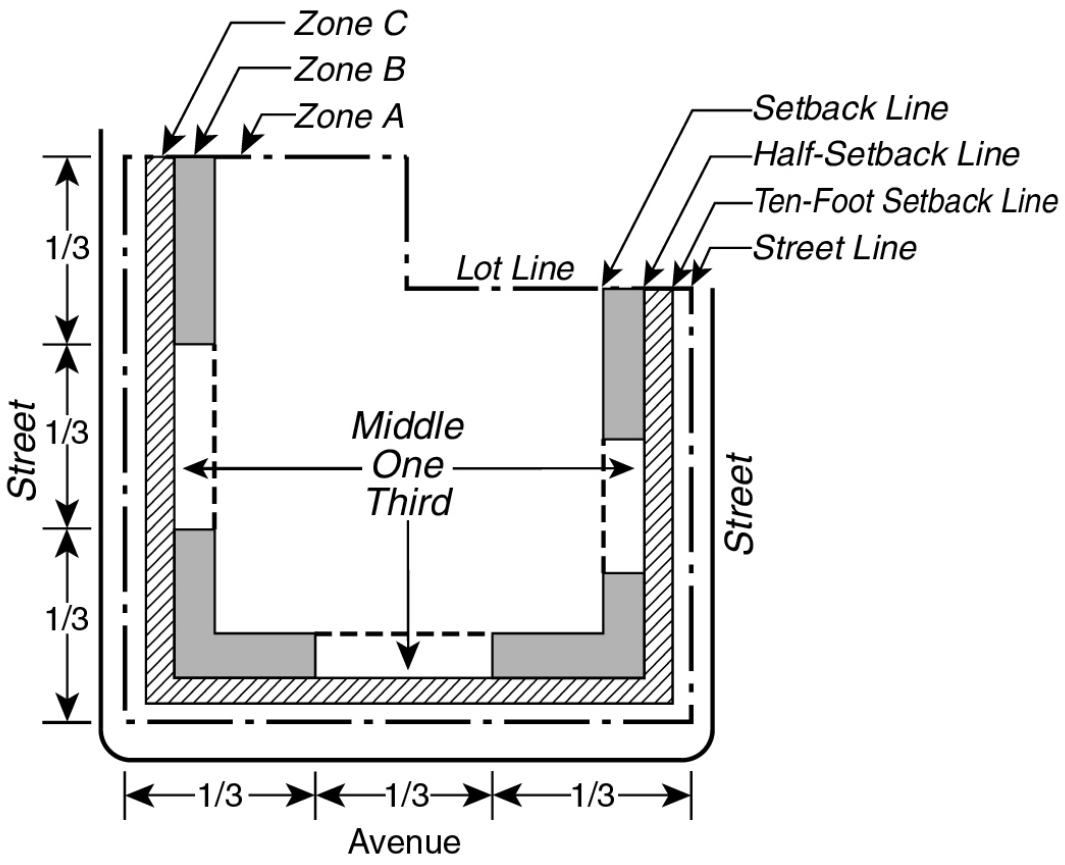
(81-261.3)

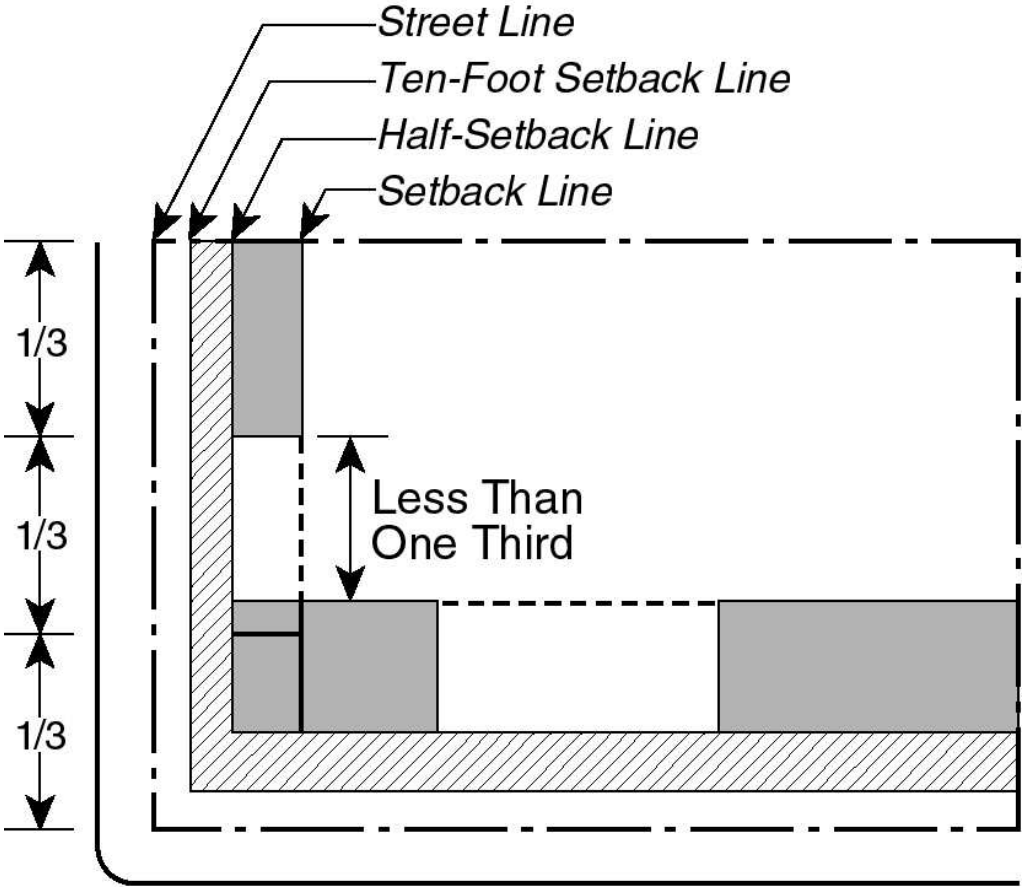
Half-setback line

A line drawn parallel to a #street line# and halfway between the #street line# and the #setback line#. (See illustration of #Setback Line# and #Half-Setback Line#)

Middle one-third rule

The rule under which, for the middle one-third of the #front lot line# length, the #free zone# includes area between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#. However, on a #corner lot# the #free zone# does not extend beyond the #setback line# along an intersecting #street#. (See illustrations of #Middle One-Third Rule#)



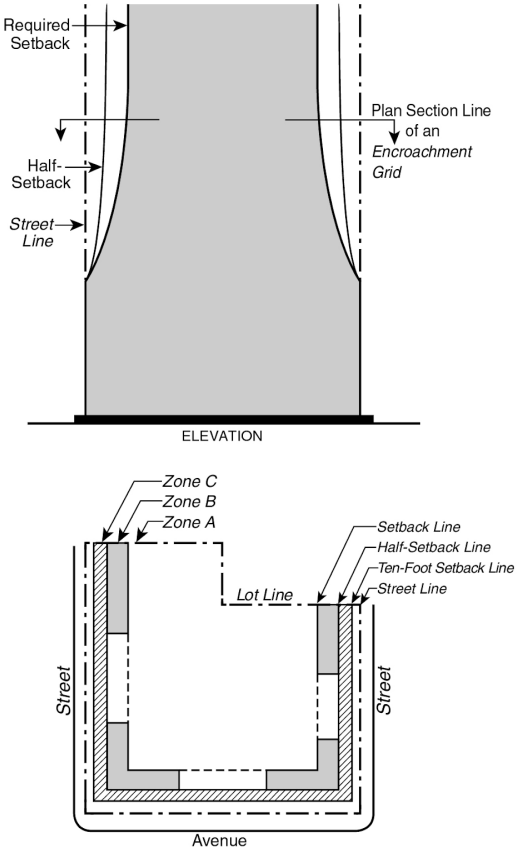


MIDDLE ONE-THIRD RULE

(81-261.4)

Setback line

A line drawn in plan parallel to a #street line# and showing for a given #building# height the minimum depth to which a #building# is required to be set back from the #street line# by the applicable depth to height chart in Section 81-263 (Standard setback requirements). Required setbacks, established by the chart, increase with the #building's# height. (See illustration of #Setback Line# and #Half-Setback Line#)

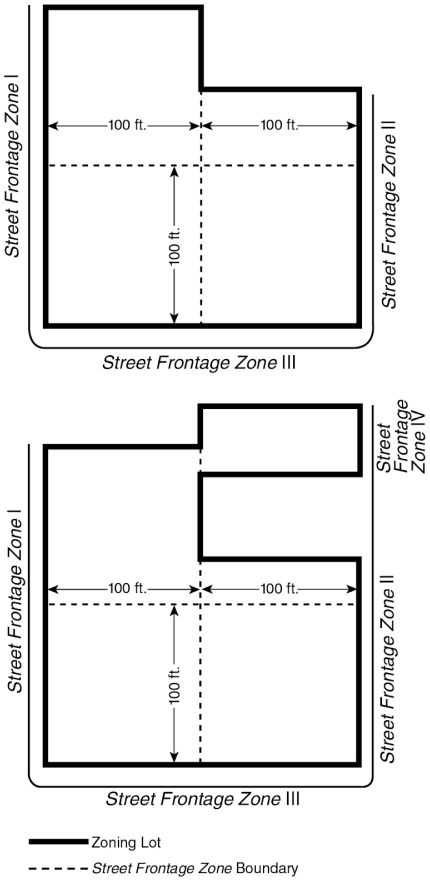


SETBACK LINE AND HALF-SETBACK LINE

(81-261.5)

Street frontage zone

A portion of a #zoning lot# which lies within an area bounded by a continuous #front lot line# and either the center line of the #block# or a line 100 feet distant from and parallel to that #front lot line#, whichever is closer to that #front lot line#. There shall be a #street frontage zone# for each #zoning lot# #street# frontage. (See illustration of #Street Frontage Zones#)

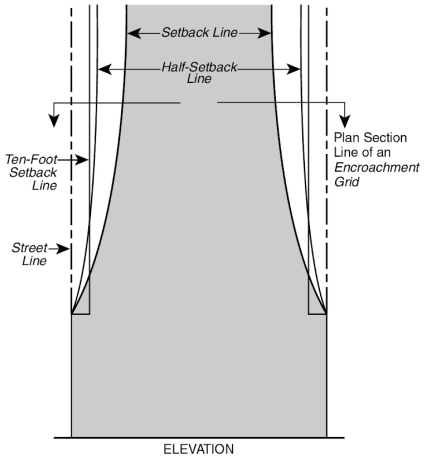


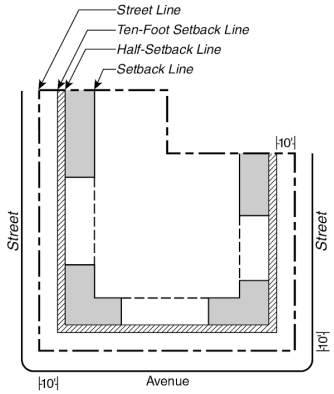
STREET FRONTAGE ZONES

(81-261.6)

Ten-foot setback line

A line which is parallel to the #street line# at a depth of 10 feet and represents the minimum distance any portion of a #building# exceeding the maximum height at the #street line# is required to be set back from the #street line#. A greater setback distance may be required by a #setback line# or a #half-setback line# depending upon the #building# height for which such #setback line# or #half-setback line# is established.





TEN-FOOT SETBACK LINE ON AN ENCROACHMENT GRID

(81-261.7)

Zone A, Zone B, Zone C

"Zone A," "Zone B" and "Zone C" are zones on an #encroachment grid# defined as follows:

(a) #Zone A# is the #free zone#.

(b) #Zone B#, an #encroachment# zone, is the zone, exclusive of any area in #Zone A# and any area closer to the #street line# than the #ten-foot setback line#, which lies between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#.

(c) #Zone C#, an #encroachment# zone and penalty zone, is the zone, exclusive of any area closer to the #street line# than the #ten-foot setback line#, which lies between the #half-setback line# and the #ten-foot setback line#.

81-262 - Maximum height of front wall at the street line

LAST AMENDED
5/13/1982

(a) General provisions

The front wall of a #building# at the #street line# shall not exceed the height limit applying along the #street# on which it fronts. Maximum front wall heights at the #street line# vary with the width of the #street# on which the wall fronts, as follows:

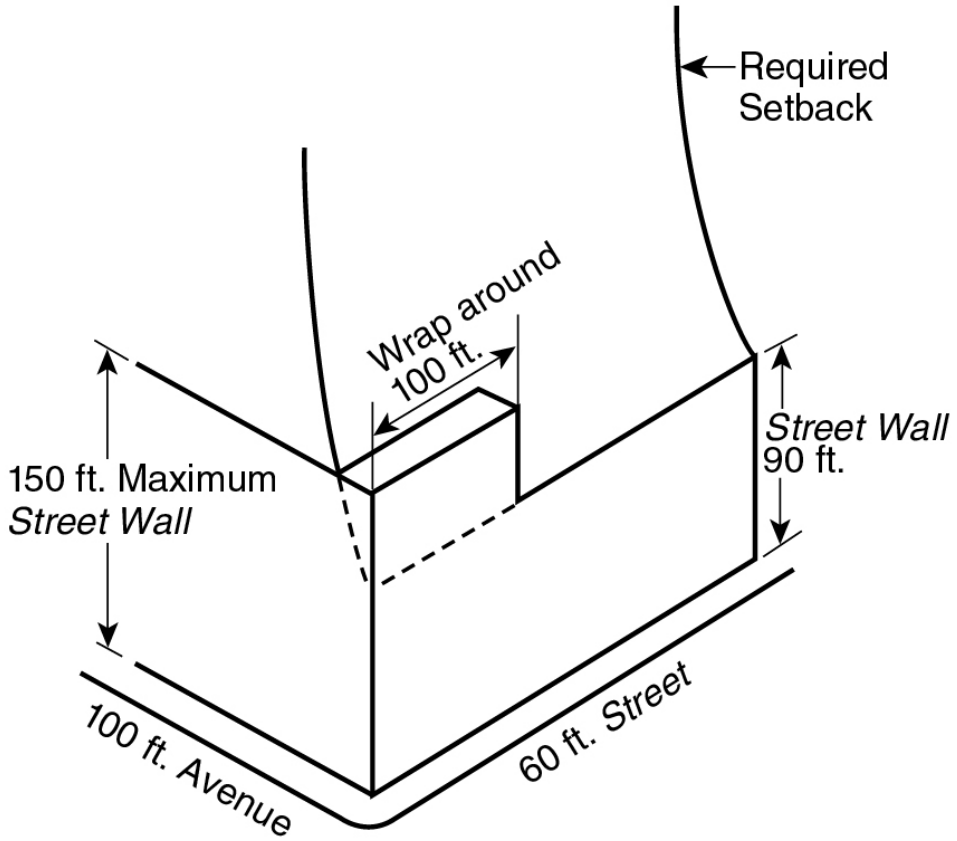
#Street# Width (in feet)	Maximum Front Wall Height at #Street Line# (in feet)
60 or less	90
75 or 80	120
100 or more	150

(b) Special provisions for #corner lots#

For a #corner lot# with frontage on #streets# of different widths, the maximum front wall height at the #street line# of the narrower #street# may be increased above that indicated in paragraph (a) in accordance with either one of the following rules:

Rule 1:

The maximum front wall height at the #street line# for the wider #street# may extend up to 100 feet from the corner along the #street line# of the narrower #street#; or

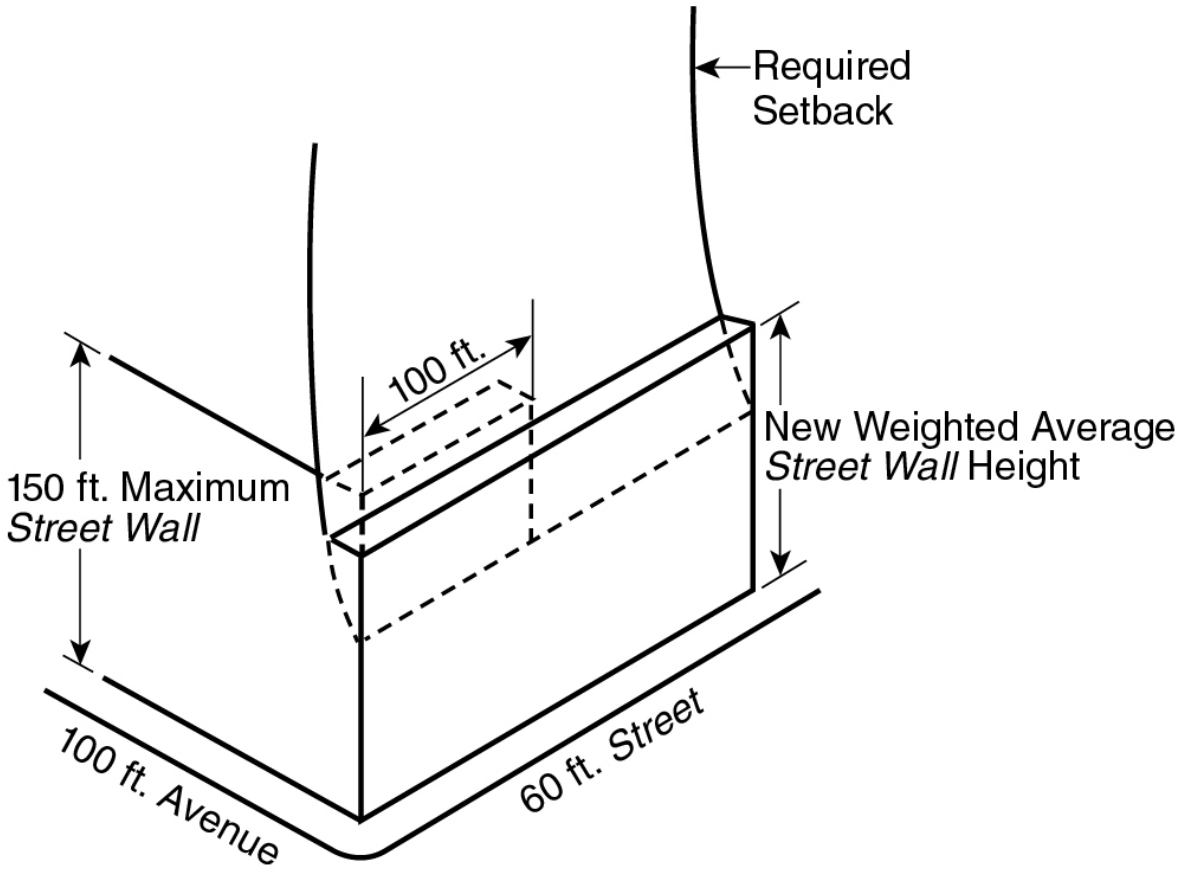


SPECIAL RULE 1 FOR CORNER LOTS

(81-262b.1)

Rule 2:

For any length of frontage from the corner along the narrower #street#, a maximum height for such length of frontage may apply, which shall be the weighted average of (1) the height permitted under Rule 1 for the first 100 feet from the corner, and (2) the standard height limit for front walls on the narrower #street# for the remainder of the frontage. (See illustration of Special Rules for #Corner Lots#)



SPECIAL RULE 2 FOR CORNER LOTS

(81-262b.2)

81-263 - Standard setback requirements

LAST AMENDED
2/2/2011

#Buildings# shall comply with the regulations of this Section.

(a) Ten-foot setback requirement

Above the maximum height permitted at the #street line# pursuant to the provisions of Section 81-262, every portion of a #building# shall be set back at least 10 feet from the #street line#.

(b) General setback provisions; depth to height charts

Above the maximum height permitted at the #street line#, #buildings#, in addition to meeting the requirements of paragraph (a) of this Section, are required to be set back behind the applicable #setback line#, the depth of the #setback line# at any point depending upon the height of the wall at that point in accordance with the requirements of applicable Tables A, B or C of this Section presenting required setbacks from #streets# 60 feet or less, 75 or 80 feet, or 100 or more feet in width, respectively.

Table A

SETBACK REQUIREMENTS

ON #STREETS# 60 FEET OR LESS IN WIDTH

Depth of #Setback Line# from #Street Line# at

Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#
90	0.00
100	2.00
110	4.00
120	6.00
130	8.00
140	10.00
150	12.00
160	13.75
170	15.25
180	16.75
190	18.50
200	20.00
210	21.25
220	22.50
230	24.00
240	25.25

250	26.50
260	27.50
270	28.75
280	30.00
290	30.75
300	31.75
310	32.75
320	33.75
330	34.75
340	35.50
350	36.25
360	37.25
370	38.00
380	38.75
390	39.50
400	40.25
410	41.00
420	41.75
430	42.25
440	43.00
450	43.50

460	44.25
470	44.75
480	45.50
490	46.00
500	46.50
510	47.00
520	47.50
530	48.00
540	48.50
550	49.00
560	49.50
570	50.00
580	50.50
590	51.00
600	51.50
610	52.00
620	52.25
630	52.75
640	53.00
650	53.50
660	53.75

670	54.25
680	54.50
690	55.00
700	55.25
710	55.75
Above 710	For every 10 feet the depth shall increase by one foot

Table B

SETBACK REQUIREMENTS

ON #STREETS# 75 OR 80 FEET WIDE

Depth of #Setback Line# from #Street Line# at

Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#
120	0.00
130	1.50
140	3.50
150	5.50
160	7.50
170	9.25
180	11.00
190	12.75
200	14.25
210	15.75

220	17.25
230	18.75
240	20.00
250	21.25
260	22.50
270	23.75
280	24.75
290	26.00
300	27.00
310	28.00
320	29.00
330	30.00
340	31.00
350	32.00
360	32.75
370	33.75
380	34.50
390	35.50
400	36.25
410	37.00
420	37.75

430	38.25
440	39.00
450	39.75
460	40.50
470	41.00
480	41.75
490	42.50
500	43.00
510	43.50
520	44.00
530	44.75
540	45.25
550	45.75
560	46.25
570	46.75
580	47.25
590	47.75
600	48.25
610	48.75
620	49.00
630	49.50

640	50.00
650	50.50
660	50.75
670	51.25
680	51.75
690	52.00
700	52.50
710	53.00
Above 710	For every 10 feet the depth shall increase by one foot

Table C

SETBACK REQUIREMENTS

ON #STREETS# AT LEAST 100 FEET WIDE

Depth of #Setback Line# from #Street Line# at

Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#
150	0.00
160	1.50
170	3.00
180	5.00
190	6.75
200	8.50
210	10.25

220	11.75
230	13.25
240	14.75
250	16.00
260	17.25
270	18.75
280	20.00
290	21.00
300	22.25
310	23.50
320	24.50
330	25.50
340	26.50
350	27.50
360	28.50
370	29.50
380	30.25
390	31.25
400	32.00
410	33.00
420	33.75

430	34.50
440	35.25
450	36.00
460	36.75
470	37.25
480	38.00
490	38.75
500	39.25
510	40.00
520	40.50
530	41.25
540	41.75
550	42.25
560	42.75
570	43.50
580	44.00
590	44.50
600	45.00
610	45.50
620	46.00
630	46.50

640	47.00
650	47.50
660	47.75
670	48.25
680	48.75
690	49.25
700	49.50
710	50.00
Above 710	For every 10 feet the depth shall increase by one foot

(c) Use of tables

To comply with the setback requirements of this Section, a #building# at any height shall be set back at least to the depth of the #setback line# indicated on the applicable table.

For heights between those shown on the table, the depth of the #setback line# shall be interpolated.

Required depths of #setback lines# shall be rounded off to the next highest half foot.

The setback requirements apply only to portions of #buildings# above the maximum height permitted at the #street line#, so that required setbacks on the narrower #street# frontage of a #corner lot# shall apply only to heights above the maximum front wall heights permitted by the #corner lot# provisions of paragraph (b) of Section 81-262 (Maximum height of front wall at the street line).

(d) #Middle one-third rule#

A #building# may penetrate beyond the #setback line# at any height if the penetration is confined to the middle third of the #front lot line# length and complies in all respects with the #middle one-third rule# as defined in Section 81-261 (Definitions).

81-264 - Encroachments and compensating recesses

LAST AMENDED
2/2/2011

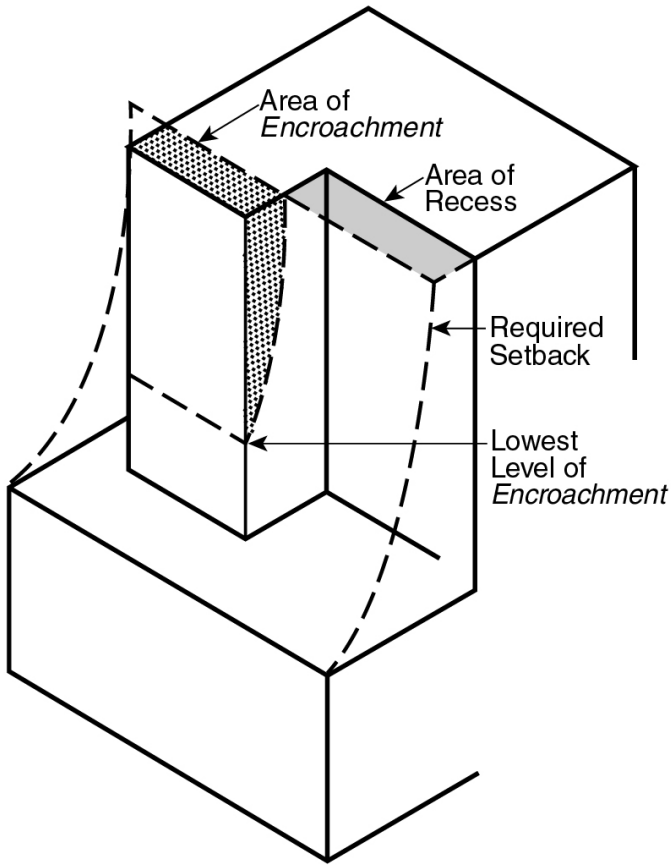
In addition to complying with the setback requirements of Section 81-263 (Standard setback requirements), a #building# shall not at any height encroach beyond a #half-setback line# or a #ten-foot setback line#, except as provided below. For each #street frontage zone# and for all #street frontage zones#, taken together on a single #encroachment grid#, a #building# shall not, at any level, have an aggregate area of #encroachment# beyond the #setback line#, other than in any #free zones#, greater than the aggregate area of #compensating recess# at such level.

Except as provided below, an area of #compensating recess# in one #street frontage zone# shall not be used to compensate for #encroachment# in another #street frontage zone#. However, a #building# with a #street frontage zone# which lies along a north-south #wide street# and does not meet the above requirements because of excessive #encroachment# will be in compliance with the #street frontage zone# requirements of this Section if compensation is provided for such excessive #encroachment# by an overlapping #street frontage zone#.

The requirement that the aggregate area of #compensating recess# at least equal the aggregate area of #encroachment#, as set forth in this Section, shall also apply to any #building# which encroaches beyond a #half-setback line# and which is therefore subject to the provisions of Section 81-265 (Encroachment limitations by length and height rules). (See illustration of Encroachments and Compensating Recesses)

(a) Rules for measuring #encroachments# and recesses

Areas of #encroachment# and #compensating recess# shall be measured in plan on one or more #encroachment grids# showing for the #zoning lot#, at a given height level, the #street lines#, the #setback lines#, the #half-setback lines#, the #ten-foot setback lines#, #Zone A#, #Zone B# and #Zone C# and the #street frontage zones#.



ENCROACHMENTS AND COMPENSATING RECESSES

(81-264a)

The scale of the #encroachment grid# shall be not more than 20 feet to the inch. All #buildings#, existing and proposed, shall be located accurately on the grid in plan at the height level selected to demonstrate compliance. For each #street frontage zone#, the areas of the #building's# #encroachment# in #Zone B# and #Zone C# and the #compensating recess# areas not covered by any #building# in #Zone A# shall be measured on the #encroachment grid#.

(b) Limits of #encroachment#

Except as provided in paragraph (d) of this Section for existing #buildings# below specified heights, #encroachment# is limited as follows:

(1) For each #street frontage zone#, at every height above the maximum front wall height at the #street line#, the area within #Zone A# that is not covered by a #building# and qualifies as #compensating recess# area shall, in the aggregate, equal or exceed the aggregate area in #Zone B# and #Zone C# that is encroached upon by a #building# at such height.

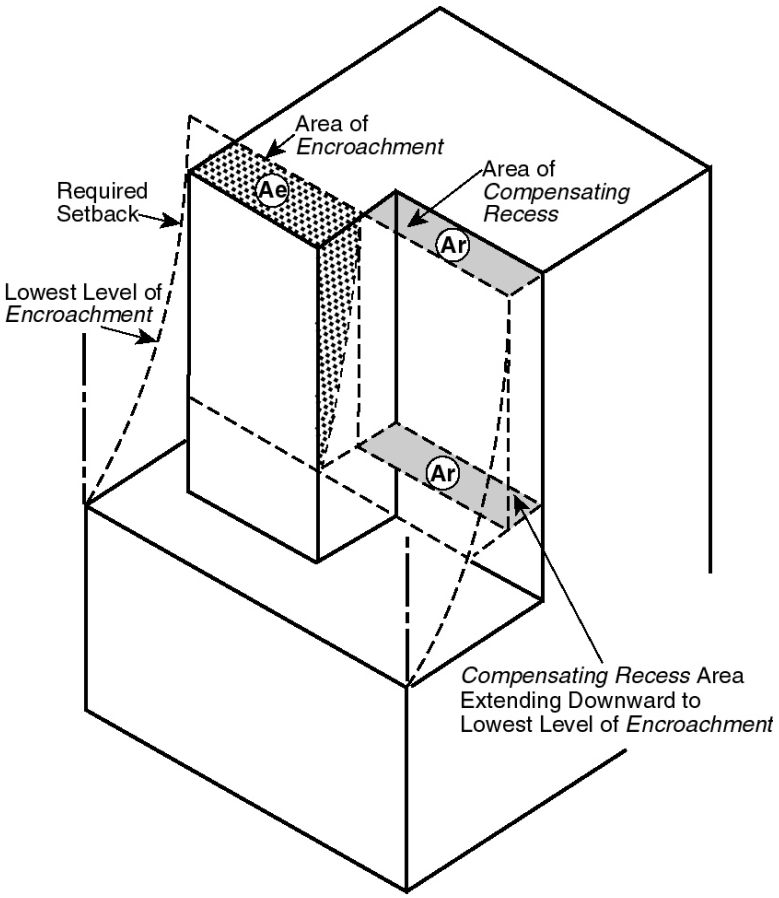
(2) No part of a #building# shall encroach into #Zone C# unless it complies with the provisions of Section 81-265.

(3) On #corner lots#, the projection of a #building# beyond the #setback line# or #half-setback line# on the narrower #street# shall not count as an #encroachment# except at heights above the maximum height permitted at the #street line# by the #corner lot# provisions in paragraph (b) of Section 81-262 (Maximum height of front wall at the street line).

(c) Limitations on #compensating recess#

#Compensating recess# areas are subject to the following limitations:

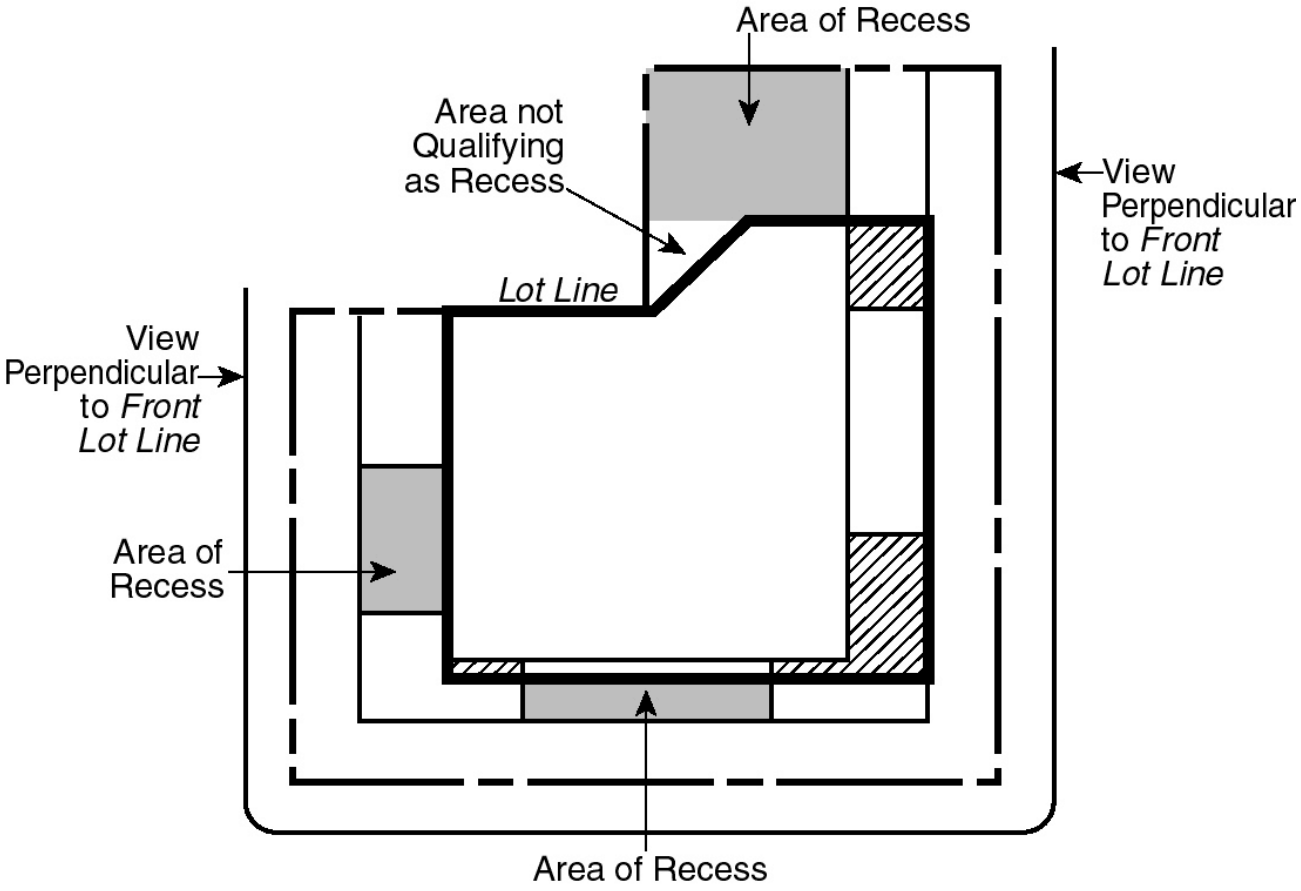
(1) Any required #compensating recess# area shall extend without diminution of dimensions downward at least to the lowest level at which any #encroachment# into #Zone B# or #Zone C# occurs and upward to the sky. (See illustration of Extension Downward of Compensating Recess Area)



EXTENSION DOWNWARD OF COMPENSATING RECESS AREA

(81-264c1)

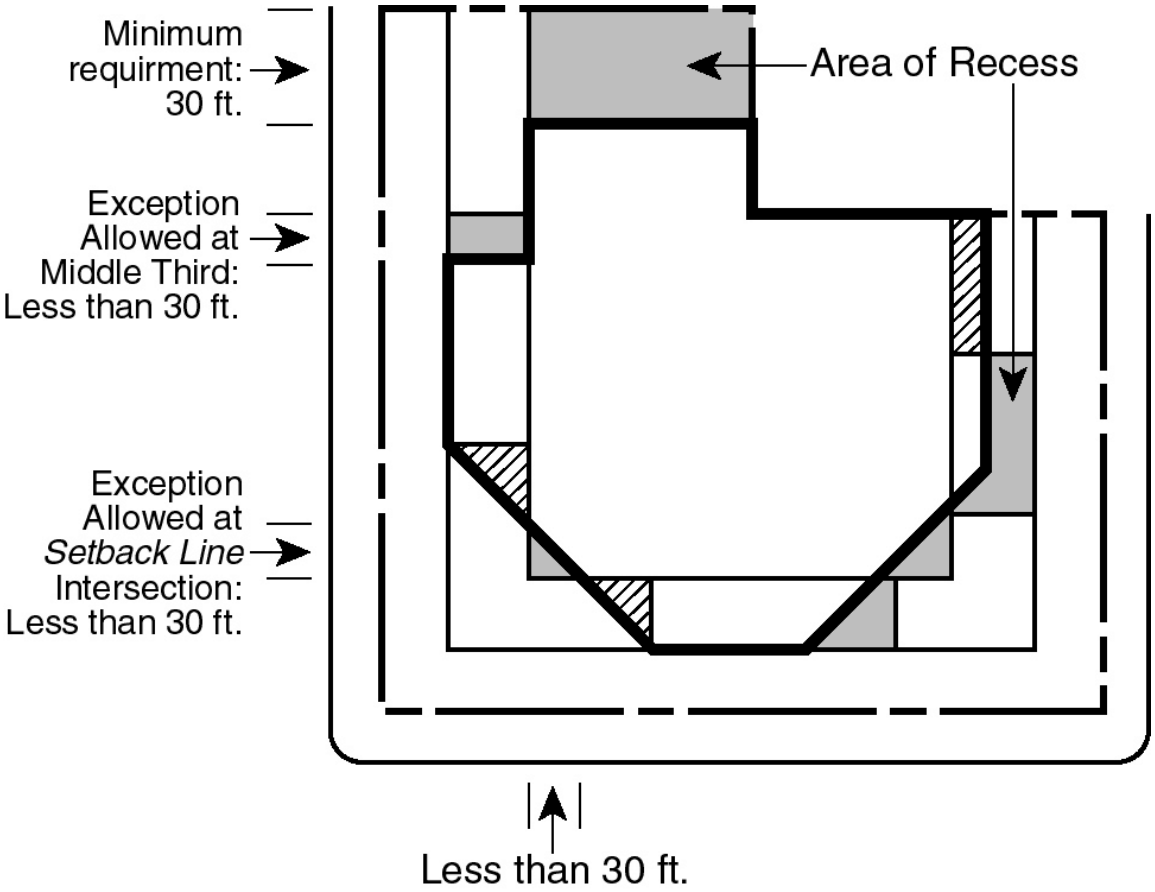
(2) #Compensating recess# area shall be visible when viewed from at least one adjacent #street# along a line that intersects the #front lot line# of the #zoning lot# at right angles. (See illustration of Visibility of Compensating Recess Area)



VISIBILITY OF COMPENSATING RECESS AREA

(81-264c2)

(3) The minimum length of a #compensating recess#, measured parallel to the #street line#, and behind the #setback line#, is 30 feet, except for any uncovered portion of an area that qualifies as #Zone A# under the #middle one-third rule# or an uncovered area located behind two intersecting #setback lines#. An uncovered area between the #setback line# and #half-setback line# that qualifies as #Zone A# under the #middle one-third rule# is not subject to the minimum length requirement. (See illustration of Minimum Length of Compensating Recess)



MINIMUM LENGTH OF COMPENSATING RECESS

(81-264c3)

(4) #Compensating recess# area shall be within 100 feet of a #front lot line#.

(d) Existing #buildings# on the #zoning lot#

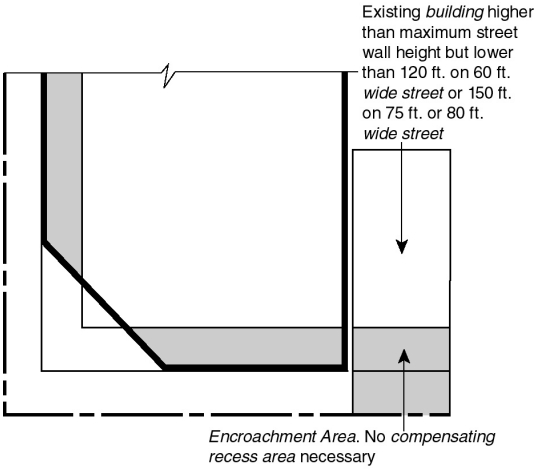
Where a #zoning lot# contains an existing #building# which exceeds a height limit, an #enlargement# or #development# on such #zoning lot# shall comply with the following provisions:

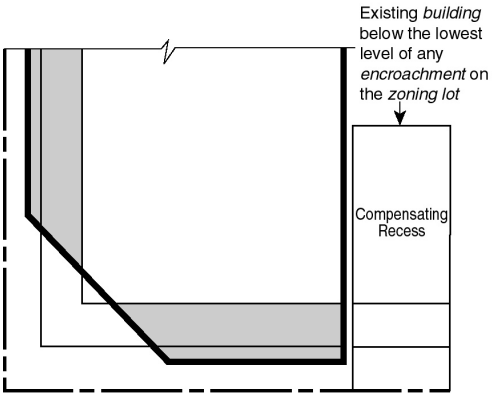
(1) For each #street frontage zone#, if the existing #building# is not more than 120 feet in height at any point and encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 60 feet wide, or if the existing #building# is not more than 150 feet in height at any point and encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 75 or more feet in width, the new #building# or #enlargement# is not required to compensate for such #encroachment# by the provision of #compensating recess# areas. #Encroachment# by such an existing #building# into #Zone C# or beyond the #ten-foot setback line# will not subject the new #building# or #enlargement# to the provisions of Section 81-265 unless the new #building# or #enlargement# also encroaches into #Zone C#.

(2) For each #street frontage zone#, space above such existing #building# and within #Zone A# on the #encroachment grid# may count as #compensating recess# area for the new #building# or #enlargement# provided that such space is at or below the lowest level of any compensable #encroachment# by the new #building# or #enlargement#, that it is located within the same #street frontage zone# as that compensable #encroachment#, and that it qualifies in all respects under the provisions of paragraph (c) of this Section (Limitations on #compensating recess#).

(3) For each #street frontage zone#, if an existing #building# more than 120 feet in height at any point encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 60 feet wide, or if an existing #building# more than 150 feet in height at any point encroaches into #Zone B# or #Zone C# or beyond the #ten-foot

setback line# along the frontage of a #street# 75 or more feet in width, the #encroachment# of such #building# into #Zone B# or #Zone C# or beyond the #ten-foot setback line# at any height shall be subject to the requirements for #compensating recess# areas set forth in paragraph (b)(1) of this Section, as if it were a new #building#. Where such an existing #building# encroaches into #Zone C# or beyond the #ten-foot setback line#, the provisions of paragraph (f)(2) in Section 81-265 shall apply in addition to the provisions of this Section. (See illustration of Existing Buildings on the Zoning Lot)





EXISTING BUILDINGS ON THE ZONING LOT

(81-264d3)

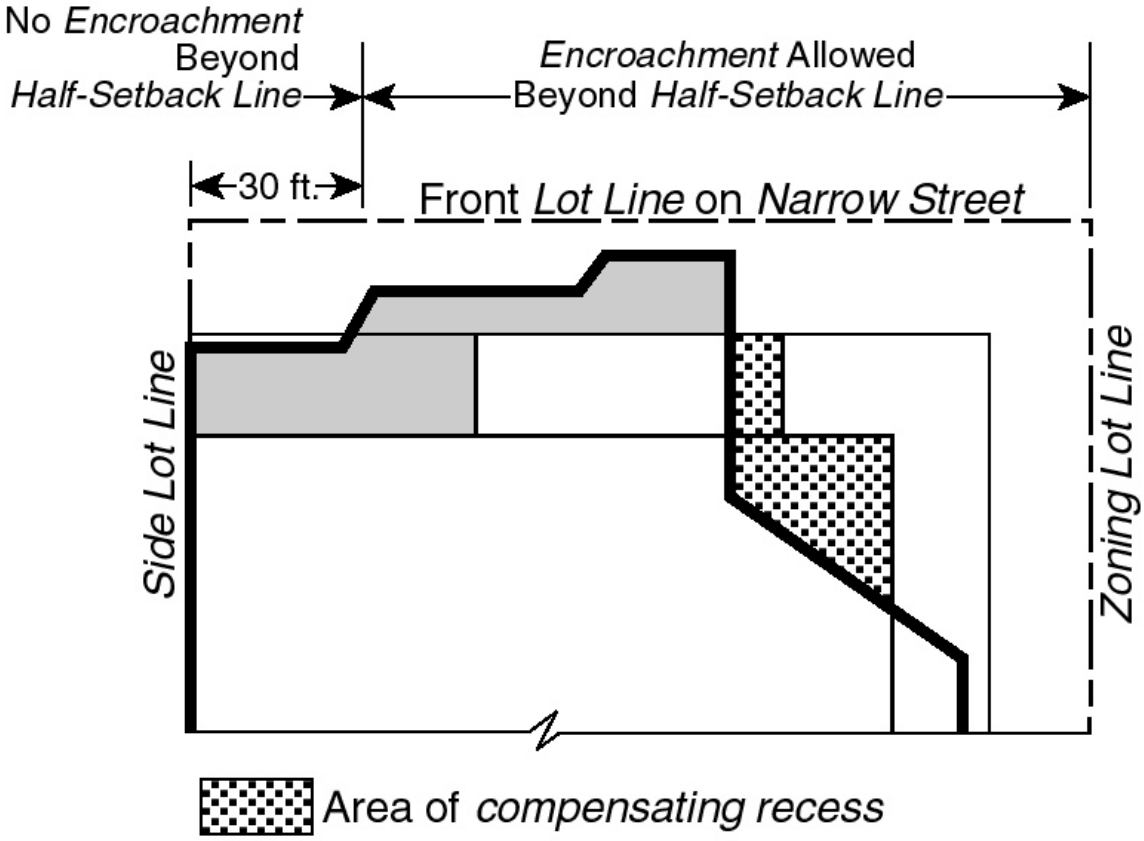
81-265 - Encroachment limitations by length and height rules

LAST AMENDED
4/28/1988

Above the maximum height of a front wall at the #street line# as set forth in Section 81-262, a #building# may only encroach beyond the #half-setback line# if it complies with the provisions of this Section and if the area of #compensating recess# equals or exceeds the area of #encroachment# in #Zone B# and #Zone C# in accordance with the provisions of Section 81-264 (Encroachments and compensating recesses).

(a) Special limitations

No #encroachment# beyond the #half-setback line# shall be within 30 feet of a #side lot line#. (See illustration of Prohibited and Allowed Encroachment Beyond Half-Setback Line)



PROHIBITED AND ALLOWED ENCROACHMENT BEYOND

HALF-SETBACK LINE

(81-265a)

(b) General provisions

The length, depth, height and area of #encroachments# along any #street# frontage all contribute to a #building's# impact on daylight access. In order to determine whether the depth of a #building's# #encroachment# into #Zone C# is justified, the length of the #encroachment#, measured parallel to the #street line#, and its height above #curb level# must also be evaluated. The extent of #encroachment# also must be considered in relation to the extent of the area of #compensating recess# in the same #street frontage zone#. The purpose of the length and height rule is to ensure, in the case of #encroachments# beyond the #half-setback line#, that the closer a #building# comes to the #street line#, the less will be the length of its #encroachment#, its height or both. (See illustration of Elements Analyzed)

The elements comprising this analysis are represented by symbols and are as follows:

(1)

$$\frac{De}{D} = \frac{\text{depth of \#encroachment\#}}{\text{depth of \#setback line\#}}$$

De (depth of #encroachment#) means depth of #encroachment# beyond the #setback line#. Depth of #encroachment# is measured perpendicularly to the #setback line#.

D (depth of #setback line#) means depth of #setback line# from the #street line# or depth of #ten-foot setback line# from the #street line#, whichever depth is greater.

(2)

$$\frac{Le}{L} = \frac{\text{length of \#encroachment\#}}{\text{length of \#front lot line\#}}$$

Le (length of #encroachment#) means total length of #encroachment# outside the #half-setback line#. Length of #encroachment# is measured as the total length of the #encroachments'# projections on the #street line#.

L (length of #front lot line#) means the length of the #front lot line# along the particular #street#. However, the length of the #front lot line# for the purposes of this Section shall not exceed 300 feet, irrespective of the actual #lot line# length.

(3)

$$\frac{Le}{Lr} = \frac{\text{length of \#encroachment\#}}{\text{length of recess}}$$

Le (length of #encroachment#) as defined in paragraph (b)(2) of this Section.

Lr (length of recess) means total length of #setback line# not encroached upon by a #building#.

(4)

$$\frac{H}{L} = \frac{\text{height of \#encroachment\#}}{\text{length of \#front lot line\#}}$$

H (height of #encroachment#) means the height of the #encroachment# above #curb level#.

L (length of #front lot line#) as defined in paragraph (2) of this Section.

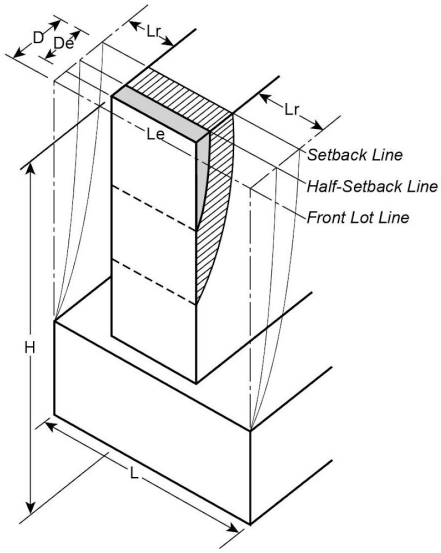
(5)

$$\frac{Ar}{Ae} = \frac{\text{area of \#compensating recess\#}}{\text{area of \#encroachment\#}}$$

Ar (area of #compensating recess#) means area of #compensating recess# in the particular #street frontage zone#. Area of #compensating recess# is calculated to a depth of 100 feet from the #street line#.

Ae (area of #encroachment#) means area of #encroachment# beyond the #setback line#. Area of #encroachment# is calculated to a depth of 100 feet from the #street line#.

Values for the elements in paragraphs (b)(1) through (b)(5) shall be found for each #street frontage zone# on which there is any #encroachment# beyond the #half-setback line#.



L – Length of *front lot line* along the particular *street*

Le – Length of *encroachment* outside *half-setback line* or *ten-foot setback line*

Lr – Total length of *setback line* not encroached by *building*

De – Depth of *encroachment*

D – Depth of *setback line*

H – Height of *encroachment* above *curb level*

ELEMENTS ANALYZED

(81-265b)

The elements, weighted according to the effects on daylight access, are represented in the formulas and charts that control the depth, length and height of #encroachments#, as set forth in paragraph (c) of this Section.

#Encroachments# of proposed #buildings# or #enlargements# beyond the #half-setback line# are permitted only if in compliance at every point with the formulas in paragraph (c) of this Section. Aside from this general requirement, specified points at which the length, depth, height and area rules shall be applied are presented in paragraphs (d) and (e) of this Section.

(c) #Encroachment# limitations by Formulas 1 and 2

Where applicants elect to have their #buildings# regulated by the formulas, #buildings# shall comply with both Formula 1 and Formula 2 as set forth in this paragraph. Elements of the formulas and the symbols by which they are represented are as set forth in paragraph (b) of this Section.

Formula 1:

$$\text{Maximum } \frac{H}{L} = 5.5 - 4\left(\frac{De}{D}\right) - 2.5\left(\frac{Le}{L}\right)$$

Formula 2:

$$\text{Minimum } Lr = \frac{L}{3.5}$$

The maximum height of #encroachment# (H) allowed by Formula 1 may be modified for certain conditions, as follows:

(1) For short frontages

For any frontage less than 200 feet in length, the maximum

$$\frac{H}{L}$$

found by applying Formula 1 may be increased by the following multiplier:

$$2 - \frac{L}{200}$$

(2) For large areas of #compensating recess#

To the extent that the aggregate area of #compensating recess# (Ar) exceeds the aggregate area of #encroachment# (Ae), the maximum

$$\left(\frac{H}{L}\right)$$

found by applying Formula 1 may be increased by the following multiplier:

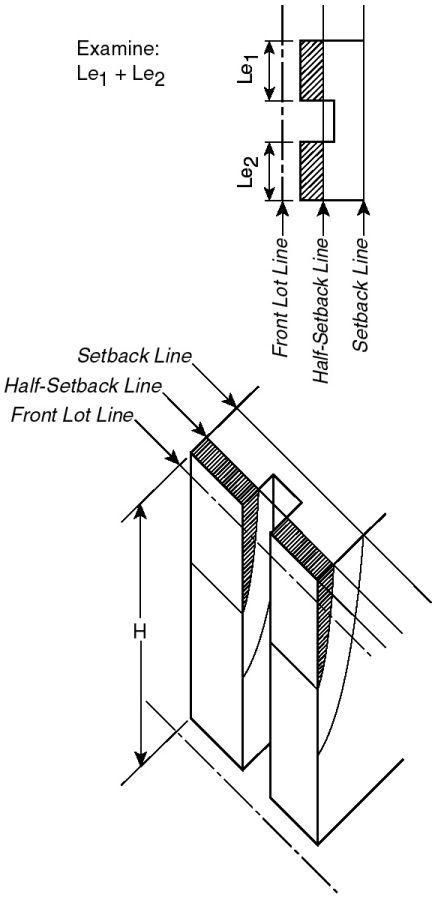
$$1 + \frac{.067\ Ar}{Ae}$$

For the purposes of this modification, the measurement of the area of #compensating recess# (Ar) and the area of #encroachment# (Ae) in each particular #street frontage zone# shall be made on the #encroachment grid# at the height level for which #encroachments# beyond the #half-setback line# are checked. The #encroachment grid# shall include all #street frontage zones#. (Ar) shall include all areas of #compensating recess# in the particular #street frontage zone#, whether or not connected, and (Ae) shall include all #encroachments# in both #Zone B# and #Zone C# in the same #street frontage zone#, whether or not such #encroachments# are connected.

(d) Measurement of #encroachments#

The points at which the formulas are applied will depend upon the shape and dimensions of the #encroachments# beyond the #half-setback line# and shall be in accordance with the provisions of this paragraph and paragraph (e) of this Section.

Where the #encroachments# along a single #street# frontage are not connected outside the #half-setback line#, each #encroachment# shall be measured separately in accordance with the provisions of paragraph (e). However, at any given height, where such non-contiguous #encroachments# occur, the #encroachments# shall be examined together, and the length of #encroachment# (Le) shall be the total of the (Le) for the individual #encroachments#. (See illustration of Non-contiguous #Encroachments#)



NON-CONTIGUOUS ENCROACHMENTS

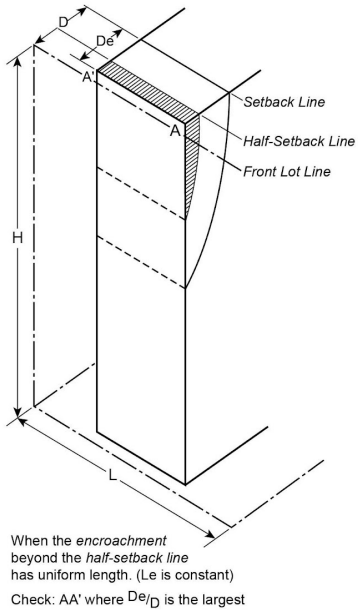
(81-265d)

(e) Heights and depths at which formulas are applied

Heights and depths at which the formulas shall be applied are set forth in this paragraph. In addition to meeting the requirements of paragraphs (e)(1) and (e)(2) of this Section, the applicant shall demonstrate that there is no height at which the proposed #building# or #enlargement# fails to comply with the formulas in paragraph (c) of this Section.

(1) Standard requirement where length of #encroachment# is uniform

Where the length of the #encroachment# (Le) is uniform for the entire height of the #encroachment# (H) and the entire depth (De) at every height, the length, depth and height rules expressed in the formulas shall be applied only at the height where (De/D) is greatest and at the outermost edge of the #encroachment#. (See illustration of Uniform Length of #Encroachment#)



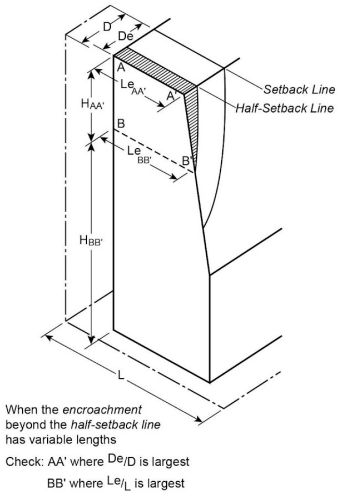
UNIFORM LENGTH OF ENCROACHMENT

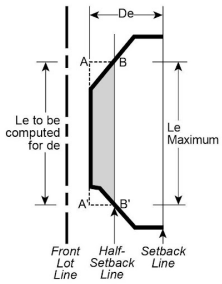
(81-265e1)

(2) Standard requirement where length of #encroachment# is not uniform

Where the length of the #encroachment# (Le) is not uniform, the rules shall be applied at the height level where (De/D) is greatest and also at the height level where the length of #encroachment# (Le) is greatest. If the greatest length of #encroachment# is uniform for part of the #building's# height, the rules shall be applied at the highest level at which such greatest length of #encroachment# occurs. (See illustrations Where Length of #Encroachment# Is Not Uniform).

If for a particular height level, the length of the #encroachment# (Le) varies with the depth of the #encroachment# (De), the largest (Le) of this #encroachment# shall be used together with the largest (De) in applying the rules as if the #encroachment# were of uniform length as provided in paragraph (e)(1) of this Section.





WHERE LENGTH OF ENCROACHMENT IS NOT UNIFORM

(81-265e2)

(f) #Encroachments# by existing #buildings#

When a #zoning lot# contains an existing #building# which encroaches beyond a #half-setback line# or a #ten-foot setback line#, an #enlargement# or #development# on such #zoning lot# shall comply with the following provisions:

(1) Existing #buildings# below specified heights

(i) Except as provided in paragraph (f)(1)(ii) of this Section, an existing #building# not more than 120 feet in height shall not be considered in applying the length and height rules even though a portion of such #building# encroaches beyond the #half-setback line# or #ten-foot setback line# along a 60 foot wide #street# and an existing #building# not more than 150 feet in height shall not be considered in applying the length and height rules even though a portion of such #building# encroaches beyond the #half-setback line# or #ten-foot setback line# along a #street# 75 or more feet in width.

(ii) However, the area occupied by the existing #building# shall be included in the calculation of (Ar/Ae) for the modification of Formula 1 allowed in the case of large areas of #compensating recess#, as set forth in paragraph (c)(2) of this Section.

(2) Existing #buildings# above specified heights

Where an existing #building# more than 120 feet in height encroaches beyond the #half-setback line# or #ten-foot setback line# along a 60-foot wide #street# or where an existing #building# more than 150 feet in height encroaches beyond the #half-setback line# or #ten-foot setback line# along a #street# 75 or more feet in width, the following provisions, in addition to those of paragraph (d)(3) of Section 81-264 (Encroachments and compensating recesses), shall apply:

(i) no new construction on the #zoning lot# shall encroach beyond the #half-setback line# along any #street#, and

(ii) the length and height rules of this Section shall not apply.

81-266 - Special permit for height and setback modifications

LAST AMENDED
4/28/1988

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark, or where a special permit application is made pursuant to Section 74-79 for transfer of development rights from a landmark site and the #floor area# represented by such transferred development rights exceeds 20 percent of the basic maximum #floor area# permitted on the #zoning lot# receiving the development rights, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-265, inclusive, relating to Height and Setback Regulations - Daylight Compensation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

(a) the applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-261 to 81-265, inclusive, and shall further indicate for the proposed design where and to what extent deficiencies of #compensating recess# are necessary or compliance with the length and height rules is not possible. Scale drawings shall be used in presenting the analyses required herein; and

(b) the Commission shall make the following findings in addition to any required under the applicable provisions of Section 74-71 or Section 74-79:

(1) that the requested departure from the height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;

(2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and

(3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of height and setback regulations will adequately protect the setting for the landmark.

81-27 - Alternate Height and Setback Regulations - Daylight Evaluation

LAST AMENDED
8/9/2017

81-271 - Definitions

LAST AMENDED
8/9/2017

Center line of the street (bounding a #zoning lot#)

A line equidistant from and parallel or nearly parallel to the #street lines# on both sides of the #street#. However, for the purposes of daylight evaluation:

(a) on a #street# 75 feet in width, the #center line of the street# shall be considered to be a line 40 feet from, and parallel to, the #front lot line# of the #zoning lot#; and

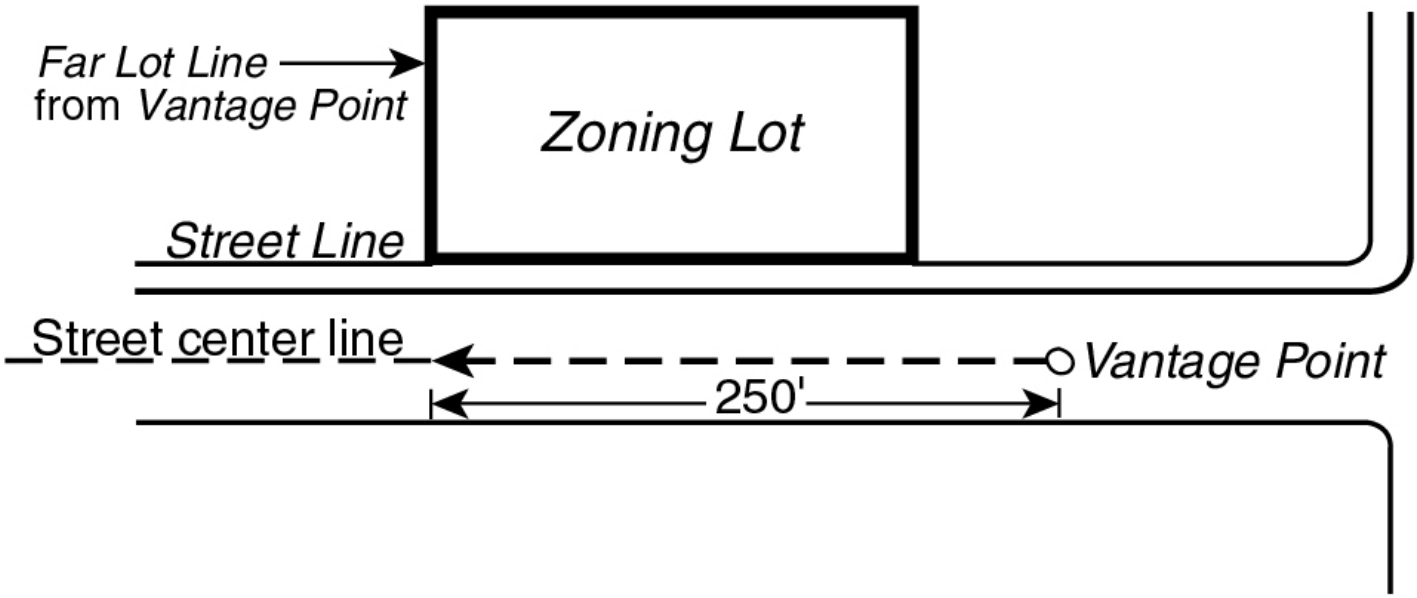
(b) on a #street# more than 100 feet in width, the #center line of the street# shall be considered to be a line 50 feet from, and parallel to, the #front lot line# of the #zoning lot#.

Daylight Evaluation Chart (DEC)

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation). These three #daylight evaluation charts# are in Appendix B of this Chapter. A fourth chart in Appendix B is available for use with #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-613, with frontage along Park Avenue.

Far lot line

A #lot line# intersecting the #street line# of the #vantage street# such that, when viewed from the #vantage point#, the #zoning lot# does not contain any #lot area# that is on the far side of and immediately adjoining the #lot line# at its intersection with the #street line#. (See illustration of #Far Lot Line# and #Vantage Point#)



FAR LOT LINE AND VANTAGE POINT

(81-271.1)

Near lot line

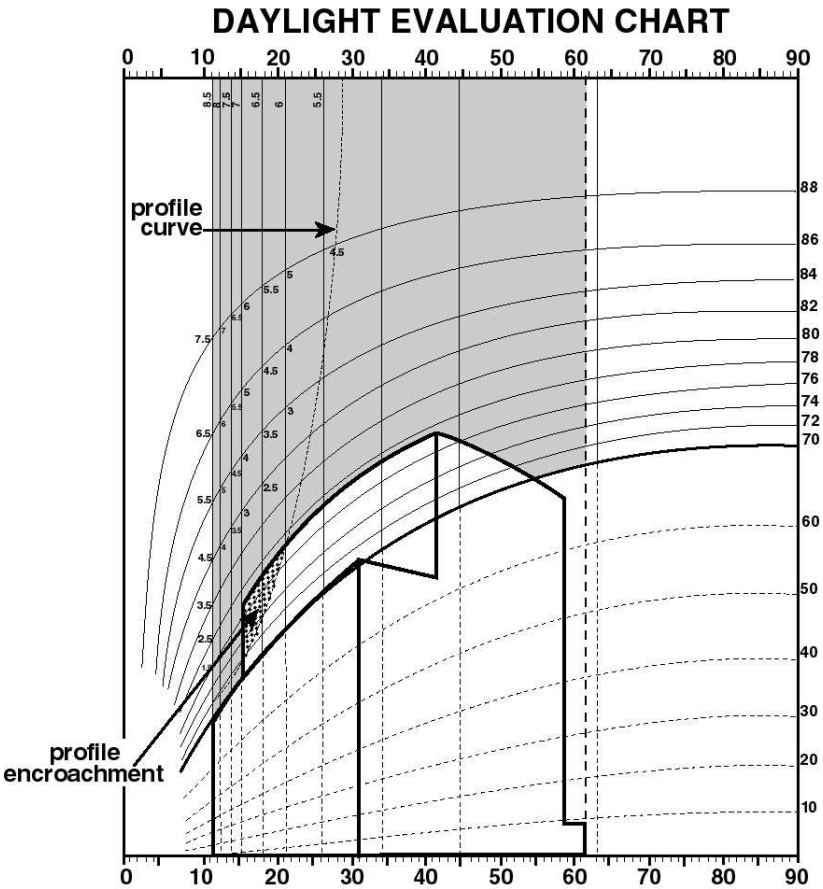
A #lot line#, other than the #far lot line#, which intersects the #street line# of the #vantage street# and which defines the extent of the #zoning lot's# continuous frontage along the #vantage street# from the #far lot line#.

Profile curve

A curved line on the #daylight evaluation chart# rising from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is used to evaluate a #building's# obstruction of the sky as seen in profile from the #vantage point#.

Profile encroachment

The space on the #daylight evaluation chart# which, when viewed from the #vantage point#, is on the far side of the #profile curve# and which is blocked by the projection of the #building# on the #daylight evaluation chart#. (See illustration of #Profile Encroachment#)



PROFILE ENCROACHMENT

(81-271.2)

Vantage point

A point on the #center line of the street# bounding the #zoning lot# and located 250 feet from the intersection of the extension of the #zoning lot's# #far lot line# with the #center line of the street#. (See illustration of #Far Lot Line# and #Vantage Point#)

Vantage street

A #street# bounding the #zoning lot# and on the center line of which a #vantage point# is located.

81-272 - Features of the Daylight Evaluation Chart

LAST AMENDED
2/2/2011

The #daylight evaluation chart (DEC)# is a graphic representation of a pedestrian's field of view as he or she looks down a #street# and sweeps his or her view 90 degrees to the left or to the right.

Under special conditions, this view can be extended to 180 degrees horizontally as specified in Section 81-275 (Special conditions).

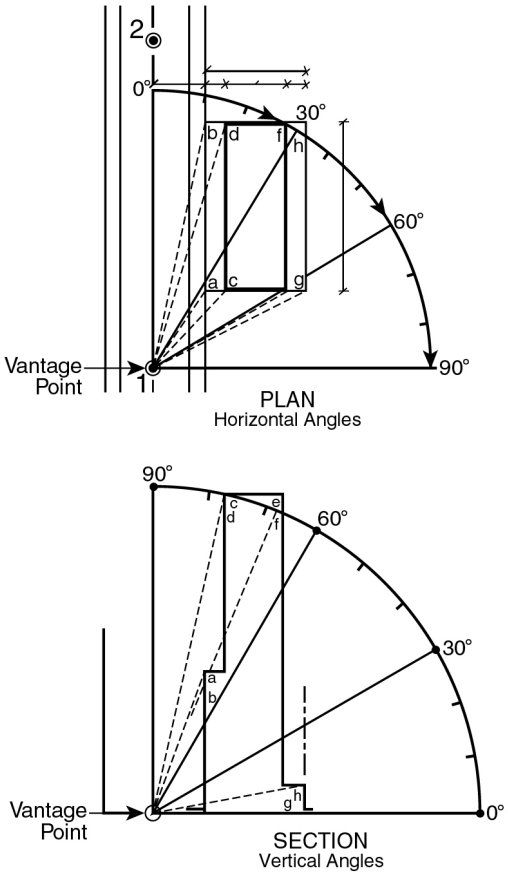
This pedestrian view is based on a #vantage point# located 250 feet from the intersection of the #zoning lot's# #far lot line# with the #center line of the street#.

There are three #daylight evaluation charts# for use with different Midtown #street# widths. They include a chart for 60-foot wide #streets# (for most east-west crosstown #streets#) as well as a chart for 75-foot or 80-foot wide #streets# and a chart for #streets# 100 feet or more in width (for avenues and major crosstown #streets#). All of these charts have the following features:

(a) Horizontal and vertical axes

The #daylight evaluation chart# has both a horizontal and vertical component, encompassing views sweeping both 90 degrees horizontally and 90 degrees vertically. (See illustration of Horizontal and Vertical Angles of View)

Under special conditions, this view can be extended to 180 degrees horizontally as specified in Section 81-275.



HORIZONTAL AND VERTICAL ANGLES OF VIEW

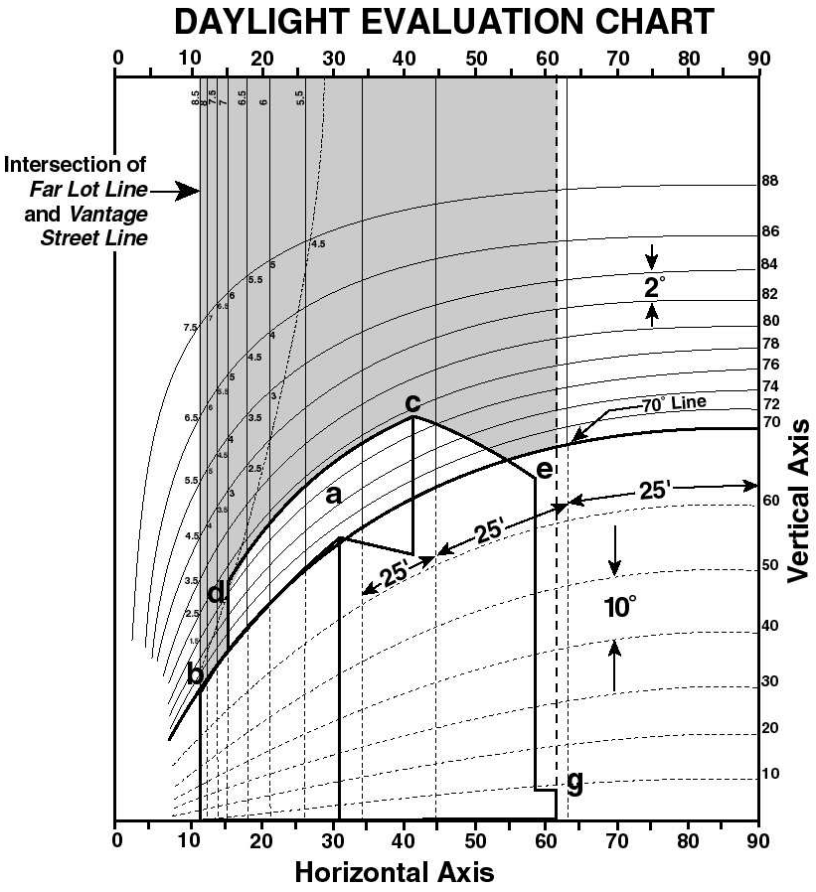
(81-272a.1)

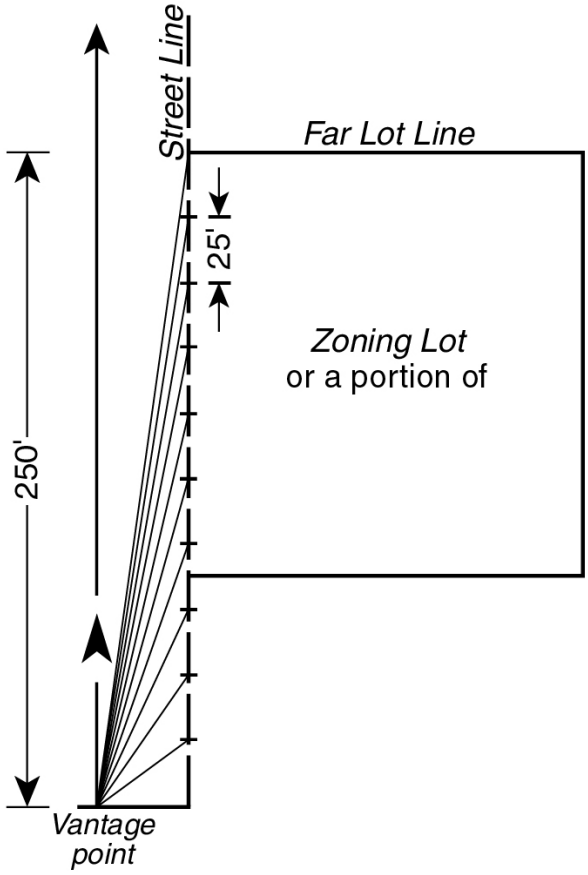
The horizontal axis of the #daylight evaluation chart# is measured in degrees of arc from zero degrees to 90 degrees starting from the #vantage point# along the #center line of the vantage street# and sweeping toward the #building#.

The horizontal axis is intersected by vertical lines corresponding to lines of sight from the #vantage point# to points 25 feet apart on the #front lot line# along the #vantage street# measured from the intersection of the #far lot line# with the #street line# of the #vantage street#.

The vertical axis of the #daylight evaluation chart# is measured in degrees of arc from zero degrees to 90 degrees starting from the #center line of the vantage street# at #curb level# and sweeping upward.

The vertical axis is intersected by curved elevation lines representing elevation angles from the #center line of the street# at 10 degree intervals from zero degrees to 70 degrees and at two degree intervals from 70 degrees to 90 degrees. (See illustration of Horizontal and Vertical Axes)





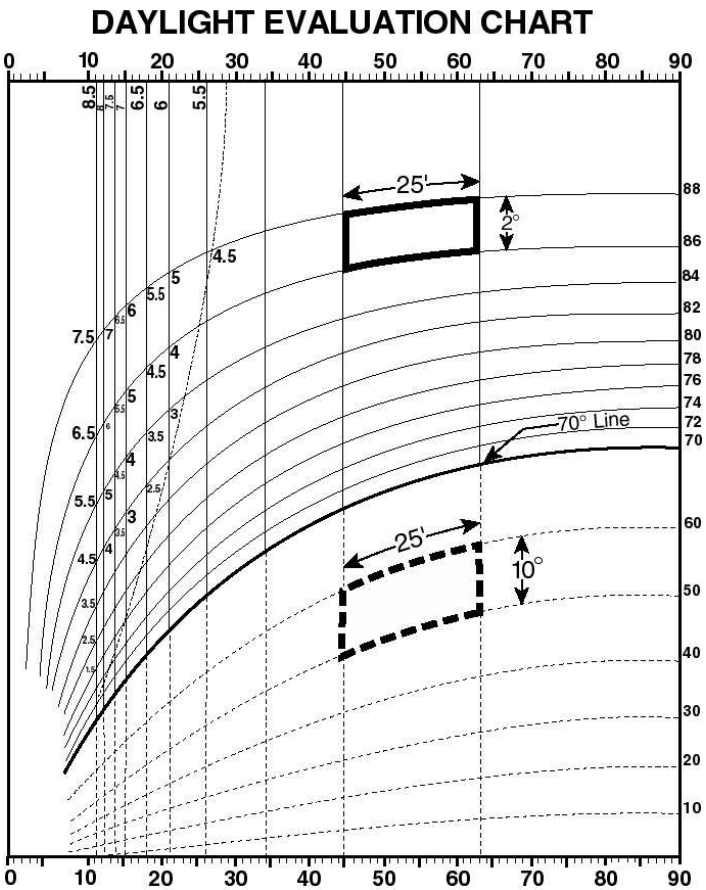
HORIZONTAL AND VERTICAL AXES

(81-272a.2)

(b) Daylight squares

The horizontal and vertical lines form a curvilinear grid dividing the #daylight evaluation chart# into areas called daylight squares. Above the 70 degree line, the grid is divided into 100 daylight squares starting from the vertical line rising from the intersection of the #far lot line# with the #street line# of the #vantage street# and ending at the vertical line representing 90 degrees along the horizontal axis. Each of these 100 squares represents 25 feet of lot frontage on the #vantage street# and two degrees of elevation angle from the #center line of the vantage street#.

Below 70 degrees, the grid is divided into 70 daylight squares starting from the vertical line rising from the intersection of the #far lot line# with the #street line# of the #vantage street# and ending at the vertical line rising at 90 degrees along the horizontal axis. Each of these 70 squares represents 25 feet of lot frontage on the #vantage street# and 10 degrees of elevation angle from the #center line of the street#. (See illustration of Daylight Squares)

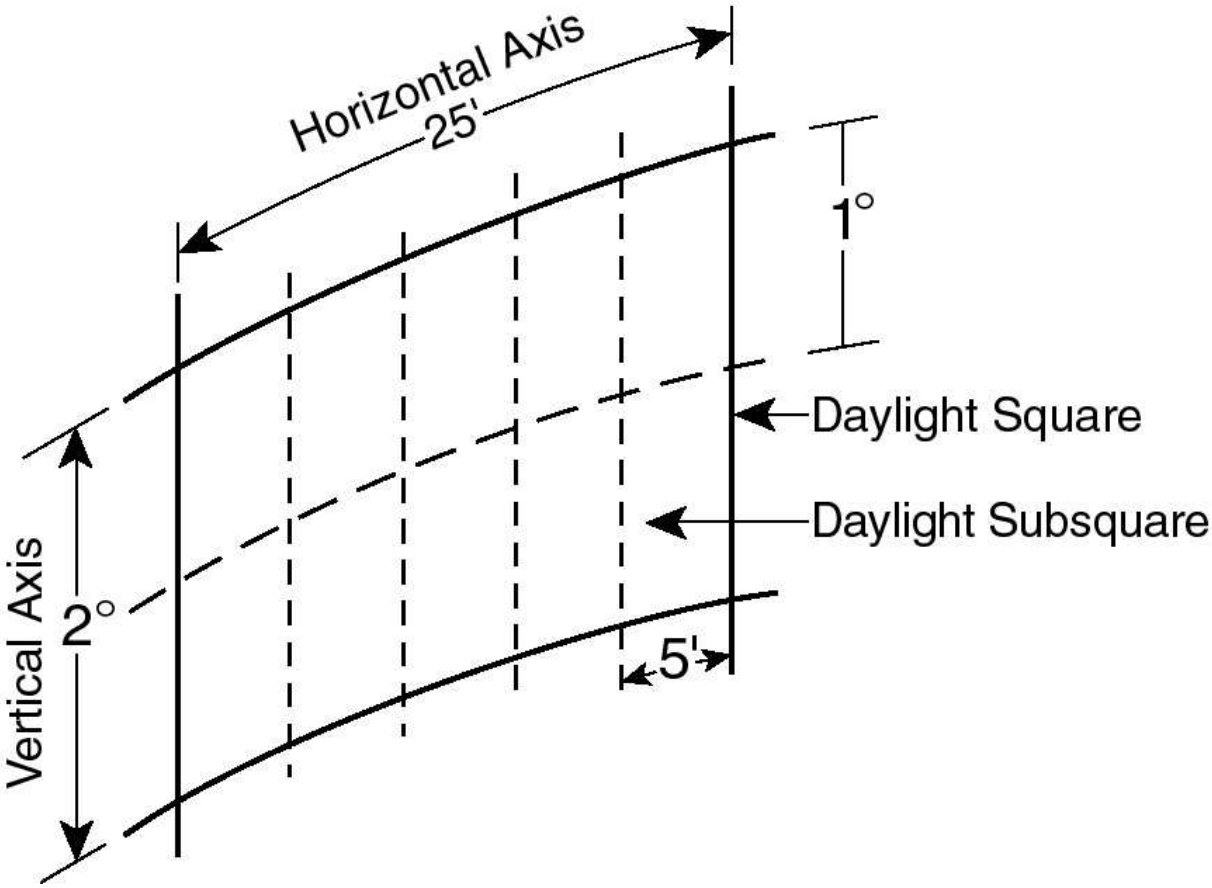


DAYLIGHT SQUARES

(81-272b)

(c) Daylight subsquares

For greater plotting and scoring precision, the horizontal axis of the grid is further subdivided by vertical lines at points five feet apart on the #front lot line# as seen from the #vantage point#. The vertical axis is further subdivided by curved lines representing lines of equal elevation at one degree intervals from 70 degrees to 90 degrees. Therefore, each daylight square is subdivided into 10 subsquares, each representing five feet of lot frontage on the #vantage street# and one degree of elevation angle from the #center line of the vantage street#. (See illustration of Daylight Squares and Subsquares Above 70 Degrees)



DAYLIGHT SQUARES AND SUBSQUARES ABOVE 70 DEGREES

(81-272c)

(d) The seventy degree line

Research shows that, as an average, 70 degrees is the elevation angle at which #buildings# in the #Special Midtown District# are set back from the #street line#. Most of the daylight below 70 degrees is blocked by such #buildings#. Slabs, towers or other setback portions of #buildings# rise to block an average of 25 percent of the available daylight squares above 70 degrees.

In #building# evaluation, the #DEC# measures the blocked sky above 70 degrees. Below 70 degrees, #buildings# are given credit for unblocked daylight.

(e) The #profile curve#

The grid is traversed by the #profile curve#, which rises from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is derived from the predominant built character of developed Midtown #streets# as seen in profile. #Encroachment# across the #profile curve# is penalized to discourage canyon-like Midtown #streets# and to protect neighboring #buildings#.

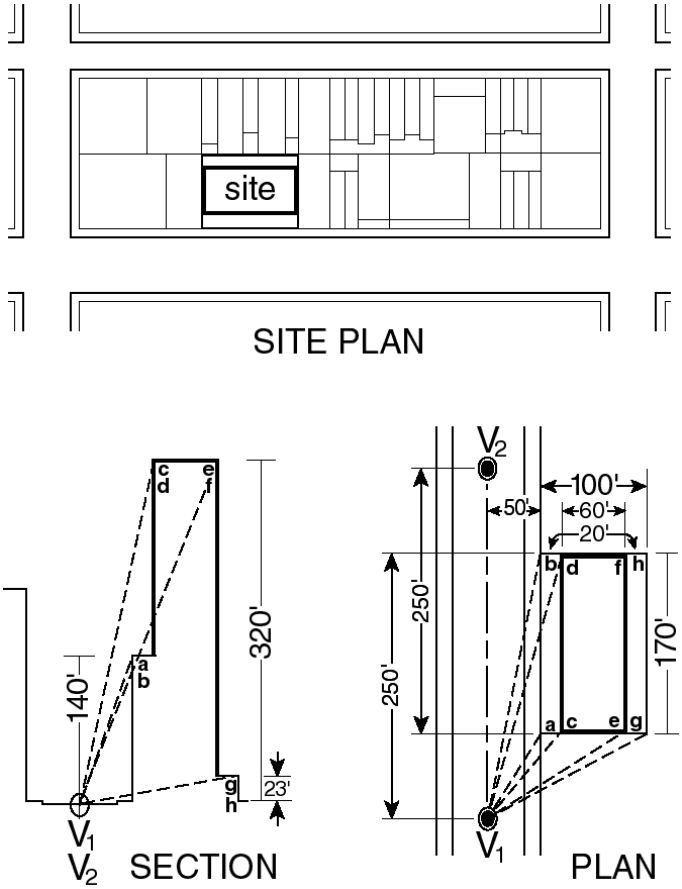
81-273 - Rules for plotting buildings on the daylight evaluation chart

LAST AMENDED
2/2/2011

Evaluation of a #development# or #enlargement# requires drawing the new #buildings#, remaining #buildings# and open areas on the #zoning lot# on the appropriate #daylight evaluation chart (DEC)#, as viewed from each required #vantage point# and then scoring the #zoning lot#. The rules for plotting #buildings# on the #DEC# are set forth in the following paragraphs of this Section and illustrated by an example of a #building# which fronts on a 100-foot wide #street# and occupies a site 170 feet long by 100 feet deep.

(a) Draw the #building#

Draw the #building# in plan showing all #street# frontages of the #zoning lot#. Draw the #building# in section perpendicular to each #street# on which the #zoning lot# fronts. On both plan and section drawings label all corners of the #building#. In the example they are labeled corners (a) through (h). (See illustrations of Example: Building Drawings)



EXAMPLE: BUILDING DRAWINGS

(81-273a)

(b) Establish #vantage points#

Establish on the plan all the #vantage points# from which views must be taken. #Vantage points# shall be established on the #center line of the vantage street# 250 feet from the intersection of the #zoning lot's# #far lot line# and the #center line of the street#. For each #vantage street# there are at least two #vantage points#. In the example, they are V1 and V2. For each #vantage point# there shall be a separate #daylight evaluation chart#. The example will use #vantage point# one.

(c) Record plan and section dimensions

Record on a coordinate chart for each corner of the #building# the following dimensions:

(1) Dimensions in plan:

The distance (S) between the corner and the #center line of the street# as measured along a line that intersects the #center line of the street# at right angles. In the example, distance (S) of corner (b) + 50 feet.

The distance (D) measured along the #center line of the street# from the #vantage point# to the point where the #street# center line is intersected by the perpendicular line from the corner. In the example, distance (D) of corner (b) + 250 feet.

(2) Dimension in section:

The height (H) of the corner above #curb level#. In the example, height (H) of corner (b) + 140 feet.

(d) Calculate plan and section angles

Determine the plan and section angles for each corner of the #building# as viewed from the #vantage point#.

(1) A plan angle is an angle on the plan formed at the #vantage point# by the line of sight to a corner of the #building# and the #center line of the vantage street#. The plan angle is found by calculating the tangent. The tangent is the quotient found by dividing distance (S) by distance (D). The plan angle for the resulting tangent is found in a tangent table and is then entered on the coordinate chart in the column marked "plan angles."

(2) The section angle is an angle formed by a line representing the distance in section from a corner of the #building# to the #center line of the vantage street# and a line representing the distance in plan (S) between the corner and the #center line of the street#. The section angle is found by calculating its tangent. The tangent is the quotient obtained by dividing the height of the corner (H) by its horizontal distance (S) from the #center line of the street#.

The section angle for the resulting tangent is found in a tangent table and is then entered on the coordinate chart in the column market "section angles."

EXAMPLE OF COORDINATE CHARTS

Plan Angles

Point	Distance (S) from #Street# Center Line (in feet)	Distance (D) from #Vantage Point# 1 (in feet)	Tangent (S÷D) of Angle	Angle
a	50	80	50/80 = 0.63	32.0°
b	50	250	50/250 = 0.20	11.3°
c	70	80	70/80 = 0.87	41.2°
d	70	250	70/250 = 0.28	15.6°
e	130	80	130/80 = 1.63	58.4°
f	130	250	130/250 = 0.52	27.5°
g	150	80	150/80 = 1.88	61.9°
h	150	250	150/250 = 0.60	31.0°

Section Angles

Point	Height (H) Above #Curb Level# (in feet)	Distance (S) from #Street# Center Line (in feet)	Tangent (H÷S) of Angle	Angle
a & b	140	50	140/50 = 2.80	70.3°
c & d	320	70	320/70 = 4.57	77.7°
e & f	320	130	320/130 = 2.46	67.9°
g & h	23	150	23/150 = 0.15	8.7°

(e) Plot corner coordinates

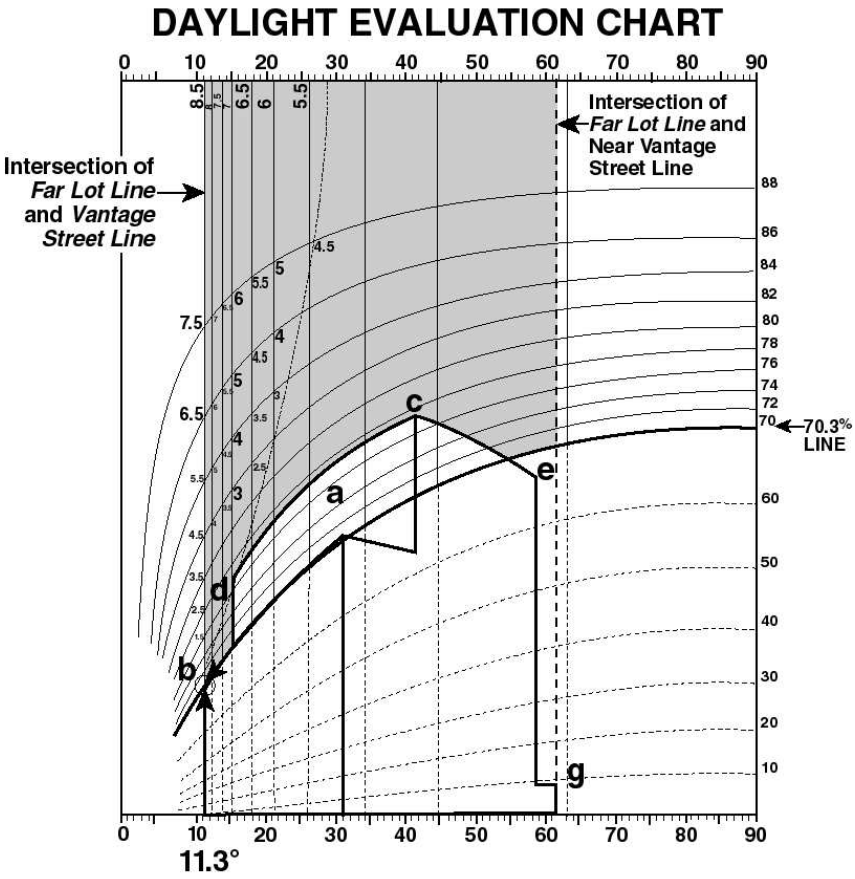
Plot each corner of the #building# onto the #daylight evaluation chart# at the point where the coordinates for that corner intersect. The plan angle coordinates are found on the horizontal axis of the chart and the section angle coordinates are found on the vertical axis. The points plotted are then connected to represent the edges of the #building# as shown on the plan and section drawings. A connecting line parallel to the #street line# of the #vantage street# is drawn as a curve parallel to the closest elevation line. A connecting line perpendicular to the #street line# of the #vantage street# is drawn parallel to the closest dotted elevation line, which is perpendicular to the #street#. A connecting line which is neither parallel nor perpendicular to the #vantage street# is approximated on the chart by:

(1) establishing points along the line in plan at 10-foot intervals;

(2) finding the coordinates of the points and plotting them on the chart; and

(3) connecting the resulting points.

The connecting lines produce a curvilinear perspective drawing of the #building# as seen from the #vantage point# projected onto the #daylight evaluation chart#. Since in the example #vantage point# one is on a 100 foot wide #street#, corner coordinates are plotted on a #daylight evaluation chart# for 100 foot wide #streets#. In the example, corner (b) is at the intersection of plan angle 11.3° and section angle 70.3° (See illustration of Building as Drawn on the Daylight Evaluation Chart)



BUILDING AS DRAWN ON THE DAYLIGHT EVALUATION CHART

(81-273e)

(f) Determine daylight boundaries

Draw a vertical line on the chart rising from the intersection of the #near lot line# of the #zoning lot# with the center line of the #block# or with a line 100 feet distant from and parallel to the #front lot line# on the #vantage street#, whichever line is closer to the #vantage street#. This line and the #far lot line# represent the boundaries of the potential sky area that the #building# could block. (See illustration of Building as Drawn on the Daylight Evaluation Chart)

81-274 - Rules for determining the daylight evaluation score

LAST AMENDED
2/2/2011

A #zoning lot# is scored by determining the number and the value of the daylight squares the #building# blocks when viewed from the #vantage point#, compared to the total number of daylight squares available within the daylight boundaries as determined in paragraph (f) of Section 81-273 (Rules for plotting buildings on the daylight evaluation chart) and above an elevation angle of 70 degrees.

(a) Assign daylight values

The daylight squares on the #daylight evaluation chart# are each assigned a value.

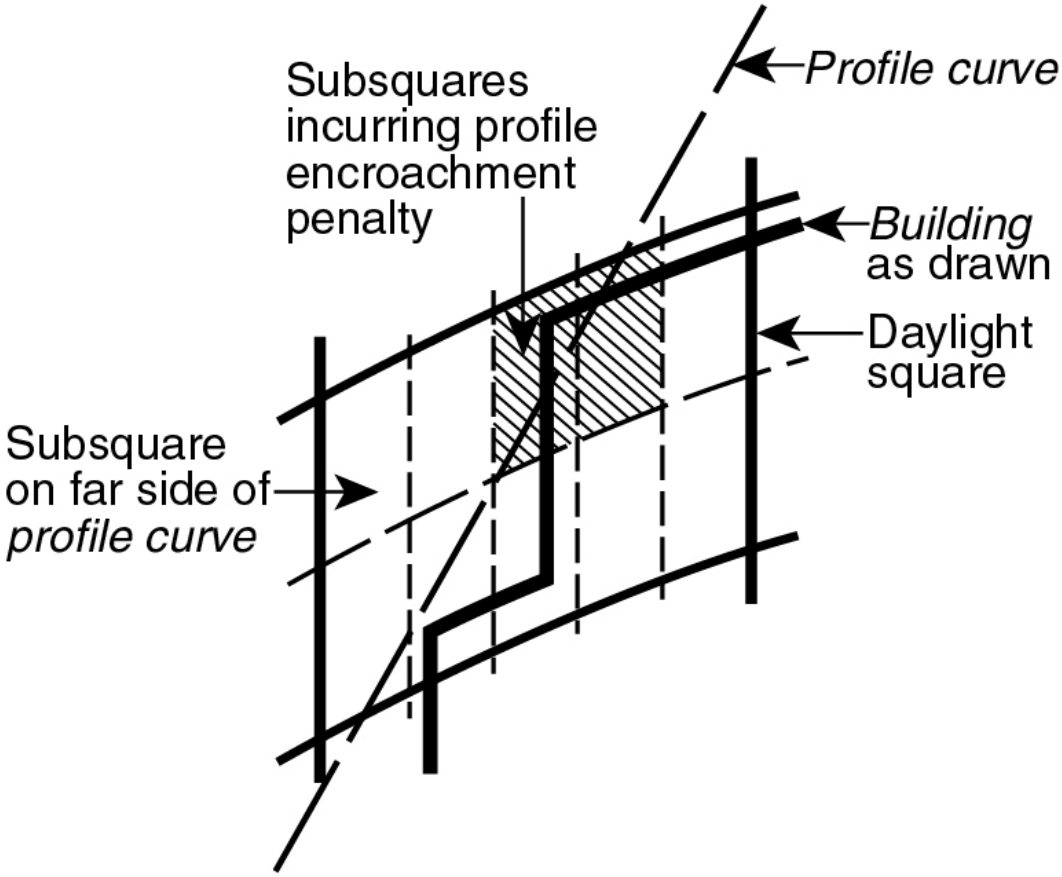
(1) Except along #vantage streets# designated for #street wall# continuity (see Section 81-43), each unblocked daylight square below the curved line representing an elevation of 70 degrees has a positive value of 0.3 and each unblocked subsquare below the same curved line has a positive value of 0.03.

(2) Each blocked daylight square above the curved line representing an elevation of 70 degrees has a negative value of 1.0.

(3) Where a #building# blocks any portion of a subsquare the #building# is charged with blocking the entire subsquare in computing the daylight evaluation score. Each blocked subsquare has a negative value of 1.0/10 or 0.1.

(4) The daylight squares and subsquares which are on the far side of the #profile curve# are assigned additional weighted values set forth on the chart below. (See illustration of #Profile Encroachment# Incurring Profile Penalty)

Degrees of Elevation	Distance from #Far Lot Line#							
	1st 25ft	2nd 25ft	3rd 25ft	4th 25ft	5th 25ft	6th 25ft	7th 25ft	8th 25ft
88 to 90	8.5	8.0	7.5	7.0	6.5	6.0	5.5	5.0
86 to 88	7.5	7.0	6.5	6.0	5.5	5.0	4.5	4.0
84 to 86	6.5	6.0	5.5	5.0	4.5	4.0	3.5	-
82 to 84	5.5	5.0	4.5	4.0	3.5	3.0	2.5	-
80 to 82	4.5	4.0	3.5	3.0	2.5	2.0	1.5	-
78 to 80	3.5	3.0	2.5	2.0	1.5	1.0	-	-
76 to 78	2.5	2.0	1.5	1.0	.5	-	-	-
74 to 76	1.5	1.0	.5	.5	-	-	-	-
72 to 74	.5	.5	.5	-	-	-	-	-



PROFILE ENCROACHMENT INCURRING PROFILE PENALTY

(81-274a)

(5) If the #building# encroaches beyond the #profile curve#, the entire subsquare in which the #profile encroachment# is located is given an additional weighted value. The total penalty is the additional weighted value of the daylight square multiplied by the negative value of the subsquare. The penalty is applied even if the subsquare does not lie entirely beyond the curve.

(b) Calculate daylight blockage

Count the number of blocked daylight squares and subsquares which are above the curved line representing an elevation of 70 degrees. A negative sign is to be given to this number. Total value of daylight blockage in the example is -20.5.

(c) Calculate unblocked daylight credit

Count the number of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees and within the area defined by the intersection of the #far lot line# with the #street line# of the #vantage street# and the intersection of the #near lot line# with the #street line# of the #vantage street#. The total is given a positive value and multiplied by 0.3, the value of these daylight squares. This provision is not applicable where the #vantage street# is a designated #street# on which #street wall# continuity is required by the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets). In the example, the number and value of squares unblocked below 70 degrees = +0.0.

(d) Calculate profile daylight blockage

Count the number of blocked daylight squares which are entirely on the far side of the #profile curve# when viewed from the #vantage point# and the number of blocked or partially blocked subsquares which are on the far side of the #profile curve#. All of these daylight squares and subsquares are given a negative sign, multiplied by their respective weighted values in the table in paragraph (a)(4) of this Section and the products added. Subsquares are counted as one tenth of a daylight square. In the example,

the total value of profile daylight blockage = -0.45.

(e) Calculate available daylight

Count the number of daylight squares available to the site. This is the total number of daylight squares and subsquares, calculated to the nearest tenth, that are above the curved line representing the boundaries of the potential sky area available to the site, said boundaries being delineated in accordance with the provisions of paragraph (f) of Section 81-273 (Rules for plotting buildings on the daylight evaluation chart). Available daylight in the example is 89.9.

(f) Calculate daylight remaining

Calculate the remaining or unblocked daylight by adding the results of paragraphs (b) through (e) of this Section. Daylight remaining in the example is (-20.5) + (0.0) + (-0.45) + (89.9) = 68.95.

(g) Calculate daylight score

Compute the remaining daylight score from paragraph (f) of this Section, as a percentage of the available daylight from paragraph (e) of this Section. The percentage is the daylight score for the proposed #building# from that #vantage point#. In the example, the daylight score is 68.95/89.9 = 76.70 percent for #vantage point# one (V1).

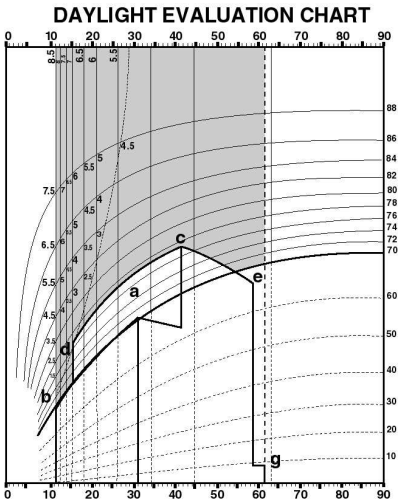
(h) Calculate overall daylight score

(1) The street score is the arithmetic mean of all the scores from all #vantage points# along a #vantage street#. When a #zoning lot# fronts on only one #street#, the street score is also the overall score. Where a #zoning lot# has more than one #street# frontage along any one #vantage street#, the street score is the average of all those individual #street# frontage scores computed pursuant to paragraph (b) of Section 81-275 (Special conditions), weighted by the lengths of all those #street# frontages.

(2) Where a #zoning lot# fronts on more than one #street#, the overall score is the average of the street scores, weighted by the length of their respective #vantage street# frontages.

(i) The passing score

To be in compliance with these regulations, a #zoning lot# must have an overall score of not less than 75 percent, with no single #street# frontage having a street score of less than 66 percent. If a #zoning lot# fronts only on one #street#, a daylight evaluation score of not less than 75 percent is required for that #street# frontage. If a street score is less than 66 percent, or if the overall daylight score is less than the passing score of 75 percent, a modest improvement in either the street score or the overall score may be obtained by scoring the relative reflectivity of the #building's# surface, as specified in Section 81-276 (Modification of score for reflectivity). The passing daylight score of 75 percent is equivalent to the average daylight levels of Midtown #buildings# built as-of-right under the 1916 and 1961 Zoning Resolutions. The minimum requirement of 66 percent on one frontage is equivalent to the daylight level of any #interior lot# #building# built in Midtown under the 1916 Zoning Resolution in a two-times height district. However, if any one frontage is less than 75 percent, other frontages must be greater than 75 percent to reach the passing overall daylight score. This allows flexibility in #building# design while maintaining daylight standards within the levels established by #buildings# built as-of-right under the 1916 and 1961 Zoning Resolutions. (See illustration of Daylight Evaluation Score Results)



SCORING SUMMARY
(Vantage point one)

SECTION		SCORE
81-274 (b)	Squares above 70° blocked	– 20.5
81-274 (c)	Squares below 70° open	+ 0.0
81-274 (d)	Profile encroachment penalty .1 x 1.5 = .15 .3 x 1 = .45	– 0.45
	Total Blockage	– 20.95
81-274 (e)	Available daylight squares	89.9
81-274 (f)	Remaining daylight	68.95
81-274 (g)	DAYLIGHT SCORE	
	68.95 / 89.9 = 76.70	76.70%

DAYLIGHT EVALUATION SCORE RESULTS

(81-274i)

81-275 - Special conditions

LAST AMENDED
5/13/1982

Notwithstanding the provisions of Sections 81-271 to 81-274, inclusive, relating to Alternate Height and Setback Regulations-Daylight Evaluation, the provisions of this Section shall apply under special conditions, as follows:

(a) For #zoning lots# with #street# frontages exceeding 250 feet

(1) Where the length of the #street# frontage is more than 250 feet but not more than 500 feet, the #building# as viewed from each #vantage point# shall be plotted on a #daylight evaluation chart# that extends in both directions from the 90 degree line on the horizontal axis. In each case, the number of available daylight squares for daylight evaluation shall be the number of squares between the #far lot line# and the #near lot line#.

(2) Where the length of the #street# frontage is more than 500 feet, daylight evaluations shall be made from three #vantage points#, as follows: #vantage points# one and two, each 250 feet distant from a #far lot line# extended to the #center line of the street#, and #vantage point# three, on the #center line of the street#, half-way between the other two #vantage points#. The #daylight evaluation charts# for the first two #vantage points# shall in each case encompass a view extending from the #far lot line# to the 90 degree line on the horizontal axis and the number of available daylight squares shall be the number of squares between the #far lot line# and the 90 degree line and above the curved line representing an elevation angle of 70 degrees. The #daylight evaluation chart# for the third #vantage point# shall extend in both directions from the 90 degree line on the horizontal axis to the vertical lines representing the points on the #front lot line# directly opposite #vantage points# one and two. The number of available daylight squares for daylight evaluation shall be the number of daylight squares between such vertical lines and above the curved line representing an elevation angle of 70 degrees.

(b) For #zoning lots# with interrupted #street# frontages

Where a #zoning lot# has two or more #front lot lines# on the same #street# which are separated by frontage of an intervening #zoning lot#, there shall be two daylight evaluations for each such #front lot line#. Each #lot line# of the #zoning lot# that intersects the #street line# shall be treated as a #far lot line# for the purposes of daylight evaluation from a #vantage point#.

(c) Where #front lot lines# are curved or broken

If the #front lot line# of the #zoning lot# is curved or bent, the extremities of such #front lot line# shall be connected by a straight line, which shall be considered the #front lot line#.

81-276 - Modification of score for reflectivity

LAST AMENDED
2/2/2011

Where #zoning lots# have utilized the #daylight evaluation chart# but a street score along one frontage is less than 66 percent or the overall score is less than 75 percent, a modest improvement in either the street score or the overall score of a #zoning lot# within a #building# which reflects more light than a medium gray or glass #building# may be obtained by scoring the relative reflectivity of the #building's# surface.

The use of reflectivity is optional and not necessary if a passing score can be obtained under Section 81-274 (Rules for determining the daylight evaluation score). Reflectivity scoring permits greater design flexibility for a light-colored #building# than a dark one.

Because the greatest reflectivity comes from the upper portions of #buildings#, the value of reflected light is credited against the amount of daylight blocked by the portions of the #building# above an elevation angle of 70 degrees from the #center line of the street#.

Reflectivity has two components: the reflectance of the surface material and the orientation of the material to the sun.

(a) Reflectance

Reflectance values of materials will be determined by the Department of Buildings after the submission of samples of proposed surface materials by the applicant.

(1) Mixed reflectance

A #building# of several surface materials will have a reflectance value determined by multiplying each material's reflectance value by its percentage of the total wall surface and adding the products. For example, a #building# that is 60 percent limestone and 40 percent clear glass would have a reflectance of .60 x .45 (the reflectance of limestone) plus .40 x .15 (the reflectance of clear glass) or an overall reflectance of .33.

(2) Relative reflectance

In order to be included in the reflectivity score of a #zoning lot#, the material of the #building# must reflect more light than a medium gray or glass #building#. The reflectance value of a medium gray or glass #building# in Midtown is .15 so that the #building# with an overall reflectance of .33, given in the example in paragraph (a)(1) of this Section, would be increasing the expected reflectance by .33 minus .15 which equals .18.

Examples of potential reflectance values for different types of surface finishes are shown on the following chart.

REFLECTANCE VALUES - EXAMPLES OF BUILDING MATERIALS

White plaster or paint or glaze	.80 to .90

Aluminum paint	.55
Green paint	.50
Red paint	.26
Light gray paint	.25
Flat black paint	.06
Polished aluminum, stainless steel	.85
Polished light marble	.40 to .50
Light granite, limestone	.45
Copper, brass lead	.60 to .80
Smooth concrete	.45+
Rough concrete	.40
Asbestos cement	.31
Light buff brick	.48
Dark buff brick	.40
Light red brick	.45
Dark red glazed brick	.30
Dark red brick	.12
Slate	.11
Wood	.22+
Glass: double glazing with reflective coating*	
Solarcool(r) bronze or gray	.35 to .36

Solarban(r) clear	.36 to .44
Solarban(r) bronze	.18
Solarban(r) gray	.14
Glass: tinted double glazing	
Gray	.08
Bronze	.09
Solex(r) (green or blue)	.12
Glass: clear double glazing	.15
Glass: clear single glazing	.08

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* Reflectance varies according to which layer the reflective coating is placed on, but can be precisely determined for each position

Sources:

Anderson, Bruce. Solar Energy: Fundamentals in Building Design. (McGraw Hill, New York 1977).

Callendar, John Hancock. Time Saver Standards: A Handbook of Architectural Design. (McGraw Hill, New York, 4th Edition, 1964).

PPG Industries, Inc., Architectural Glass Products (G702). PPG, Pittsburgh, PA., 1977.

(b) Facade orientation

Orientation of the facade of the #building# is the second component required for measurement of reflectivity. Because reflectivity varies according to the orientation of the facade, the orientation value for a particular surface from the chart below is multiplied by the reflectance of the surface to ascertain the amount of daylight reflectivity.

The orientation values are shown on the following reflectivity chart. Orientation angles shall be rounded to the nearest 22.5 degrees.

Orientation based on True North		Orientation Value
North:	0°	.09

	22.5°	.15
	45.0°	.22
	67.5°	.40
East:	90.0°	.57
	112.5°	.72
	135.0°	.87
	157.5°	.93
South:	180.0°	1.00
	157.5°	.93
	135.0°	.87
	112.5°	.72
West:	90.0°	.57
	67.5°	.40
	45.0°	.22
	22.5°	.15

(c) Reflectivity Score

In order to obtain the reflectivity score for each view of the #building#, first count the daylight squares and subsquares which are blocked by the #building# on the #daylight evaluation chart# above an elevation angle of 70 degrees. This number shall be calculated separately for every orientation of each facade and multiplied by the relative reflectance of that portion of the #building# and the orientation value.

Reflectance = (% material A x reflectance material A) + (% material B x reflectance material B)

Relative reflectance (RR) = reflectance minus .15

Reflectivity score = RR x facade orientation value x daylight squares blocked above 70°.

The reflectivity scores for the several orientations are then added together to give the reflectivity score for that view of the #building# as a whole from the #vantage point# represented on the #daylight evaluation chart#.

The reflectivity score is added to the daylight remaining after accounting for daylight blockage as calculated in paragraph (f) of Section 81-274

The sum is then calculated as a percentage of the available daylight squares calculated in paragraph (e) of Section 81-274 to give the adjusted daylight score for the #zoning lot# from the #vantage point# represented on the #daylight evaluation chart#.

The adjusted street score along a particular #vantage street# is obtained by calculating the mean average of the adjusted daylight scores from all #vantage points# along the #vantage street#.

The adjusted overall score for the #zoning lot# is obtained by calculating the average of the adjusted street scores weighted by the lengths of their respective #vantage street# frontages.

(d) Limits on adjusted scores

(1) Adjusted street score

The adjusted street score shall not be more than six percentage points higher than the street score not adjusted for reflectivity.

If reflectivity scoring is used to bring the adjusted overall score for the #zoning lot# above 75 percent (the passing overall score), the street score for each #street# frontage without adjustment for reflectivity shall be not less than 66 percent.

(2) Adjusted overall score

The adjusted overall score shall not be more than six percentage points higher than the overall score not adjusted for reflectivity.

If the reflectivity scores for any single #street# frontage are used to bring the adjusted street score for that frontage above 66 percent (the passing score for a single #street# frontage), the overall score of the #zoning lot# without adjustment for reflectivity shall be not less than 75 percent.

81-277 - Special permit for height and setback modifications

LAST AMENDED
11/25/1997

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark, or where a special permit application is made pursuant to Section 74-79 (Transfer of Development Rights From Landmark Sites) and the #floor area# represented by such transferred development rights exceeds 20 percent of the basic maximum #floor area# permitted on the #zoning lot# receiving the development rights, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-275, inclusive, relating to Alternate Height and Setback Regulations - Daylight Evaluation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

(a) The applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-271 to 81-276, inclusive, and shall further present for the proposed design a complete daylight evaluation with an explanation of street score or overall daylight score deficiencies.

(b) The Commission shall make the following findings in addition to any required under the applicable provisions of Sections 74-71 or

74-79:

(1) that the requested departure from the alternate height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;

(2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and

(3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of the alternate height and setback regulations will adequately protect the setting for the landmark.

81-28 - Minimum Distance Between Buildings

LAST AMENDED
2/2/2011

On any single #zoning lot# within the #Special Midtown District#, if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

81-30 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
5/13/1982

81-31 - General Provisions

LAST AMENDED
5/8/2013

The regulations of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), and the applicable underlying district regulations of Article III, Chapter 6, or Article IV, Chapter 4, relating to Off-street Loading Regulations, shall apply throughout the #Special Midtown District#, except as otherwise provided in this Section.

81-311 - Prohibitions of off-street parking or off-street loading facilities

LAST AMENDED
5/8/2013

Notwithstanding the provisions of Article I, Chapter 3, prohibitions of off-street parking facilities or #accessory# off-street loading berths or restrictions as to their location or access, as provided in Sections 81-44 (Curb Cut Restrictions) or 81-84 (Mandatory Regulations and Prohibitions), may be waived only in accordance with the applicable provisions of Sections 81-44 or 81-84.

81-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
8/9/2017

81-41 - General Provisions

LAST AMENDED
8/9/2017

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design

features. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 3 (Retail and Street Wall Continuity) or Map 4 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately. Sections 81-42 (Retail Continuity Along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major #building# entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances, as set forth in Section 81-48, are closely related to the pedestrian circulation space requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50, for the East Midtown Subdistrict are set forth in Section 81-60, for the Theater Subdistrict are set forth in Section 81-70, for the Fifth Avenue Subdistrict are set forth in Section 81-80 and for the Preservation Subdistrict are set forth in Section 81-90.

81-411 - Maintenance of pedestrian circulation spaces

LAST AMENDED
2/2/2011

Owners of property on which pedestrian circulation spaces are provided shall be responsible for their maintenance unless, in the case of relocated subway stairs, the Metropolitan Transit Authority has agreed in writing to such maintenance responsibility.

81-412 - Directional signs

LAST AMENDED
5/13/1982

Directional #signs# are required to call attention to relocated subway stairs and through #block# connections and announce their accessibility to the public.

81-413 - Provisions for persons with disabilities

LAST AMENDED
10/17/2007

All mandatory district plan elements required by the provisions of Section 81-45 (Pedestrian Circulation Space) shall conform with applicable laws pertaining to access for persons with disabilities.

81-42 - Retail Continuity Along Designated Streets

LAST AMENDED
8/9/2017

For #buildings# #developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 3), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for:

(a) lobby space or entrance space;

(b) entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

(c) one or more of the following pedestrian circulation spaces subject to the #street wall# continuity requirements of Section 81-43 (Street Wall Continuity Along Designated Streets):

(1) relocated subway stairs provided in accordance with Sections 37-40 and 81-46 (Off-street Relocation or Renovation of a Subway Stair);

(2) through #block# connections provided in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); and

(3) off-street improvements of access to rail mass transit facilities provided in accordance with Section 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility).

Except as provided in the following sentence, in no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed the lesser of 40 feet or 25 percent of the #building's# total #street# frontage exclusive of any frontage occupied by a relocated subway stair, a through #block# connection, an off-street improvement of access to rail mass transit facility or the entrance area to a bonused subway station improvement. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 20 feet.

Storefronts for the permitted ground floor #uses# shall be not more than 10 feet from the #street line# or, where an arcade is provided with supporting columns at the #street line#, not more than 10 feet from the supporting columns.

Access to each retail, personal service or amusement establishment required under this Section shall be provided directly from the designated retail #street#. Where more than one entrance is provided to the establishment, direct access from the designated retail #street# shall be provided via the entrance with the greatest aggregate clear opening width. At least 50 percent of the #street wall# surface of each required establishment shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#. For the purpose of this glazing requirement, the establishment's #street wall# surface shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

Special #use# regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

Special ground level and entertainment-related #use# regulations apply to #zoning lots# located within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), and such #zoning lots# shall meet the ground level and entertainment-related #use# requirements of Section 81-72 (Use Regulations Modified).

81-43 - Street Wall Continuity Along Designated Streets

LAST AMENDED
2/2/2011

On designated #streets# where #street wall# continuity is required (see Map 2 in Appendix A) and, between 43rd and 50th Streets, on the #narrow street# frontages of #zoning lots# with #street# frontage on Seventh Avenue and/or Broadway, the #street wall# of a #building#, for the minimum width and height set forth in this Section, shall be within 10 feet of the #street line# or within 10 feet of a permitted arcade's supporting columns at the #street line#, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, no #street wall# setback below a height of 85 feet is permitted. The width of the #street wall# subject to setback restrictions shall be at least 80 percent of the length of the #front lot line# of the #zoning lot# along the specified #street#, measured at the specific heights or anywhere above the specific heights indicated in the table in this Section. At those specific heights or anywhere above those specific heights, the #street wall# must extend continuously within 10 feet of the #street line# for all of its required width, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, at a height of 85 feet or above, the #street wall# must extend continuously without setback for at least 75 percent of its required width and no portion of its required width shall be set back more than 10 feet from the #street line#; and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, any portion of the required width of a #street

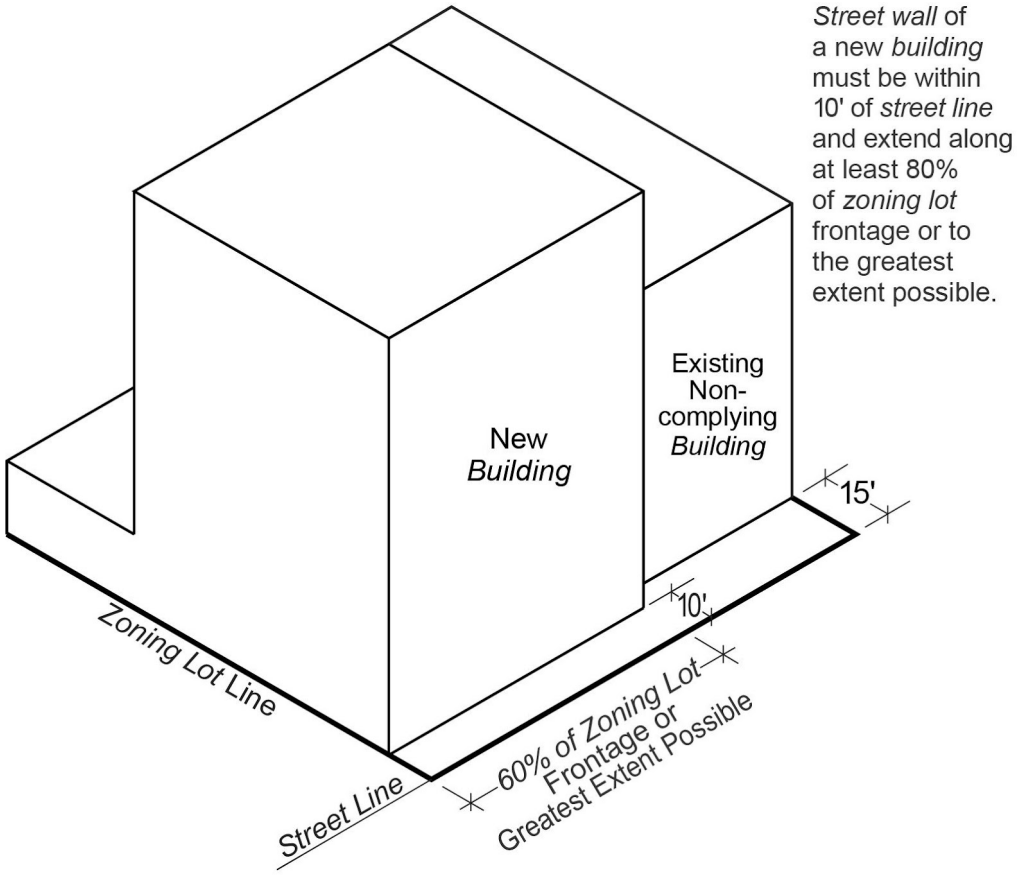
wall# which lies behind a #sign# required under the provisions of Section 81-732 (Special Times Square signage requirements) may be set back up to 15 feet from the #street line#.

The minimum height of a #street wall# subject to the setback restrictions shall be as follows:

Length of #Zoning Lot# Frontage	Minimum Height of a #Street Wall# Subject to the Setback Restrictions
For #zoning lots# with frontages of 50 feet or less on the designated #street#	Four #stories# or 50 feet above #curb level#, whichever is less
For #zoning lots# with frontages of more than 50 feet on the designated #street#	Six #stories# or 85 feet above #curb level#, whichever is less

#Developments#, which are in their entirety no more than two #stories# in height, shall be exempt from the minimum #street wall# height requirements set forth in the table in this Section, except that, subsequent to the issuance of a building permit for such #development#, if there are additional #developments# on the #zoning lot# or if any #building# on the #zoning lot# is #enlarged#, the #development# exempt from the requirements set forth in the table in this Section, shall no longer be exempt from such requirements and its #street walls# shall be raised to a height complying with the table.

Existing #buildings# need not comply with the minimum #street wall# height and location provisions of this Section. Such #buildings# shall be included in the calculation of the required percentage of #street wall# width and height along a #street# frontage. No existing #building# shall be altered such that a #non-compliance# with the provisions of this Section is created, nor shall an existing degree of #non-compliance# with these provisions be increased.



STREET WALL REQUIREMENT WITH EXISTING BUILDING

(81-43)

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), subject to the setback restrictions of this Section and to the minimum width of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in accordance with the provisions of Sections 66-51 (Additional Floor Area for Mass Transit Station Improvements) and 81-542 (Retention of floor area bonus for plazas or other public spaces), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48.

Except on 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 15 feet deep shall be permitted, recesses up to 15 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the new #street wall# below the minimum required #street wall# height; in addition, recesses up to 12 feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height, and recesses up to 10 feet deep shall not be limited in their aggregate area.

On 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted; recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height and recesses up to one foot deep shall not be limited in their aggregate area.

The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the #building#, through #block# connections within the #building# or #building# entrance recess areas within the #building#, where such spaces are provided in accordance with the requirements and design standards of Sections 81-45 or 81-46 and provided that such spaces shall be subject to a maximum height

limit of 30 feet. Any recesses in the #residential# portion of a #building# shall comply with the #outer court# regulations of Section 23-84.

No arcades, sidewalk widenings or #public plazas# shall be permitted on Fifth Avenue, 34th Street, 42nd Street or 57th Street frontages. Between 42nd and 56th Streets, no arcades or #public plazas# shall be permitted on Eighth Avenue. Between 43rd and 50th Streets, no arcades or #public plazas# shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and #signs#, any area between the Seventh Avenue or Broadway #street line# and any required #street wall# below the height of the first required setback, including permitted recesses, shall be open from #curb level# to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including #street# trees. On the remaining #streets# designated for #street wall# continuity, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted toward the recess allowances.

For #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).

For #zoning lots# located wholly or partially within the Eighth Avenue Corridor, the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75.

On Fifth Avenue, the minimum required #street wall# height without setback shall be 85 feet and the maximum allowable #street wall# height without setback shall be 125 feet. Above the maximum #street wall# height, a setback of at least 10 feet shall be required, pursuant to the provisions of Section 81-83.

81-44 - Curb Cut Restrictions

LAST AMENDED
5/8/2013

Along all avenues in Midtown and along 57th, 53rd, 42nd and 34th Streets, no driveway curb cuts for parking facilities or loading berths shall be permitted except for the following:

(a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to off-street loading berths from other #streets# bounding the #zoning lot#; or

(b) the City Planning Commission may authorize curb cuts where such curb cuts are needed for required loading berths. Such loading berths must be adjacent to a fully enclosed maneuvering area on the #zoning lot# at least equal in area to the area of the required loading berth and arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#. The City Planning Commission will refer such applications to the Department of Transportation for their comment.

In addition, for #zoning lots# with frontage along such avenues and #streets# in Midtown where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-35 (Modification of Loading Berth Requirements).

Where a curb cut is permitted as indicated in this Section, the maximum width of such curb cut shall be 15 feet for one-way traffic and 25 feet for two-way traffic. These curb cut requirements shall be in addition to any other applicable City rules or regulations concerning driveway curb cuts.

The above exceptions do not apply to Fifth Avenue, or between 43rd and 50th Streets, to Seventh Avenue or Broadway and no curb cuts shall be permitted in these cases. Between 43rd and 50th Streets, access to #accessory# off-street loading berths or off-street parking facilities shall not be permitted on Seventh Avenue or Broadway or, except where the length of a #narrow street# #block# frontage between the #street lines# of Seventh Avenue and Broadway exceeds 75 feet but is less than 125 feet, within 50 feet of the Seventh Avenue or Broadway #street line#. #Interior lots# between 43rd and 50th Streets with a #street# frontage only on Seventh Avenue or Broadway shall not contain loading berths.

81-45 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

Within the #Special Midtown District#, all #developments# or #enlargements# constructed after May 13, 1982, on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area#, shall provide pedestrian circulation space on such #zoning lot# in accordance with the provisions of Section 37-50, as modified by the provisions of this Section.

The requirements for pedestrian circulation space may be met by providing one or more of the following types of spaces: arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #public plaza#.

In addition to the types of pedestrian circulation spaces listed in Section 37-50, the following may be counted toward meeting the minimum pedestrian circulation space requirement:

(a) up to a maximum of 3,000 square feet of an access improvement to rail mass transit provided pursuant to Section 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility);

(b) within the Theater Subdistrict, theater waiting space provided pursuant to Section 81-451 (Theater waiting space).

However, pedestrian circulation space shall not be required if any of the following conditions exist:

(1) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;

(2) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage;

(3) the #zoning lot# is an #interior lot# or #through lot# fronting only on a #street# or #streets# where arcades, sidewalk widenings or #public plazas# are prohibited;

(4) the #zoning lot# is an #interior lot# fronting on either 34th Street, 42nd Street, 57th Street or Fifth Avenue, with another interior frontage of lesser length on any other #street#; or

(5) the #zoning lot# is a #through lot# with both #street# frontages less than 25 feet in length.

#Developments# or #enlargements# on a #zoning lot# having a full #block# frontage on a #wide street# other than Fifth Avenue, 34th Street, 42nd Street or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on that #street#. In the case of a #zoning lot# having two full #block# frontages on #wide streets#, this minimum amount may be allocated on either one or both #wide streets#; where each #street# bounding a #zoning lot# with at least one full #block# frontage is a #wide street#, the minimum amount may be allowed on one or more of those #wide streets#.

Where pedestrian circulation space is provided along Seventh Avenue or Broadway between 43rd and 50th Streets, #signs# and marquees shall be permitted as exceptions to the requirements relating to permitted obstructions in Section 37-50.

Special dimensional requirements for arcades and sidewalk widenings along designated #streets# are set forth in Section 37-53 (Design Standards for Pedestrian Circulation Spaces). Where a new #building# or #enlarged# portion of an existing #building# provides an arcade, no obstructions, including columns, shall be permitted within such arcade, and the maximum height of such arcade shall be 20 feet and the maximum width shall be 10 feet. Arcades or sidewalk widenings shall not be permitted on 34th Street, 42nd Street, 57th Street or Fifth Avenue frontages or on any #street# frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be permitted parallel to and along Seventh Avenue or Broadway.

81-451 - Theater waiting space

LAST AMENDED
8/6/1998

Theater waiting space shall be an unobstructed area providing outdoor waiting space for a theater audience, located immediately adjacent to the sidewalk and to a theater listed in Section 81-742 (Listed theaters) or a new theater designed and intended to show live theatrical performances. Theater waiting space may be located on the same #zoning lot# occupied by a theater or a #zoning lot# immediately adjacent

to a theater, and shall meet the following requirements:

(a) such space shall adjoin and open onto a sidewalk or sidewalk widening for its entire length and shall have a minimum length of 30 feet measured parallel to the #street line# and a minimum clear depth of 10 feet measured perpendicular to the #street line# exclusive of any columns. Its level shall be entirely the same as that of the adjoining sidewalk. When located under an overhanging portion of a #building or other structure#, it shall have a minimum clear height of 15 feet and be free of any obstructions except for #building# columns;

(b) such space shall provide direct access to a #building's# entrance or the theater's lobby. Where the theater and the theater waiting space are on separate #zoning lots#, a plaque shall be provided within the theater waiting space adjacent to the theater stating that the space is available as a waiting area for the theater audience. Such plaque shall be placed between four feet and six feet above #curb level#, and shall be visible from the sidewalk;

(c) such space shall not adjoin a driveway or an off-street loading berth; and

(d) the entire theater waiting space shall be illuminated with a minimum level of not less than eight horizontal foot-candles (lumens per foot).

The theater waiting space may overlap with an arcade, a #building# entrance recess area, a corner arcade, a corner circulation space or a sidewalk widening. However, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

81-46 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-50.

The subway stations where such improvements are required are listed in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A.

Station	Line
34th Street-Penn Station	Broadway-7th Avenue
34th Street-Penn Station	8th Avenue
34th Street-Herald Square	6th Avenue/Broadway-60th Street
42nd Street-Times Square/42nd Street- Port Authority Bus Terminal	Broadway-7th Ave/Broadway/ 8th Ave/42nd St. Shuttle
42nd Street-Bryant Park/Fifth Avenue	6th Avenue/Flushing

42nd Street-Grand Central	Lexington Avenue/Flushing/ 42nd St. Shuttle
47th-50th Street-Rockefeller Center	6th Avenue
49th Street	Broadway-60th Street
50th Street	8th Avenue
50th Street	Broadway-7th Avenue
7th Avenue	53rd Street
Fifth Avenue-53rd Street	53rd Street
51st Street/Lexington Ave.- 53rd Street	53rd Street/Lexington Avenue
57th Street	Broadway-60th Street
57th Street	6th Avenue
59th Street-Columbus Circle	Broadway-7th Avenue/8th Avenue

81-47 - Major Building Entrances

LAST AMENDED
2/2/2011

In order to limit pedestrian traffic congestion on #zoning lots# with at least 20,000 square feet of #lot area#, the following restrictions apply to #buildings# #developed# after May 13, 1982, as described in paragraphs (a) and (b) of this Section, except as provided in paragraph (c) in this Section. For the purposes of this Section, the major entrance to a #building# shall be that entrance to the main lobby of the #building# which has the greatest aggregate width of clear openings for access.

(a) When the #zoning lot# contains a #public plaza# or an open though #block# connection located entirely outside of the #building#, the major entrance to the #building# shall open on the #public plaza# or the open through #block# connection.

(b) Where there is no #public plaza# or open through #block# connection on the #zoning lot#, the following restrictions on major entrances shall apply to #corner lots# or #block# front lots:

(1) #Corner lots#

On a #corner lot# with frontage on no more than one #narrow street#, the major entrance shall be located on the #narrow street#.

On a #corner lot# with frontages on two #wide streets#, the major entrance shall be located on either #wide street#.

(2) #Block# front lots

On a full #block# front lot with one or more #narrow street# frontages, a major entrance shall be located on at least one #narrow street#, except that this requirement shall not apply if the #zoning lot# contains a permitted sidewalk widening with a width of 10 feet along a #wide street#.

(c) Exceptions to requirements

Under the following conditions, #developments# shall not be subject to the locational requirements of this Section:

(1) where the location of an existing #building# on the #zoning lot# precludes compliance with the regulations of this Section; or

(2) where the #zoning lot# is located on a #block# where the distance between two intersections of #street lines# is less than 150 feet.

81-48 - Off-street Improvement of Access to Rail Mass Transit Facility

LAST AMENDED
2/2/2011

An off-street rail mass transit access improvement shall provide a new point of unobstructed off-street public access to a rail mass transit station or facility. It shall immediately adjoin, and be accessible without any obstruction from, an arcade, a #building# entrance recess area, a corner arcade, a corner circulation space, a public sidewalk, a sidewalk widening or a #public plaza#, each of which shall have a minimum horizontal dimension equal to the width of the rail mass transit access improvement. The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors. The area it occupies within a #building# shall not be counted toward the #floor area# of the #zoning lot#.

The Chairperson of the City Planning Commission may certify that an off-street rail mass transit access improvement satisfies the requirements of Section 81-45 (Pedestrian Circulation Space), provided that such improvement is approved by the entity which operates the mass transit station or facility and meets the following standards:

(a) Dimensions

An off-street mass transit access improvement shall have a minimum clear, unobstructed width of not less than 15 feet and a minimum clear, unobstructed height from finished floor to finished ceiling of not less than eight feet.

(b) Obstructions

An off-street mass transit access improvement shall be free of obstructions except for #building# columns and shall provide a continuous, unobstructed path at least 15 feet wide connecting the public sidewalk, pedestrian circulation space or #public plaza# with the rail mass transit station or facility.

(c) Hours of public accessibility

An off-street rail mass transit access improvement shall be accessible to the public during the hours when the circulation areas to which it connects are open to the public or during such hours as are otherwise approved by both the Chairperson and the operating entity of the mass transit station or facility.

(d) Enclosures

The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors unless the Chairperson certifies that such improvement is an integral part of the #building# lobby and public circulation space, and such doors are secured only during the hours that the circulation areas of the rail mass transit facility to which it connects are closed.

(e) Maintenance

An off-street rail mass transit access improvement shall be maintained by the owner of the #development# or #enlargement#.

One and a half times the area of the new off-street rail mass transit access improvement measured at #street# level shall, upon the Chairperson's certification, count toward the minimum area of pedestrian circulation space required under the provisions of Section 81-45, up to a maximum of 3,000 square feet.

81-50 - SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

LAST AMENDED
10/31/2001

81-51 - General Provisions

LAST AMENDED
8/26/2010

In order to establish the Penn Center Subdistrict as a destination and enhance its retail, entertainment and commercial character and expand accessibility to its transportation network, special regulations are set forth governing the location and type of #signs#, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

The regulations of Section 81-50 are applicable only in the Penn Center Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, except as set forth for rail mass transit facility improvements, pursuant to Section 81-541. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-52 - Sign Regulations

LAST AMENDED
10/31/2001

The provisions of this Section shall apply to all #zoning lots# with frontage along Seventh Avenue. The height of all #signs# shall be measured from the #curb level#.

(a) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, unlimited in area, shall be permitted to a height of 40 feet. Below a height of 14 feet, such #signs# shall not occupy more than 50 percent of the glazed #street wall# surface required, pursuant to Section 81-42, nor shall such #signs# be located within 10 feet of an entrance to a rail mass transit facility or subway station.

(b) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, except as otherwise provided in Section 8152, paragraph (c), may be permitted above a height of 40 feet by the City Planning Commission, upon certification that:

(1) such #signs# and #sign# structures to which #signs# are attached shall not exceed a height of 60 feet; except that #signs# and #sign# structures onto which #signs# are attached, within 40 feet of the intersection of two #streets# or within 30 feet of the centerline of the westerly prolongation of West 32nd Street along the west #block# front of Seventh Avenue between West 31st and West 33rd Streets, shall not exceed a height of 100 feet;

(2) such #signs# above a height of 60 feet are located on #zoning lots# that contain an entrance to, or are adjacent to, an entrance to a rail mass transit facility and/or subway station;

(3) such #signs# shall not project across a #street line# more than 18 inches for double or multifaceted #signs# or 12 inches for other signs, except that #signs# within 40 feet of the intersection of two #streets# may project up to three feet across a #street line# above a height of 25 feet;

(4) such #signs# that exceed a height of 60 feet, shall be no wider than 40 feet each;

(5) such #signs# or #sign# structures that exceed a height of 60 feet, may include lighting effects at the top of such #sign# structure and such lighting effects shall not exceed a height of 10 feet above such #sign# or #sign# structure.

(6) such #signs# and #sign# structures onto which #signs# are attached within 30 feet of the centerline of the westerly prolongation of West 32nd Street shall have a minimum clearance of 10 feet from the adjacent #building#, and such #sign# structure shall have a minimum clearance of 20 feet from the #street line# in order not to obstruct visibility of the transit entrance from the #street#;

(7) on #zoning lots# that contain an entrance to, or are adjacent to, an entrance to a rail mass transit facility and/or subway station, the requirements for rail mass transit or subway entrance informational #signs# of Section 81521 are met; and

(8) monies will be deposited into an escrow account or similar fund established by the City, to be used at the direction of the Chairperson of the City Planning Commission and the Commissioner of the Department of Transportation, acting in consultation with the Metropolitan Transit Authority, as necessary, for streetscape and for abovegrade and belowgrade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to $30 per square foot of #sign# permitted above a height of 40 feet. Any net increase in the surface area of a previously approved #sign# shall require a new certification and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

Alternatively, an applicant may, at the time of the first certification for a #sign# at a location under its control, deposit a #sign# contribution in an amount equal to $20 per square foot of #sign# above a height of 40 feet for the total amount of square footage of all #signs# eligible for certification at locations under the applicant's control. The deposit of monies under this alternative procedure shall not relieve the applicant of the requirement to seek and obtain a certification for each such #sign#, pursuant to this paragraph (b), prior to installation.

For purposes of this paragraph (b), the square footage of the #sign# shall mean the #surface area# of a #sign#, except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which a certification has been received shall be installed prior to deposit of the #sign# contribution in accordance with this paragraph (b).

(c) #Signs# above a height of 40 feet on any #building# listed on the State and/or National Register of Historic Places, or any #building# formally determined eligible for inclusion on the Register, may be permitted upon authorization by the City Planning Commission, that:

(1) the proposed method of attachment of such #signs# shall be reversible;

(2) such #signs# shall not be disruptive to the historic fabric of the #building#;

(3) such #signs# shall comply with all other requirements of paragraph (b) of this Section;

(4) the requirements for rail mass transit or subway entrance informational #signs# of Section 81521 are met; and

(5) monies shall be deposited into an escrow account or similar fund established by the City, to be used at the direction of the Chairperson of the City Planning Commission and the Commissioner of the Department of Transportation, acting in consultation with the Metropolitan Transit Authority, as necessary, for streetscape and for above-grade and belowgrade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to $30 per square foot of #sign# permitted above a height of 40 feet. For purposes of this paragraph (c), the square footage of the #sign# shall mean the #surface area# of a #sign#, except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which an authorization has been approved shall be installed prior to deposit of the #sign# contribution in accordance with this paragraph (c), or the alternative #sign# contribution provided in paragraph (b)(8) of this Section.

Any net increase in the #surface area# of a previously approved #sign# shall require a new authorization and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

81-521 - Rail mass transit and subway entrance informational signs

LAST AMENDED
10/31/2001

For a #zoning lot# that contains or is adjacent to an entrance or entrances to a rail mass transit facility or subway station, no permit shall be issued for any #signs# that extend or are located above a height of 40 feet, unless the City Planning Commission certifies that each such entrance is clearly identified with rail mass transit or subway entrance informational #signs# and marquees in accordance with paragraphs (a) and (b) of this Section. Such rail mass transit or subway entrance informational #sign# or marquee shall remain, or be upgraded or replaced by a similar #sign# or marquee, for the life of the related development.

(a) Rail mass transit or subway entrance informational #signs# shall prominently identify the entrance on both #streets# of a #corner lot#. Where rail mass transit or subway entrance informational #signs# are provided at the western #block# front of Seventh Avenue between West 31st and West 33rd Streets, such #signs# shall prominently identify the entrance to Pennsylvania Station to pedestrians on both Seventh Avenue and West 32nd Street. All such informational #signs# shall comply with the following requirements:

(1) such #signs# shall contain only transit information;

(2) such #signs# shall be illuminated and located no less than 12 feet above and no more than 25 feet above #curb level#;

(3) such #signs# shall contain the word “Subway” and/or appropriate other rail mass transit identification and transit line symbols. The graphic standards shall adhere to New York City Transit or other pertinent transit agency standards with all letters no less than three feet and transit symbols no less than two feet in dimension;

(4) such #signs# shall be no less than 30 feet in length on each #street# and shall extend farther than 30 feet in order to include the actual entrance; and

(5) such #signs# may project up to five feet beyond the #street line#.

(b) At the rail mass transit or subway entrance, a marquee shall be provided to further identify the entrance and shall:

(1) contain only transit sign information;

(2) be illuminated and located no less than 12 feet above and no more than 25 feet above #curb level#;

(3) have a minimum length of 20 feet or the full width of the entrance, whichever is less;

(4) project no less than five feet beyond the transit or subway informational #sign#; and

(5) include illuminated mass transit identification and transit line symbols that meet the New York City Transit or other pertinent transit agency standards.

81-53 - Special Bulk and Urban Design Requirements

LAST AMENDED
2/2/2011

In addition to the requirements set forth in Sections 8125 (General Provisions Relating to Height and Setback of Buildings) and 8140 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the Penn Center Subdistrict. For the purposes of this Section, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 8125, 8140 and 8153 are in conflict, the regulations of this Section shall govern.

81-531 - Special retail frontage requirements

LAST AMENDED
10/31/2001

The provisions of Section 8142 (Retail Continuity Along Designated Streets) shall apply within the Penn Center Subdistrict. However, the requirement that at least 50 percent of the #street wall# surface of each ground floor establishment be glazed with clear, untinted, transparent material, and not more that 50 percent of such transparent surface be painted or obstructed with #signs# shall not apply to any informational #signs# or marquees provided to identify rail mass transit or subway entrances in accordance with Section 8152 (Sign Regulations).

81-532 - Special street wall requirements

LAST AMENDED
2/2/2011

The provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) shall apply, except that the #street wall# of all #buildings# along the Seventh Avenue frontage of #zoning lots# shall be a minimum of 85 feet above #curb level# or the full height of the #building#, whichever is less. All other provisions of Section 81-43 shall apply without modification.

In addition, the restrictions on permitted recesses contained in Section 81-43 shall not apply to pedestrian circulation spaces provided in accordance with Sections 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility) nor to interstitial spaces between #signs# or between #building# walls and #signs#.

81-54 - Floor Area Bonus in the Penn Center Subdistrict

LAST AMENDED
10/31/2001

81-541 - Mass transit station improvements

LAST AMENDED
2/2/2011

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For the purposes of this Section, improvements to any #mass transit station# on a #qualifying transit improvement site# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 66-51, as modified herein. For a #qualifying transit improvement site# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #qualifying transit improvement site#. In addition, if a #mass transit station# improvement has been constructed in accordance with an approved authorization or special permit and has received a Notice of Substantial Completion in accordance with the provisions of Section 66-51, the bonus #floor area# may be retained at the full amount granted by the authorization or special permit and may be utilized elsewhere on the #qualifying transit improvement site# subject to any applicable review and approval process for such #development# or #enlargement#.

81-542 - Retention of floor area bonus for plazas or other public spaces

LAST AMENDED10/17/2007

For the #zoning lot# bounded by West 34th Street, Seventh Avenue, West 33rd Street and Eighth Avenue, which contains at least 7,000 square feet of existing #publicly accessible open areas# or other bonused public amenity in the Penn Center Subdistrict, the maximum

allowed #floor area# bonus for all existing #publicly accessible open areas# or other public amenities on the #zoning lot# may be retained at the amount allowed prior to October 31, 2001, subject to all other provisions of this Resolution, notwithstanding inclusion of such #zoning lot# within the #Special Midtown District#.

81-60 - SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

LAST AMENDED
8/9/2017

81-61 - General Provisions

LAST AMENDED
8/9/2017

Special regulations are set forth in this Section to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers; creating successful pedestrian-friendly public spaces; enabling improvements to the above- and below-grade pedestrian circulation network; protecting and strengthening the role of landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within East Midtown and the city; expanding and enhancing the pedestrian circulation network connecting Grand Central Terminal to surrounding development and minimizing pedestrian congestion; and protecting the iconic character of the surrounding area. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape enhancements, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network in the East Midtown Subdistrict.

The regulations of Section 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT), inclusive, are applicable only in the East Midtown Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) and Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

Where the #lot line# of a #zoning lot# coincides with the boundary of the public place located at the southerly prolongation of Vanderbilt Avenue between East 42nd Street and East 43rd Street, such #lot line# shall be considered to be a #street line# for the purposes of applying the #use#, #bulk# and urban design regulations of this Chapter.

81-611 - Applicability of regulations

LAST AMENDED
8/9/2017

The provisions of Section 81-60, inclusive, shall apply in the East Midtown Subdistrict as follows:

(a) Section 81-61, inclusive, sets forth general provisions, applicability and definitions for the East Midtown Subdistrict;

(b) Section 81-62, inclusive, sets forth special use provisions;

(c) Section 81-63, inclusive, sets forth special #floor area# provisions for the Vanderbilt Corridor Subarea;

(d) Section 81-64, inclusive, sets forth special #floor area# provisions for #qualifying sites#;

(e) Section 81-65, inclusive, sets forth special #floor area# provisions for all other #zoning lots#;

(f) Section 81-66, inclusive, sets forth certain height and setback modifications to the provisions of Sections 81-26 and 81-27;

(g) Section 81-67, inclusive, sets forth certain modifications to the mandatory district plan elements of Section 81-40, inclusive; and

(h) Section 81-68, inclusive, sets forth additional provisions pertaining to #qualifying sites#.

81-612 - Applicability along district boundaries

LAST AMENDED
8/9/2017

For #zoning lots# divided by district boundaries, the underlying provisions shall apply, except as follows:

(a) For #qualifying sites# divided by district boundaries where both districts have the same maximum #floor area ratio# set forth in Rows E and H of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the provisions of Section 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries) shall not apply to a #building# #developed# or, where permitted, #enlarged#, to exceed the basic maximum #floor area# in Row A of the table in Section 81-64. In lieu thereof, the #floor area# of such #building# on a #qualifying site# may be located anywhere on the #zoning lot#, regardless of the district boundary.

(b) In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of Section 81-60, inclusive, shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the East Midtown Subdistrict. For the purposes of Section 81-60, inclusive, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-60, inclusive, are in conflict, the regulations of Section 81-60, inclusive, shall govern. However, for #zoning lots# located partly within the East Midtown Subdistrict and partly within the Fifth Avenue Subdistrict, the provisions of Article VII, Chapter 7 shall apply.

(c) For #zoning lots# divided by subarea boundaries, the provisions of Article VII, Chapter 7 shall apply.

(d) For #zoning lots# with #landmark buildings or other structures# where more than 50 percent of the #lot area# is located within the #Special Midtown District#, and which #abut# the East Midtown Subdistrict boundary, such #zoning lot# may be considered as part of the Subdistrict for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites). However, the maximum amount of #floor area# that may be transferred from a #granting lot#, or portion thereof, located outside the Special Midtown District shall be the maximum #floor area ratio# permitted under the applicable underlying zoning district.

81-613 - Definitions

LAST AMENDED
8/9/2017

Adjacent lot

For the purposes of Section 81-60, inclusive, an "adjacent lot" is:

(a) a #zoning lot# that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite the lot occupied by such designated #landmark building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and

(b) in C5-3 or C6-6 Districts, a #zoning lot# that is contiguous to, or across a #street# and opposite another lot or series of lots that, except for the intervention of #streets# or #street# intersections, extend to the lot occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS).

Granting lot

For the purposes of Section 81-60, inclusive, a “granting lot” shall mean a #zoning lot# that contains a #landmark building or other

structure#. Such #granting lot# may transfer development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

Landmark building or other structure

For the purposes of Section 81-60, inclusive, a "landmark building or other structure" shall include any structure designated as a landmark by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to Section 81-60, inclusive, from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

Non-qualifying site

For the purposes of Section 81-60, inclusive, a "non-qualifying site" shall refer to a #zoning lot# that does not meet the criteria for a #qualifying site# and is located in a subarea other than the Vanderbilt Corridor Subarea.

Public Realm Improvement Fund

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund" (the "Fund") shall be a separate interest-bearing account established for the deposit of contributions made when #developments# or, where permitted, #enlargements# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) through their utilization of the provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites), 81-643 (Special provisions for retaining non-complying floor area in commercial buildings) or 81-685 (Special permit to modify qualifying site provisions). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity, in the Borough of Manhattan. Upon receipt of any contribution, the #Public Realm Improvement Fund Governing Group# or the Department of City Planning shall notify the Comptroller of the City of New York and the Speaker of the New York City Council and promptly deposit it into the Fund.

Public Realm Improvement Fund Development Rights Valuation

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Development Rights Valuation" ("Development Rights Valuation") shall be a value per square foot of transferable development rights in the East Midtown Subdistrict, which shall provide a basis for establishing a minimum contribution to the #Public Realm Improvement Fund#. As of August 9, 2017, the Development Rights Valuation shall be set at $307.45 per square foot.

When proposing an adjustment to the Development Rights Valuation, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust the Development Rights Valuation, pursuant to the City Administrative Procedures Act not more than once every three years and not less than once every five years.

An applicant, upon written request to the Commission, may request a transferable development rights valuation study to evaluate whether the Development Rights Valuation should be modified for a particular #qualifying site# based upon any recent changes in market conditions within the Subdistrict. The study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the study, to be conducted by qualified professionals utilizing industry best practices. Where the study demonstrates that the value of the development rights for the #qualifying site# is less than the Development Rights Valuation, the Commission shall, by certification, and in connection with a certification pursuant to Section 81-642 (Transfer of development rights from

landmarks to qualifying sites), modify the required contribution to 20 percent of the adjusted valuation.

Public Realm Improvement Fund Governing Group

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Governing Group" (the "Governing Group") shall be established to administer the #Public Realm Improvement Fund# (the "Fund"), and shall consist of 13 members: seven members shall be representatives of City agencies, appointed by and serving at the pleasure of the Mayor; one member shall be a representative of a citywide civic organization, appointed by the Office of the Manhattan Borough President; one member shall be a representative of the Office of the Manhattan Borough President; one member shall be a representative of the New York City Council member representing the City Council district encompassing the largest portion of the East Midtown Subdistrict; one member shall be a representative of the Speaker of the City Council; one member shall be a representative of Manhattan Community Board 5; and one member shall be a representative of Manhattan Community Board 6. The Governing Group shall be a local development corporation, organized pursuant to the New York State Not-for-Profit Corporation Law, and affiliated with City government for purposes of the New York State Public Authorities Law, whose organizational purpose shall be limited solely to the purposes set forth in this Chapter. Each member shall have one vote, and all Governing Group decisions, as set forth below, shall be upon a majority vote at a public meeting at which a quorum is present. A quorum shall consist of a majority of the members.

The purpose of the Governing Group shall be to bolster and enhance East Midtown's status as a premier central business district with a high-quality public realm, by allocating funds from the Fund to implement public realm improvement projects. The Governing Group shall establish and maintain a Public Realm Improvement Concept Plan ("Concept Plan") for the purpose of creating a list of priority improvements, and shall have the authority to amend such Concept Plan, and associated list of improvements, as necessary. All priority improvements in the Concept Plan shall meet the criteria set forth in Section 81-683 (Criteria for improvements in the Public Realm Improvement Concept Plan).

Establishment of the Concept Plan, amendment of the Concept Plan, calendaring of items for a vote to fund, and designation of funding for a specific public realm improvement on the Concept Plan shall be decisions requiring a majority vote of the Governing Group at a meeting at which a quorum is present. If only members of the Governing Group appointed by the Mayor vote to calendar a particular public realm improvement for a vote to fund it, the Governing Group shall conduct a public hearing on the matter prior to such improvement being placed on the calendar for vote. In addition, if any member of the Governing Group puts forth a proposed public realm improvement, discussion of such improvement shall be added to the agenda of the next public meeting. Establishment of the initial Concept Plan shall be completed no later than November 1, 2017.

In the event that more than 20 million dollars remains in the Fund for more than three years, the Governing Group shall be required to hold a vote either to fund a public realm improvement project or to retain the funds.

The Governing Group shall adopt procedures for the conduct of its activities. Such procedures shall be consistent with the requirements of the New York State Open Meetings Law (Article 7, NYS Public Officers Law), which procedures shall also be consistent with the goals of the Subdistrict. Those procedures shall be publicly available by posting on the Department of City Planning's website, and shall include rules requiring reporting and transparency including, but not limited to, the following: procedures on the adoption and amendment of the concept plan and opportunity for public comment thereon; requirements to provide a transcript or recording of all public meetings and hearings; and transparency and annual reporting requirements concerning deposits into and expenditures from the Fund. The Governing Group shall annually update the Concept Plan by providing a list of all projects on the Concept Plan to date, those added or removed in the past year, the dollar amount of funds designated to each project on the Concept Plan, to the extent available, the estimated cost of each project on the Concept Plan, and the schedule for all projects for which a decision to designate funding has been made by the Governing Group. Such annual update shall be posted on the Department of City Planning's website no later than January 15 of each calendar year following the establishment of the initial Concept Plan. All meetings of the Governing Group shall be open to the public with advance public notice provided of all meetings and public hearings.

Qualifying site

For the purposes of Section 81-60, inclusive, a "qualifying site" shall refer to a #zoning lot#:

(a) that is not located in the Vanderbilt Corridor Subarea;

(b) that has frontage along a #wide street#;

(c) where, at the time of #development# or, where permitted, #enlargement#, either:

(1) at least 75 feet of such #zoning lot's# #wide street# frontage is clear of #buildings or other structures#; or

(2) the entire #block# frontage along such #wide street# is occupied by one or more #landmark buildings or other structures#; or

(3) such #zoning lot's# #wide street# frontage is occupied by an existing easement volume that is being preserved, or reconfigured in accordance with Section 81-673 (Mass transit access);

(d) where a #building# is #developed# or, where permitted, #enlarged#, in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites), and such #development# or, where permitted, #enlargement# exceeds the basic maximum #floor area# set forth in Row A of the table in Section 81-64 and such #building# or publicly accessible space occupies the cleared area in paragraph (c)(1) of this definition, unless the provisions of paragraphs (c)(2) or (c)(3) apply;

(e) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#; and

(f) where such #building# being #developed# or, where permitted, #enlarged#, complies with the performance requirements of paragraph (a) and the publicly accessible space requirements of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites).

Receiving lot

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a #granting lot# are transferred. Such #receiving lot# may receive a transfer of development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

Sale price

For the purposes of Section 81-60, inclusive, "sale price" shall mean the total consideration exchanged for transferred #floor area# pursuant to certification to transfer development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#. The total consideration shall include all consideration as defined in Chapter 21 of the Administrative Code of the City of New York and Title 19 of the Rules of the City of New York, as they may be amended, or their successor provisions, whether or not subject to tax under that Chapter. The total consideration shall also include any other compensation in whatever form received in exchange for the #floor area#, including contingent consideration. A valuation prepared pursuant to procedures established by rule of the City Planning Commission or the New York City Department of Finance shall be required for all consideration in a form other than cash. The application for certification shall include affidavits from the buyer and seller, attesting under penalty of perjury, that all of the terms of the transaction and all the consideration have been disclosed, and may be subject to audit.

81-62 - Special Use Provisions

LAST AMENDED
8/9/2017

81-621 - Location of uses in mixed buildings

LAST AMENDED

For #mixed buildings# #developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential# #uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly accessible spaces;

eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 6C;

#health and fitness establishments#, as listed in Use Groups 6C and 9A;

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A; and

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#.

For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

81-63 - Special Floor Area Provisions for the Vanderbilt Corridor Subarea

LAST AMENDED
8/9/2017

For #non-residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A.Basic Maximum FAR	15
B. Maximum #Floor Area# Allowances: (District-wide Incentives), #Mass transit station# improvements (Section 66-51)	3.0
C. Maximum FAR of Lots Involving Landmarks:	
Maximum FAR of a lot containing non bonusable landmark (Section 74-711 or as-of-right)	15.0

Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	15.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
(a) an #adjacent lot# (Section 74-79)	No Limit
(b) a #receiving lot# (Section 81-632)	15.0
D. Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
E. Maximum Total FAR of a Lot with Transferred Development Rights on #receiving lots# (Section 81-632) or District-wide Incentives (including Section 81-633)	30.0
F. Maximum Total FAR of a Lot with Transferred Development Rights on an #adjacent lot#(Section 74-79) or District-wide Incentives (other than Section 81-633)	No Limit

Any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

81-631 - Special provisions for transfers of development rights in the Vanderbilt Corridor Subarea

LAST AMENDED
8/9/2017

All applications for transfers of development rights pursuant to the special permit by the City Planning Commission in Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) shall also comply with the regulations of this Section.

(a) Requirements for applications

In addition to the land use review application requirements, an application filed with the City Planning Commission for a special permit pursuant to Section 81-632 shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include:

(1) site plan and zoning calculations for the #granting lot# and #receiving lot#;

(2) a program for the continuing maintenance of the landmark;

(3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those “receiving” sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;

(4) a plan of any required pedestrian network improvement; and

(5) any such other information as may be required by the City Planning Commission.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to Section 81-632.

(b) Conditions and limitations

The transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to Section 81-632, shall be subject to the following conditions and limitations:

(1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;

(2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under Section 81-632 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the #receiving lot#, as shown in the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea); and

(3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or other structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(c) Transfer instruments and notice of restrictions

The owners of the #granting lot# and the #receiving lot# shall submit to the Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

81-632 - Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea

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LAST AMENDED
8/9/2017

Within the Vanderbilt Corridor Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit the transfer of development rights from a #granting lot# in the Grand Central Core Area, as shown on Map 2, to a to a #receiving lot#, and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of paragraph (b), the findings of paragraph (c) and the additional requirements of paragraph (d) of this Section.

(a) The Commission may permit:

(1) a transfer of development rights from a #granting lot# to a #receiving lot# provided that the resultant #floor area ratio# on the "receiving lot" does not exceed 30.0;

(2) modifications of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area# or #dwelling units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;

(3) in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, modifications of the provisions of Sections 81-66 (Special Height and Setback Requirements), 81-671 (Special street wall requirements), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions;

(4) for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and

(5) modifications, whether singly or in any combination, to:

(i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), inclusive, or 81-671, inclusive;

(ii) the height and setback regulations of Sections 81-26, inclusive, 81-27, inclusive, or 81-661; or

(iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the Grand Central Core Area. However, this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section 81-633 (Special permit for Grand Central public realm improvements). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general

network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

(c) Findings

In order to grant a special permit for the transfer of development rights to a #receiving lot#, the Commission shall find that:

(1) a program for the continuing maintenance of the landmark has been established;

(2) for any proposed improvement required pursuant to this Section:

(i) the improvement to the above- or below-grade pedestrian or mass transit circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal;

(ii) the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the surrounding area and minimize congestion on surrounding #streets#; and

(iii) a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the surrounding area;

(3) where appropriate, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;

(4) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6, the #building# has met the ground floor level, building design, sustainable design measures and, for #zoning lots# not located on two #wide streets#, the site characteristic considerations set forth in the applicable conditions and findings of Section 81-633 (Special permit for Grand Central public realm improvements);

(5) where the modification of #bulk# regulations is proposed:

(i) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #receiving lot#, density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;

(ii) for #enlargements# to existing #buildings#, any proposed modifications of height and setback requirements and the requirements of Section 81-66 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and

(iii) for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, any proposed modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed; or

(6) any proposed modifications to #street walls#, height and setback regulations and mandatory plan elements meet the applicable application requirements and findings set forth in Section 81-634 (Permitted modifications in conjunction with additional floor area).

(d) Additional requirements

Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the Commission.

No temporary certificate of occupancy for any #floor area# of the #development# or #enlargement# on a #receiving lot# shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the MTA.

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

81-633 - Special permit for Grand Central public realm improvements

LAST AMENDED
8/9/2017

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may allow, by special permit, #floor area# in excess of the basic maximum #floor area ratio# established in the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), up to the maximum #floor area# set forth in the table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area# pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the Grand Central Core Area, as shown on Map 2. In addition, requirements pertaining to the ground floor level, building design and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

To approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or #enlargement# complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

(a) Conditions and application requirements

All applications for a special permit for additional #floor area# pursuant to this Section shall include the following:

(1) Above- or below-grade improvements to the pedestrian or mass transit circulation network.

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of pedestrian and mass transit circulation in the Grand Central Core Area, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall include above- or below-grade public realm improvements.

(i) Where a #development# or #enlargement# proposes the inclusion of above-grade public realm improvements, such improvements may consist of on-site or off-site improvements to the pedestrian circulation network, or a combination thereof.

On-site, above-grade public realm improvements shall consist of open or enclosed publicly accessible spaces, of ample size, provided for public use and enjoyment. Such publicly accessible spaces shall include amenities characteristic of #public plazas# or public atriums, as applicable, and include amenities for the comfort and convenience of the public.

Off-site, above-grade public realm improvements shall consist of major improvements to the public right-of-way that support pedestrian circulation in the areas surrounding Grand Central Terminal. Where the area of such improvements is to be established as a pedestrian plaza, such improvements shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation. Where the area of such improvements is along a #street# accommodating both vehicular and pedestrian access, such improvements shall be characteristic of current best practices in #street# design, as set forth by the Department of Transportation, and include improvements to the right-of-way such as pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements.

(ii) Where a #development# or #enlargement# proposes the inclusion of below-grade public realm improvements, such improvements shall consist of on-site or off-site enhancements to the below-grade pedestrian and mass transit circulation network. Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include improvements such as on-site or off-site widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, retail #uses#, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement.

(2) Ground floor level

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of the pedestrian circulation network in the surrounding area, any #development# or #enlargement# proposed under the provisions of this Section shall provide enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

Where a #development# or #enlargement# includes #street# frontage along Madison Avenue or a #narrow street# between East 43rd Street and East 47th Street, sidewalk widenings shall be provided as follows:

(i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;

(ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or

(iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #street line# of the #narrow street#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

Applications shall contain a ground floor level site plan, and other supporting documents of sufficient scope and detail to enable the Commission to determine the type of proposed #uses# on the ground floor level, the location of proposed #building# entrances, the size and location of proposed circulation spaces, the manner in which such spaces will connect to the overall pedestrian circulation network and the above- or below-grade public realm improvements required pursuant to this Section and any other details necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

(3) Building design

In order to ensure that the proposed #development# or #enlargement# contributes to its immediate surroundings, with particular emphasis on Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall demonstrate particular attention to the building design, including, but not limited to, the proposed #uses#, massing, articulation and relationship to #buildings# in close proximity and within the Midtown Manhattan skyline.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine the proposed #uses# within the #building#, as well as the proposed #building# #bulk# and architectural design of the #building#, and to evaluate the proposed #building# in the context of adjacent #buildings# and the Midtown Manhattan skyline. Such materials shall include a description of the proposed #uses# within the #building#; measured elevation drawings, axonometric views, and perspective views showing such proposed #building# within the Midtown Manhattan skyline; and any other materials necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

For those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Vanderbilt Corridor Subarea, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the energy performance, enhanced water efficiency, utilization of sustainable or locally sourced materials and attention to indoor environmental air quality of the #building#.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine whether the applicable findings in paragraph (b) of this Section have been met. In addition, any application shall include materials demonstrating the sustainable design measures of the #building#, including its anticipated energy performance, and the degree to which such performance exceeds either the New York City Energy Conservation Code (NYCECC) or the Building Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.

(b) Findings

The Commission shall find that:

(1) for a #development# or #enlargement# not located on two #wide streets#, the amount of additional #floor area# being granted is appropriate based on the extent to which any or all of the following physical factors are present in the #development# or #enlargement#:

(i) direct access to subway stations and other rail mass transit facilities;

(ii) the size of the #zoning lot#;

(iii) the amount of wide #street# frontage; and

(iv) adjacency to the open area above Grand Central Terminal;

(2) for above-grade improvements to the pedestrian circulation network that are located:

(i) on-site, the proposed improvements will, to the extent practicable, consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or

(ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant

street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the surrounding area as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

(3) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:

(i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;

(ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfiguration of existing connections; or

(iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;

(4) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit;

(5) the design of the ground floor level of the #building#:

(i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;

(ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and

(iii) will be well-integrated with on-site, above- or below-grade improvements required by this Section, where applicable and practicable;

(6) the design of the proposed #building#:

(i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;

(ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and

(iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;

(7) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:

(i) meet or exceed best practices in sustainable design; and

(ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and

(8) in addition:

(i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or intensity of #uses# to the detriment of the surrounding area; and

(ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, #building# design, and sustainable design measures, are well–integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) Additional requirements

Prior to the grant of a special permit pursuant to this Section, and to the extent required by the Metropolitan Transportation Authority (MTA) or any other City or State agencies with control and responsibility for the area in which a proposed improvement is to be located, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; where applicable, establish a program for maintenance; and, where applicable, establish a schedule of hours of public access for the proposed improvement. Where the MTA, or any other City or State agencies with control and responsibility for the area of a proposed improvement, deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA or any other such agencies.

Where the proposed #development# or #enlargement# proposes an off-site improvement located in an area to be acquired by a City or State agency, the applicant may propose a phasing plan to sequence the construction of such off-site improvement. To determine if such phasing plan is reasonable, the Commission may consult with the City or State agency that intends to acquire the area of the proposed improvement.

Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Except where a phasing plan is approved by the Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable.

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

81-634 - Permitted modifications in conjunction with additional floor area

LAST AMENDED

In conjunction with the grant of a special permit pursuant to Section 81-633 (Special permit for Grand Central public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) The Commission may modify the following, whether singly or in any combination:

(1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;

(2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations - Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements); or

(3) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

(1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 or as such provisions are modified pursuant to Section 81-671, as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26, 81-27 or as such provisions are modified pursuant to Section 81-66, as applicable;

(2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26 or as such provisions are modified pursuant to Section 81-66; and

(3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66.

(c) Findings

The Commission shall find that such proposed modifications:

(1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and

(2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

81-64 - Special Floor Area Provisions for Qualifying Sites

LAST AMENDED
8/9/2017

For #non-residential buildings# or #mixed buildings# on #qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA RATIOS AND ALLOWANCES FOR QUALIFYING SITES

Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #Qualifying Sites#	Grand Central Transit Improvement Zone Subarea		Park Avenue Subarea		Other Transit Improvement Zone Subarea		Southern Subarea		Northern Subarea[1]	
	C5-2.5	C5-3	C5-2.5	C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6
A. Basic Maximum FAR										
	12	15	12	15	12	15	12	15	12	15
B. Minimum #Floor Area# Allowances through identified transit improvements (Section 81-641) if exceeding base maximum FAR										
	2.7	2.7	-	-	2.3	2.3	-	-	-	-
C. Maximum #Floor Area# Allowances through identified transit improvements (Section 81-641)										
	5.4	5.4	-	-	4.6	4.6	-	-	-	-
D. Maximum amount of transferable development rights (FAR) from landmark #zoning lots# that may be utilized on a #qualifying site# (Section 81-642)										
	12.3	9.3	13	10	8.7	5.7	9.6	6.6	6	3
E. Maximum as-of-right #Floor Area Ratio# on #qualifying sites#										
	27	27	25	25	23	23	21.6	21.6	18	18
F. Maximum FAR for transit improvement special permit (Section 81-644)										

	3	3	-	-	3	3	-	-	-	-
G. Maximum FAR for public concourse special permit (Section 81-645)										
	3	3	3	3	3	3	3	3	3	3
H. Maximum Total FAR on a #qualifying site#										
	30	30	28	28	26	26	24.6	24.6	21	21

[1] For #zoning lots# located east of Third Avenue between the centerline of East 46th Street to the centerline of East 51st Street, the maximum #floor area ratio# shall be the basic maximum #floor area ratio# set forth in Row A.

81-641 - Additional floor area for Transit Improvements on Qualifying Sites

LAST AMENDED
8/9/2017

All #developments# or, where permitted, #enlargements# on #qualifying sites# located within the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, that exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) shall comply with the provisions of this Section.

The Chairperson of the City Planning Commission shall allow, by certification, #floor area# on a #qualifying site# to be increased above the applicable basic maximum #floor area ratio# provided that such resulting increase in #floor area ratio# is not less than the minimum specified in Row B of the table in Section 81-64, nor more than the maximum specified in Row C, as applicable, and further provided that a transit improvement, or a combination of transit improvements, will be constructed in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, in accordance with the provisions of this Section.

(a) The following requirements shall be completed prior to application for certification by the Chairperson:

(1) the applicant shall select a transit improvement that has been identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for qualifying sites) and is commensurate with the minimum #floor area# required, and results in a #floor area ratio# increase not exceeding the maximum #floor area ratio# permitted to be achieved through the provisions of this Section. The process for such selection shall also comply with paragraph (a) of Section 81-682;

(2) the applicant shall submit preliminary plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of the proposed transit improvement;

(3) the applicant shall obtain and provide to the Chairperson a conceptual approval of the proposed transit improvement from any applicable City or State agencies with jurisdiction over and control of the proposed improvement in letter form, wherein such agencies state that such improvements meet the requirements set forth in Section 81-682; and

(4) prior to the issuance of a building permit, as set forth in this Section, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. Such agreements and instruments shall be filed and recorded in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be sent to the Chairperson.

(b) The following items shall be submitted to the Chairperson as part of an application for certification:

(1) all of the materials required pursuant to paragraph (a) of this Section;

(2) site plans and zoning calculations for the proposed #development# or, where permitted, #enlargement# on the #qualifying site# showing the additional #floor area# associated with the completion of such transit improvement; and

(3) drawings including, but not limited to, plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson for the transit improvement, and any such other information as may be required by the Chairperson.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that the #development# or, where permitted, #enlargement# on a #qualifying site# is in compliance with the provisions of this Section. Such certification shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# or, where permitted, an #enlargement# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea. All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Manhattan Borough President. No certification shall be granted prior to 60 days after such referral.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# identified as utilizing the additional #floor area# granted pursuant to the provisions of this Section until the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement, has certified that the improvements are substantially complete and usable by the public. Such portion of the #building# shall be designated by the applicant in drawings included in the instruments filed pursuant to paragraph (b) of this Section and shall be noted on the temporary certificate of occupancy.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such additional #floor area# until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement.

In addition, the Chairperson shall allow, by certification, a reduction in, or waiver of, the minimum #floor area ratio# required pursuant to Row B of the table in Section 81-64, where there are an insufficient number of available projects on the Priority Improvement List in Section 81-682. The Chairperson shall also allow, by certification, the maximum #floor area ratio# for a #qualifying site# to be increased beyond the limit set forth in Row C of the table in Section 81-64, where the Metropolitan Transportation Authority requires improvements to the Fifth Avenue and East 53rd Street Station to be combined in order to adequately phase improvements and avoid practical difficulties in operating the station.

81-642 - Transfer of development rights from landmarks to qualifying sites

LAST AMENDED
8/9/2017

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#, provided that the provisions of this Section are met.

(a) The transfer of development rights shall be subject to the following conditions:

(1) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas), the applicant shall obtain a certification pursuant to Section 81-641 (Additional floor area for transit improvements on qualifying sites) prior to, or in conjunction with, meeting the requirements of this Section.

(2) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a

#granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations.

(3) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row D of the table in Section 81-64.

(4) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(5) Prior to the issuance of a building permit, as set forth in paragraph (c) of this Section, the owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

(6) Prior to the issuance of a building permit, as set forth in this Section, a non-refundable contribution shall have been deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be equal to the greater of:

(i) 20 percent of the #sales price# of the transferred #floor area#; or

(ii) an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of transferred #floor area#.

(b) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:

(1) for #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, materials that are sufficient to demonstrate compliance with the provisions of Section 81-641;

(2) site plans and zoning calculations for the #granting lot# and #receiving lot# showing the additional #floor area# associated with the transfer, and any such other information as may be required by the Chairperson;

(3) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;

(4) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#; and

(5) for those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or, where permitted, #enlargement# to Grand Central Terminal.

All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. No certification shall be granted prior to 60 days after such referral.

The Chairperson shall certify to the Department of Buildings that a #development# or, where permitted, an #enlargement# on a

#qualifying site# is in compliance with the provisions of this Section only after the following have been received:

(a) the instrument of transfer and notice of restrictions required by paragraph (a) of this Section have been executed and recorded with proof of recordation provided to the Chairperson;

(b) documents confirming the #sale price# have been provided to the Chairperson, including, but not limited to, the real property transfer tax return form recorded with the New York City Department of Finance and the details of consideration schedule; and

(c) payment of a non-refundable contribution to the #Public Realm Improvement Fund# in the amount required by paragraph (a) of this Section has been made.

Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development# or, where permitted, #enlargement# on a #qualifying site#. Additional provisions are set forth in Section 81-686 for applicants undertaking a sidewalk improvement immediately adjacent to their #qualifying site#.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to this Section.

81-643 - Special provisions for retaining non-complying floor area in commercial buildings

LAST AMENDED
8/9/2017

For #non-complying# #commercial buildings# existing on December 15, 1961 with #non-complying# #floor area#, the provisions of Section 54-41 (Permitted Reconstruction) may be modified to allow such #non-complying# #building# to be demolished or altered, to the extent of 75 percent or more of its total #floor area#, and reconstructed on a #qualifying site# to retain the amount of pre-existing #non-complying# #floor area# in accordance with the applicable district #bulk# regulations of this Chapter, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings first, that prior to demolition or alteration, the applicant meets the provisions of paragraph (a) of this Section, as applicable, and, subsequently, prior to reconstruction, the proposed #development# will comply with the applicable provisions of paragraph (b) of this Section. For purposes of this Chapter, the reconstruction of such #non-complying# #floor area# shall be considered a #development#. Any #enlargement# of a #non-complying# #commercial building# on a #qualifying site# shall be permitted only pursuant to paragraph (a) of Section 81-684 (Authorizations for qualifying sites), or Section 81-685 (Special permit to modify qualifying site provisions).

(a) Certification to demolish or alter a #non-complying# #building#

The Chairperson shall certify the amount of #non-complying# #floor area# existing within a #non-complying# #building# that may be reconstructed pursuant to the provisions of paragraph (b) of this Section, based on calculations submitted to the Chairperson. Such calculations shall be based on either the #building's# construction documents previously approved by the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a registered architect.

For the purpose of calculating the amount of #non-complying# #floor area# to be retained on #zoning lots# with multiple existing #buildings# at the time of application, the maximum amount of #non-complying# #floor area# that may be reconstructed shall be equivalent to the #floor area# of the #zoning lot# at the time of application, less the total #floor area# of all existing #buildings# to remain.

Certification pursuant to the provisions of paragraph (a) of this Section shall be a precondition to the issuance of any demolition or alteration permit by the Department of Buildings for a #zoning lot# reconstructing #non-complying# #floor area#.

(b) Certification to reconstruct #non-complying# #floor area#

The amount of #non-complying# #floor area# established pursuant to paragraph (a) of this Section may be reconstructed, provided that the Chairperson certifies that:

(1) all requirements for #qualifying sites# set forth in the definition in Section 81-613, inclusive, have been met, except that no publicly accessible space shall be required notwithstanding the provisions of paragraph (f) of the definition of #qualifying site#; and

(2) a non-refundable contribution has been deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying# #floor area#.

The payment of the non-refundable contribution to the #Public Realm Improvement Fund# pursuant to the provisions of paragraph (b) of this Section, shall be a precondition to the issuance of any foundation permit or new building or alteration permit by the Department of Buildings allowing a #development# on a #qualifying site#.

All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. No certification shall be granted prior to 60 days after such referral.

Except for #zoning lots# located east of Third Avenue between the centerline of East 46th Street to the centerline of East 51st Street, any proposed #floor area# in the #development# beyond the amount contained in the pre-existing #non-complying# #building# may be obtained by utilizing the applicable provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites). For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H of the table in Section 81-64 shall continue to apply.

81-644 - Special permit for transit improvements

LAST AMENDED
8/9/2017

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit a #floor area# bonus in accordance with the provisions of this Section, where a major improvement to a subway or rail mass transit facility is provided in accordance with the conditions of paragraph (b). All applications for a special permit pursuant to this Section shall be subject to the application requirements, findings and additional requirements of paragraphs (c) through (e).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

(a) #Floor area# bonus

The City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on a #qualifying site#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites).

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate subway or rail mass transit facility, that shall be characteristic of current best practice in mass-transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a subway or rail mass transit facilities that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, or rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the Metropolitan Transportation Authority (MTA) and the City Planning Commission.

(c) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

(1) Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the MTA and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.

(2) At the time of certification, the Commission shall be provided with the following application materials:

(i) a letter from the MTA containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

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

(1) the public benefit derived from the improvements to a subway or rail mass transit facility merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;

(2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the subway or rail mass transit facility; and

(3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

(1) Prior to the granting of a special permit pursuant to this Section, the following requirements shall be met:

(i) To the extent required by the MTA, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the MTA. Where the MTA deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the MTA stating that the drawings and other documents submitted by the applicant have been determined by the MTA to be of sufficient scope and detail to fix and describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the MTA pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

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

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, where applicable.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

81-645 - Special permit for a public concourse

LAST AMENDED
8/9/2017

For #qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment, is provided on the #qualifying site#. Such publicly accessible spaces shall include amenities that are characteristic of #public plazas# or public atriums, as applicable, for the comfort and convenience of the public. In addition, to facilitate such public concourse, the Commission may permit the modification of provisions, other than #floor area ratio# regulations, of this Resolution.

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or, where permitted, #enlargement#, complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

(a) Applications shall include information and justification sufficient to provide the Commission with the basis for:

(1) evaluating the benefits to the general public;

(2) determining the appropriate amount of increased #floor area# to grant; and

(3) determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

(b) The Commission shall find that:

(1) to the extent practicable, the open or enclosed public concourse will:

(i) consist of a prominent space of generous proportions and quality design that is inviting to the public;

(ii) improve pedestrian circulation and provide suitable amenities for the occupants;

(iii) front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk;

(iv) provide or be surrounded by active #uses#;

(v) be surrounded by transparent materials;

(vi) provide connections to pedestrian circulation spaces in the immediate vicinity; and

(vii) be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space;

(2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# or, where permitted, #enlargement#, pursuant to this special permit; and

(3) with regard to a modification to regulations of this Resolution, other than #floor area ratio# regulations, such modification:

(i) is the minimum extent necessary and will facilitate an improved public concourse, inclusive of enhancements described in the findings of paragraph (b)(1) of this Section; and

(ii) will not have adverse effects on the #qualifying site#, surrounding #zoning lots#, or adjacent #streets#.

(c) Prior to obtaining a foundation permit or building permit for a #development# or, where permitted, an #enlargement# on a #qualifying site#, from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

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

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# until all improvements have been finally completed in accordance with the approved plans, as determined by the Chairperson.

81-65 - Special Floor Area Provisions for All Non-qualifying Sites

LAST AMENDED
8/9/2017

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

	Grand Central Core Area	Any Other Area

Means for achieving permitted FAR on a #zoning lot# for all other sites	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A. Basic Maximum FAR	15	12	15	12
B. Additional FAR for provision of a #public plaza# (Section 81-651)	--	--	1	1
C. Total as-of-right FAR	15	12	16	13
D. Additional FAR for #mass transit station# improvements (Section 81-652)	3	2.4	3	2.4
E. Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 74-79 and 81-653)	15	12	16	13
F. Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79 and 81-653)	No limit	2.4	No limit	2.4
G. Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

81-651 - Floor area bonus for public plazas

LAST AMENDED
8/9/2017

For #non-qualifying sites# in subareas outside the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of the table in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

81-652 - Floor area bonus for mass transit station improvements

LAST AMENDED
8/9/2017

For #developments# or #enlargements# on #non-qualifying sites# that are #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

81-653 - Special permit for transfer of development rights from landmarks to non-qualifying sites

LAST AMENDED
8/9/2017

For #non-qualifying sites#, the City Planning Commission may permit the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to the provisions of Section 74-79 (Transfer of Development Rights From Landmark Sites), provided that:

(a) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations;

(b) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; and

(c) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

81-66 - Special Height and Setback Requirements

LAST AMENDED
8/9/2017

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified by the provisions of this Section, inclusive.

81-661 - Height and setback modifications for buildings in the Grand Central Core Area

LAST AMENDED
8/9/2017

For #buildings# on #non-qualifying sites# within the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the provisions of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified as follows:

(a) where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#; or

(b) where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.

81-662 - Daylight compensation modifications for qualifying sites

LAST AMENDED
8/9/2017

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations, the provisions of Section 81-26 (Height and Setback Regulations – Daylight Compensation) are modified as follows:

(a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):

(1) no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#;

(2) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The remaining provisions of

paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and

(3) for #buildings# on #qualifying sites# with frontage along the easterly side of Vanderbilt Avenue, the full width of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of determining permitted #encroachments# and #compensating recesses#. Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #street lines# of #narrow streets# to such new westerly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's# #narrow street# #street frontage zone#, provided that any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is set back a minimum 15 feet from the Vanderbilt Avenue #street line#, and further provided that the #street frontage zone# calculation along Park Avenue shall not include Vanderbilt Avenue;

(b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) of Section 81-265 shall be modified to 20 percent of the length of the #front lot line#; and

(c) for #buildings# on #qualifying sites# with frontage along Park Avenue, as an alternative to the setback requirements of Table A, B or C in paragraph (b) of Section 81-263 (Standard setback requirements), the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that particular height, in accordance with the applicable requirements of the table in this Section.

SETBACK REQUIREMENTS ON STREETS AT LEAST 140 FEET WIDE

Depth of #Setback Line# from #Street Line# at Stated Heights above #Curb Level#.

Height (ft)	Depth of #Setback Line# (ft)
210	0.00
220	1.00
230	2.50
240	4.25
250	5.50
260	7.0
270	8.75
280	10.00
290	11.25
300	12.75

310	14.25
320	15.25
330	16.25
340	17.50
350	18.75
360	19.75
370	21.00
380	21.75
390	23.00
400	23.75
410	25.00
420	25.75
430	26.75
440	27.50
450	28.50
460	29.25
470	29.75
480	30.50
490	31.50
500	32.00
510	33.00

520	33.50
530	34.50
540	35.00
550	35.50
560	36.00
570	37.00
580	37.50
590	38.00
600	38.50
610	39.00
620	39.75
630	40.25
640	41.00
650	41.50
660	41.75
670	42.25
680	43.00
690	43.50
700	43.75
710	44.25

Above 710	For every 10 feet of height above 710 feet, the depth shall increase by one foot

81-663 - Daylight evaluation modifications for qualifying sites

LAST AMENDED
8/9/2017

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations, the provisions of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) are modified as follows:

(a) for the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):

(1) the computation of daylight evaluation shall not include any daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable #Daylight Evaluation Charts#, and below a height of 150 feet, as measured from #curb level#. However, such computation shall include the daylight blockage created by extending the lines representing the outermost edges of the portion of the #building# immediately above a height of 150 feet downwards to such 70 degree line;

(2) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of Section 81-274, may apply along designated #streets# where #street wall# continuity is required;

(3) the profile penalty for #profile encroachment#, set forth in paragraph (a) of Section 81-274, shall not apply; and

(4) the provisions of paragraph (i) of Section 81-274 shall be modified to require an overall passing score of 66 percent. Notwithstanding such modifications, no single #street# frontage shall have a street score of less than 66 percent;

(b) the reflectivity provisions of Section 81-276 may be utilized to raise both an individual score and the overall score by up to six percentage points;

(c) for #buildings# on #qualifying sites# with frontage along the easterly #street line# of Vanderbilt Avenue, the full width of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart). Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the # street lines# of #narrow streets# to such new westerly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:

(1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is set back a minimum of 15 feet from the Vanderbilt Avenue #street line#;

(2) #vantage points# along Vanderbilt Avenue are taken 30 feet west of the westerly #street line# instead of the #center line of the street#; and

(3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#; and

(d) for #buildings# with frontage along Park Avenue:

(1) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272, the definition of #center line of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#; and

(2) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4 (Daylight Evaluation Diagram – Park Avenue) in Appendix B of this Chapter shall be utilized in lieu of the chart for #streets# 100 feet or more in width.

81-67 - Special Mandatory District Plan Element Requirements

LAST AMENDED
8/9/2017

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall be modified in accordance with the provisions of this Section, inclusive.

81-671 - Special street wall requirements

LAST AMENDED
8/9/2017

The requirements of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be applicable within the Subdistrict, except as modified in this Section.

#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place in the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, shall have a #street wall# within 10 feet of the #street line# of such #streets#. On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#.

The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park Avenue, Lexington Avenue, Madison Avenue, Vanderbilt Avenue, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

However, for #developments# or, where permitted, #enlargements# on #qualifying sites# within an area bounded by East 43rd Street, Second Avenue, East 42nd Street and a line 200 feet east of Third Avenue, such #street wall# location requirements shall not apply to the portion of the frontage where an open publicly accessible space is provided in accordance with paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites).

Beyond 125 feet of the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #buildings#, the provisions of Section 81-262 (Maximum height of front wall at the street line) shall not be applicable.

However, the ten-foot setback requirement of paragraph (a) of Section 81-263 (Standard setback requirements) shall apply only to those portions of the #building# above 120 feet.

81-672 - Sidewalk widenings

LAST AMENDED
8/9/2017

All sidewalk widenings provided pursuant to the provisions of this Section shall be improved as sidewalks to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. The design provisions set forth in paragraph (f) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply, except as modified in this Section. All sidewalk widenings provided in accordance with the provisions of this Section shall constitute pedestrian circulation space, as required pursuant to Section 81-45 (Pedestrian Circulation Space).

(a) Mandatory sidewalk widenings along Madison and Lexington Avenues

#Developments# or, where permitted, #enlargements# on #qualifying sites# with frontage along Madison and Lexington Avenues, shall provide mandatory sidewalk widenings as follows:

(1) where such #zoning lot# occupies the entire #block# frontage, a sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;

(2) where such #zoning lot# does not occupy the entire #block# frontage, a sidewalk widening shall be provided where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

(b) Permitted sidewalk widenings

Sidewalk widenings may be provided, in accordance with the applicable size and design standards established in Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive:

(1) along #narrow streets# in the Grand Central Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, for #developments# or #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along the #street line# of such #narrow street#; and

(2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-671 (Special street wall requirements).

(c) Permitted obstructions

In the Grand Central Subarea, as shown on Map 2, awnings and canopies shall be permitted obstructions within a sidewalk widening provided that no structural posts or supports are located within any portion of the sidewalk or such widening.

81-673 - Mass transit access

LAST AMENDED
8/9/2017

(a) On #qualifying sites#

Where a #zoning lot# contains an easement volume for pedestrian access to a subway station or rail mass transit facility and such #zoning lot# is proposed to be #developed# or, where permitted, #enlarged# in accordance with the provisions for #qualifying sites#, such existing easement volume shall be preserved, or reconfigured in accordance with standards and terms approved by the Metropolitan Transportation Authority (MTA), as part of such #development# or #enlargement#. Any reconfiguration shall be constructed by the owner of the #development# or #enlargement#.

For such #developments# or, where permitted, #enlargements#, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson of the City Planning Commission. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

(b) On #qualifying sites# in the Grand Central Transit Improvement Zone Subarea or in the Other Transit Improvement Zone Subarea

For #developments# or, where permitted, #enlargements# involving ground floor level construction on #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or in the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, in addition to the provisions of paragraph (a) of this Section, as applicable, a transit easement volume may be required on such #zoning lot# for public access between the #street# and a below-grade subway station or rail mass transit facility.

Prior to filing any applications with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the MTA and the Chairperson requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the MTA and the Chairperson indicate that a transit easement volume is required, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, an off-street subway or rail mass transit access improvement may be constructed and maintained by either the owner of the #development# or #enlargement#, or the MTA, as follows:

(1) where such mass transit access improvement is constructed and maintained by the owner of the #development# or #enlargement#:

(i) such mass transit access shall be improved to the standards set forth in Section 81-48 and shall be approved by the MTA, and shall comply with the following:

(a) where the lobby of the #building# adjoins such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the lobby of the #building# that is open during normal business hours; and

(b) such mass transit access shall provide directional #signs# in accordance with the provisions of Section 81-412 (Directional signs). Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

(ii) no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvements are substantially complete and usable by the public.

(2) where such mass transit access improvement is constructed and maintained by the MTA:

(i) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#:

(a) any underground walls constructed along the #front lot line# of a #zoning lot# shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA; and

(b) temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume; and

(ii) in the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(c) In other locations

For portions of the #Special Midtown District# within the #Special Transit Land Use District#, where, as part of a #development# or #enlargement# involving ground floor level construction, a transit easement volume is required by the MTA to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the MTA shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

The floor space occupied by any transit easement volume required pursuant to this Section shall not count as #floor area#. Where access improvements are constructed by the owner of the #zoning lot#, each square foot of mass transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet.

81-674 - Ground floor use provisions

LAST AMENDED
8/9/2017

(a) Within the Vanderbilt Corridor Subarea

For #buildings# #developed# or #enlarged# on the ground floor on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 3 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) or Section 81-633 (Special permit for Grand Central public realm improvements) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity Along Designated Streets).

(b) Within the Grand Central Core Area

For #buildings# #developed# or #enlarged# on the ground floor after August 26, 1992, in the Grand Central Core Area, as shown on Map 2, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings# #developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).

Required #building# entrances on opposite #street# frontages shall be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation

Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

Each required #building# entrance shall include a #building# entrance recess area, as defined in paragraph (b) of Section 37-53, except that for #developments# or #enlargements# with frontage on Madison Avenue, Lexington Avenue or 42nd Street, the width of a #building# entrance recess area shall not be greater than 40 feet parallel to the #street line# and there may be only one #building# entrance recess area on each such #street# frontage.

(c) Along #narrow streets# of #qualifying sites# in the Grand Central Core Area

For #buildings# #developed# or, where permitted, #enlarged# on the ground floor on #qualifying sites# in the Grand Central Core Area, as shown on Map 2, a minimum of 50 percent of a #building's# ground floor level #street wall# frontage along a #narrow street# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations, but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Such ground floor level retail, personal services or amusement #uses# shall comply with the transparency provisions of Section 81-42.

81-675 - Curb cut restrictions and loading berth requirements

LAST AMENDED
8/9/2017

For #developments# or #enlargements# within the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, in addition to the provisions of Sections 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, and 81-44 (Curb Cut Restrictions), the following shall apply:

(a) Loading berth provisions

For #through lots#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

However, the Commissioner of Buildings may waive such head-in and head-out requirements, provided that:

(1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:

(i) a #building# existing on August 9, 2017, containing #residences#;

(ii) a #non-residential building# existing on August 9, 2017, that is three or more #stories# in height; or

(iii) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

(2) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

(b) Curb cut provisions

The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

81-676 - Pedestrian circulation space requirements

LAST AMENDED
8/9/2017

Any #development# or #enlargement# within the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) and 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), except that:

(a) no arcade shall be allowed;

(b) a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and

(c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 2, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-632 (Special permit for transfer of developments rights from landmarks to the Vanderbilt Corridor Subarea) or Section 81-633 (Special permit for Grand Central public realm improvements) may be applied toward the pedestrian circulation space requirement.

81-68 - Additional Provisions for Qualifying Sites

LAST AMENDED
8/9/2017

81-681 - Mandatory requirements for qualifying sites

LAST AMENDED
5/8/2019

(a) Building energy design requirements for #buildings# on #qualifying sites#

To ensure advancement of goals for the reduction of greenhouse gas emissions, #buildings# on #qualifying sites# shall either:

(1) utilize a district steam system for the #building's# heating and hot water systems; or

(2) the core and shell of such #building# shall exceed the standards of the chosen commercial building energy-efficiency compliance path within the 2016 New York City Energy Conservation Code (NYCECC), by three percent.

Compliance with the provisions of this Section shall be demonstrated to the Department of Buildings at the time of issuance of a new building permit for a #development# or, where permitted, an #enlargement# on a #qualifying site#.

The City Planning Commission may, by rule, modify the standards of this Section, as necessary, to ensure that the environmental standards established herein, meet or exceed the current best practices in reducing greenhouse gas emissions.

(b) Mandatory publicly accessible space requirements for qualifying sites

A #qualifying site# shall provide a publicly accessible space, open or enclosed, as defined herein, in accordance with the size provisions of paragraph (b)(1) of this Section and the design requirements of paragraph (b)(2). Each publicly accessible space shall require a certification by the Chairperson of the City Planning Commission, pursuant to Section 37-78 (Compliance), as modified herein.

For the purposes of this Chapter on a #qualifying site#, a "publicly accessible space" shall be defined as an open or enclosed area provided for public use and enjoyment on the #zoning lot#. An "open publicly accessible space" shall be defined as a publicly accessible space, that is open to the sky on a #qualifying site#, and an "enclosed publicly accessible space" shall be defined as a fully enclosed, climate-controlled publicly accessible space on a #qualifying site#. The design standards contained in paragraph (b)(2)(ii) of this Section for an enclosed publicly accessible space are intended to serve the same purposes outlined for #public plazas# in Section 37-70.

(1) Type and minimum size

(i) A #qualifying site# with a #lot area# of at least 30,000 square feet but less than 45,000 square feet shall provide a publicly accessible space, open or enclosed, with an area of not less than 10 percent of the #lot area# of the #zoning lot#.

(ii) A #qualifying site# with a #lot area# of 45,000 square feet but less than 65,000 square feet shall provide an open publicly accessible space with an area of not less than 10 percent of the #lot area# of the #zoning lot#, except that where the provisions of Sections 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and 81-67 (Special Mandatory District Plan Element Requirements), inclusive, are applicable to the #qualifying site# and preclude an open publicly accessible space from being provided on the #qualifying site#, an enclosed publicly accessible space shall be provided in the proposed #building#.

In addition to complying with paragraphs (a) through (d) of Section 37-78, each application for an enclosed publicly accessible space shall demonstrate which of the applicable provisions of Sections 81-40 and 81-67, inclusive, conflict with the design requirements set forth in 37-70, inclusive, and that they necessitate the provision of the enclosed publicly accessible space in lieu of an open publicly accessible space.

(iii) A #qualifying site# with a #lot area# of 65,000 square feet or greater shall provide an open publicly accessible space with an area of not less than 10,000 square feet. Where such #qualifying site# has a #through lot# portion, such #qualifying site# shall provide an open publicly accessible space across the #through lot# portion.

However, for a #qualifying site# with a #lot area# of 80,000 square feet or greater that includes an existing entrance to a rail mass-transit facility located outside the #through lot# portion of the #zoning lot# existing on May 8, 2019, such open publicly accessible space may be located so as to include the entrance to a rail mass-transit facility, provided that such open publicly accessible space adjoins a #street# or a required sidewalk widening, as applicable.

(2) Design requirements for publicly accessible spaces

(i) Open publicly accessible space

For open publicly accessible space, the provisions of Section 37-70, inclusive, shall apply, except that the provisions of Section 37-713 (Locational restrictions) shall not apply. In addition, the following modifications or waivers may be applied under certain circumstances:

(a) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass-transit facility in accordance with paragraph (b)(1)(iii) of this Section, and the majority of the subsurface area of such #qualifying site# is occupied by a railroad right-of-way, thus imposing practical difficulty in configuring the #building# or required publicly accessible space:

(1) the provisions of Sections 81-42 (Retail Continuity Along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special street wall requirements), paragraph (d) of Section 37-715 (Requirements for major portions of public plazas) need not apply;

(2) where #street wall# requirements are not applied, the provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) may be modified to allow a portion of an open publicly accessible space to be covered by a #building or other structure#, provided that there is an average separation of at least 50 feet between the level of such open publicly accessible space and any portion of #building# above, and further provided that any such portion shall be located no lower than 40 feet above the level of such open publicly accessible space. In addition, such #building or other structure# shall not obstruct more than 60 percent of the area of such open publicly accessible space;

(3) the provisions of paragraphs (a) and (c) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) need not apply, where at least one food service kiosk shall abut or be included within such open publicly accessible space. The size limitations of paragraph (a), and the

certification requirements of paragraph (c) of Section 37-73 shall not apply to such kiosk; and

(4) where the provisions of paragraph (d) of Section 37-715 are not applied, the provisions of paragraph (a) of Section 37-721 (Sidewalk frontage) may be modified to require no more than 40 percent of the area within 15 feet of any such #street line# to be free of obstructions and the provisions of Section 37-741 (Seating), may be modified to exclude the length of any such #street line# from the calculation of the amount of seating required within 15 feet of such #street line#.

(b) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass-transit facility in accordance with paragraph (b)(1)(iii) of this Section, the Chairperson of the City Planning Commission shall permit modifications to the remaining design provisions of Section 37-70, inclusive, upon certification to the Department of Buildings that such modifications are limited to those that directly address practical difficulties resulting from the presence of the entrance to a rail mass-transit facility within the open publicly accessible space. Any application shall include materials demonstrating the extent of modifications necessary. The Chairperson, in consultation with the Metropolitan Transportation Authority, shall determine the appropriate amount of above-grade pedestrian circulation space into and around the entrance to such rail mass-transit facility.

(ii) Enclosed publicly accessible space

For enclosed publicly accessible spaces, the following shall apply:

(a) An enclosed publicly accessible space shall have a minimum height of 30 feet or the height of the ground floor level, whichever is greater, and a minimum width and depth, at any point, of 30 feet. Such enclosed publicly accessible space shall be located on the ground floor level of the #building# and shall be directly accessible from an adjoining #street# or #publicly accessible open area# that the area fronts. A minimum of one entrance to the enclosed publicly accessible space shall be provided from the adjoining #street# on which it fronts; however, if it fronts on more than one #street#, such entrance shall be from the #street# with the longer frontage. The aggregate width of doorways accessing such enclosed publicly accessible space shall not be less than 10 feet in width.

(b) All ground floor level #street walls# enclosing the enclosed publicly accessible space shall be treated with clear, untinted, transparent materials. Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height of two feet and 30 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Such enclosed publicly accessible space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.

(c) Public access to the enclosed publicly accessible space shall be provided, at a minimum, from 7:00 a.m. to 10:00 p.m. However, if a cafe or kiosk, pursuant to Section 37-73 (Kiosks and Open Air Cafes), is provided within, such enclosed publicly accessible space shall remain open to the public during the hours of operation of the cafe or kiosk, if such hours are longer than otherwise required by this Section.

The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section 37-751 (Public space signage systems) and for through #block# enclosed publicly accessible spaces, an information plaque shall be provided in accordance with paragraph (h)(2)(viii) of Section 37-53 (Design standards for Pedestrian Circulation Spaces).

(d) The provisions of Sections 37-718 (Paving), 37-722 (Level of plaza), 37-728 (Standards of accessibility for persons with disabilities), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-748 (Additional amenities), 37-752 (Prohibition signs), 37-753 (Accessory signs) and 37-77 (Maintenance) shall apply to enclosed publicly accessible spaces.

(e) The provisions of Section 37-723 (Circulation paths) shall apply to enclosed publicly accessible spaces. In

addition, for enclosed publicly accessible spaces provided in conjunction with subway entrances and/or designed to provide connection to above- and/or below-grade improvements, an unobstructed pedestrian circulation path shall be provided from at least one entrance of the enclosed publicly accessible space to such subway entrance and to such above- and/or below-grade improvements.

(f) The provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) shall apply to enclosed publicly accessible spaces and are modified as follows:

(1) structural columns shall be considered permitted obstructions. The area occupied by such structural columns shall be excluded from the area calculations for the enclosed publicly accessible space. In addition, interior structural columns shall have an aggregate area of no more than two percent of the total enclosed publicly accessible space. Such columns shall not be considered permitted obstructions in any circulation path; and

(2) a cafe or kiosk permitted by certification pursuant to Section 37-73 (Kiosks and Open Air Cafes) shall be considered a permitted obstruction within an enclosed publicly accessible space and may not occupy more than 20 percent of the enclosed publicly accessible space.

(g) The provisions of Section 37-741 for seating shall apply to enclosed publicly accessible spaces, except that such provisions are modified as follows:

(1) the requirements of seating within 15 feet of a #street line# shall not apply;

(2) all of the linear seating capacity may be in moveable seats. All such moveable seats must remain in the enclosed publicly accessible space during the hours of operation; and

(3) the requirement that seats facing walls be located a minimum of six feet from such wall shall only apply to fixed seating.

(h) The requirements of Section 37-742 for planting and trees shall apply to enclosed publicly accessible spaces, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.

(i) All enclosed publicly accessible spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section 37-743 for a lighting schedule, a diagram of light level distribution and electrical power shall apply.

(j) At least 50 percent of the total frontage of all #building# walls fronting on an enclosed publicly accessible space, excluding such frontage occupied by #street walls#, #building# lobbies or #building# walls #abutting# #lot lines#, shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations, but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. For such #building# walls, the transparency provisions of paragraph (c) of Section 37-76 shall apply.

(k) The area of the enclosed publicly accessible space shall be exempt from calculations for #floor area# as defined in Section 12-10 (DEFINITIONS).

In addition, a maximum of 30 percent of the area of the publicly accessible space, whether open or enclosed, may be counted towards meeting the pedestrian circulation space requirement, up to a maximum of 3,000 square feet.

81-682 - Priority Improvement List for qualifying sites

LAST AMENDED
8/9/2017

In accordance with the provisions of Section 81-641 (Additional floor area for transit improvements on qualifying sites), any applicant for a #development# or #enlargement# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, shall select a transit improvement, or combination thereof, to be completed in accordance with the provisions of this Section.

(a) Selecting an Improvement

An applicant shall select a transit improvement from the Priority Improvement List in paragraph (b) of this Section based on the #floor area# such improvement generates relative to the minimum #floor area# required and maximum #floor area# permitted for completion of such improvement pursuant to Section 81-641, and based on the following geographical and technical considerations:

(1) First, the applicant shall select a transit improvement in the same Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;

(2) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraph (a)(1) of this Section, the applicant shall select a transit improvement on a transit route that passes through, and has stations or other facilities in the same Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;

(3) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraphs (a)(1) or (a)(2) of this Section, the applicant shall select from any remaining improvement on the list.

In addition, applicants shall consult with the applicable City or State agencies with jurisdiction over and control of the proposed improvement to ensure that the selected improvement will meet the operational and long-term planning needs of the station or transit route, including any phasing requirements, and compliance with the Americans with Disabilities Act (ADA).

(b) The Priority Improvement List

The Priority Improvement List (the "Improvement List"), set forth in the tables below, details physical improvements to subway stations and other rail mass transit facilities in, or adjacent to, the East Midtown Subdistrict, that an applicant for a #development# or, where permitted, an #enlargement# on a #qualifying site# may complete to obtain additional #floor area#.

Three levels of improvements are available for completion, which, accordingly, generate three different amounts of additional #floor area#:

(1) Type 1 Improvements generate 40,000 square feet of #floor area#, and include new or expanded on-street station entrances, new or expanded off-street station entrances, new or expanded accessible routes for persons with physical disabilities between two levels of a station, and four or fewer new or reconfigured station stairs.

(2) Type 2 Improvements generate 80,000 square feet of #floor area#, and include new or expanded station escalators, new or expanded accessible routes for persons with physical disabilities between three or more station levels, new or expanded paid areas of a station, including widened platforms or mezzanine levels, and more than four new or reconfigured station stairs.

(3) Type 3 Improvements generate 120,000 square feet of #floor area#, and include large-scale renovations that significantly improve the environment of stations, and new connections between two or more stations.

In consultation with the Metropolitan Transportation Authority, the City Planning Commission may, by rule, modify the Improvement List to reflect new improvements needed in the transit network.

PRIORITY IMPROVEMENT LIST

TYPE 1 IMPROVEMENTS

Location	Type of Improvement	Transit Line
Lexington Avenue/ 53rd – 51st Street station	Replace escalator and stair connecting downtown Lexington platform to underpass with widened stair	Lexington Avenue Line/53rd Street Line
Lexington Avenue/ 53rd – 51st Street station	Provide new street entrance to uptown Lexington platform from 50th Street	Lexington Avenue Line/53rd Street Line
42 St - Bryant Park /5th Ave station	Provide ADA elevator between Flushing platform and mezzanine level	Flushing Line/6th Avenue Line
42 St - Bryant Park /5th Ave station	Provide new street entrance from north side of West 42nd street	Flushing Line/6th Avenue Line
42 St - Bryant Park /5th Ave station	Provide ADA elevator between Sixth Avenue northbound platform and mezzanine level	Flushing Line/6th Avenue Line
42 St - Bryant Park /5th Ave station	Provide ADA elevator between Sixth Avenue southbound platform and mezzanine level	Flushing Line/6th Avenue Line
Lexington Av - 59th Street station	Provide new street stair capacity at northeast and northwest corners of East 60th Street and Lexington Avenue	Lexington Avenue Line/Broadway-60th Street Line
Lexington Av - 59th Street station	Provide ADA elevator between local IRT platform and street level	Lexington Avenue Line/Broadway-60th Street Line
Lexington Av - 59th Street station	Provide ADA elevator between 60th Street (BMT) line platform and mezzanine level	Lexington Avenue Line/Broadway-60th Street Line
Lexington Av - 59th Street station	Provide new platform stair and widen existing stairs between 60th Street (BMT) line platform and mezzanine level	Lexington Avenue Line/Broadway-60th Street Line

Fifth Avenue/53rd Street station	Provide new street entrance on East 53rd Street west of Madison Avenue	53rd Street Line
Grand Central/42nd Street station	Widen platform stair at east end of Flushing platform	Flushing Line
Grand Central/42nd Street station	Widen two stairs between uptown Lexington platform and Flushing and Lexington platforms	Flushing Line
TYPE 2 IMPROVEMENTS		
Location	Type of Improvement	Transit Line
Lexington Avenue/ 53rd–51st Street station	Provide widened escalator between 53rd Street platform and mezzanine	Lexington Avenue Line/53rd Street Line
Lexington Av-59th Street station	Provide ADA elevator between northbound local Lexington Avenue Line platform, northbound express Lexington Ave Line platform, and the 60th Street (BMT) line mezzanine	Lexington Avenue Line/Broadway-60th Street Line
Lexington Av-59th Street station	Provide ADA elevator between southbound local Lexington Avenue Line platform, southbound express Lexington Avenue Line platform, and the 60th Street (BMT) line mezzanine	Lexington Avenue Line/Broadway-60th Street Line
47th/50th Streets Rockefeller Ctr station	Provide two new platform stairs and widen seven platform stairs	6th Avenue Line
Fifth Av/53rd Street station	Provide a new stair from mezzanine level to upper platform, and a new stair from upper platform to lower platform	53rd Street Line

Fifth Av/53rd Street station	Provide ADA elevator from mezzanine to upper platform, and to lower platform	53rd Street Line
Fifth Av/53rd Street station	Provide two escalators from mezzanine to upper platform	53rd Street Line
Fifth Av/53rd Street station	Provide new mezzanine area under East 53rd Street with fare control to accommodate street entrance and new access core	53rd Street Line
Fifth Av/53rd Street station	Provide new access core between platforms and street level to accommodate escalators, elevator, and stairs	53rd Street Line
Grand Central/42nd Street station	Provide new Flushing platform stair and expand transfer passageway to accommodate the addition of the stair	Flushing Line
TYPE 3 IMPROVEMENTS		
Location	Type of Improvement	Transit Line
Grand Central/42nd Street station	Renovate to contemporary standards the south end of the Grand Central Lexington Subway mezzanine from the Shuttle Passageway and 125 Park Avenue entrances to join the renovated areas on the north end of the mezzanine	Flushing Line/Lexington Avenue Line

81-683 - Criteria for improvements in the Public Realm Improvement Concept Plan

LAST AMENDED
8/9/2017

The #Public Realm Improvement Fund Governing Group# shall select priority improvements for the Public Realm Improvement Concept Plan (the "Concept Plan") in accordance with the provisions of this Section.

All improvements in the Concept Plan, which may be funded through contributions to the #Public Realm Improvement Fund#, shall:

(a) be within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility in the Borough of Manhattan which has significant ridership into and out of the Subdistrict;

(b) have a City or State agency as a project sponsor;

(c) meet the definition of a capital project under Section 210 of the New York City Charter; and

(d) consist of either:

(1) above-grade public realm improvements, including, but not limited to, pedestrian plazas that provide opportunities for passive recreation, or improvements along a street accommodating both vehicular and pedestrian access that may include pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements; or

(2) below-grade public realm improvements, including, but not limited to widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, improved or new disabled access, or providing daylight access, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways, within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for qualifying sites).

The Governing Group shall first consider the funding of the public realm improvements set forth in the table in this Section prior to consideration and selection of other above- or below-grade public realm improvements.

PUBLIC REALM IMPROVEMENTS

PEDESTRIAN PLAZAS
Pershing Square East
East side of Park Avenue between East 40th Street and East 41st Street
West side of Park Avenue between East 40th Street and East 41st Street
SHARED STREETS
East 41st Street between 5th Avenue and Lexington Avenue
Vanderbilt Avenue between East 43rd Street and East 47th Street
East 43rd Street between Lexington Avenue and 3rd Avenue
East 44th Street between Lexington Avenue and 3rd Avenue
MEDIAN WIDENINGS
Expansion of Park Avenue medians between East 46th Street and East 57th Street
THOROUGHFARE IMPROVEMENTS

Five blocks of East 53rd Street between 2nd Avenue and 5th Avenue

81-684 - Authorization for qualifying sites

LAST AMENDED
8/9/2017

(a) Authorization to allow enlargements on qualifying sites

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may authorize modifications to the requirement in the definition of #qualifying site# in Section 81-613 to allow #enlargements# on #qualifying sites# to an existing #building# with frontage along a #wide street#. The Commission may also waive the requirement that such #qualifying site# provide publicly accessible space in accordance with the provisions of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites). In order to permit such modifications, the Commission shall find that such #enlargement# includes significant renovations to the existing #building# that will bring it up to contemporary space standards.

Where the existing #building# includes #non-complying# #floor area#, a contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying# #floor area#. For the purposes of such calculation, the amount of existing #non-complying# #floor area# shall not include any bonus #floor area# associated with a #publicly accessible open area# to remain on the #zoning lot#. The payment of the non-refundable contribution to the #Public Realm Improvement Fund#, shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing the #enlargement# on a #qualifying site#.

For such #enlargements# to #buildings# with #non-complying# #floor area#, the proposed #floor area# beyond the amount contained in the pre-existing #non-complying# #building# shall be obtained by utilizing the applicable provisions of Section 81-64. For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H shall continue to apply.

However, an alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant, in whole or in part, or deny the application within 60 days of the completion of the Community Board review period.

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

(b) Authorization for a #qualifying site# providing publicly accessible space

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# on a #qualifying site# set forth in Section 81-64 and providing publicly accessible space, open or enclosed, pursuant to paragraph (b) of Section 81-681, the Commission may authorize the waiver of the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Retail Streets) and 81-671 (Special street wall requirements), requirements of Sections 81-42 (Retail Continuity Along Designated Streets) and 81-674 (Ground floor use provisions), the curb cut location restriction of paragraph (b) of Section 81-675 (Curb cut restrictions and loading berth requirements), and the design requirements for publicly accessible space, open or enclosed, set forth in paragraph (b)(2) of Section 81-681.

In order to grant such authorization, the Commission shall find that such proposed waivers will result in a superior urban design relationship with surrounding #streets#, #buildings#, and other open areas, and;

(1) for waiver of #street wall# regulations:

(i) such waiver is necessary due to constraints or conditions of the configuration of the site; and

(ii) such waiver will not unduly obstruct the access to light and air of surrounding #buildings# and open spaces;

(2) for waivers of retail continuity and ground floor #use# provisions, such waivers are minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any publicly accessible space, open or enclosed;

(3) for waiver of the curb cut location restriction of paragraph (b) of Section 81-675, for a #qualifying site# on 47th Street between Park Avenue and Vanderbilt Avenue, that the proposed curb cut location will not unduly interrupt the flow of pedestrian traffic or result in any undue conflict between pedestrian and vehicular movement; and

(4) for modifications of the design requirements for a publicly accessible space, open or enclosed:

(i) the publicly accessible space and proposed #building# on the #qualifying site# are designed in a manner that results in a cohesive and harmonious site plan,

(ii) the publicly accessible space is superior in design and quality of amenities;

(iii) the publicly accessible space provides connections to pedestrian circulation spaces in the immediate vicinity;

(iv) the pedestrian network of the surrounding area is enhanced by the publicly accessible space; and

(v) such waiver is the minimum waiver necessary to afford relief. No modifications to the required amount of publicly accessible space set forth in paragraph (b) of Section 81-681 shall be permitted.

All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member, and the Manhattan Borough President. No authorization shall be granted prior to 60 days after such referral.

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

81-685 - Special permit to modify qualifying site provisions

LAST AMENDED
8/9/2017

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may permit modifications to certain #qualifying site# criteria, as well as height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) The Commission may modify the following, whether singly or in any combination:

(1) the following #qualifying site# criteria:

(i) the requirement for minimum #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613 (Definitions);

(ii) the #building# performance and publicly accessible space requirements in paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Mandatory requirements for qualifying sites);

(iii) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;

(iv) the requirement that a #qualifying site# be comprised of a single #zoning lot#, provided that the two or more #zoning lots# constituting such #qualifying site# are contiguous and include the #zoning lot# occupied by Grand Central Terminal. All #bulk# regulations of this Chapter shall apply to such modified #qualifying site# without regard to #zoning lot lines#; or

(v) the requirement that a #development# or #enlargement# exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 as a pre-condition to an increase in #floor area# pursuant to such table, where a #qualifying site# includes the #zoning lot# occupied by Grand Central Terminal;

(2) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions) or 77-22 (Floor Area Ratio), and the provisions of Section 81-612 (Applicability along district boundaries) requiring that #zoning lots# divided by Subarea boundaries utilize the provisions of Article VII, Chapter 7;

(3) for #qualifying sites# modified pursuant to paragraph (a)(1)(iv) and paragraph (a)(1)(v) of this Section:

(i) the pre-condition of achieving the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 prior to, or in conjunction with, the special permits set forth in Sections 81-644 (Special permit for transit improvements) and 81-645 (Special permit for a public concourse), provided that, prior to obtaining a new building permit for a #development# utilizing bonus #floor area# granted pursuant to Sections 81-644 or 81-645, a contribution is made to the #Public Realm Improvement Fund# in an amount that is commensurate with what the provisions of Section 81-642 (Transfer of development rights from landmarks to qualifying sites) would require if the #zoning lot# occupied by Grand Central Terminal were a #granting lot# and the #development# site were a #receiving lot#; and

(ii) the permitted #floor area ratio# attributable to the combination of the special permits set forth in Row F and Row G of the table in Section 81-64, from 3.0 to 6.0;

(4) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;

(5) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations –Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements);

(6) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted; or

(7) for #qualifying sites# modified pursuant to paragraph (a)(1)(iv) or paragraph (a)(1)(v) of this Section, the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site#, as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), provided that such time period does not exceed 10 years.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

(1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43, or as such provisions are modified pursuant to Section 81-671, as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66, as applicable;

(2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66;

(3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66; and

(4) for any #development# or #enlargement# on a #qualifying site# that includes Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or, where permitted, #enlargement# to Grand Central Terminal.

(c) Findings

The Commission shall find that such proposed modifications:

(1) to the definition of #qualifying site# are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;

(2) to the requirement for #wide street# frontage in the definition of #qualifying sites# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;

(3) to the #building# performance requirements in the definition of #qualifying sites# and paragraph (a) of Section 81-681:

(i) are necessary due to the presence of existing #buildings# on the site; and

(ii) will not detract from the incorporation of innovative sustainable design measures;

(4) to the publicly accessible space requirements in the definition of #qualifying sites# and paragraph (b) of Section 81-681:

(i) are the minimum necessary to accommodate the proposed #building#; and

(ii) that any reduction or waiver will result in a better site plan and will not detract from a lively streetscape and pedestrian experience;

(5) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;

(6) to #floor area ratio# requirements will facilitate significant improvements to transit infrastructure and the public realm in and around Grand Central Terminal;

(7) to the mandatory district plan elements:

(i) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions);

(ii) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;

(8) to the #street wall# or height and setback regulations:

(i) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;

(ii) will not unduly obstruct the access of light and air to surrounding properties;

(iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and

(iv) the overall design of the #building# demonstrates an integrated and well-considered facade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area and constitutes a distinctive addition to the Midtown Manhattan skyline; and

(9) to the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site# are necessary due to the complexity of demolition and construction on the site.

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

81-686 - Contribution in-kind for certain public realm improvements

LAST AMENDED
8/9/2017

The Chairperson of the City Planning Commission shall allow, by certification, in conjunction with a certification pursuant to Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or, where applicable, 81-643 (Special provisions for retaining non-complying floor area in commercial buildings), the applicant for a #development# or, where permitted, #enlargement# on a #qualifying site# that is immediately adjacent to a sidewalk improvement identified in the Public Realm Improvement Concept Plan to undertake such improvement, and to deduct the cost of such improvement from their contribution to the #Public Realm Improvement Fund#, provided that the provisions of this Section are met.

(a) The following requirements shall be completed prior to application for certification by the Chairperson:

(1) the applicant shall submit preliminary plans for the proposed improvement to the Chairperson, the Department of Transportation (DOT), and the #Public Realm Improvement Fund Governing Group# (the “Governing Group”);

(2) DOT shall provide a letter to the Chairperson and the Governing Group containing a conceptual approval of the proposed improvement including a statement of any considerations regarding the construction and operation of the improvement;

(3) construction documents and cost estimates shall be prepared for such proposed improvements by a professional engineer, and submitted to the Chairperson, the DOT and the Governing Group;

(4) upon review, the DOT and the Governing Group shall either approve such construction documents and costs estimates or detail discrepancies to be resolved by the applicant; and

(5) upon approval of the construction documents and cost estimates by the DOT and Governing Group, and prior to the issuance of a building permit as set forth in Section 81-642 and in this Section, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the DOT. A certified copy of such legal instruments shall be sent to the Chairperson.

(b) Upon submittal of all the items in paragraph (a) of this Section, along with drawings indicating the portion of the #building# utilizing transferred #floor area# pursuant to the provisions of Section 81-642 or, where applicable, 81-643, the Chairperson shall certify that a #development# or, where permitted, #enlargement# on a #qualifying site# may undertake an improvement to an adjoining sidewalk.

The execution and recording of legal instruments in accordance with paragraph (a) of this Section shall be a precondition to the issuance of any foundation permit or new building permit or alteration permit by the Department of Buildings allowing a #development# or, where permitted, #enlargement# on a #qualifying site# undertaking a contribution-in-kind pursuant to this Section.

(c) Upon certification by the Chairperson, monies equal to such agreed upon cost estimate between the applicant, DOT and the Governing Group shall be deposited by the applicant into an escrow account or other similar account established by the Governing Group, which shall not be commingled with the #Public Realm Improvement Fund# ("the Improvement Fund").

(d) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing transferred #floor area# pursuant to Section 81-642 until the Chairperson of the City Planning Commission, acting in consultation with the DOT and the Governing Group, has certified that the improvements are substantially complete and usable by the public. No permanent certificate of occupancy shall be granted by the Department of Buildings until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, the DOT and the Governing Group.

(e) Upon completion of the sidewalk improvement, the monies secured in the escrow account or other similar account established by the Governing Group shall be released to the applicant.

(f) In the event that an applicant utilizing the provisions of this Section has not completed the sidewalk improvements within five years of obtaining a new building permit or alteration permit from the Department of Buildings, the Governing Group shall release the monies in the escrow account or other similar account to the Improvement Fund.

81-70 - SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

LAST AMENDED
5/13/1982

81-71 - General Provisions

LAST AMENDED
9/13/2006

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict, are applicable only in the Theater Subdistrict, of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts, except that any listed theater designated in Section 81-742, or portion thereof, located outside of the Theater Subdistrict shall be deemed to be a "granting site" pursuant to Section 81-744 (Transfer of development rights from listed theaters).

The Theater Subdistrict is bounded by West 57th Street, Avenue of the Americas, West 40th Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

The Theater Subdistrict Core is bounded by West 50th Street, a line 200 feet west of Avenue of the Americas, West 43rd Street and a line 100 feet east of Eighth Avenue.

The Eighth Avenue Corridor is bounded by West 56th Street, a line 100 feet east of Eighth Avenue, West 43rd Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

The west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District to the extent set forth in Article IX, Chapter 6, subject to Section 81-023 (Applicability of Special Clinton District regulations).

These boundaries are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter. The regulations of Sections 81-72 to 81-75, inclusive, supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District# of which the Subdistrict is a part.

In order to preserve and protect the character of the Theater Subdistrict as a cultural, theatrical and entertainment showcase as well as to help ensure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theaters and special restrictions are placed on ground floor #uses# within the Subdistrict. In order to preserve and protect the special scale and character of the Theater Subdistrict Core, which includes Times Square, special #building# #street wall# height and setback controls and requirements for the inclusion of #illuminated signs# and entertainment and entertainment-related #uses# apply within the Subdistrict Core. In order to ensure the orderly growth and development of the Eighth Avenue Corridor and its transition to the scale and character of adjoining midblocks, special #building# #street wall#, height and setback controls apply within the Corridor. In order to preserve and maintain the character of the western edge of the Theater Subdistrict as both an integral part of the Theater Subdistrict and as a transition to the Clinton neighborhood, the west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District.

A Theater Subdistrict Council shall be created comprised of the Mayor, three (3) representatives appointed by the Mayor from the performing arts, theatrical and related industries, the Director of the Department of City Planning, the Speaker of the City Council and his or her designee, and the Manhattan Borough President. The members shall choose a Chair from among themselves. The Theater Subdistrict Council shall be a not-for-profit corporation whose organizational purpose shall be limited solely to promoting theater and theater-related use and preservation within the Theater Subdistrict and promoting the welfare of the Theater Subdistrict generally. The goals of the Theater Subdistrict Council shall include enhancing the long-term viability of Broadway by facilitating the production of plays and small musicals within the Theater Subdistrict, developing new audiences for all types of theatrical productions, and monitoring preservation and use covenants in Broadway's "listed theaters."

The Theater Subdistrict Council shall adopt a plan every three years for the sale, distribution and marketing of reduced price tickets to new and undeveloped audience groups. Such plan shall include locations outside of the Theater Subdistrict where such reduced price tickets will be available. The plan shall also include a way to evaluate yearly its effectiveness by:

(a) the number of tickets sold; and

(b) the penetration of the new identified markets which shall be reported to the Chairperson of the City Planning Commission and filed with the Council of the City of New York.

The Theater Subdistrict Council shall advise the Chairperson of the City Planning Commission concerning applications for any special permit, authorization or certification pursuant to the special regulations for the Theater Subdistrict and shall be the holder and administrator of the funds received in connection with transfers of development rights from "listed theaters" pursuant to Section 81-744 in accordance with the provisions for the Theater Subdistrict Fund set forth in paragraph (h) of Section 81-741 (General provisions).

81-72 - Use Regulations Modified

LAST AMENDED
2/2/2011

The #use# regulations of this Section, inclusive, shall apply within that portion of the Theater Subdistrict bounded by West 40th Street, a

line 100 feet east of Eighth Avenue, West 51st Street and a line 200 feet west of Avenue of the Americas, to #buildings# #developed# after May 13, 1982, to portions of #buildings# #enlarged# on the ground floor level after May 13, 1982, and to #extensions#.

81-721 - Required use allocations on street frontages

LAST AMENDED
8/6/1998

#Uses# located on the ground floor or entered by stairs from a sidewalk entry, except for #uses# with no #street# frontage and accessible only through a lobby, shall be limited as follows:

(a) On any #wide street#, at least 80 percent of any #wide street# #front lot line# ground level frontage shall be allocated to #uses# indicated in Section 81-722 (Use Group T).

(b) On any #narrow street#, at least 50 percent of any #narrow street# #front lot line# ground level frontage shall be allocated to #uses# indicated in Section 81-722.

(c) For #zoning lots# between 43rd and 50th Streets with #street# frontage on Broadway and/or Seventh Avenue, at least 50 percent of any length of #narrow street# #front lot line# ground level frontage within 100 feet of Broadway or Seventh Avenue shall be allocated to #uses# permitted only on #wide street# frontages in Section 81-722.

Where a stairway entrance into a subway is relocated onto a #zoning lot# pursuant to Section 81-46 (Off-street Relocation or Renovation of a Subway Stair), up to, but not more than, 40 feet of the #narrow street# #front lot line# ground level frontage occupied by that stairway may be excluded from the length of #narrow street# frontage to which the requirements of this Section apply.

81-722 - Use Group T

LAST AMENDED
9/9/2004

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (**) are allowed only on floors other than the ground floor.

#Uses# marked thus (***) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).

#Use#

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Antique stores

#Apartment hotels# - lobby space is limited to 20 percent of total #zoning lot# frontage on #wide streets#

Appliance, repair shops - not permitted in C5 Districts

Appliances, sales

Art galleries, commercial

* Art galleries, non-commercial

Art metalcraft shops

Art needlework

Artists' supply stores

Athletic goods stores

*** Auditoriums

* Automobile rental establishments - not permitted in C5 Districts

Bakeries

Banks - limited to 15 percent of total #zoning lot# frontage on #wide streets#

* Banquet halls

** Barber shops

** Beauty parlors

Bicycle stores, rental or repair - not permitted in C5 Districts

Bicycle stores, sales

* Blueprinting establishments

* Boarding houses

Book stores or card stores

* Bowling alleys - not permitted in C5 Districts

** Business machines, small shops, rental, repairs, sales

** Business schools or colleges

Candy stores

Carpet, rug, linoleum or other floor covering stores

* Catering establishments

Cigar stores

Clock or watch stores or repair shops

Clothing rental establishments

Clothing stores

* Clubs, non-commercial

Coin stores

* Colleges or universities

* Community centers

* Convents

*** Costume rental establishment

** Dance halls, public - not permitted in C5 Districts

Delicatessen stores

Dressmaking shops, custom

Drug stores

* Dry cleaning establishments

Dry goods or fabric stores

Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less in C5 Districts, without restrictions in C6 or M1 Districts

*** Eating or drinking places - where there is entertainment or dancing in C6 Districts.

* Fire stations

Fishing tackle or equipment, stores or rental establishments

Florist shops

Food stores, including supermarkets, grocery stores, markets or delicatessen stores

Furniture stores

Furrier shops, custom

Gift shops

Hair products for headwear

Hardware stores

#Health and fitness establishments#

Historical exhibits - not permitted in C5 Districts

Hotels, where permitted pursuant to Section 32-02 (Special Provisions for Hotels) - lobby space limited to 20 percent of total #zoning lot# frontage on #wide streets#

* Household appliance repair shops - not permitted in C5 Districts

* Houses of worship

Ice cream stores

* Institutions, philanthropic or non-profit

Interior decorating establishments

Jewelry shops

Leather goods or luggage stores

* Libraries

Locksmith shops

Luggage stores

* Meeting halls

Millinery shops

*** Motion picture production studios

* Museums

*** Music stores

*** Musical instruments, repair

Newsstands, enclosed

Office or business machine stores, sales or rental

Offices - only lobby space is permitted at grade on #wide street# frontages; lobby is limited to 20 percent of total #zoning lot# frontage on #wide streets#

Optician or optometrist establishments

Orthopedic stores

Paint stores

* Parish houses

* Parks, public or private

#Parking lots, public# and #parking garages, public#, subject to the provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS)

Pet shops

* Phonographic repair shops - not permitted in C5 Districts

Photographic developing or printing establishments

Photographic equipment stores

Photographic studios

Photographic supply stores

* Photostatting establishments

Picture framing stores

* Police stations

* Post offices

* Printing establishments

* Radio appliance repair - not permitted in C5 Districts

*** Record stores

* Recreation centers, non-commercial

* Rectories

#Residences# - only lobby space is permitted at grade on #wide streets#; lobby space is limited to 20 percent of total #zoning lot#

frontage on #wide streets#

* Rooming houses

* #Schools#

* Settlement houses

Sewing machine stores, selling household machines

* Shoe repair shops

Shoe stores

* Sign painting shops - not permitted in C5 Districts

* Skating rinks, indoor - not permitted in C5 Districts

* Skating rinks, outdoor ice

Sporting goods stores

Stamp stores

Stationery stores

* ***Studios, music, dancing or theatrical

* ***Studios, radio or television

* Table tennis halls - not permitted in C5 Districts

Tailor shops, custom

Telegraph offices

* Television repair shops - not permitted in C5 Districts

*** Theater - a new motion picture theater in a new or existing #building# shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or entrance to a public toilet - not permitted in C5 Districts

*** Ticket sales

Tobacco stores

Tour operators

Toy stores

* Trade or other schools for adults

Travel expositions - not permitted in C5 Districts

Travel bureau - limited to 15 percent of total #zoning lot# frontage on #wide streets#

Typewriter stores

* Typewriter or other small business machine

repair stores

Variety stores

Wallpaper stores

* Wholesale establishments

* Wholesale offices or showrooms

81-723 - Special ground floor street frontage restrictions

LAST AMENDED
8/6/1998

No single establishment shall have a #wide street# #front lot line# ground level frontage of less than 10 feet.

The following requirements apply to #wide street# #front lot line# ground level frontages and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Broadway and/or Seventh Avenue, #narrow street# #front lot line# ground level frontages within 100 feet of Broadway or Seventh Avenue:

(a) Any length of #front lot line# ground level #street# frontage of a #zoning lot# devoted to banks and travel bureaus shall not constitute in total more than 15 percent of any such #front lot line# ground level #street# frontage.

(b) Each establishment shall be located within 10 feet of the #lot line# on which it is required to front for the full length of the frontage of that establishment, except that, where a #street wall# recess at #curb level# permitted under Section 81-43 (Street Wall Continuity Along Designated Streets) extends a greater distance from the #lot line#, the length of frontage of any establishment adjoining that recess may be located at an equal, but not greater, distance from the #lot line#.

(c) Lobby space shall not comprise more than 20 percent of any such #front lot line# ground level #street# frontage. In addition, a lobby frontage on any such #front lot line# ground level #street# frontage need not be less than 15 feet.

(d) #Uses# with no #street# frontage and which are accessible only through a lobby shall not be restricted to Use Group T #uses#.

81-724 - Requirements for entertainment-related uses

LAST AMENDED
2/2/2011

With the exception of a #development# or #enlargement# in which more than 50 percent of the new #floor area# is allocated to #transient hotel# #use#, or all of the #floor area# of the #development# or #enlargement# is allocated to #public parking garage# #use#, a #development# or #enlargement# on a #zoning lot# with more than 50 percent of its #zoning lot# area located within the Theater Subdistrict Core shall meet the following requirements:

(a) If the new #floor area# of the #development# or #enlargement# generated by that portion of the #zoning lot# located within the Theater Subdistrict Core exceeds 60,000 square feet, then an amount of floor space on the #zoning lot# equal to five percent of the amount by which such new #floor area# exceeds 50,000 square feet shall be allocated to #uses# listed in Section 81-725 (Entertainment-related uses) or to #front lot line# ground level #uses# designated thus (***) in Section 81-722 (Use Group T), as satisfying the requirements of this Section.

Except as provided in paragraphs (b), (f) and (g) of this Section, the amount of floor space specified shall be located on the same #zoning lot# as the #development# or #enlargement# for which that floor space is provided to meet the requirements of this Section.

(b) A maximum of 75 percent of the amount of floor space specified in paragraph (a) of this Section may be located on a separate #zoning lot#, with the remainder located on the same #zoning lot# as the #development# or #enlargement#, by authorization of

the City Planning Commission provided, upon examination of proposed plans, the Commission finds that:

(1) one of the following conditions exists:

(i) more than 50 percent of the area of the separate #zoning lot# is located within the Theater Subdistrict Core;

(ii) the separate #zoning lot# is located within the Theater Subdistrict and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, and #uses# accessory thereto, or a combination thereof, as listed in Section 81-725, and that the separate #zoning lot# is located within the Theater Subdistrict; or

(iii) the separate #zoning lot# is located within an area bounded by West 42nd Street, Sixth Avenue, West 57th Street, a line 175 feet west of Ninth Avenue, West 52nd Street and a line 150 feet west of Eighth Avenue, and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto, not including administrative office space, where such floor space occupies no less than 25,000 square feet;

(2) the floor space located on the separate #zoning lot# is in addition to any floor space provided to meet the requirements of this Section for any other #development# or #enlargement#;

(3) the floor space located on the separate #zoning lot# is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the #uses# listed in Section 81-725 at any time during the two-year period immediately prior to the date on which this authorization, as described in paragraph (b) of this Section, is granted; and

(4) the #use# located on the separate #zoning lot# achieves a reasonable distribution of entertainment-related #uses# and locations of such #uses#.

(c) Except as provided in this paragraph (c), floor space allocated to entertainment-related #uses# listed in Section 81-725, accommodating any number of occupants, shall be classified under Sections 27-254 to 27-258 (Title 27, Chapter 1, Subchapter 3, Article 8 - Occupancy Group F-Assembly) of the 1968 Building Code or Section BC 303 of the 2008 Building Code, as applicable, and shall meet all relevant requirements of Sections 27-522 to 27-549 (Title 27, Chapter 1, Subchapter 8-Places of Assembly) of the 1968 Building Code or Section BC 1024 of the 2008 Building Code, as applicable.

Alternatively, where floor space in an existing #building# is allocated to #uses# listed in Section 81-725 in order to meet the requirements of this Section, the Commission may, by authorization, modify or waive the Code requirements of this paragraph (c) if, upon examination of proposed plans, it finds that:

(1) the existing #building# does not otherwise require structural alteration to accommodate the entertainment-related #uses#; and

(2) two plaques will be provided prior to the issuance of any certificate of occupancy for the floor space so allocated to be affixed, as follows:

(i) the first in a prominently visible location either to the exterior wall of the #building# at ground level adjacent to the main entry or in the main lobby stating that floor space in the #building# is provided to meet the requirements of this Section; and

(ii) the second either on or immediately adjacent to the corridor or lobby side of the main door to the space itself stating that such floor space is located within that part of the #building#.

Each plaque shall indicate in letters, not less than one inch high, the amount of entertainment-related floor space in square feet, the floor or floors on which it is located, the category of #use# under Section 81-725 to which it is dedicated, and the name and street address of the #development# or #enlargement# for which it partially fulfills the requirements of this Section.

(d) The certificate of occupancy for the #development# or #enlargement# shall record and specifically describe all floor space allocated to meet the requirements of this Section and shall require the permanent reservation of this space for such purposes as a condition of the certificate of occupancy.

If a portion of the amount of the specified floor space is located on a separate #zoning lot#, no certificate of occupancy for the #development# or #enlargement# shall be issued until a certificate of occupancy has been issued for that floor space provided on the separate #zoning lot# and all other floor space allocated to fulfill the requirements of this Section.

The certificate of occupancy for the #development# or #enlargement# shall identify the amount and location of such specified floor space provided on the separate #zoning lot#. The certificate of occupancy of the separate #zoning lot# shall identify the #development# or #enlargement# for which the specified floor space is provided and the amount and location of that floor space on the separate #zoning lot#. Both certificates of occupancy shall require the permanent reservation of the floor space provided on the separate #zoning lot# for #uses# which meet the requirements of this Section.

An amount of floor space allocated in an existing #building# to meet the requirements of this Section may be reallocated to another location, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict. Such reallocation shall be made provided that the Commission finds, by authorization, that all of the requirements of this Section are still met and that the Commission has received sufficient assurances that the certificates of occupancy of the #development# or #enlargement# and the #building# to which the floor space has been reallocated, will be amended within a period of time after the date of such authorization specified therein to accord with the provisions of this Section.

(e) A written declaration shall be recorded against the #zoning lot# of the #development# or #enlargement# and against the separate #zoning lot#, which contains an agreement that the floor space provided on the separate #zoning lot# shall be used solely for entertainment-related #uses# for the life of the #development# or #enlargement#.

If floor space allocated to entertainment-related #uses# on the separate #zoning lot# is reallocated in accordance with the provisions of paragraph (d) of this Section, the agreement contained in the written declaration shall be amended so that the #zoning lot# on which the newly allocated floor space is located complies with paragraph (d).

(f) If a certificate of occupancy for floor space to be located on a separate #zoning lot#, pursuant to the provisions of paragraph (b) of this Section, is not reasonably anticipated to be issued prior to the date upon which the #development# or #enlargement# would otherwise be eligible for issuance of a certificate of occupancy, the Commission may also authorize the waiver of any or all of the provisions of paragraphs (b)(3), (d) and (e) of this Section, provided that:

(1) the owner or lessee of the #development# or #enlargement#, or an affiliate thereof, will make or cause to be made a financial contribution, through payment or repayment of the costs thereof, which will facilitate on such separate #zoning lot#, the #development# of a #building# that will consist predominantly of either entertainment-related #uses# and #uses# accessory thereto or #community facility# #uses# where at least 25,000 square feet of such floor space allocated to meet the requirements of this Section shall be allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto not including administrative office space;

(2) the Department of City Planning has received a fully executed copy of a written declaration against such separate #zoning lot#, requiring that the floor space allocated to meet the requirements of this Section and located on the separate #zoning lot# shall be used solely for entertainmentrelated #uses# and #uses# #accessory# thereto for the life of the #development# or #enlargement#. Prior to the release of the financial contribution, pursuant to paragraph (f)(3) of this Section, such declaration shall be filed and duly recorded in the borough office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section;

(3) such financial contribution will be deposited in a trust and agency account, to be released upon a determination made in writing by the Chairperson of the City Planning Commission, made in consultation with the Commissioner of Buildings, that all work on foundations has been completed for such #building#; and

(4) the prospective operator of the entertainmentrelated #uses# in the #building# on such separate #zoning lot#:

(i) has made substantial financial and constructionrelated commitments towards the development of the #building#, including, at a minimum, commitments for site acquisition, such as a purchase agreement, deed or ground lease, and architectural agreements for the design of the floor space; and

(ii) has secured, or has implemented a fundraising plan to secure, the funding necessary for the development of the #building#, other than the financial contribution by the owner or lessee of the #development# or #enlargement#.

Where the Commission makes the findings set forth in paragraphs (f)(1) through (f)(4) of this Section, inclusive, a certificate of occupancy may be issued for the #development# or #enlargement# requiring the provision of such floor space, notwithstanding that no certificate of occupancy has been issued with respect to the floor space located on the separate #zoning lot#.

(g) In the event that all work on foundations of the #building# on the separate #zoning lot# has not been completed within three years of the grant of an authorization provided under the provisions of paragraph (f) of this Section, the owner or lessee of the #development# or #enlargement# shall, in accordance with the terms of the written declaration recorded against the #development# or #enlargement# at the time of the grant of such authorization, apply to the Commission for:

(1) an extension of the authorization for up to one additional year for good cause shown; or

(2) a new authorization, under paragraph (b) of this Section, for alternative floor space consisting of entertainment-related #uses# to be located on a separate #zoning lot# as necessary to meet the requirements of this Section.

In granting such authorization for alternative floor space, the Commission may waive the provisions of paragraph (b)(3) of this Section, provided the floor space was not utilized for any of the #uses# listed in Section 81-725 at any time during the two-year period immediately prior to the date on which the authorization was originally granted under paragraph (b) of this Section.

(h) Floor space allocated in an existing #building# on a separate #zoning lot#, pursuant to an authorization granted under paragraph (f) of this Section, may be reallocated to another location, provided that the Commission finds, by authorization, that all applicable requirements of this Section are met, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict.

(i) All #uses# satisfying the requirements of this Section shall be subject to the locational requirements of Section 81-72 (Use Regulations Modified).

81-725 - Entertainment-related uses

LAST AMENDED
4/28/1988

Auditoriums, with capacity limited to 2,500 seats

Dance halls, public

Eating or drinking places, where there is entertainment or dancing

Museums, upon authorization by the City Planning Commission that the contents are predominantly theater and/or entertainment-related and are publicly exhibited on a continuing basis

Studios, motion picture production

Studios, music, dancing or theatrical

Studios, radio or television

Theaters

81-73 - Special Sign and Frontage Regulations

LAST AMENDED
5/13/1982

81-731 - Special regulations for signs, transparency, banners and canopies

LAST AMENDED
5/8/2013

Within that area of the Theater Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along #wide street# frontages. Within the Theater Subdistrict Core, the following provisions also apply along #narrow street# frontages.

(a) At least 50 percent of the #street wall# of a #development# or ground floor #enlargement# shall be glazed at the ground floor level with clear, untinted, transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.

For the purpose of the glazing requirements, the #street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less, and shall exclude any area of #street wall# occupied by #accessory# off-street loading berths or entrances and exits to #accessory# off-street parking provided pursuant to the provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS). For the purposes of this Section, clear, unobstructed openings in the surface of a #street wall# provided for a stairway entrance into a subway relocated onto a #zoning lot# in accordance with the requirements of Section 81-46 (Off-street Relocation or Renovation of a Subway Stair) or a through #block# connection provided in accordance with the requirements of paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be treated as transparent glazed surfaces.

(b) Canopies (as defined in the Building Code) and awnings shall not be permitted on the exterior of any #building#.

For the purposes of this Section, any #signs# which do not comply with the regulations of this Section may be continued for one year after May 13, 1982, provided that after the expiration of that period such #non-conforming# #sign# shall terminate; a #sign# which the Chairperson of the City Planning Commission certifies as an integral part of the #building# shall not be required to terminate.

81-732 - Special Times Square signage requirements

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #developments# and #enlargements# on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway in the Theater Subdistrict.

No building permit shall be issued by the Department of Buildings for any portion or all of a #development# or #enlargement# on a #zoning lot# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway without prior submission of drawings showing that the #sign# requirements related to #surface area#, location and number of #signs# set forth in paragraphs (a), (b) and (c) of this Section have been met and that electrical power is provided in amounts and locations sufficient to illuminate all such required #signs# to the illumination levels specified herein. Such drawings shall include, at a scale of 1/16 inch equals one foot, a plan, elevations of #narrow streets# and Seventh Avenue and/or Broadway and cross-sections showing setbacks on Seventh Avenue, Broadway and #narrow streets#. These drawings shall show, for all the #signs# required under this Section, their number and for each, its #surface area# and location and shall list each requirement and the actual dimensions or areas achieved in the design.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 50 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 50 percent of the aggregate #surface area# of #signs# required under paragraph (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 90 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 90 percent of the aggregate #surface area# of #signs# required under paragraphs (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Neither temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate 100 percent of the total #floor area# of the #development# or #enlargement# nor a first permanent certificate of occupancy for the #development# or #enlargement# shall be issued by the Department of Buildings until all of the #signs# required under this Section have been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Notwithstanding the foregoing requirements relating to the granting of certificates of occupancy, the City Planning Commission may, prior to January 1, 2003, certify to the Commissioner of Buildings that compelling circumstances warrant the waiver of any or all such provisions. In granting any such waiver, the Commission shall establish a completion schedule, not to exceed one year from the date of such certification, for the installation and operation of all requisite #signs# in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section. The Commission, as it deems appropriate, shall also require security for performance under the schedule and may prescribe other conditions to address the delay in installation and operation of requisite #signs#.

(a) All #developments# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway shall provide #signs# meeting all of the following requirements:

(1) At least one #illuminated sign# shall be provided for each ground floor establishment with a #street# frontage on Seventh Avenue, Broadway or a #narrow street# for the full length of the #zoning lot# frontage or the first 100 feet from Seventh Avenue or Broadway, whichever is less. With the exception of theater #signs#, each required #illuminated sign# shall be located directly behind the clear, untinted, transparent material with which the #street wall# is required to be glazed under Section 81-731 (Special regulations for signs, transparency, banners and canopies). There shall be no obstructions between the #sign# and the glazing material.

(2) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 12 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

No portion of any #illuminated sign# required under this paragraph, (a)(2), shall be located:

(i) further than 40 feet from the Broadway or Seventh Avenue #street line#;

(ii) below a height of 10 feet above #curb level# or above the top of the #street wall# of the #building# before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one #sign# with a #surface area# of not less than 100 square feet for each 25 linear feet, or part thereof, of #zoning lot# #street# frontage on Seventh Avenue or Broadway.

(3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph (a)(3) shall be located:

(i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;

(ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise

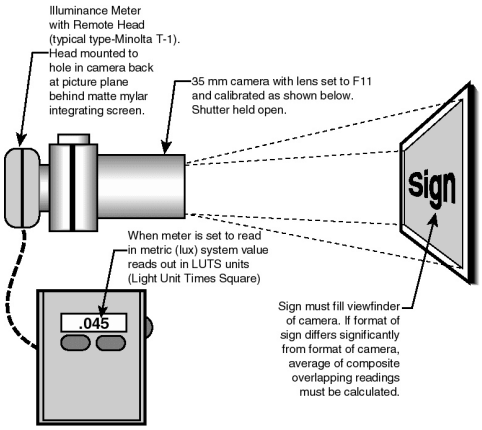
#signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

Where a #zoning lot# is located at the intersection of Seventh Avenue or Broadway and one or more #narrow streets#, at least 60 percent of the minimum aggregate #surface area# of signage required under this paragraph, (a)(3), shall be located within 50 feet of the #narrow streets#. Where a #zoning lot# is located at two such intersections, at least 15 percent of the minimum aggregate #surface area# required under this subsection shall be within 50 feet of each #narrow street#. Where a #zoning lot# is located at three or more such intersections, at least seven percent of the minimum aggregate #surface area# required under this Section shall be within 50 feet of a #narrow street# at each intersection of that #narrow street# and Seventh Avenue or Broadway.

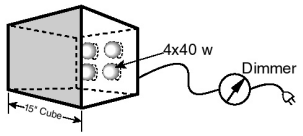
There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

With the exception of #signs# defined in paragraph (a)(3)(ii) of this Section as facing the intersection of the centerlines of 45th Street and Broadway, at least 75 percent of the #surface area# of #signs# required under this paragraph, (a)(3), shall be placed at an angle in plan view of not more than 45 degrees to the Seventh Avenue or Broadway #street line#.

#Signs# required under this paragraph, (a)(3), shall, when installed on the #building# and set in operation, meet at a minimum the requirements set out in paragraphs (a)(3)(iii), (iv) and (v) of this Section. The illumination standards contained therein for each #sign# shall be measured with an apparatus (to be known as a Light Unit Times Square or "LUTS" meter) comprising an illuminance meter attached to a 35 millimeter single lens reflex camera body and fitted with a lens of appropriate focal length in accordance with the diagrams herein (see Illustrations of Sign Brightness Measurement System - LUTS Meter). The lens shall be set at F-stop 11.



The LUTS meter must be calibrated prior to use. Although the lens is nominally set to F11, the actual light transmission value may differ especially with long focal length zoom lenses



To calibrate, build a lightbox as shown above. The front of the box shall be 1/4" #2447 opal plexiglass; the other five interior sides shall be painted matte white.

Four standard 40 watt 120 volt incandescent lamps shall be mounted on the back of the box and wired through a dimmer.

In a dark room adjust the dimmer so that the plexiglass is illuminated to a brightness (exitance) of 125 Footlamberts as measured with an accurate luminance meter (e.g. Minolta LS100, Photo Research 1500).

Using the measuring lens of the LUTS meter set to the appropriate focal length, fill the viewfinder with the lightbox, and adjust the aperture until the meter reads 1.5 LUTS. If different lenses or degrees of zoom are to be used, calibrate the meter for each condition and record the appropiate aperture settings.

SIGN BRIGHTNESS MEASUREMENT SYSTEM

(LUTS Meter)

(81-732a3ii)

The LUTS Meter shall be calibrated against a reference standard (See illustrations of Sign Brightness Measurement System - LUTS Meter). Alternative measuring equipment may be employed provided such equipment provides identical measurement against the reference standard described herein.

In measuring the brightness of the whole of a #sign# under the provisions of paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of the #sign# shall be determined by pointing the LUTS Meter at the #sign# so that the entire #sign# completely fills the viewing frame of the meter. If, because of the shape of the #sign#, the entire #sign# cannot be viewed within the viewing frame, readings may be taken of discrete portions of the #sign# separately, provided, however, that no more of the #sign# than is absolutely necessary to measure the entire #sign#, may be included in more than one such reading. Readings of portions of a #sign# shall be averaged to obtain the average illumination level of the entire #sign#.

In measuring the brightness of a portion of a #sign# required to meet the incident illumination standards specified in paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of that portion of the #sign# shall be determined by pointing the LUTS Meter at that portion so that the entire portion completely fills the viewing frame of the meter. If, because of the shape or configuration of that portion of the #sign#, the entire portion cannot be viewed within the viewing frame, readings may be taken of discrete sections of that portion separately, provided, however, that no more of the portion than is absolutely necessary to measure the entire portion, may be included in more than one such reading. Readings of sections of that portion of the #sign# shall be averaged to obtain the average illumination level of the entire portion.

If the illumination of a required #sign# or portion thereof is measured prior to its installation on the #building#, all measurements shall be taken in an interior environment with an ambient air temperature of between 65 and 75 degrees Fahrenheit and no ambient light. For all readings, the LUTS meter shall be located so that its relationship to the #sign# or portion thereof is identical to that described below for taking measurements when the same #sign# or portion thereof is installed on the #building#.

If the illumination of a required #sign# or portion thereof is measured after its installation on the #building#, all measurements shall be taken at night when the ambient air temperature, at a height above #street# level equal to that of the center of the #sign#, is between 65 and 75 degrees Fahrenheit. To measure the illumination level of a #sign# or portion thereof, an imaginary line shall be established which is perpendicular in plan view to the surface of the #sign# or portion thereof and connects its center to a point from which the #sign# or portion thereof is actually visible and which is five feet above #street# level and 60 or more feet away from the #sign#. The LUTS meter shall be located along this line at the furthest distance from the #sign# or portion thereof at which a reading may be obtained by the method specified above.

The duration of one complete operating cycle of any #sign# required under this paragraph (a)(3) which is animated, in whole or in part, shall not exceed five minutes.

During any one complete operating cycle of any such #sign#, the aggregate time for which such #sign# is unlit shall not exceed 10 percent of the operating cycle and in no case shall exceed 15 seconds. In addition, no single continuous time period during which such a #sign# is unlit shall exceed three seconds. During any one complete operating cycle of any such #sign#, the brightness levels specified below in paragraphs (a)(3)(iii) and (iv) shall be attained for an aggregate time of not less than 20 percent of the operating cycle and in no case shall be less than l0 seconds. In addition, the #surface area# of any #sign# required to be continuously animated, either in whole or in part and either electrically or mechanically, shall exhibit visual changes clearly discernable by an observer at #street# level at intervals not exceeding 30 seconds.

(iii) A minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph, (a)(3), shall comprise #signs# each of which shall attain for a minimum of 25 percent of its #surface area# at least 1.5 LUTS incident illumination measured as specified in this paragraph, (a)(c), by means of electric lamps, such as neon tubes, incandescent lamps or cathode ray tubes, which are exposed directly to view. All of the remainder of each such #sign# shall attain at least 0.2 LUTS incident illumination measured as specified by means of electric lamps exposed directly to view and/or luminous surfaces comprising translucent material lit from behind by electric lamps.

In addition, each of the #signs# required to meet the standards of this paragraph (a)(3)(iii) shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of #flashing sign# #surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area# continuously mechanically animated.

(iv) In addition, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph (a)(3) shall comprise #signs# each of which shall attain for all of its #surface area# at least 0.4 LUTS incident illumination measured as specified by means of luminous surfaces comprising translucent material lit from behind by electric lamps. Alternatively, but also in addition to paragraph (a)(3)(iii) of this Section, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph (a)(3) shall achieve the same incident illumination levels for the same amounts of #surface area# as specified in paragraph (a)(3)(iii).

In addition, each of the #signs# required to meet the standards of this paragraph (a)(3)(iv) shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of #flashing sign# #surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area#

continuously mechanically animated.

(v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph (a)(3), all #surface area# not complying with paragraphs (a)(3)(iii) and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

(vi) For #zoning lots# that contain 15,000 square feet or more of #lot area#, the provisions of paragraphs (a)(2) and (a)(3)(ii) of this Section may be modified or waived, upon certification by the Chairperson that:

(a) the #sign# or #signs# for which the modification or waiver is granted are affixed to a #building# that contains a "listed theater" as designated in Section 81-742 (Listed theaters), and a portion of such theater is located within 100 feet of the #street line# of Seventh Avenue or Broadway; and

(b) such #sign# or #signs# provide visual interest that furthers the purposes of the #illuminated sign# requirements set forth in Section 81-73 (Special Sign and Frontage Regulations), inclusive, in a manner that is at least equal to that achieved through the application of paragraphs (a)(2) and (a)(3)(ii).

(4) One marquee #illuminated sign# and one additional projecting identification #illuminated sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

Each required marquee shall have a minimum area in plan of 500 square feet and each projecting identification #sign# shall have a minimum #surface area# of 200 square feet. Marquees and identification #signs# may count towards meeting the minimum aggregate #surface area# requirements of paragraph (a)(2) or (a)(3) of this Section, provided that they comply with the locational requirements therein.

(5) #Signs# which do not meet the locational requirements of paragraph (a)(2) or (a)(3) are permitted, but shall not count towards meeting minimum aggregate #surface area# requirements.

(6) Required minimum aggregate #surface areas# of #signs# for #zoning lots# with #street# frontage on both Seventh Avenue and Broadway shall be calculated by including both those #street# frontages and any #narrow street# frontages up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

(7) All required #illuminated signs# shall at a minimum remain lit from dusk until 1:00 a.m. daily.

All of the #surface area# of #signs# required under paragraphs (a)(2) and (a)(3) shall be visible from a height of five feet above #street# level at any point 60 feet from the Seventh Avenue or Broadway #street line# of the #zoning lot# on which they are required to be provided.

At least 50 percent of the minimum aggregate #surface area# of #signs# required under paragraph (a)(3) shall comprise #signs# each of which shall be legible during daylight hours from a minimum distance of 60 feet when viewed from ground level at a point perpendicular in plan to the center of the #sign#.

(b) For #enlargements# which add #floor area# amounting to a #floor area ratio# of at least 1.0, the #sign# requirements of this Section shall apply as follows:

(1) If the #enlargement# involves an increase in #floor area#, minimum aggregate #surface areas# of required #signs# shall be

determined in the same manner as for #developments# on the basis of the length of the #zoning lot's# frontage as set forth in paragraphs (a)(2), (a)(3) and (a)(6) of this Section.

(2) All other requirements for #signs# required for #enlargements# shall be as provided for #developments# in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(7) of this Section.

(3) The provisions of paragraphs (a)(1) or (a)(2) may be modified or waived upon certification by the Chairperson of the City Planning Commission that such modification or waiver results from compelling necessity.

(c) #Zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway comprising #developments# or #enlargements# and existing #buildings# to remain shall meet the requirements of paragraph (a) of this Section for #developments# or paragraph (b) for #enlargements# on the basis of the configuration and #street# frontages of the entire #zoning lot#.

There shall be no reduction in the aggregate #surface area# of #signs# on any existing #buildings# to remain. A #non-conforming# #sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#.

81-733 - Special provisions for central refuse storage area

LAST AMENDED
2/2/2011

For all #buildings# or portions of #buildings# #developed# or #enlarged# after May 13, 1982, located within the Theater Subdistrict, facilities shall be provided for central refuse storage within the #building#, and no refuse shall be stored outside the #building#.

In all cases there shall be an area for central refuse storage provided at the rate of 75 square feet for non-compressed refuse or 50 square feet for compressed refuse for each 10,000 square feet of #lot area#. Such area shall be ventilated.

For carting purposes, such central storage area shall be directly accessible on a 24-hour basis to loading berths, where provided, or to the exterior of the #building#. Furthermore, the central storage area shall be accessible at all times to all #uses# occupying space within the #building#.

Such area shall be exempt from calculations for #floor area# as defined in Section 12-10 (DEFINITIONS).

81-734 - Special signage regulations for portions of the west side of Eighth Avenue

LAST AMENDED
10/31/2017

For a #corner lot#, or portions thereof, bounded by two #wide streets# on the west side of Eighth Avenue within the Eighth Avenue Corridor of the Theater Subdistrict, the #sign# provisions for C6-7 Districts pursuant to Section 32-60 (SIGN REGULATIONS) shall apply only to such #corner lot# portion, with the following modifications:

(a) no #sign# shall function with sound; and

(b) #illuminated signs# may face both #wide streets#, or be parallel to the #street line# of one #wide street#.

81-74 - Special Incentives and Controls in the Theater Subdistrict

LAST AMENDED
5/13/1982

81-741 - General provisions

(a) Certifications

(1) The transfer of development rights from any "granting site" in accordance with the provisions of Section 81-744 (Transfer of development rights from listed theaters) shall be permitted upon certification by the City Planning Commission.

(2) In the Theater Subdistrict, modifications of the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries), shall be permitted upon certification of the Chairperson of the Commission.

(b) Authorizations by the City Planning Commission

The transfer of development rights from any "granting site" in accordance with the provisions of paragraph (b) of Section 81-744 shall be permitted by authorization by the Commission.

(c) Special permit by the City Planning Commission

In the Theater Subdistrict, the Commission may allow, by special permit:

(1) demolition of a theater where permissible under the provisions of Section 81-742 (Listed theaters);

(2) a #floor area# bonus for rehabilitation of an existing theater in accordance with the provisions of Section 81-745 (Floor area bonus for rehabilitation of existing listed theaters); and

(3) transfer of development rights from a #zoning lot# occupied by a theater that is a designated landmark in accordance with the provisions of Section 81-747 (Transfer of development rights from landmark theaters).

(d) Additional #floor area# bonuses

All #developments# or #enlargements# located on the west side of Eighth Avenue between 42nd and 45th Streets within the Theater Subdistrict may receive an increase in #floor area# pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area) for those #developments# or #enlargements# complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

(e) Required assurances

All special permits, authorizations or certifications involving preservation of existing theaters shall be subject to the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use).

(f) Limits on total additional #floor area#

Except as otherwise provided in Section 81-212 (Special provisions for transfer of development rights from landmark sites), the total additional #floor area# permitted on the #zoning lot# by such special permit, authorization or certification, together with all bonus #floor area# or #floor area# derived from transferred development rights under other provisions of this Chapter, shall in no event exceed the maximum amount permitted by certification, authorization or special permit as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings).

(g) Limitations on non-theater-related bonuses in C6-4, C6-5 or M1-6 Districts

For #zoning lots# or portions thereof in C6-4, C6-5 or M1-6 Districts, the total amount of #floor area# derived from non-theater-related bonuses or other special #floor area# allowances, pursuant to provisions of this Chapter other than those in Sections 81-744, 81-745, 81-746 or 81-747, shall not exceed a #floor area ratio# of 2.0.

(h) Theater-related bonus #floor area# for #residences# in C6-4 and C6-5 Districts

For #zoning lots# or portions thereof in C6-4 or C6-5 Districts, some or all of the bonus #floor area# or other special #floor area# allowances permitted pursuant to the provisions of Sections 81-744, 81-745, 81-746 or 81-747, relating to the preservation or rehabilitation of existing theaters, may be allocated to a #residential building# or the #residential# portion of a #mixed building#, provided that the total #residential# #floor area ratio# with such #floor area# allowances shall not exceed 12.0.

(i) Theater Subdistrict Fund

In furtherance of the purposes of this Section, the Theater Subdistrict Council shall establish a separate interest-bearing account (the "Theater Subdistrict Fund" or "Fund") for the deposit and administration of the revenues received by the Theater Subdistrict Council generated by the transfer of development rights pursuant to Section 81-744. Upon receipt of any revenue generated pursuant to such Section, the Theater Subdistrict Council shall notify the Comptroller, the Speaker and the Department of City Planning, and promptly deposit such revenues into the Theater Subdistrict Fund and shall expend such revenues and any interest accumulated thereon in the following manner:

(1) a portion of any such revenues shall be reserved, sufficient in the judgment of the Theater Subdistrict Council but in no event less than 20 percent of such revenues, to undertake the ongoing periodic inspection and maintenance report requirements pursuant to paragraph (c) of Section 81-743. The Theater Subdistrict Council may petition the City Planning Commission for a reduction in the percentage of such reserve and the Commission may grant such reduction if, in its judgement, a lesser percentage will be sufficient to carry out the purposes of this paragraph; and

(2) the remainder of such revenue shall be used for activities chosen by the Theater Subdistrict Council furthering the objectives and purposes of this Section, which activities may include judicial or administrative proceedings instituted by the Theater Subdistrict Council against any property owner or lessee to enforce the obligations of such owner or lessee pursuant to any restrictive declaration entered into in connection with a transfer of development rights pursuant to Section 81-744. Notwithstanding the foregoing, funds shall not be used for the physical repair and preservation of theaters.

The Theater Subdistrict Council shall provide an annual report to the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission indicating the amounts and dates of any deposits to the Theater Subdistrict Fund in the immediately preceding calendar year, the balance of the Theater Subdistrict Fund at the close of the calendar year, the amounts expended on activities within the Theater Subdistrict and the nature of those activities. The Theater Subdistrict Council shall maintain complete, accurate and detailed records, with supporting documentation, in respect to all deposits to and withdrawals from the Theater Subdistrict Fund, and shall make such records available to the City of New York, the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission upon reasonable notice and during business hours for inspection and copying.

81-742 - Listed theaters

LAST AMENDED
2/2/2011

(a) Designation of listed theaters

“Listed theaters” are theaters to which special provisions of this and other Sections as set forth in 81-741 (General provisions) apply, and are predominantly free-standing theaters with full stage and wings. The theaters as identified on August 6, 1998, in the table in this Section, are designated as “listed theaters.”

LISTED THEATERS

Theater Name	Address	Block Number	Lot Number

Ambassador	215 West 49th St.	1021	15
Barrymore	243 West 47th St.	1019	12
Belasco	111 West 44th St.	997	23
Biltmore	261 West 47th St.	1019	5
Booth	222 West 45th St.	1016	15
Broadhurst	235 West 44th St.	1016	11
Broadway	1681 Broadway	1024	46
Brooks Atkinson	256 West 47th St.	1018	57
City Center	131 West 55th St.	1008	15
Cort	138 West 48th St.	1000	49
Ed Sullivan	1697 Broadway	1025	43
*Empire	236 West 42nd St.	1013	50
Eugene O'Neill	230 West 49th St.	1020	53
Forty-Sixth St.	226 West 46th St.	1017	48
Golden	252 West 45th St.	1016	58
*Harris	226 West 42nd St.	1013	45
Helen Hayes	240 West 44th St.	1015	51
Henry W. Miller	124 West 43rd St.	995	45
Hudson	139 West 44th St.	997	15
Imperial	249 West 45th St.	1017	10
*Liberty	234 West 42nd St.	1013	49

Longacre	220 West 48th St.	1019	50
Lunt-Fontanne	205 West 46th St.	1018	20
Lyceum	149 West 45th St.	998	8
*Lyric	213 West 42nd St.	1014	39
Majestic	245 West 44th St.	1016	5
Mark Hellinger	237 West 51st St.	1023	11
Martin Beck	302 West 45th St.	1035	37
Music Box	239 West 45th St.	1017	11
Nederlander	208 West 41st St.	1012	30
Neil Simon	250 West 52nd St.	1023	54
*New Amsterdam	214 West 42nd St.	1013	39
*New Amsterdam-Roof Garden	214 West 42nd St.	1013	39
*New Apollo	234 West 43rd St.	1014	20
Palace	1564 Broadway	999	63
Plymouth	236 West 45th St.	1016	51
Ritz	225 West 48th St.	1020	14
Royale	242 West 45th St.	1016	55
St. James	246 West 44th St.	1015	54
*Selwyn	229 West 42nd St.	1014	17
Shubert	225 West 44th St.	1016	15
Studio 54	254 West 54th St.	1025	58

*Times Square	219 West 42nd St.	1014	20
*Victory	209 West 42nd St.	1014	25
Virginia	245 West 52nd St.	1024	7
Winter Garden	1634 Broadway	1022	2

* Indicates theaters which do not qualify as a "granting site" pursuant to Section 81-744

In the case of an existing legitimate theater that received a #floor area# bonus pursuant to regulations in effect prior to May 13, 1982, no provisions of this amendment shall be construed as changing any previously existing responsibility of the owner or lessee of such theater for continuance of its #use# as a legitimate theater.

(b) Restrictions on demolition of listed theaters

No demolition permit shall be issued by the Department of Buildings for any theater listed in this Section as a "listed theater," unless:

(1) it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Article 216 of the New York City Administrative Code;

(2) it has been designated a landmark by the Landmarks Preservation Commission and a notice to proceed has been issued to the owner pursuant to Section 25-309 of Title 25, Chapter 3, of the New York City Administrative Code permitting demolition that contemplates removal of the theater from theater #use#; or

(3) the City Planning Commission, by special permit, allows its demolition in accordance with the provisions of paragraph (c) of this Section.

(c) Special permit for demolition of listed theaters

The City Planning Commission may allow, by special permit, the demolition of a theater designated as a "listed theater" pursuant to this Section, provided the Commission finds that the demolition of the theater structure will not unduly diminish the character of the Theater Subdistrict as a cultural, entertainment and theatrical showcase. In making this determination, the Commission may consider any or all of the following:

(1) the current physical characteristics of the theater that affect its suitability as a legitimate theater, including but not limited to seating capacity, configuration and location;

(2) the history of the theater's #use# as a legitimate theater, presenting legitimate attractions to the general public;

(3) the likelihood of its future #use# for legitimate theater production under reasonable terms and conditions prevailing in the theater industry; and/or

(4) that the applicant's plans, if any, for replacement of the theater structure with a #development# or #enlargement# contain replacement #uses# supportive of the character of the Theater Subdistrict.

As a condition of the special permit, there shall exist a legal commitment binding upon all parties in interest of the #zoning lot# containing the theater that any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of the "listed theater", that floor space at least equivalent in amount to the total #floor area# of the theater shall be reserved or devoted exclusively to #uses# described in Section 81-725 (Entertainment-related uses) and meeting the requirements of paragraphs (b) and (c) of Section 81-724 (Requirements for entertainment-related uses) for the life of such #development# or #enlargement#. Notwithstanding the foregoing, if the area of the #zoning lot# containing the theater is less than 20,000 square feet and the

Commission finds that the allocation of floor space at least equivalent in amount to the total #floor area# of the theater to #uses# described in Section 81-725 is impractical or unreasonable, the Commission may permit a reduction in the amount of area allocated to such #uses#.

Any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of a "listed theater" must, however, meet the requirements of paragraphs (b) and (c) of Section 81-724 whether or not the #zoning lot# is located within the area described in that Section.

81-743 - Required assurances for continuance of legitimate theater use

LAST AMENDED
2/2/2011

Prior to the issuance of any special permit under the provisions of Sections 81-745 (Floor area bonus for rehabilitation of existing listed theaters) or 81-747 (Transfer of development rights from landmark theaters), or the issuance of a certification, authorization or special permit under the provisions of Sections 66-51 (Additional Floor Area for Mass Transit Station Improvements), 81-744 (Transfer of development rights from listed theaters), or 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries) the following conditions shall exist:

(a) a signed lease from a prospective theater operator, or a written commitment from the owner of the theater if such owner is also the operator, for occupancy of the theater and its operation as a legitimate theater for a period of not less than five years;

(b) a licensed engineer's and/or architect's report certifying either that the theater is physically and operationally sound so as to permit its use as a legitimate theater or, if it is determined that the theater is not physically or operationally sound, a plan and program for the upgrade of the theater to put it in condition of physical and operational soundness. For the purposes of this Section, physical and operational soundness shall include the structural integrity of the exterior and interior elements of the #building# to the extent that they relate to the theater, compliance with applicable electrical and fire safety codes, and compliance with applicable building code standards.

In the event that the theater has been designated as a landmark or an interior landmark by the Landmarks Preservation Commission, physical and operational soundness shall include preserving the integrity of existing significant architectural features identified in the Landmarks Preservation Commission designation report. In such case, a licensed engineer and/or architect with knowledge of historic preservation and credentials acceptable to the Landmarks Preservation Commission shall prepare a report documenting the condition of such significant architectural features and, if determined to be necessary, a plan and program to preserve such significant features in a state of good physical repair and sound proper condition. Any certification report regarding a landmark or interior landmark theater shall be submitted concurrently to the Landmarks Preservation Commission and the Chairperson of the City Planning Commission;

(c) A plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work;

(d) a legal commitment providing for inspection and ongoing maintenance of the theater to ensure its continued availability for theater use. Such inspection shall be conducted every five years by a licensed engineer and/or architect or by the Theater Subdistrict Council, and a report issued to the Chairperson of the City Planning Commission and notice of such report shall be published in the City Record. Such report shall also be issued to the Theater Subdistrict Council unless the Theater Subdistrict Council has performed such inspection, and, in the event the theater has been designated a landmark or an interior landmark, such report shall also be issued to the Landmarks Preservation Commission and notice of such report shall be published in the City Record. Such reports shall describe the condition of the theater and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater and to maintain the condition of any landmark architectural features and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment for continuance of its #use# as a legitimate theater for the life of the related #development# or #enlargement#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner, lessee of the theater and their successors and assigns, a certified copy of which shall be submitted to the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the declaration and receipt of such certified copy shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

81-744 - Transfer of development rights from listed theaters

LAST AMENDED
2/2/2011

For the purposes of the Theater Subdistrict:

A "listed theater" shall mean a theater designated as listed pursuant to Section 81-742 (Listed theaters).

A "granting site" shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a "listed theater" and comprised of those block and lot numbers specified for such theater pursuant to the table in Section 81-742, as such block and lots existed on January 12, 1998. However, a "granting site" shall not include any #zoning lot# occupied by a "listed theater" located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A "receiving site" shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the "granting site" are transferred. However, no portion of a "receiving site" shall be located within the 42nd Street Development Project Area. In addition, for #zoning lots# containing "listed theaters," that portion of the #zoning lot# occupied by the "listed theater" and comprised of the block and lot numbers specified for such theater, pursuant to the table in Section 81-742, shall not be included in the "receiving site."

Any "receiving site" divided by a district boundary or Theater Subdistrict Core boundary may locate #bulk# in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

(a) Transfer of development rights by certification

The City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," except that any "granting site," or portion thereof, located outside the Theater Subdistrict, may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, provided that:

(1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such "granting site" as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the "granting site" and #floor area# attributed to the "granting site" that has been previously used or transferred;

(2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# or #enlarged# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;

(3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such "receiving site" by more than 20 percent;

(4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and

(5) appropriate legal documents are executed ensuring that a contribution in an amount equal to 10 dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph (i) of Section 81-741 (General provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights.

The Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.

(b) Transfer of development rights by authorization

The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a "granting site" to any portion of a "receiving site" located within the Eighth Avenue Corridor, except that any "granting site," or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, subject to the following conditions:

(1) the maximum amount of such additional #floor area# transfer to that portion of a "receiving site" located within such Corridor shall not exceed the maximum total #floor area ratio# with as-of-right #floor area# allowances in the Theater Subdistrict set forth in Section 81-211 by more than 20 percent; and

(2) such transfer complies with the conditions and limitations set forth for the transfer of development rights in paragraph (a) of this Section.

In order to grant such authorization, the Commission shall find that such #development# or #enlargement#:

(i) relates harmoniously to all structures and #open space# in its vicinity in terms of scale, location and access to light and air in the area; and

(ii) serves to enhance or reinforce the general purposes of the Theater Subdistrict.

Any application pursuant to paragraphs (a) and/or (b) of this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Commission shall not grant any such certification or authorization prior to sixty days after such referral and sixty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743, paragraph (b), or the Theater Subdistrict Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(c) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the transfer of development rights by certification pursuant to paragraph (a) of this Section, or with the City Planning Commission for the transfer of development rights by authorization pursuant to paragraph (b) of this Section, shall be made jointly by the owners of the "granting site" and the "receiving site" and shall include:

(1) a site plan and #floor area# zoning calculations for the "granting site" and the "receiving site" and, for authorizations and/or special permit applications, any such other information as may be required by the Commission;

(2) a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with a notice of the restrictions limiting further #development# or #enlargement# of the "granting site" and the "receiving site." The notice of restrictions shall be filed by the owners of the respective lots in the Borough Office of the Register of the City of New York, indexed against the "granting site" and the "receiving site," a certified copy of which shall be submitted to the Chairperson. Receipt of the certified copy shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the "receiving site."

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

(3) demonstrations of compliance with the requirements of Section 81-743 and paragraph (a)(5) of this Section, including all necessary legal documents. Issuance of any building permit, including any foundation or alteration permit, shall be conditioned upon the filing of such legal documents in the Borough Office of the Register of the City of New York and

receipt by the Commission of certified copies of same as required pursuant to Section 81-743.

A separate application shall be filed for each transfer of development rights to an independent "receiving site."

* The contribution of 10 dollars per square foot of transferred #floor area# was adjusted by rule on November 15, 2006, to $14.91 per square foot and on December 10, 2011, to $17.60 per square foot

81-745 - Floor area bonus for rehabilitation of existing listed theaters

LAST AMENDED
2/2/2011

The City Planning Commission by special permit may authorize bonus #floor area# for substantial rehabilitation or restoration of any theater listed as a "listed theater" in Section 81-742 (Listed theaters), in accordance with the provisions of this Section.

(a) Conditions for rehabilitation bonus

As a condition for the issuance of a special permit under the provisions of this Section, the following requirements shall be satisfied:

(1) Location of #development#

The #development# or #enlargement# for which a theater rehabilitation bonus is granted is located on the same #zoning lot# as the "listed theater."

(2) Qualification of substantial rehabilitation

Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major structural changes for the purpose of improving a theater's design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater designated as an interior landmark.

Substantial rehabilitation may include, without limitations, such work as expanding stage wings, re-raking the orchestra, increasing rehearsal, dressing room or lobby and ancillary spaces, improving accessibility beyond applicable legal requirements, or historic restoration. It may also include reconversion to legitimate theater #use# of an original legitimate theater currently in other #use#. Substantial rehabilitation does not mean normal theater maintenance, painting or improvements to mechanical systems alone.

(3) Timing and commitment

(i) there shall be a contractual commitment or commitments for the construction work involved in the substantial rehabilitation;

(ii) the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be satisfied; and

(iii) a rehabilitation bonus shall not be granted for a substantial rehabilitation completed before May 13, 1982.

(b) Amount of rehabilitation bonus

The amount of bonus #floor area# granted for a qualifying theater rehabilitation shall be at the discretion of the Commission after consideration of the following findings:

(1) how and to what extent the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater;

(2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict;

(3) whether the bonus #floor area# will unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area; and

(4) whether the distribution and location of such #floor area# bonus will adversely affect the surrounding area by restricting light and air or otherwise impair the essential character or future development of the surrounding area.

Such bonus #floor area# shall not exceed 20 percent of the basic maximum #floor area# permitted on the #zoning lot# containing the #development# or #enlargement# by the regulations of the underlying district, except that in the case of an underlying C6-4, C6-5 or M1-6 District, the bonus #floor area# shall not exceed 44 percent of the basic maximum #floor area# permitted in such underlying district, and except that in the case of a #zoning lot# located partially in a C6-5.5 District and partially in a C6-7T District, the Commission may allow bonus #floor area# to be utilized anywhere on the #zoning lot#.

For purposes of applying the provisions of Section 11-42 (Lapse of Authorization or Special Permit by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to a special permit granted pursuant to this Section, "substantial construction" shall mean substantial rehabilitation, as described in paragraph (b) of this Section, of the subject theater for which a #floor area# bonus has been granted to a related #development# or #enlargement#.

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

81-746 - Additional provisions for zoning lots divided by district or subdistrict core boundaries

LAST AMENDED
2/2/2011

(a) For any #zoning lot# which includes a "listed theater" as set forth in Section 81-742 (Listed theaters) or is, or contains, a "receiving site" pursuant to Section 81-744 (Transfer of development rights from listed theaters), and which is divided by a boundary between districts with different basic maximum #floor area ratios# as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), the Chairperson of the City Planning Commission, by certification, shall allow modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows.

For any #zoning lot#, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations on either side of the district boundary may be located on the other side of the district boundary, provided:

(1) the amount of such #floor area# to be located on either side of the district boundary shall not exceed 20 percent of the basic maximum #floor area ratio# of the district in which it is to be located;

(2) the number of such #dwelling units# or #rooming units#, if any, to be located on either side of the district boundary shall not exceed the number permitted by the applicable district regulations; and

(3) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met for any "listed theater" on such #zoning lot#.

The Chairperson's certification approving modification of the provisions for such #zoning lots# divided by district boundaries shall state the total amount of #floor area#, including #floor area# of any existing theater, to be provided on the #zoning lot# as a whole and the portion thereof to be located in each district, and the amount authorized herein to be located across the district boundary from the district in which the theater is located.

Notice of the restrictions upon further development of each portion of the #zoning lot# shall be recorded by the owner against the #zoning lot# in the Office of the Register of the City of New York (County of New York) and a certified copy shall be submitted to the Commission.

(b) Notwithstanding any other provisions of this Resolution, for any #zoning lot# which is divided by a boundary of the Theater

Subdistrict Core as defined in Section 81-71 (General Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Theater Subdistrict Core, the applicable underlying #bulk# regulations shall be modified, as follows:

(1) #floor area#, including bonus #floor area#, or #dwelling units# permitted by the applicable district regulations on that portion of the #zoning lot# within the Theater Subdistrict Core may be located on the portion of the #zoning lot# outside the Core, provided that the number of such #rooms#, if any, to be located outside of the Core shall not exceed the number permitted by the applicable district regulations; and

(2) #floor area#, including bonus #floor area#, or #dwelling units# permitted by the applicable district regulations on that portion of the #zoning lot# outside of the Theater Subdistrict Core shall not be located on the portion of the #zoning lot# within the Core.

(c) Notwithstanding any other provisions of this Resolution, for any #zoning lot# located wholly within the Theater Subdistrict and outside of the Theater Subdistrict Core that is divided by a boundary of the Eighth Avenue Corridor as defined in Section 81-71 and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Eighth Avenue Corridor, #floor area#, including bonus #floor area#, or #dwelling units# permitted by the applicable district regulations may be located on either side of the Eighth Avenue Corridor boundary.

81-747 - Transfer of development rights from landmark theaters

LAST AMENDED
2/2/2011

The City Planning Commission by special permit may authorize development rights to be transferred from #zoning lots# occupied by landmark #buildings# to other #zoning lots# proposed for #developments# or #enlargements# in accordance with the provisions of Section 74-79 (Transfer of Development Rights From Landmark Sites), as modified by this Section and by Section 81-212 (Special provisions for transfer of development rights from landmark sites).

The limitations on development rights transferred to #development# sites from landmark sites, including sites of landmark theaters, are set forth in Section 81-212.

In the case of landmarks which are theaters and which are located in the Theater Subdistrict, in addition to the modifications set forth in Section 81-212, the provisions of Section 74-79 are modified as follows:

(a) “Landmark buildings” shall include #buildings# which contain interior landmarks as well as #buildings# which are themselves landmarks.

(b) In all underlying districts throughout the Theater Subdistrict, "adjacent lots" to which landmark theaters' development rights may be transferred shall be construed to include a contiguous lot or one which is across a #street# and opposite to another lot or lots which, except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building#, all such lots being in the same ownership, fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS).

(c) The provisions of paragraph (c) of Section 74-792 (Conditions and limitations) are further modified to provide that in any underlying district within the Theater Subdistrict, the “adjacent lot” may be #developed# or #enlarged# with either a #commercial building# or a #mixed building#.

Where development rights are proposed to be transferred and exercised in accordance with the provisions of Section 74-79, as modified by this Section, the Commission, in addition to the findings required in paragraph (e) of Section 74-792, shall find that:

(1) the series of intervening lots in common ownership leading to the “adjacent lot” include lots, identified by the Commission, which are occupied by “listed theaters” or by #uses# which directly support neighborhood theater business, such as, but not limited to, rehearsal space, recording facilities or theater costume rental facilities and that such #uses# will be continued or replaced by other legitimate theaters or theater supportive #uses# as evidenced by covenants binding the owners of such lots, their successors and assigns to provide for such continuation or replacement; or

(2) useful circulation improvements or other public facilities will be provided and maintained on one or more of the lots comprising the series of intervening lots to accommodate pedestrian or vehicular traffic generated by legitimate theaters.

The Commission shall require the owner of any intervening lot on which special #use# restrictions are applicable or on which circulation improvements or other public facilities are to be provided and maintained to sign a written declaration of restrictions setting forth the obligations of the owner, his successors and assigns and providing a performance bond for the completion of any required improvements. The declaration of restrictions shall be recorded in the Office of the Register of the City of New York (County of New York) and the Commission shall be provided with a certified copy.

The provision of Section 74-79 empowering the Commission to grant variations in the front height and setback regulations is modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications).

Compliance with the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be a condition for issuance of a special permit under the provisions of this Section.

81-75 - Special Street Wall and Setback Requirements

LAST AMENDED
8/6/1998

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

81-751 - Special street wall and setback regulations within the Theater Subdistrict Core

LAST AMENDED
2/2/2011

#Buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section and, in all other respects related to height and setback, with the provisions of Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation). The #street wall# location rules of Section 81-43 shall also apply, except as modified in this Section.

With the exception of #signs# and parapets not exceeding four feet in height, no obstructions are permitted to penetrate the mandatory #street wall# height limits or setback requirements for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway set forth in this Section.

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section, may project across a #street line# up to 10 feet. Marquees are not subject to the requirements of this Section.

(a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:

(1) The #street walls# of any #building# shall have a minimum #street wall# height before setback of 50 feet above #curb level# and a maximum #street wall# height before setback of 60 feet above #curb level# on all #street# frontages, except that:

(i) if the #zoning lot# contains a complete #wide street# #block# frontage, #wide street# #street walls# within 25 feet of the #street line# of a #narrow street# and #narrow street# #street walls# shall have a minimum #street wall# height before setback of 30 feet above #curb level#; and/or

(ii) if the #zoning lot# contains a theater listed in the table in Section 81-742 (Listed theaters) and the theater is

retained as part of a #development# or #enlargement#, the maximum #street wall# height above #curb level# before setback of a #narrow street# #street wall# which is a reconstruction or replacement of an existing #narrow street# #street wall# of the theater shall be equal to the height above #curb level# of that existing theater #street wall# and the same maximum #street wall# height above #curb level# shall apply only for the width of that existing theater #street wall#.

(2) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 15 feet along all #narrow street# frontages of the #zoning lot#.

(3) For #zoning lots# greater than 15,000 square feet in area:

(i) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 50 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.

(ii) Alternatively, above the required #street wall# height before setback, the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# at least 50 feet from the #street line# of any #narrow street# and with aggregate area per floor not exceeding 10 square feet for each linear foot of #zoning lot# #street# frontage on Seventh Avenue or Broadway may extend forward of the 60 foot #setback line#, provided that no portion is closer than 35 feet to the Seventh Avenue or Broadway #street line#.

(iii) Alternatively, if the #building# contains a "listed theater" designated pursuant to Section 81-742 and if any portion of the theater is within 100 feet of the #street line# of Seventh Avenue or Broadway, above the required #street wall# height before setback the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of #zoning lot# #street# frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot #setback line#, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway #street line#, 15 feet to the #street line# of the #narrow street# on which the theater has frontage and 50 feet to any other #narrow street# #street line#.

In addition, one or more #signs# affixed to any such #building# may project up to 10 feet across the #street line# and rise to a height of 120 feet above #curb level#. Balconies and terraces, including railings or parapets, may be located within the required setback area behind such #signs#. For the purposes of applying the definition of #floor area# in Section 12-10, #signs# projecting across the #street line# shall not constitute an enclosure, and the requirements of Section 32-41 (Enclosure Within Buildings) shall not apply to such balconies or terraces, provided that a portion of any such balcony or terrace is used for an entertainment-related #use# listed in Section 81-725 (Entertainment-related uses) or an accessory #use#.

(4) For #zoning lots# 15,000 square feet in area or less, above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 35 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.

(5) Above the required #street wall# height before setback, a portion of any such #building# up to a height of 120 feet above #curb level# may occupy area forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section but not closer than 20 feet to the Seventh Avenue or Broadway #street line#, provided that:

(i) 90 percent of any #narrow street# #street wall#, higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section is covered with #illuminated signs#.

(ii) In addition, 90 percent or 6,000 square feet, whichever is less, of any Seventh Avenue or Broadway #street wall# higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section is covered with #illuminated signs#.

For the purposes of this Section, a portion of a #street wall# shall be deemed to be covered with an #illuminated sign# if such #sign# obscures that portion of the #street wall# from view at #street# level at a point perpendicular in plan to the

#sign# and 60 feet from the #street line# of the #narrow street# for paragraph (a)(5)(i) of this Section, and of Seventh Avenue or Broadway for paragraph (a)(5)(ii)

Neither temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising, in aggregate, more than 50 percent of the total #floor area# of the #development# or #enlargement#, nor a first permanent certificate of occupancy for the #development# or #enlargement#, shall be issued by the Department of Buildings until all of the requirements as set forth in this Section at the time of issuance of such certificates of occupancy have been met and all #illuminated signs# required under this Section have been installed and put in operation.

(b) The #street wall# of any #building# on a #zoning lot# between 43rd and 50th Streets and between Seventh Avenue and Broadway shall have a minimum #street wall# height of 50 feet on all #street# frontages.

(c) For #zoning lots# located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor, the #street wall# of any #building# or portion of a #building# within the Theater Subdistrict Core shall have a minimum #street wall# height of 50 feet or the height of the #building#, whichever is less, and a maximum #street wall# height of 60 feet within 15 feet of the #narrow street# #street line#.

81-752 - Special street wall and setback regulations within the Eighth Avenue Corridor

LAST AMENDED
2/2/2011

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and east of Eighth Avenue, shall comply with the requirements of this Section, and except as superseded by this Section, with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation).

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and west of Eighth Avenue shall comply with the requirements of this Section. The provisions of Sections 81-25, 81-26 and 81-27 shall not apply.

The provisions of paragraphs (a) and (b) of this Section shall apply to #developments#, #enlargements# and alterations, where such alterations change the height, width or location of a #street wall#.

(a) #Street wall# location and minimum and maximum heights before setbacks

(1) On Eighth Avenue and 42nd Street, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# shall be located on the #street line#, and the remaining 30 percent may be located beyond the #street line# in compliance with #residential# #outer court# regulations for #residential# portions of #buildings# and #community facility# #outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 10 feet of the #wide street# #street line# shall be 150 feet beyond 15 feet of a #narrow street# #street line# and 85 feet within 15 feet of a #narrow street# #street line#.

(2) On a #narrow street# east of Eighth Avenue, and on a #narrow street# west of and within 100 feet of Eighth Avenue, #street walls# shall extend along the entire width of such #narrow street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# along such #narrow street# frontage shall be located on the #street line#, and the remaining 30 percent may be located beyond the #street line# in compliance with #residential# #outer court# regulations for #residential# portions of #buildings# and #community facility# #outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 85 feet.

On a #narrow street# west of and beyond 100 feet of Eighth Avenue, the maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 66 feet, except in accordance with paragraphs (b) or (c)(3) of this Section. However, no #street wall# need be provided where at least 70 percent of the entire frontage of the #zoning lot# along such #narrow street# is occupied by #street walls# located on the #street line#.

(3) Within 30 feet of the intersection of two #street lines#, the #street wall# shall be located on the #street line# or anywhere within an area bounded by the two #street lines# and lines parallel to and 15 feet from such #street lines#.

(4) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #wide street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

(b) Special #street wall# regulations for #buildings# adjacent to listed theaters

For #buildings# that are adjacent to a theater listed pursuant to Section 81-742 (Listed theaters), the maximum height of the #street wall# of the #building# facing the same #street# as the "listed theater" shall be 60 feet within 15 feet of the #street line#.

(c) Additional regulations applying west of Eighth Avenue

(1) West of Eighth Avenue, at any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not more than 40 percent of the #lot area# of the #zoning lot#, except that for #zoning lots# of less than 20,000 square feet of #lot area#, this percentage may be increased as set forth in Section 23-65 (Tower Regulations). At any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not less than 33 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall not apply to the highest four #stories# of the #building#.

(2) Beyond 125 feet of the western #street line# of Eighth Avenue, and beyond 100 feet of the northern #street line# of 42nd Street, no #building or other structure# shall exceed a height of 66 feet, except in accordance with paragraph (c)(3) of this Section.

(3) Where the new or #enlarged# #building# #abuts# an existing #building# located entirely beyond 125 feet of the western #street line# of Eighth Avenue and the northern #street line# of 42nd Street, and such existing #building# exceeds a height of 66 feet, the new or #enlarged# #building# may exceed any height limits specified in this Section up to the height of the existing #building#, provided that, within 15 feet of the #narrow street# #street line#, such portion of the new or #enlarged# #building# does not exceed either the height of the existing #building# or 85 feet, whichever is less. For the purposes of this paragraph, the height of the existing #building# shall be the height of its #street wall#, before setback, if applicable, of that portion of the existing #building# #abutting# the new or #enlarged# #building#, fronting on the same #street line#, and located on the same or adjoining #zoning lot#.

81-80 - SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

LAST AMENDED
5/13/1982

81-81 - General Provisions

LAST AMENDED
10/17/2007

The regulations of Sections 81-82 to 81-85, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 1 in Appendix A of this Chapter. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-82 - Special Regulations on Permitted and Required Uses

LAST AMENDED

In order to preserve, protect and enhance the character of the Fifth Avenue Subdistrict as the showcase of New York and national retail shopping, and to allow for #uses# that are consistent with the character of the Fifth Avenue Subdistrict as a major shopping and tourist destination, the following special limitations are imposed on the location and kinds of #uses# and #signs# permitted within the Fifth Avenue Subdistrict. These requirements and limitations shall apply to #developments#, #enlargements#, #extensions# or changes of #use#.

(a) Restriction on ground floor #uses#

#Uses# within #stories# located on the ground floor level or on a floor within five feet of #curb level#, except for lobby space, shall be limited to #uses# listed in Use Group F.

(b) Minimum retail space requirement

Any #zoning lot#, or portion thereof, located within the Fifth Avenue Subdistrict shall contain #uses# listed in Use Group F with a #floor area ratio# of not less than 1.0. When existing #uses# listed in Use Group F are retained, their #floor area# may be counted toward such requirement. In order to count toward the requirement, retail or service establishments shall be located on levels up to but not exceeding a height of six #stories# or 85 feet, whichever is less, or not more than five feet below #curb level#.

(c) Use Group F

Use Group F comprises a group of establishments selected to promote and strengthen retail business in the Fifth Avenue Subdistrict.

Antique stores

Art galleries, commercial

Artists' supply stores

*Banks

Beauty parlors

Book or card stores

Candy stores

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Eating or drinking establishments including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less

Florist shops

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Furrier shops, custom

Gift shops

Jewelry shops

Leather goods or luggage stores

Millinery shops

Music shops

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Photographic equipment or supply stores

Record shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

**Studios, television or radio

Tailor or dressmaking shops, custom

Television, radio, phonograph or household appliance stores

Toy stores

*Travel bureaus

Variety stores

Watch or clock stores or repair shops

Any #use# or #uses# marked with an asterisk (*) shall occupy, in the aggregate at the ground floor level, no more than 15 percent of the linear #street# frontage of the #zoning lot# on or within 50 feet of Fifth Avenue and no more than 10 percent of the total #lot area# of the #zoning lot# within 50 feet of Fifth Avenue.

Any #use# or #uses# marked with two asterisks (**) shall be permitted on the ground floor level only if:

(1) the #building# has frontage on Fifth Avenue; and

(2) all portions of the #street wall# of the #building# are set back from the #street line# of Fifth Avenue by a minimum of 40 feet.

(d) Modification of #use# regulations on a #zoning lot# with no frontage on Fifth Avenue

For a #zoning lot# which has no frontage on Fifth Avenue, the mandatory retail #use# regulations of this Section may be modified for that portion of the #zoning lot# located more than 100 feet from the #street line# of Fifth Avenue, provided that the City Planning Commission certifies that the ground floor space is occupied by a #community facility# #use# which maintains front wall transparency up to a height of one #story# above the abutting sidewalk level generating pedestrian interest and activity, and is compatible with the character and objectives of the Fifth Avenue Subdistrict. In no event shall the #street line# frontage occupied by such #use# exceed 30 feet.

(e) The following special #sign# regulations apply to existing as well as new establishments or #uses#:

(1) The aggregate area of all #signs# in ground floor store windows are restricted to not more than one-third of the window

area. Below a level of 10 feet above #curb level#, #signs# shall not be permitted on the exterior of any #building#.

(2) The display of banners or pennants from the exteriors of #buildings# is prohibited.

For the purposes of this Section, any #signs#, including banners and pennants, which do not comply with the above regulations may be continued for one year after April 28, 1983, provided that after the expiration of that period, such #non-conforming# #sign# shall terminate. A #sign# which the Chairperson of the City Planning Commission certified as an integral part of the #building# shall not be required to terminate.

81-83 - Special Street Wall Requirements

LAST AMENDED
2/2/2011

The #street wall# of any #building# with frontage on Fifth Avenue shall extend without setback from the Fifth Avenue #street line# for at least 90 percent of the entire length of the #front lot line#. The #street wall# shall reach a minimum required height of 85 feet and shall not exceed a height of 125 feet at or within 10 feet of the #street line#.

Where a #building# occupies less than an entire #block# front of Fifth Avenue frontage, the height of the #street wall# at the #street line# shall be not more than 10 feet above or below the height of an adjacent existing #building# at the #street line#. If the #building# is on an #interior lot# between two adjacent existing #buildings# of different heights, the height of such #building's# #street wall# at the #street line# shall be not more than 10 feet above or below the #street wall# height of one of the adjacent existing #buildings# at the #street line#. However, this shall not be construed to permit a #street wall# height of less than 85 feet or more than 125 feet at the #street line#. At the required height of the #building's# #street wall# at the #street line#, the #street wall# must extend continuously without setback for at least 75 percent of its required width and no portion of its required width shall be set back more than 10 feet from the #street line#.

For the purpose of calculating the maximum #street wall# height on the #narrow street# frontage of a #corner lot# by the weighted average method, as set forth in paragraph (b) of Section 81-262 (Maximum height of front wall at the street line), the maximum #street wall# height generally applicable along the #narrow street# shall be averaged with a height of 150 feet for the first 100 feet from the #street line# intersection, provided that no actual #street wall# either on the Fifth Avenue or on the #narrow street# frontage shall exceed a height of 125 feet at the #street line#.

Below the minimum required #street wall# height, recesses whose depth shall be measured in all cases from the #street line#, shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted; recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height; and recesses up to one foot deep shall not be limited in their aggregate area. For the area above the minimum required #street wall# height, recesses are not restricted.

Above a height of 125 feet, a #street wall# shall be set back not less than 10 feet from the #street line#.

81-84 - Mandatory Regulations and Prohibitions

LAST AMENDED
2/2/2011

The following requirements listed in this Section shall apply to all #developments#, #enlargements#, #extensions# or changes of #use# within the Subdistrict:

(a) Pedestrian access to #uses#

No access from the Fifth Avenue #street line# or within 50 feet of the Fifth Avenue #street line# shall be permitted to lobbies for office, #residential# or hotel #uses# or to any new #use# not listed in Use Group F, except when the #zoning lot# is inaccessible from any other #street#, in which case the total amount of frontage occupied by lobby space or entrance space for such #uses# shall not exceed 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less.

No #public plaza#, or any part thereof, shall be permitted on or within 50 feet of the Fifth Avenue #street line#.

(b) Off-street parking regulations

No off-street parking facilities are permitted within the Fifth Avenue Subdistrict.

(c) Off-street loading regulations

In no event shall access to #accessory# off-street loading berths be permitted on or within 50 feet of the Fifth Avenue #street line#. Beyond 50 feet from the Fifth Avenue #street line#, where three or more #accessory# loading berths are required, such berths shall be located below #street# grade. Access to such berths, however, shall be permitted at #street# grade.

#Interior lots# with a frontage only on Fifth Avenue or only on a #wide street# shall not contain loading berths.

81-85 - Transfer of Development Rights From Landmark Sites

LAST AMENDED
2/2/2011

For #developments# or #enlargements#, in addition to the provisions of Sections 74-79 (Transfer of Development Rights from Landmark Sites) and 81-212 (Special provisions for transfer of development rights from landmark sites), the City Planning Commission may modify or waive the requirements of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and the requirements of Section 81-84 (Mandatory Regulations and Prohibitions).

In granting such special permit, the Commission shall find that the permitted transfer of #floor area# and modification or waiver of mandatory plan elements will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with surrounding landmark #buildings or other structures#.

81-90 - SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT

LAST AMENDED
2/2/2011

In order to conform with the existing scale and character of the Preservation Subdistrict, any #zoning lot# located in the underlying C5-P District shall be limited to a maximum #floor area ratio# of 8.0.

For all purposes other than as set forth in this Section, the R10 District regulations shall apply to any portion of a #building# containing #residential uses#.

Mandatory #street walls# are required as follows:

The #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #front lot line# to a minimum height of 72 feet above the #curb level#, or the full height of 72 feet above the #curb level#, or the full height of the #building#, whichever is less. Above a height of 85 feet, the #street wall# shall be set back at least 15 feet from the #street line# and shall be subject to the #sky exposure plane# regulations of Section 33-432 (In other Commercial Districts) applicable in C5 Districts. The provisions of Sections 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) are not applicable in the Preservation Subdistrict.

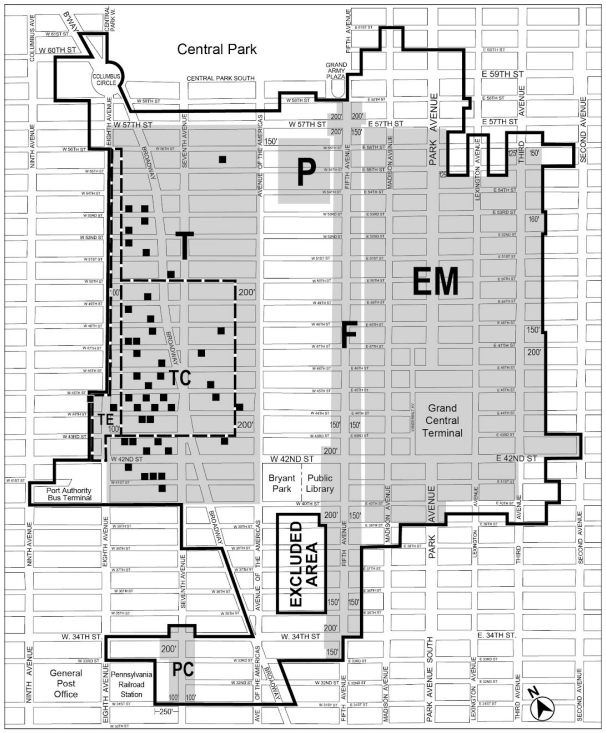
On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory #street wall# provisions of this Section as applied to an #enlargement#, upon the applicant's showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

Appendix A - Midtown District Plan Maps

LAST AMENDED
8/9/2017

(8/9/17)

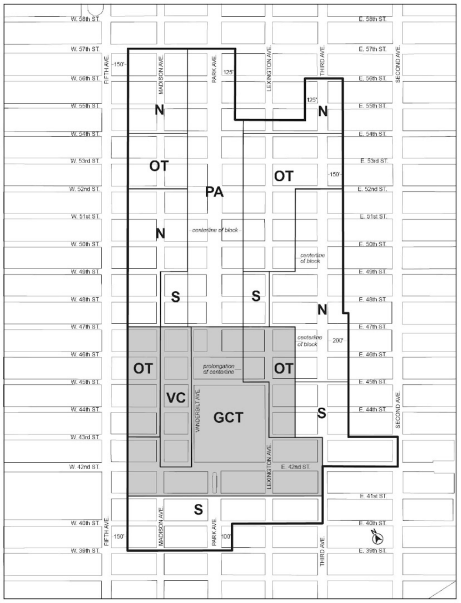
Map 1: Special Midtown District and Subdistricts (81-A1)



F	Fifth Avenue Subdistrict	TC	Theater Subdistrict Core
EM	East Midtown Subdistrict	TE	Theater Subdistrict Eighth Avenue Corridor
PC	Penn Center Subdistrict	■	Listed Theaters
P	Preservation Subdistrict	—	Special Midtown District
T	Theater Subdistrict		

(8/9/17)

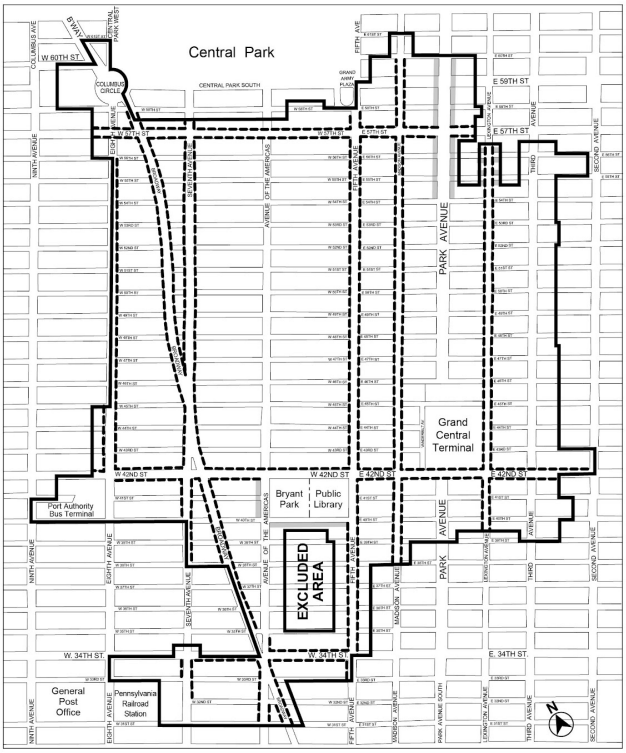
Map 2: Special East Midtown Subdistrict and Subareas (81-A2)



East Midtown Subdistrict
Grand Central Core Area
GCT – Grand Central Transit Improvement Zone Subarea
N – Northern Subarea
OT – Other Transit Improvement Zone Subarea
PA – Park Avenue Subarea
S – Southern Subarea
VC – Vanderbilt Corridor

(8/9/17)

Map 3: Retail and Street Wall Continuity (81-A3)



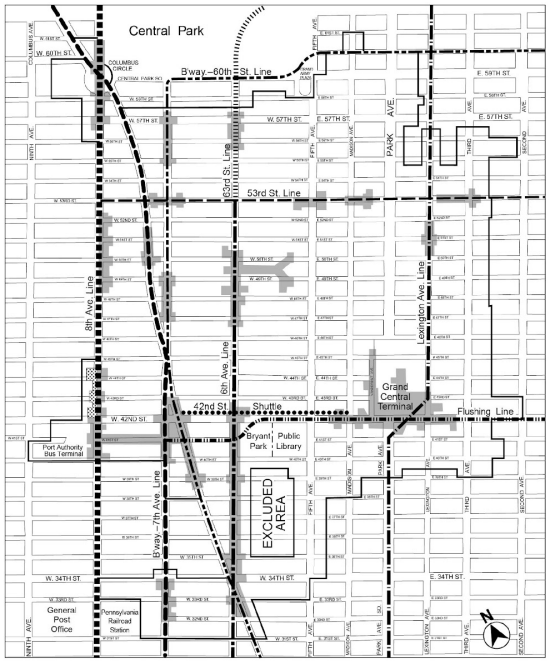
Special Midtown District

Retail and Street Wall Continuity required

Only Street Wall Continuity required

(8/9/17)

Map 4: Subway Station and Rail Mass Transit Facility Improvement Areas (81-A4)



Special Midtown District

Improvement Area

Improvement Area (Subway station improvement bonus pursuant to Section 81-292 not applicable)

8th Ave. Line

Broadway–7th Ave. Line

Broadway–60th St. Line

6th Ave. Line

Lexington Ave. Line

63rd St. Line

53rd St. Line

42nd St. Shuttle

Flushing Line

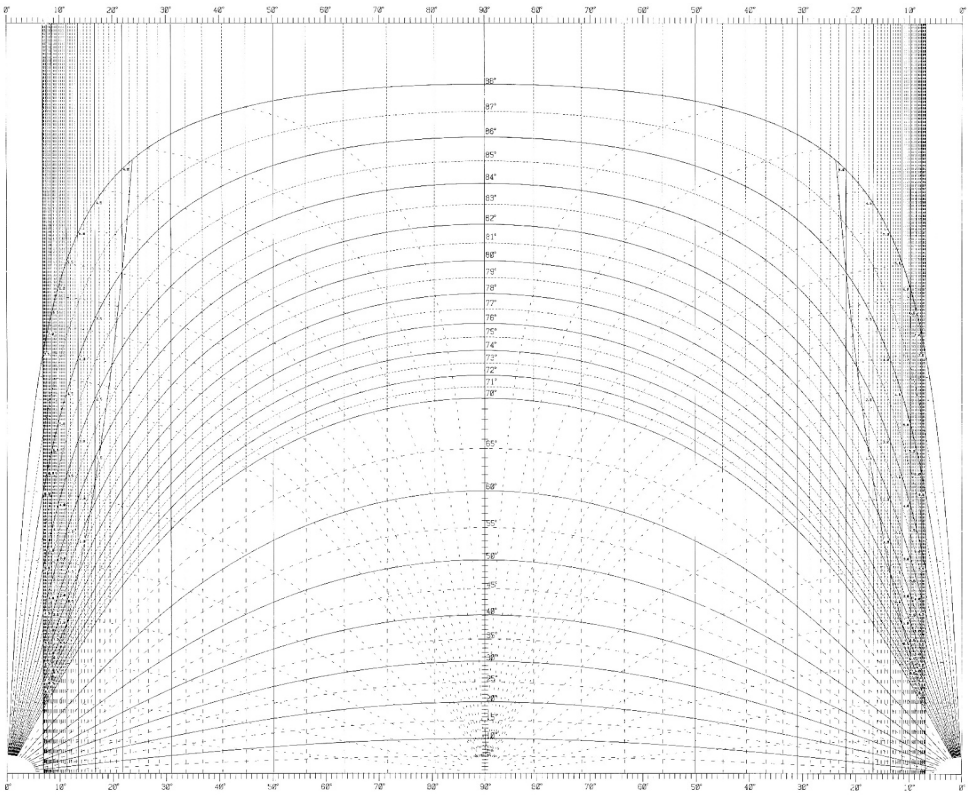
Appendix B - Daylight Evaluation Charts

LAST AMENDED
8/9/2017

(8/26/92)

Chart 1. Daylight Evaluation Diagram - 60 Foot Street (81-B1L&R)

(A high resolution PDF of this chart is available at http://www1.nyc.gov/site/planning/zoning/graphic-files.page)

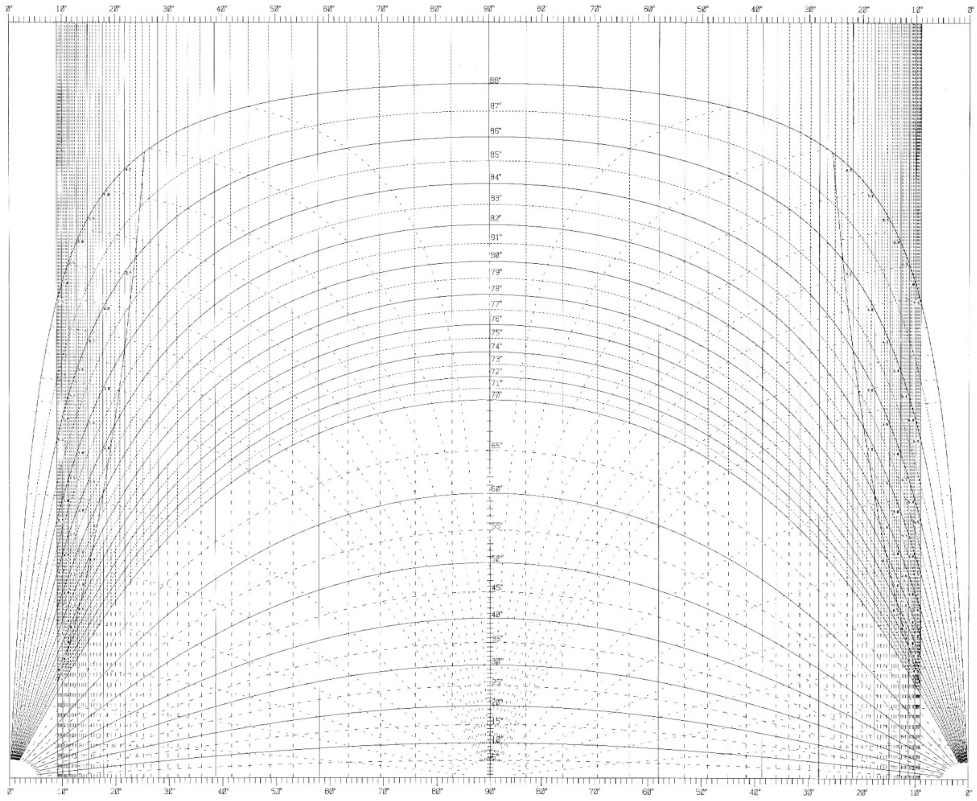


Daylight Evaluation Diagram, 60 Foot Street

(8/26/92)

Chart 2. Daylight Evaluation Diagram - 75 & 80 Foot Streets (81-B2L&R)

(A high resolution PDF of this chart is available at http://www1.nyc.gov/site/planning/zoning/graphic-files.page)

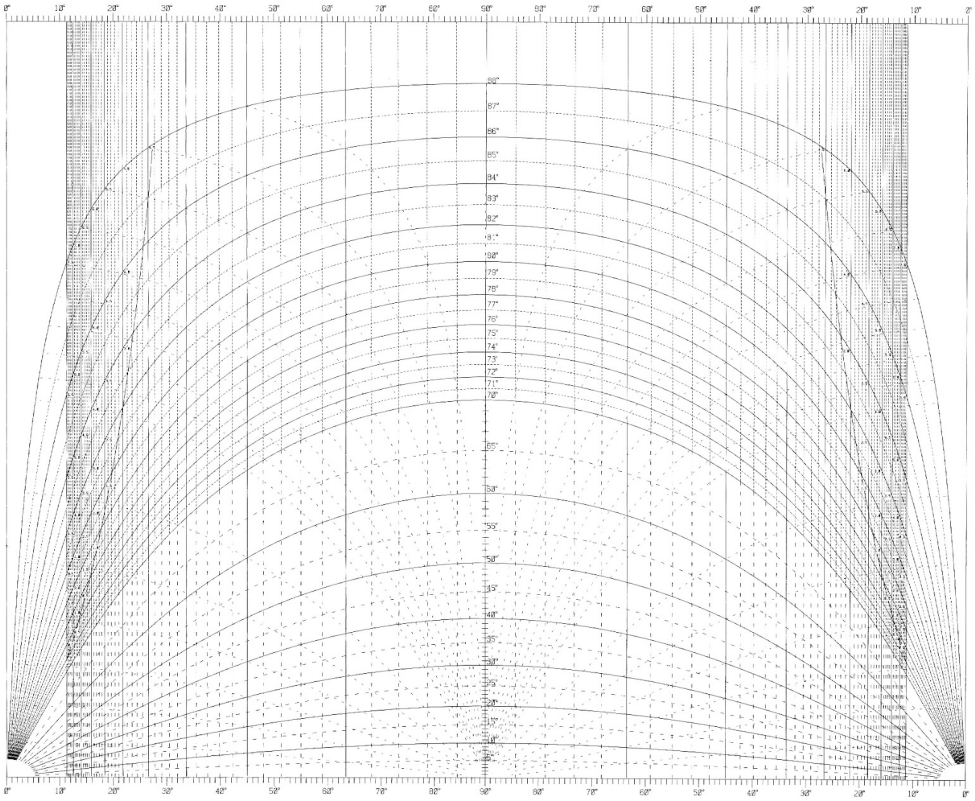


Daylight Evaluation Diagram, 75 and 80 Foot Street

(8/26/92)

Chart 3. Daylight Evaluation Diagram - 100 or more Foot Streets (81-B3L&R)

(A high resolution PDF of this chart is available at http://www1.nyc.gov/site/planning/zoning/graphic-files.page)

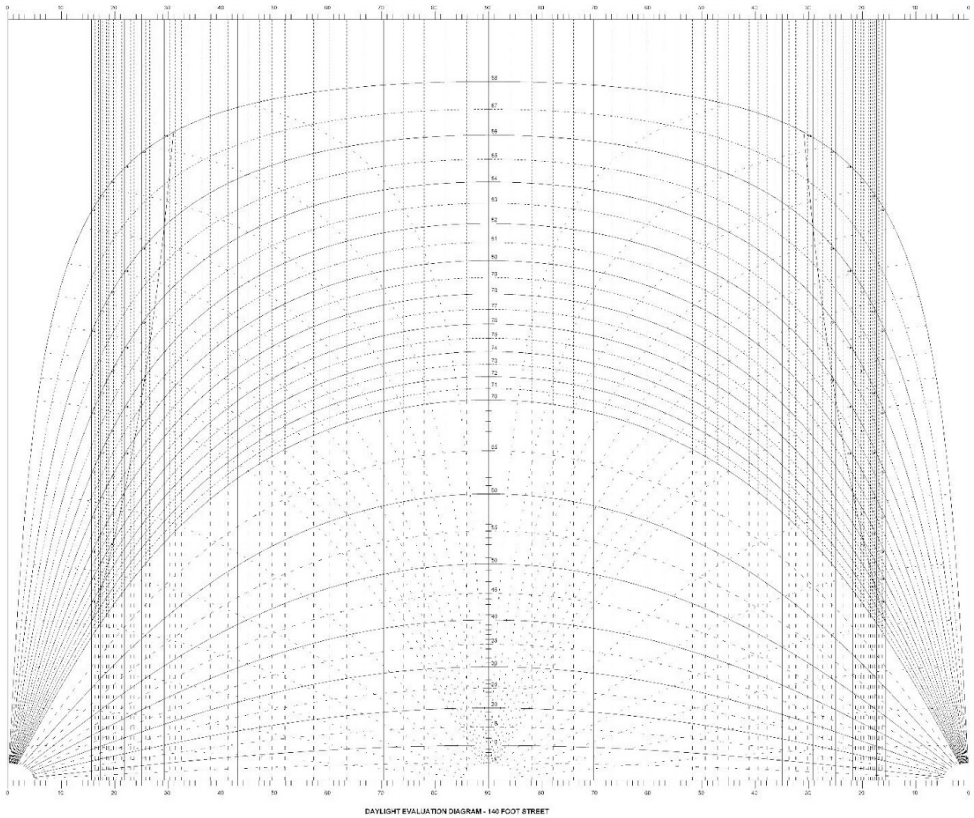


Daylight Evaluation Diagram, 100 or More Foot Street

(8/9/17)

Chart 4. Daylight Evaluation Diagram Park Avenue - 140 Foot Street (81-B4L&R)

(A high resolution PDF of this chart is available at http://www1.nyc.gov/site/planning/zoning/graphic-files.page)



Daylight Evaluation Diagram, Park Avenue

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Lincoln Square District (L)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Special Lincoln Square District (L)

82-00 - GENERAL PURPOSES

LAST AMENDED
4/24/1969

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

(a) to preserve, protect and promote the character of the Special Lincoln Square District area as the location of a unique cultural and architectural complex - an attraction which helps the City of New York to achieve preeminent status as a center for the performing arts, and thus conserve its status as an office headquarters center and a cosmopolitan residential community;

(b) to improve circulation patterns in the area in order to avoid congestion arising from the movements of large numbers of people; improvement of subway stations and public access thereto; including convenient transportation to, from and within the district; and provision of arcades, open spaces, and subsurface concourses;

(c) to help attract a useful cluster of shops, restaurants and related amusement activities which will complement and enhance the area as presently existing;

(d) to provide an incentive for possible development of the area in a manner consistent with the aforegoing objectives which are an integral element of the Comprehensive Plan of the City of New York;

(e) to encourage a desirable urban design relationship of each building to its neighbors and to Broadway as the principal street; and

(f) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

82-01 - Definitions

LAST AMENDED
2/2/2011

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

82-02 - General Provisions

LAST AMENDED
2/9/1994

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66- 11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

82-03 - Requirements for Applications

LAST AMENDED
2/9/1994

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed #development# in relation to the general purposes of the #Special Lincoln Square District#.

82-04 - District Plan

LAST AMENDED
2/9/1994

The District Plan for the #Special Lincoln Square District#, included as Appendix A, identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

The District Plan also identifies #blocks# with mandatory #front lot line# #street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

82-10 - MANDATORY DISTRICT IMPROVEMENTS

LAST AMENDED
2/9/1994

The provisions of this Section specify mandatory or optional physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.

82-11 - Special Provisions for Optional Arcades

LAST AMENDED
2/9/1994

Any #development# located on a #zoning lot# with a #lot line# which coincides with either of the following #street lines# - the east side of Broadway between West 61st and West 65th Streets or the east side of Columbus Avenue between West 65th and West 66th Streets - may contain an #arcade# as defined in Section 12-10, except that:

(a) the #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above; however, the required #arcade# along the east side of Columbus Avenue may be terminated at a point 40 feet south of West 66th Street;

(b) the exterior face of #building# columns shall lie along the #street lines# described above;

(c) the minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the minimum height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;

(d) the #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:

(1) unenclosed cafes, provided that there is at least a six foot wide unobstructed pedestrian way adjacent to the #street wall#. In no event may such cafes be enclosed at any time; and

(2) structural columns not exceeding two feet by three feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #street wall# is at least 13 feet wide. No other columns shall project beyond the face of the #street wall# ;

(e) no #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #street wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies; and

(f) the #arcade# shall be illuminated only by incandescent lighting to a standard of average eight foot-candle intensity with a minimum five foot-candle intensity at any point within the #arcade#.

82-12 - Mandatory Off-street Relocation of a Subway Stair

LAST AMENDED
10/17/2007

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Sections 37-41 (Standards for Location, Design and Hours of Public Accessibility) and 37-42 (Administrative Procedure for a Subway Stair Relocation or Renovation).

82-13 - Special Provisions for a Transit Easement

LAST AMENDED
2/9/1994

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

82-20 - SPECIAL USE AND SIGN REGULATIONS

LAST AMENDED
2/9/1994

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to a #development# or change of #use# within the Special District.

82-21 - Restrictions on Street Level Uses

LAST AMENDED
2/2/2011

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level#, shall be limited to those listed in Use Groups 3A, 3B, 6A, 6C, 8A, 10A and eating or drinking establishments listed in 12A or 12B. Within Use Groups 3A or 3B, #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. Within such area, lobby space, required accessory loading berths, or access to subway stations are permitted.

82-22 - Location of Floors Occupied by Commercial Uses

LAST AMENDED
2/2/2011

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply to any #commercial# #use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial# #use# be located directly over any #dwelling units#.

82-23 - Street Wall Transparency

LAST AMENDED
2/2/2011

When the front #building# wall or #street wall# of any #building# #developed# after February 9, 1994, is located on Broadway, Columbus Avenue or Amsterdam Avenue, glazing shall be provided in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

82-24 - Supplementary Sign Regulations

LAST AMENDED
6/23/2005

No permitted #sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

Within Subdistrict B, permitted #signs# facing upon West 65th Street shall not exceed a height of 40 feet above #curb level#, and permitted #signs# facing upon Broadway between West 65th Street and West 66th Street shall not exceed a height of 60 feet above #curb level#. However, #signs# facing in an easterly or southerly direction upon that portion of the public place designated on the City Map that is located within an area bounded by West 65th Street and the prolongation of the south side of West 64th Street shall not exceed a height of 40 feet above the level of such public place.

82-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
2/9/1994

82-31 - Floor Area Ratio Regulations for Commercial Uses

LAST AMENDED
2/2/2011

Within Subdistrict A, for any #building# in a C4-7 District, the maximum permitted #commercial# #floor area# shall be 100,000 square feet.

82-311 - Floor area increase by special permit

LAST AMENDED
2/2/2011

The City Planning Commission may by special permit allow the #commercial# #floor area ratio# permitted on a #zoning lot# pursuant to Section 82-31 (Floor Area Ratio Regulations for Commercial Uses) within Subdistrict A to be increased to 10.0 for #commercial# #uses#. As a condition for such special permit, the Commission shall find that:

(a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;

(b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;

(c) the additional #bulk# devoted to #commercial# #uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and

(d) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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

82-32 - Special Provisions for Increases in Floor Area

LAST AMENDED
2/2/2011

No #floor area# bonuses shall be permitted within the #Special Lincoln Square District# except as provided in this Section. The following #floor area# increases may be used separately or in combination.

(a) #Floor area# increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential# #floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90.

(b) #Floor area# bonus for public amenities

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms

additionally include those in Section 66-11 (Definitions).

82-33 - Modification of Bulk Regulations

LAST AMENDED
2/2/2011

The City Planning Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot#, and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines#, provided the Commission finds that such modifications are necessary to:

(a) facilitate good design;

(b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 (MANDATORY DISTRICT IMPROVEMENTS) are applicable; or

(c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

82-34 - Bulk Distribution

LAST AMENDED
2/9/1994

Within the Special District, at least 60 percent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located partially or entirely below a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

82-35 - Height and Setback Regulations

LAST AMENDED
2/2/2011

Within the Special District, all #buildings# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

(a) paragraph (a) of Section 82-37 (Street Walls Along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and

(b) paragraphs (b), (c) and (d) of Section 82-37 where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

82-36 - Special Tower Coverage and Setback Regulations

LAST AMENDED

2/2/2011

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings) for any #building#, or portion thereof, that qualifies as a "tower" shall be modified as follows:

(a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:

(1) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percent set forth in Section 23-65 (Tower Regulations); and

(2) not less than 30 percent of the #lot area# of a #zoning lot#.

However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of the #story# directly below it.

(b) At all levels at or above a height of 85 feet from #curb level#, the minimum required setback of the #street wall# of a tower shall be at least 15 feet from the #street line# of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.

(c) In Subdistrict A, the provisions of paragraph (a) of Section 35-64, as modified by paragraphs (a) and (b) of this Section, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3, as indicated on the District Plan in Appendix A of this Chapter, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

82-37 - Street Walls Along Certain Street Lines

LAST AMENDED
2/2/2011

(a) On a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:

(1) the east side of Broadway between West 61st Street and West 65th Street;

(2) the east side of Columbus Avenue between West 65th Street and West 66th Street;

(3) the east side of Broadway between West 67th Street and West 68th Street;

(4) the west side of Broadway between West 66th Street and West 68th Street; and

(5) the west side of Broadway between West 60th Street and West 62nd Street.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20 foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (In other Commercial Districts).

(b) On a #zoning lot# in Block 1, as indicated on the District Plan in Appendix A of this Chapter, with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street lines# for the entire frontage of the #zoning lot# on that #street#:

(1) the west side of Broadway between West 62nd Street and West 63rd Street;

(2) the south side of West 63rd Street between Broadway and Columbus Avenue; and

(3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and shall extend along Columbus Avenue and/or Broadway for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet as required in Section 33-432.

(c) On a #zoning lot# in Block 2, as indicated on the District Plan, with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

(1) the east side of Broadway between West 67th Street and West 66th Street;

(2) the north side of West 66th Street between Broadway and Columbus Avenue; and

(3) the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and shall extend on Broadway and/or Columbus Avenue for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet as required in Section 33-432.

(d) On a #zoning lot# in Block 3, as indicated on the District Plan, with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height, no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

82-38 - Recesses in the Street Wall

LAST AMENDED
2/2/2011

Recessed fenestration and special architectural expression lines in the #street wall# are required as follows:

(a) Except as set forth in paragraph (b) of this Section, the aggregate width of all recesses in the #street wall# fronting upon Broadway shall be between 15 percent and 30 percent of the entire width of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.

(b) In Block 1, as indicated on the District Plan in Appendix A of this Chapter, for any #street wall# fronting upon the south side of West 63rd Street and extending along Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate width of all recesses in the #street walls# along each such #street# shall be

between 15 percent and 30 percent of the entire width of each #street wall# at any #story# between the ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire width of each #street wall# at any #story# above 85 feet above #curb level#.

(c) In Block 2, as indicated on the District Plan, the requirement of #street wall# recesses in paragraph (b) of this Section shall also apply to a #street wall# fronting upon the north side of West 66th Street and extending along Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. Below a height of 85 feet above #curb level#, no recesses deeper than one foot shall be permitted in a #street wall# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street within Blocks 1 and 2, the #street wall# shall provide, at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

82-39 - Permitted Obstructions Within Required Setback Areas

LAST AMENDED
2/9/1994

The #street wall# of a #building# may be vertically extended above a height of 85 feet above #curb level# without setback in accordance with either of the following provisions:

(a) A dormer may be allowed as a permitted obstruction within the required #initial setback distance# above a height of 85 feet above #curb level#. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required initial setback level shall not exceed 60 percent of the width of the #street wall# of the #story# immediately below the initial setback level. For each foot of height above the required initial setback level, the aggregate width of all dormers at that height shall be decreased by one percent of the width of the #street wall# of the #story# immediately below the initial setback level. Such dormers shall count as #floor area# but not as tower #lot coverage#.

(b) On a #wide street# and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# may be vertically extended without setback within the required #initial setback distance# above a height of 85 feet above #curb level#, up to a maximum height of 125 feet, provided that the aggregate width of such #street walls# shall not exceed 50 percent of the width of the #street wall# of the #story# immediately below the initial setback level and provided the #street wall# of the #building# contains special architectural expression lines at a height of 85 feet above #curb level#.

82-40 - SPECIAL HEIGHT LIMITATION

LAST AMENDED
2/2/2011

On Block 1 or 2, as indicated on the District Plan in Appendix A of this Chapter, the maximum height of a #building or other structure# shall not exceed 275 feet above #curb level#, except that a penthouse may be located above such height, provided that such penthouse:

(1) contains not more than four #stories# or 40 feet, whichever is less; and

(2) the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

82-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
5/8/2013

The regulations of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section. In addition, the entrances and exits to all off-street loading berths shall not be located on a #wide street# except by authorization as set forth in this Section.

(a) #Accessory# off-street parking spaces

#Accessory# off-street parking spaces are permitted only by the applicable special permit of the City Planning Commission pursuant to Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

(b) Curb cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed for off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-441.

(c) Waiver of loading berth requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

(1) be hazardous to traffic safety;

(2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or

(3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

82-60 - EXISTING PUBLICLY ACCESSIBLE OPEN AREAS

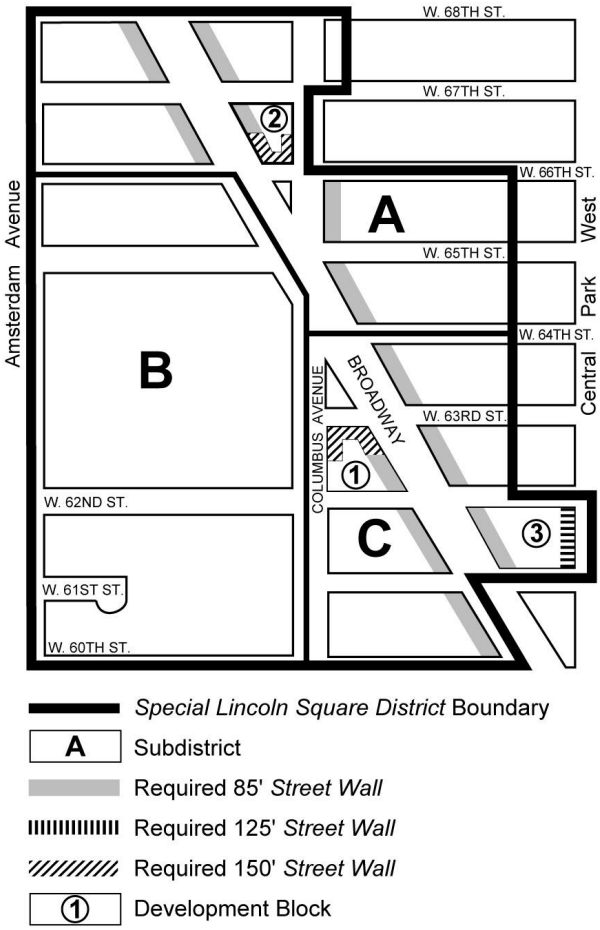
LAST AMENDED
5/8/2013

No existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of public amenities).

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

Appendix A - Special Lincoln Square District Plan

LAST AMENDED
2/9/1994



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Limited Commercial District (LC)

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Chapter 3 - Special Limited Commercial District (LC)

83-00 - GENERAL PURPOSES

LAST AMENDED
10/9/1969

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

(a) to preserve, protect, and enhance the character of Historic Districts as the location of many of the city's most valued cultural assets;

(b) to improve circulation patterns in the areas in order to avoid congestion arising from the movements of large numbers of people;

(c) to help attract a useful cluster of shops, restaurants, cultural attractions and related activities which will complement and enhance the areas as presently existing; and

(d) to promote the most desirable use of land in these areas and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

83-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

83-02 - General Provisions

LAST AMENDED
2/2/2011

#Special Limited Commercial Districts# may only be mapped in #Commercial Districts# within areas, or portions of areas, designated by the Landmarks Preservation Commission as "Historic Districts" pursuant to Chapters 8A or 63 of the New York City Charter and Chapter 8A of the New York City Administrative Code.

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Limited Commercial District# and in accordance with the provisions of this Chapter, certain specified #use#, #sign# and enclosure regulations of the districts on which #Special Limited Commercial Districts# are superimposed are made inapplicable, and are superseded by the #use#, #sign# and enclosure regulations of the #Special Limited Commercial District# as set forth in this Chapter.

In addition to meeting the #use#, #sign# and enclosure regulations as set forth in this Chapter, each #building# shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

83-03 - Use Group "LC"

LAST AMENDED
9/9/2004

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

A. Amusements

Theaters, limited to a capacity of not more than 300 seats

B. Community Facilities

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Colleges or universities, including professional schools

College or school student dormitories or fraternity or sorority student houses

Community centers or settlement houses

Houses of worship, rectories or parish houses

Libraries, museums, or non-commercial art galleries

#Long-term care facilities#

Monasteries, convents, or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face

Non-commercial recreation centers

#Non-profit hospital staff dwellings# located on the same #zoning lot# as a non-profit or voluntary hospital and related facilities or on a separate #zoning lot# which is immediately contiguous thereto or would be contiguous but for its separation by a #street# or a #street# intersection

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Philanthropic or non-profit institutions with or without sleeping accommodations, including #long-term care facilities#, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet,

whichever is greater

Proprietary hospitals and related facilities, except animal hospitals

#Schools#

Seminaries

Welfare centers

C. Open #Uses#

#Public parks# or playgrounds or private parks

Outdoor ice skating rinks

D. Convenience Retail or Service Establishments

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating and drinking establishments, including those which provide music for which there is no cover charge and no specified showtime

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or less

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores, limited to 10,000 square feet per establishment

Hardware stores

Laundry establishments, hand or automatic self-service

Package liquor stores

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

E. Offices

Offices, business, professional or governmental

F. Public Service Establishments

Court houses

Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet

G. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile supply stores, with no installation or repair services

Banks, including drive-in banks

Bicycle sales

*Blueprinting or photostatting establishments

Book stores

*Business schools or colleges

Candy or ice cream stores

Carpet, rug, linoleum, or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

*Catering establishments

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment

*Clothing or costume rental establishments

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Frozen food lockers

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

#Health and fitness establishments#

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

*Medical or dental laboratories for research or testing, or the custom manufacture or artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects

Medical or orthopedic appliance stores

Meeting halls

Millinery shops

Music stores

*Musical instrument repair shops

Newsstands, open or enclosed

Optician or optometrist establishments

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

*Plumbing, heating, or ventilating equipment showrooms, without repair facilities

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe stores

Sporting or athletic stores

Stamp or coin stores

*Studios: art, music, dancing or theatrical

Telegraph offices

Television, radio, phonograph, or household appliance repair shops

Television, radio, phonograph, or household appliance stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

*Trade, or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare, or other objectionable effects

Travel bureaus

*Typewriter or other small business machine repair shops

Typewriter stores

*Umbrella repair shops

Wallpaper stores

Watch or clock stores or repair shops

H. Transient Accommodations

#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

I. Wholesale Establishments

Hair products for headwear, wholesaling including styling

Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

J. #Accessory Uses#

* In #Special Limited Commercial Districts#, a #use# marked with an asterisk (*) shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street# wall of the #building# in which it is located

83-04 - Signs

LAST AMENDED
10/9/1969

Non-#illuminated signs# with total #surface area# not exceeding three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 150 feet for #interior# or #through lots# or 150 feet on each frontage for #corner lots#, are permitted. #Illuminated# non-#flashing signs# with total #surface area# not exceeding three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 50 feet for #interior# or #through lots# or 50 feet on each frontage for #corner lots#, are permitted. No permitted #sign# shall extend above #curb level# at a height greater than 25 feet.

83-05 - Enclosure of Uses

LAST AMENDED
10/9/1969

All permitted #uses# shall be subject to the enclosure provisions of Section 32-411.

83-06 - Special Permits by the Board of Standards and Appeals in Special Limited Commercial Districts

LAST AMENDED
10/9/1969

For the purpose of determining the powers of the Board of Standards and Appeals in #Special Limited Commercial Districts#, such districts shall be considered equivalent to C1 Districts, and the powers of the Board, as set forth in Article VII, Chapter 3, shall be limited to those powers which the Board would have in C1 Districts.

83-07 - Special Permits by the City Planning Commission in Special Limited Commercial Districts

LAST AMENDED
10/9/1969

For the purpose of determining the powers of the City Planning Commission in #Special Limited Commercial Districts#, such districts shall be considered equivalent to C1 Districts, and the powers of the Commission, as set forth in Article VII, Chapter 4, shall be limited to those powers which the Commission would have in C1 Districts.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Battery Park City District (BPC)

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Chapter 4 - Special Battery Park City District (BPC)

84-00 - GENERAL PURPOSES

LAST AMENDED
1/8/1997

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

(a) to strengthen the business core of Lower Manhattan by improving the working environment;

(b) to provide major additional space for expansion of office uses and their ancillary facilities;

(c) to broaden the regional choice of residence by introducing new housing in the vicinity of the major employment center of Lower Manhattan;

(d) to achieve a harmonious visual and functional relationship with adjacent areas;

(e) to create an environment which will be lively and attractive and provide daily amenities and services for the use and enjoyment of the working population and the new residents;

(f) to take maximum advantage of the beauty of the Hudson River waterfront, thereby best serving the downtown business community, the new residential population and providing regional recreation as well; and

(g) to promote the most desirable use of land and direction of building development in the Lower Manhattan area.

84-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), in this Section or Section 84-021 (District Plan). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Esplanade

The "Esplanade" is a #public park# extending along all waterfront edges of the #Special Battery Park City District#. The #Esplanade# is shown in the District Plan in Appendix 1.

Mandatory front building wall lines

"Mandatory front building wall lines" are imaginary lines extending through Zone A and Zone C of the #Special Battery Park City District# which, except as shown in Appendices 2.1 and 3.1 of this Chapter, coincide with #street lines# and with which #building# walls must generally coincide, as provided in Sections 84-132 and 84-332 (Mandatory front building walls).

Special height locations

"Special height locations" are designated areas in Zone A and Zone C of the #Special Battery Park City District# subject to the regulations in Appendices 2.2 and 3.2 of this Chapter, in accordance with Sections 84-135 and 84-333 (Limited height of buildings).

84-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and in order to achieve the purpose of the #Special Battery Park City District#, a special set of regulations is established for the #Special Battery Park City District# controlling #use#, #bulk#, #accessory# off-street parking facilities and #accessory# off-street loading facilities.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

84-021 - District Plan

LAST AMENDED
1/8/1997

The District Plan is set forth in Appendix 1. Each #block# shall be considered a single #zoning lot# for the purposes of the #Special Battery Park City District#.

84-022 - Incorporation of Appendix 1, Appendix 2 and Appendix 3

LAST AMENDED
1/8/1997

Appendix 1 (District Plan), Appendix 2 (Zone A South Residential Neighborhood) and Appendix 3 (Zone A North Residential Neighborhood and Zone C) are hereby incorporated as integral parts of the provisions of this Chapter. In the event of an inconsistency or need for clarification between Appendix 1 or Appendix 2 or Appendix 3 and the written specifications in this Chapter, in each such case the written specifications in this Chapter shall govern.

84-023 - Subdistricts

LAST AMENDED
1/8/1997

In order to carry out the purposes and provisions of this Chapter, the #Special Battery Park City District# is divided into three subdistricts: Zone A, Zone B and Zone C. The location and boundaries of the subdistricts are shown on the District Plan in Appendix 1.

84-03 - Use Regulations (For Zone A and Zone C)

LAST AMENDED
8/17/2005

The #uses# permitted shall be constructed and located so that no exhaust vents or chimneys open onto any #street# or park or onto the #Esplanade#.

84-031 - Special permit uses

LAST AMENDED
5/8/2013

The following #uses# are permitted only by special permit of the City Planning Commission:

Electrical or gas utility substations, open or enclosed, pursuant to Section 74-61

As a condition precedent to the granting of such special permit, the Commission shall make a finding that such #use# is located so as to minimize adverse effects on existing or future development in nearby areas or on the use or enjoyment of the #Esplanade# or other public facilities.

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

84-032 - Uses not permitted

LAST AMENDED
1/8/1997

The following #uses# shall not be permitted:

A. Transient Accommodations

#Hotels, transient#, except as provided in Sections 84-12 and 84-32

#Motels#, #tourist cabins#, or #boatels#

B. Retail or Service Establishments

Electrical glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating contractors' establishments

Exterminators

Funeral establishments

Lumber stores

Monument sales establishments

Moving or storage offices

Pawn shops

Printing establishments

Refreshment stands, drive-in

Sign painting shops

Taxidermist shops

Trade embalmers

Upholstering shops

Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services

C. Wholesale Establishments

Wholesale establishments

D. Automobile Service Establishments

Automotive glass and mirror shops

Automotive seat cover or convertible top establishments

#Automotive service stations#

Tire sales establishments

E. Public Service Establishments

Prisons.

84-033 - Interim uses

LAST AMENDED1/8/1997

On application to and with the permission of the Battery Park City Authority, any open #use# listed in Use Groups 1 through 16, as set forth in Sections 32-11 through 32-25, is permitted if such #use# is an interim #use# which will not obstruct, interfere with, or be incompatible with the general purposes and overall development of the #Special Battery Park City District#, and if such #use# is not prohibited by the Settlement Agreement, dated June 6, 1980, between the City of New York, the State of New York, and various agencies and instrumentalities thereof. The Authority may prescribe appropriate conditions and safeguards in order to minimize adverse effects on surrounding land #uses#.

84-10 - ZONE A GENERAL DISTRICT REGULATIONS

LAST AMENDED
2/2/2011

Zone A is designed generally to provide for residential development with ancillary retail and service #uses#, and #transient hotels# as permitted pursuant to Section 84-12. Zone A is divided into six subzones: A-1, A-2, A-3, A-4, A-5 and A-6. The location and boundaries of the subzones are shown in Appendices 2 and 3 of this Chapter.

84-11 - General Provisions

LAST AMENDED

2/2/2011

Except as expressly modified by the provisions of this Chapter, the regulations applying to an R10 District shall apply in subzones A-1, A-2, A-3, A-5 and A-6 of the #Special Battery Park City District#.

Notwithstanding any other provision of this Resolution, #developments# and #enlargements# may only be constructed in subzone A-4 in accordance with certifications given by the City Planning Commission. #Residential# #open space# in subzone A-4 shall be subject to the provisions of Sections 12-10 (DEFINITIONS) and 23-12 (Permitted Obstructions in Open Space). For every #dwelling unit# there shall be a minimum of 55.0 square feet of #open space#. All other provisions of this Chapter with respect to Zone A shall not apply to #developments# or #enlargements# in subzone A-4 unless otherwise indicated.

84-12 - Use Regulations

LAST AMENDED
2/2/2011

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial# #uses#, #residential uses# are permitted on the same #story# as a #commercial# #use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial# #uses# are not located over any #residences#. However, such #commercial# #use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial# #uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

(a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and

(b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel# #uses# where permitted pursuant to Section 32-02 (Special Provisions for Hotels), or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

(1) a #health and fitness establishment# may be permitted; and

(2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a #health and fitness establishment# or a non-#residential# #accessory use#, may be located above a #story# containing #residential uses#.

84-121 - Uses along Esplanade

LAST AMENDED
2/2/2011

Except as set forth in this Section and in Section 84-12 (Use Regulations), #uses# fronting on the #Esplanade# shall be limited to

the #uses# listed in Use Groups 2, 3 and 4 as set forth in Section 22-10 (USES PERMITTED AS-OF-RIGHT), except that in the areas indicated as permitted #commercial# locations in Appendix 2.3, in the lowest #story# other than a #basement# in any #building#, the following additional #uses# shall be permitted:

Eating or drinking places, as listed in Use Group 6A in Section 32-15

84-122 - Uses permitted within public open space areas

LAST AMENDED
2/27/2001

Public open space areas located between Murray Street and Warren Street, as indicated in Appendix 3.6, shall be improved at or above grade for use by the public as open areas for passive and/or active recreational #uses#.

84-13 - Bulk Regulations

LAST AMENDED
2/2/2011

#Residential# and #community facility# #bulk# regulations otherwise applicable in R10 Districts are modified to the extent set forth in this Section and Sections 84-131 through 84-135, inclusive.

The regulations otherwise applicable in R10 Districts are superseded by the regulations set forth in Sections 84-131 (Floor area regulations), 84-132 (Mandatory front building walls), 84-134 (Mandatory arcades) and 84-135 (Limited height of buildings).

The provisions of Sections 23-532 (Required rear yard equivalents) and 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), and Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments) and Chapter 9 (Special Regulations Applying to Large-scale Community Facility Developments), are not applicable.

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) may be modified by the Battery Park City Authority. Prior to the granting of any such modification, the Authority shall make the following findings:

(a) that such modification will aid in achieving the general purpose and intent of the #Special Battery Park City District#, as set forth in Section 84-01;

(b) that such modification will not unduly increase the #bulk# of #buildings#, the density of population or the intensity of #use# on any #zoning lot# to the detriment of the occupants of #buildings# on such #zoning lot# or nearby #zoning lots# ;

(c) that such modification will not adversely affect the #buildings# on the #zoning lot# or nearby #zoning lots# by restricting access to light and air; and

(d) that if an open area is provided, at any level, between two #buildings#, it shall have a width of not less than eight feet.

84-131 - Floor area regulations

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot# in subzones A-1 and A-5 shall not exceed 12.0, and in subzones A-2, A-3 and A-6 shall not exceed 8.0. However, within subzone A-6, the #floor

area ratio# for the #zoning lot# on the southeast corner of Chambers Street and North End Avenue may be increased from 8.0 to a maximum of 12.0, provided that such additional #floor area# is occupied by a #school#.

The #floor area# bonus provisions with respect to R10 Districts shall not apply.

84-132 - Mandatory front building walls

LAST AMENDED
2/2/2011

Except as set forth in paragraphs (g) and (i) of this Section, where Appendices 2.1 or 3.1 show a requirement for a #building# in Zone A to be built to a #mandatory front building wall line#, any such #building# shall have a mandatory front #building# wall coincident with and constructed along such #mandatory front building wall line#, which shall rise without setback for a height above #curb level#, as specified in this Section, except that, at #building# entrances, openings below the second #story# ceiling in the mandatory front #building# walls will be permitted to provide access to courtyards:

(a) except as set forth in paragraph (d) of this Section, with respect to any 60-85 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 60 feet nor more than 85 feet;

(b) with respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 110 feet nor more than 135 feet. However, a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level# ;

(c) on the portion of any #zoning lot# designated as a #special height location# in Appendix 2.2, a height of not less than the applicable amount set forth in paragraphs (a) or (b) of this Section and not more than the maximum height indicated in Appendix 2.2 or in paragraph (d)(1) of Section 84-135 (Limited height of buildings);

(d) with respect to any #zoning lot# south of West Thames Street, east of South End Avenue, north of Third Place and west of Battery Place, a height of not less than 18 feet nor more than 85 feet above #curb level# ;

(e) with respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 135 feet;

(f) with respect to any 110-230 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 230 feet, except that:

(1) the width of the mandatory front #building# wall in excess of a height of 135 feet shall not exceed 120 feet along any frontage;

(2) where the width of the #mandatory front building wall line# along #street lines# intersecting North End Avenue exceeds 100 feet, the mandatory front #building# wall in excess of a height of 135 feet shall not exceed a width of 75 feet along North End Avenue. However, the width of the mandatory front #building# wall along #street lines# intersecting North End Avenue may be reduced to not less than 100 feet in order to accommodate landscaping and other improvements within or adjacent to the public open space areas shown in Appendix 3.6;

(3) a setback of 10 feet at a height of 135 feet is required along all street frontages, except Park Place West; and

(4) a setback of not less than five feet and not more than 10 feet is required in other locations at a height of 135 feet, as shown in Appendix 3.1;

(g) with respect to any 150—250 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 150 feet nor more than 250 feet, except that the height may not exceed either 150 feet for more than 120 feet or 75

percent of the length of the site's western property line, whichever is less, and a setback of not less than five feet and not more than 10 feet is required at a height of 150 feet. Where Appendix 3.1 shows a requirement for a #building# to be built to a #mandatory front building wall line# along frontage on River Terrace, any such #building# may have a mandatory front #building# wall coincident with and constructed along a line set back one and one-half feet from the #street line# along River Terrace to accommodate landscaping treatment as required by the Battery Park City Authority;

(h) on the portion of any #zoning lot# designated as a #special height location# in Appendix 3.2, a height of not less than the applicable amount set forth in paragraphs (e), (f) or (g) of this Section and not more than the height shown in Appendix 3.2; and

(i) on the #zoning lot# south of First Place and west of Battery Place, the eastern mandatory front #building# wall may be located within 30 feet from the eastern #mandatory front building wall line#, and the southern mandatory front #building# wall may be reduced in width up to 30 feet along the southern #mandatory front building wall line# within 30 feet from the intersection with the eastern #mandatory building wall line#.

Subject to the provisions of Section 84-133 (Front wall recesses), the mandatory front #building# wall requirements set forth in this Section shall also apply to all #buildings# along all #street lines# within 50 feet of their intersection with any #mandatory front building wall line#. For the next 20 feet along the #street line#, the mandatory front #building# wall requirements are optional except that, for any #building# north of Vesey Street and Vesey Place, the mandatory front #building# wall requirements are optional for the next 25 feet. The height limit of 85 feet shall apply along #street lines# or to #buildings# not subject to the mandatory front #building# wall requirements.

84-133 - Front wall recesses

LAST AMENDED
1/8/1997

Front wall recesses for architectural or decorative purposes are permitted, except in an #arcade# required in Section 84-134 (Mandatory arcades), provided that below the level of the second #story# ceiling the depth of such recess does not exceed 20 feet. At any #story# above the level of the second #story# ceiling, recesses to the amount of 25 percent of the aggregate area of the wall at each #story# are permitted, provided the depth of any such recess does not exceed 10 feet. All recesses shall be subject to the applicable provisions of Section 23-84 (Outer Court Regulations).

84-134 - Mandatory arcades

LAST AMENDED
2/2/2011

Appendix 2.4 (Mandatory Arcades) specifies those #zoning lots# where an #arcade#, as defined in Section 12-10 (DEFINITIONS), shall be provided; and:

(a) the #arcade# shall extend the full width of the #zoning lot# along the indicated #street lines# or other lines, except where otherwise indicated in Appendix 2.4; and

(b) the minimum unobstructed depth of the #arcade# shall be 12 feet, and the minimum height of the #arcade# shall be 20 feet above #curb level#.

84-135 - Limited height of buildings

LAST AMENDED

For the purposes of this Section, the term "#buildings#" shall include #buildings or other structures#. No portion of any #building# may be built to a height greater than 85 feet above #curb level#, except that:

(a) any portion of a #building# required to have an exterior wall coincident with a 110-135 foot #mandatory front building wall line#, as provided in Section 84-132 (Mandatory front building walls), may be built to a height of up to 135 feet above #curb level# ;

(b) any portion of a #building# required to have an exterior wall coincident with a 110-230 foot #mandatory front building wall line#, as provided in Section 84-132 and subject to the requirements contained in paragraph (f) therein, may be built to a height of up to 230 feet above #curb level# ;

(c) portions of a #building# required to have an exterior wall coincident with a 150-250 foot #mandatory front building wall line#, as provided in Section 84-132, may be built to a height of up to 250 feet above #curb level# ;

(d) on the portion of any #zoning lot# designated as a #special height location# in Appendices 2.2 or 3.2, a #building# may be built to the height above #curb level# indicated in Appendices 2.2 or 3.2, subject to the following:

(1) on any #building# south of First Place and east of Battery Place, with a mandatory front #building# wall, the area of which, below the level of the second story ceiling, occupies 100 percent of the frontage along its #mandatory front building wall line#, a height of not more than 450 feet, provided, however, that a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;

(2) on #zoning lots# located north of First Place, south of Third Place, and east of Battery Place, #special height locations# not to exceed heights of 135 feet or 360 feet above #curb level# are permitted as indicated in Appendix 2.2, provided that a setback of 10 feet is provided at a height of 85 feet above #curb level# along any #narrow street# frontage;

(3) on the #zoning lot# at the southeast corner of Chambers Street and North End Avenue, the #special height location# indicated in Appendix 3.2 shall apply only if such #zoning lot# is occupied by #school# and #residential uses# and the portion of the #building# above a height of 135 feet above #curb level# does not exceed a #lot coverage# of 40 percent; and

(4) on the #zoning lot# at the northeast corner of Murray Street and North End Avenue, a #special height location# of 320 feet above #curb level# is permitted as indicated in Appendix 3.2, subject to the requirements contained in Section 84-132, paragraph (f);

(e) Sections 23-62 and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building# that exceeds an established height limit shall be subject to the following provisions:

(1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:

(i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

(ii) Elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42;

(iii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(iv) External wall thickness, pursuant to Section 33-42;

(v) Flagpoles and aerials;

(vi) Heliostats and wind energy systems;

(vii) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(viii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (e)(1)(viii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(ix) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(x) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(xi) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;

(3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(xii) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(xiii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in

height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(xiv) Wire, chain link or other transparent fences.

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

(i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;

(ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and

(f) in #special height locations# in Appendices 2.2 and 3.2 of this Chapter, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

84-14 - Parking Regulations and Curb Cuts

LAST AMENDED
1/8/1997

84-141 - Accessory off-street parking spaces

LAST AMENDED
5/8/2013

Except as provided in Section 84-142 (Accessory off-street parking spaces for buildings containing hotel uses), #accessory# off-street parking spaces may be provided only for #residential uses# subject to the provisions of this Section. The ownership requirement for #accessory# off-street parking is satisfied by an interest commensurate with the interest of the principal #use#. Such #accessory# parking spaces shall be #completely enclosed#. No portion of any #accessory# parking facility may be constructed at a height of more than 23 feet above #curb level#. Except as otherwise provided in this Section, no #accessory# off-site parking shall be permitted.

#Accessory# parking facilities shall be constructed so that no exhaust vents open onto any #street# or park or onto the #Esplanade# and so that no portion of the facility, other than entrances and exits, is visible from adjoining #zoning lots#, #streets# or parks or the #Esplanade#.

The City Planning Commission may, upon application, authorize permitted #accessory# off-street parking spaces to be located anywhere within Zone A without regard for #zoning lot lines#, provided that the Commission shall find that:

(a) the #accessory# off-street parking spaces and required curb cuts are located within subzones A-1, A-2 or A-3 for #zoning lots# within subzones A-1, A-2 or A-3, or within subzones A-5 or A-6 for #zoning lots# in subzones A-5 or A-6, as indicated in Appendices 2 and 3; parking setbacks in Appendices 2.5 and 3.4; and curb cut locations in Appendices 2.6 and 3.5;

(b) such #accessory# off-street parking spaces will be conveniently located in relation to the #buildings# containing #residences# to which such off-street spaces are #accessory#, and provided that all such spaces shall not be further than

600 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory# ;

(c) such location of #accessory# off-street parking spaces will permit better site planning;

(d) such #accessory# off-street parking facility shall contain parking spaces #accessory# to #residential uses# only; and

(e) such parking facility complies with the findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

Whenever off-street parking spaces are authorized to be located without regard to #zoning lot lines# in accordance with the provisions of this Section, the number of spaces generated by each #building# shall be recorded in that building's certificate of occupancy (temporary and permanent). In addition, any certificate of occupancy for the #accessory# off-street parking facility shall state the number of parking spaces authorized to be relocated from each #zoning lot#.

84-142 - Accessory off-street parking spaces for buildings containing hotel uses

LAST AMENDED
5/8/2013

For the #zoning lot# south of First Place and east of Battery Place, #accessory# off-street parking spaces for hotel #uses# may be provided at the rate established for #transient hotels# in Section 13-12 (Permitted Parking for Non-residential Uses) or 13-13 (Permitted Parking for Zoning Lots With Multiple Uses), as applicable.

84-143 - Off-street loading

LAST AMENDED
5/8/2013

Enclosed #accessory# off-street loading berths shall be provided in conformity with the requirements set forth in the following table and under rules and regulations promulgated by the Commissioner of Buildings for the #uses# listed in the table.

REQUIRED OFF-STREET LOADING BERTHS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths
Supermarkets	First 8,000	None
	Next 17,000	1
	Next 15,000	1
	Each additional 15,000 or fraction thereof	1
Hotels	First 100,000	None

	Next 200,000	1
	Each additional 300,000 or fraction thereof	1

84-144 - Location of curb cuts

LAST AMENDED
2/2/2011

Curb cuts are permitted only in the areas or locations indicated in Appendices 2.6 and 3.5. The aggregate width of all curb cuts provided for any #zoning lot# shall not exceed 20 feet, except that:

(a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street, and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;

(b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15 foot curb cuts;

(c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25 foot wide curb cut to the #accessory# off-street parking facility;

(d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet;

(e) for each #zoning lot# located on the east side of Battery Place:

(1) between First Place and Second Place, the aggregate width of all curb cuts shall not exceed 40 feet;

(2) between Second Place and Third Place, the aggregate width of all curb cuts shall not exceed 50 feet; and

(f) for the #zoning lot# south of First Place and west of Battery Place, the aggregate width of all curb cuts shall not exceed 24 feet.

84-20 - ZONE B

LAST AMENDED
2/2/2011

Zone B is designed to provide for commercial and mixed development with ancillary retail and service uses, in accordance with the Large Scale Commercial Development Plan which is attached as an exhibit to the Master Lease for Battery Park City dated June 6, 1980, as amended. Alignment of the pedestrian bridge at Liberty Street shall connect or allow for connection at the easterly line of West Street with a pedestrian connection to be provided on the southerly side of Liberty Street, as provided in this Section. In addition, the pedestrian bridge at the World Trade Center crossing shall connect or allow for connection with the World Trade Center at the easterly line of West Street. The pedestrian bridges are shown on the District Plan in Appendix 1.

84-30 - ZONE C

LAST AMENDED
1/8/1997

84-31 - General Provisions

LAST AMENDED
2/2/2011

Zone C is designed to provide for commercial and mixed use development, parking and ancillary retail and service uses, as permitted pursuant to this Chapter. Zone C is divided into two subzones: C-1 and C-2. The location and boundaries of the subzones are shown in Appendix 3 of this Chapter. Except as expressly modified by the provisions of this Chapter, the regulations applying to a C6-6 District shall apply in Zone C of the #Special Battery Park City District#.

84-32 - Use Regulations

LAST AMENDED
1/8/1997

Use regulations applicable in C6-6 Districts shall apply subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

> Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.
>
> Parking facilities, public, subject to Section 84-341
>
> Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

84-33 - Bulk Regulations

LAST AMENDED
1/8/1997

#Bulk# regulations otherwise applicable in C6-6 Districts and equivalent #Residential Districts# are hereby modified to the extent set forth in this Section and Sections 84-331 through 84-333, inclusive.

The height and setback regulations otherwise applicable in C6-6 Districts, and equivalent #Residential Districts#, are superseded by the regulations set forth in Section 84-332 (Mandatory front building walls) and 84-333 (Limited height of buildings) and Appendices 3.1 and 3.2.

84-331 - Floor area regulations

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot# shall not exceed

15.0. The #floor area ratio# for #residential uses# shall not exceed 10.0. The #floor area# bonus provisions shall not apply.

84-332 - Mandatory front building walls

LAST AMENDED
2/2/2011

Appendix 3.1 specifies locations where a #mandatory front building wall line# is required. #Buildings# shall have a mandatory front #building# wall coincident with and constructed along such #mandatory front building wall line# for a minimum of 80 percent of the length of the frontage required to have the mandatory front #building# wall, which shall rise without setback for a height above #curb level# not less than 110 feet nor more than 140 feet in subzone C-1, and not less than 60 feet nor more than 140 feet in subzone C-2, except that the mandatory front #building# wall on Murray Street within subzone C-2 may rise without setback to the maximum height established pursuant to Section 84-333 (Limited height of buildings) and, provided further, that the mandatory front #building# wall requirement shall not apply to the #building# frontage along a pedestrian right-of-way in subzone C-2.

However, where Appendix 3.1 shows a mandatory front wall along Murray Street, such front #building# wall may be located either along the #street line# on Murray Street or at a right angle to North End Avenue within 30 feet from the intersection of Murray Street and North End Avenue.

At 140 feet above #curb level#, the #building# must set back at least 15 feet from the #street line# of Vesey Street, North End Avenue and Murray Street, except that there shall be no required setback along Murray Street in subzone C-2. Front wall recesses for architectural and decorative purposes are permitted in mandatory front walls, provided that:

(a) the aggregate area of front wall recesses below the maximum height of the required front wall is less than 50 percent of the required mandatory front #building# wall;

(b) the maximum depth of any recess shall be 20 feet;

(c) recesses with a depth of less than two feet shall not be considered recesses for the purposes of this Section; and

(d) recesses shall not be open to the sky.

84-333 - Limited height of buildings

LAST AMENDED
4/30/2012

The maximum height of any #building or other structure#, or portion thereof, shall not exceed 400 feet on any portion of subzone C-1 shown as a #special height location# in Appendix 3.2 of this Chapter, except that permitted obstructions, pursuant to Section 33-42, shall be allowed to penetrate a maximum height limit.

The maximum height of any #building or other structure#, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above #curb level#, except that:

(a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location#, shall not exceed the height set forth in Appendix 3.2; and

(b) Sections 23-62 and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:

(1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:

(i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;

(ii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(iii) Elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42;

(iv) Fences, wire, chain link or other transparent type;

(v) Flagpoles and aerials;

(vi) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(vii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (b)(1)(vii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(viii) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(ix) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(x) Solar energy systems:

(a) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(b) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;

(c) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18

inches in height, as measured perpendicular to the roof surface;

(xi) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(xii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher.

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

(i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;

(ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.

(c) In no event shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

84-34 - Parking Regulations and Curb Cuts

LAST AMENDED
8/12/2004

Notwithstanding any other regulations of this Resolution, off-street parking spaces shall be permitted pursuant to this Section.

84-341 - Off-street parking

LAST AMENDED
8/12/2004

#Accessory# off-street parking spaces are not required in Zone C. However, a maximum of 300 public parking spaces are permitted in subzones C-1 and C-2 combined, provided that:

(a) such spaces shall be completely enclosed;

(b) no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets#, parks or the #Esplanade# ;

(c) no exhaust vents shall open onto any #street# or park; and

(d) the parking facility shall not be more than 23 feet above #curb level#.

84-342 - Off-street loading

LAST AMENDED
8/12/2004

The number of required #accessory# loading berths in subzone C-2 may be reduced by up to 50 percent of the number required pursuant to Section 36-62 (Required Accessory Off-street Loading Berths).

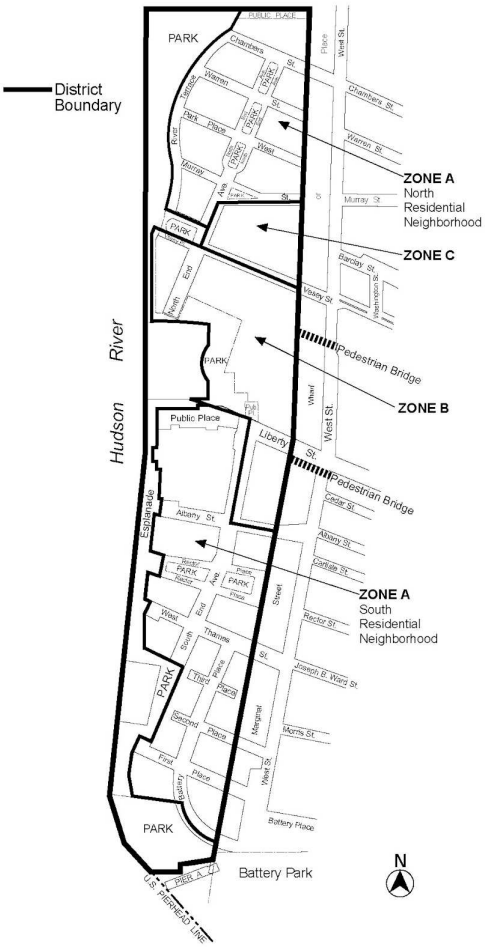
84-343 - Curb cuts

LAST AMENDED
8/12/2004

Curb cuts are permitted only in locations indicated in Appendix 3.5 and along any #street# or right-of-way not shown on Appendix 3.5. The aggregate width of all curb cuts for subzone C-1 shall not exceed 50 feet. The aggregate width of all curb cuts for subzone C-2 shall not exceed 60 feet.

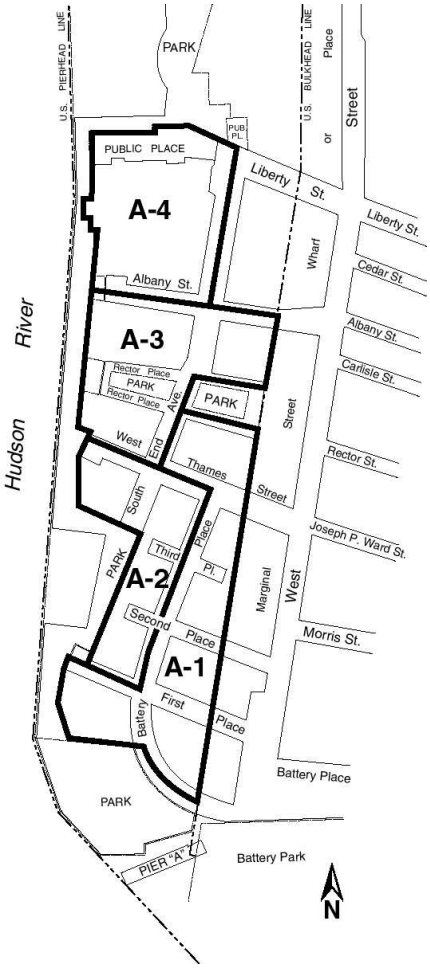
Appendix 1 - Special Battery Park City District - District Plan

LAST AMENDED8/12/2004



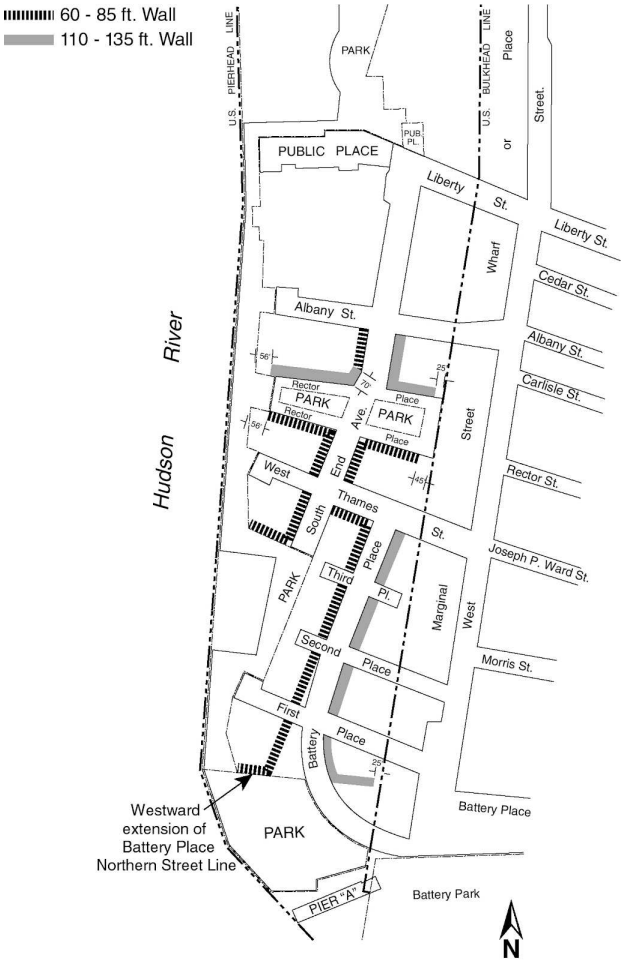
Appendix 2 - Special Battery Park City District — Zone A South Residential Neighborhood

LAST AMENDED7/19/1990



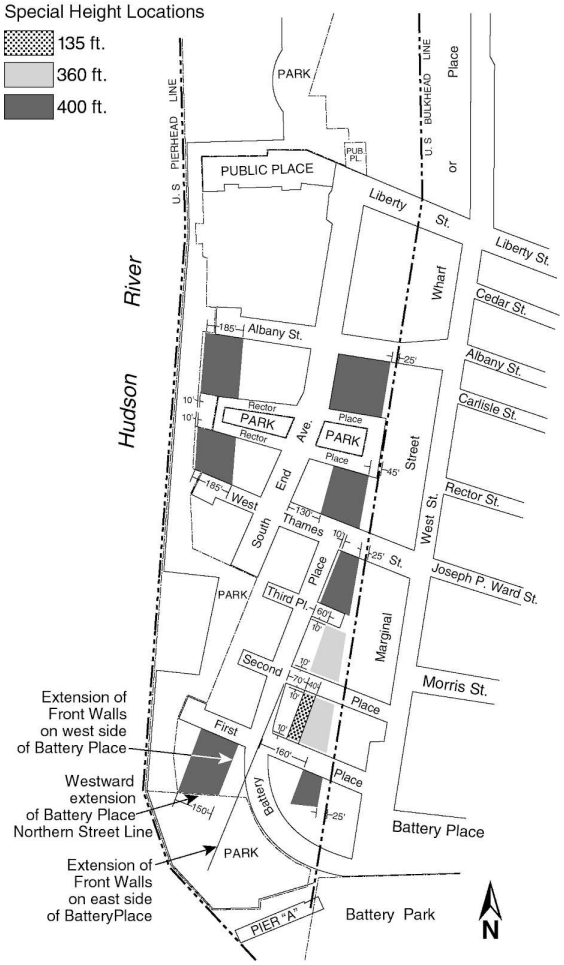
Appendix 2.1 - Special Battery Park City District — Mandatory Front Building Walls

LAST AMENDED
11/13/1981



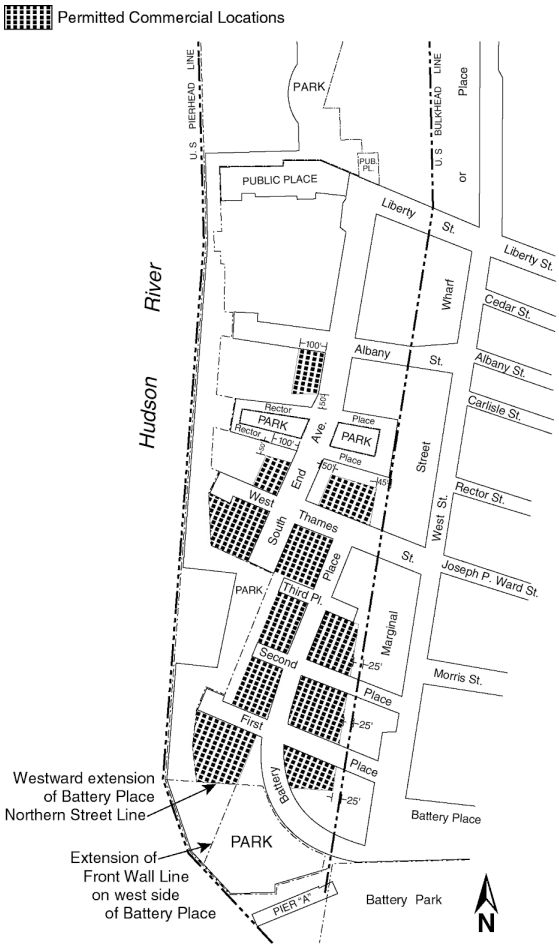
Appendix 2.2 - Special Battery Park City District — Special Height Locations

LAST AMENDED
11/13/1981



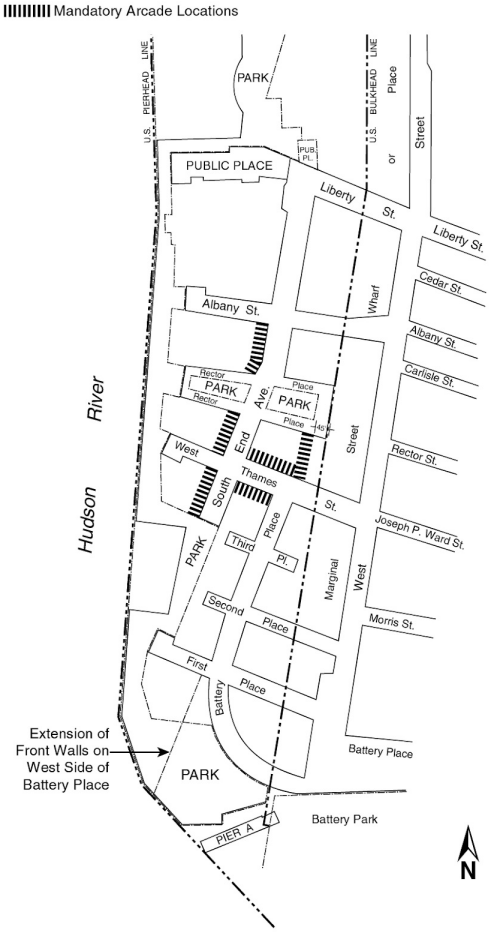
Appendix 2.3 - Special Battery Park City District — Permitted Commercial Locations

LAST AMENDED
11/13/1981



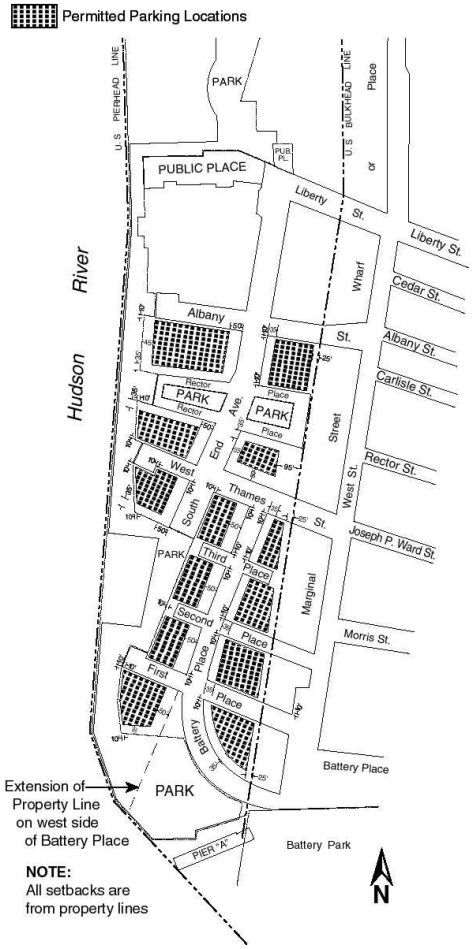
Appendix 2.4 - Special Battery Park City District — Mandatory Arcades

LAST AMENDED
11/13/1981



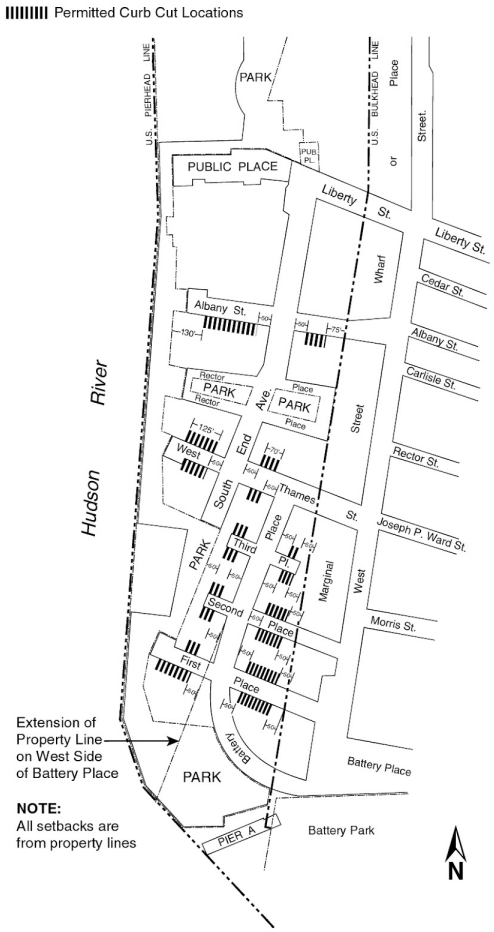
Appendix 2.5 - Special Battery Park City District — Parking Setbacks

LAST AMENDED
11/13/1981



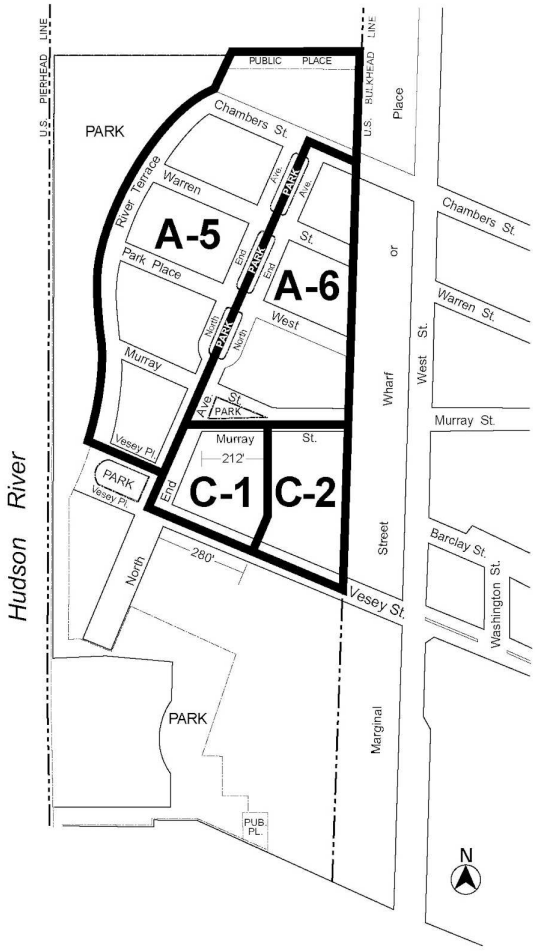
Appendix 2.6 - Special Battery Park City District — Curb Cut Locations

LAST AMENDED
11/13/1981



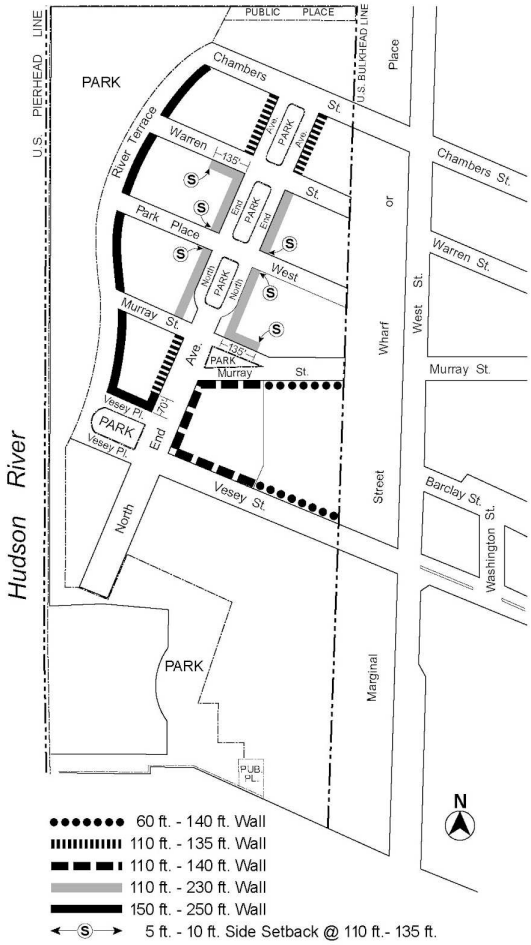
Appendix 3 - Special Battery Park City District — Zone A North Residential Neighborhood and Zone C

LAST AMENDED8/12/2004



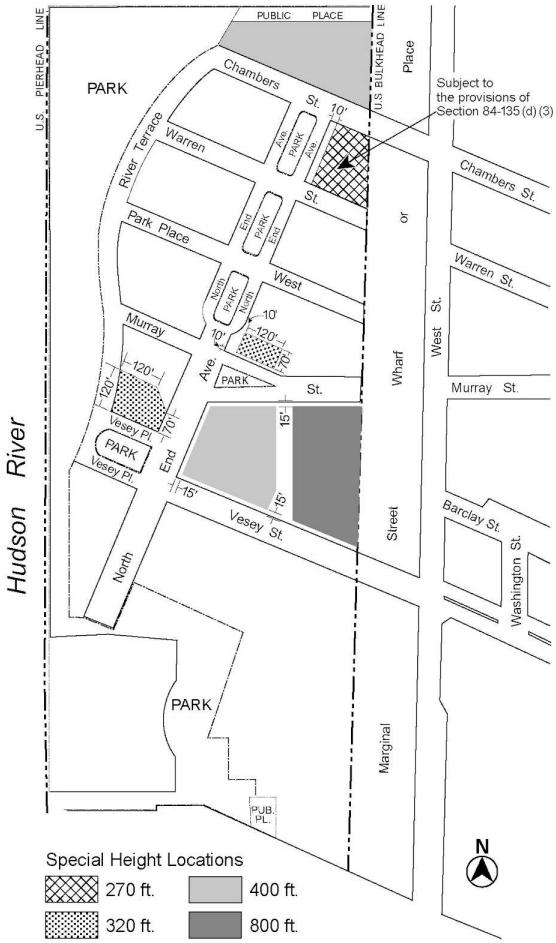
Appendix 3.1 - Special Battery Park City District — Mandatory Front Building Walls

LAST AMENDED8/12/2004



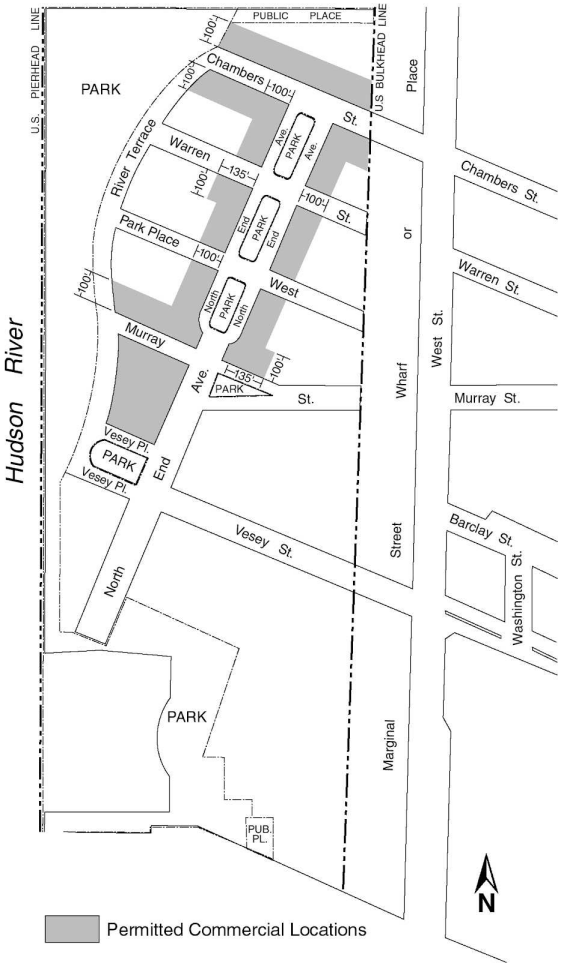
Appendix 3.2 - Special Battery Park City District — Special Height Locations

LAST AMENDED8/12/2004



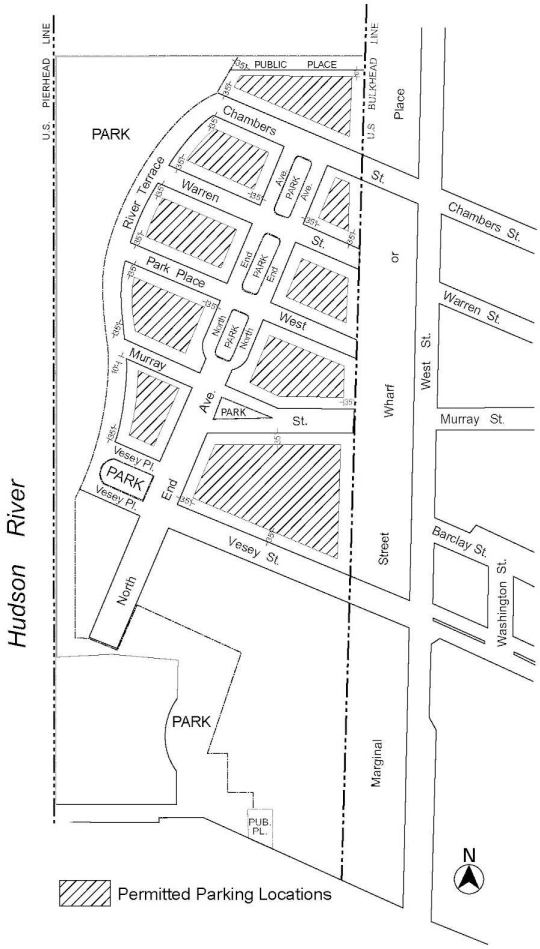
Appendix 3.3 - Special Battery Park City District — Permitted Commercial Locations

LAST AMENDED2/27/2001



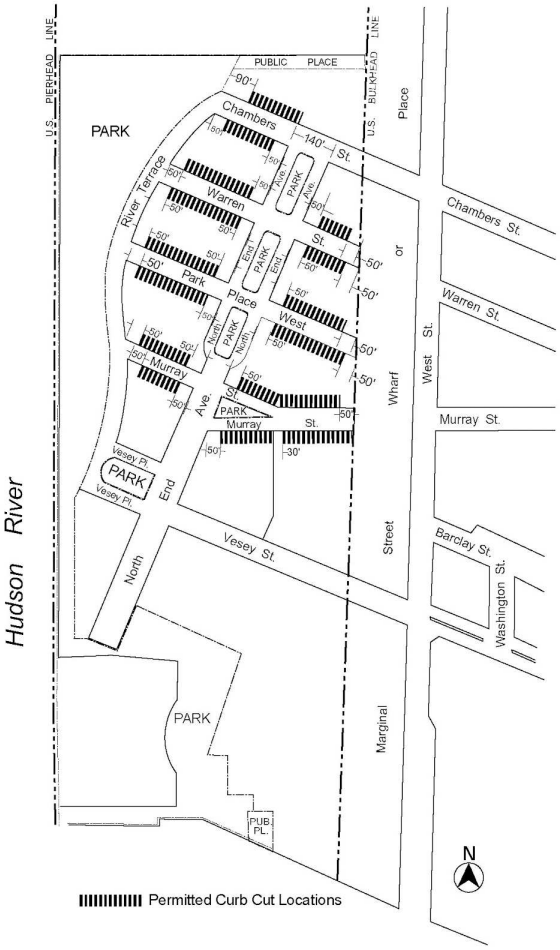
Appendix 3.4 - Special Battery Park City District — Parking Setbacks

LAST AMENDED8/12/2004



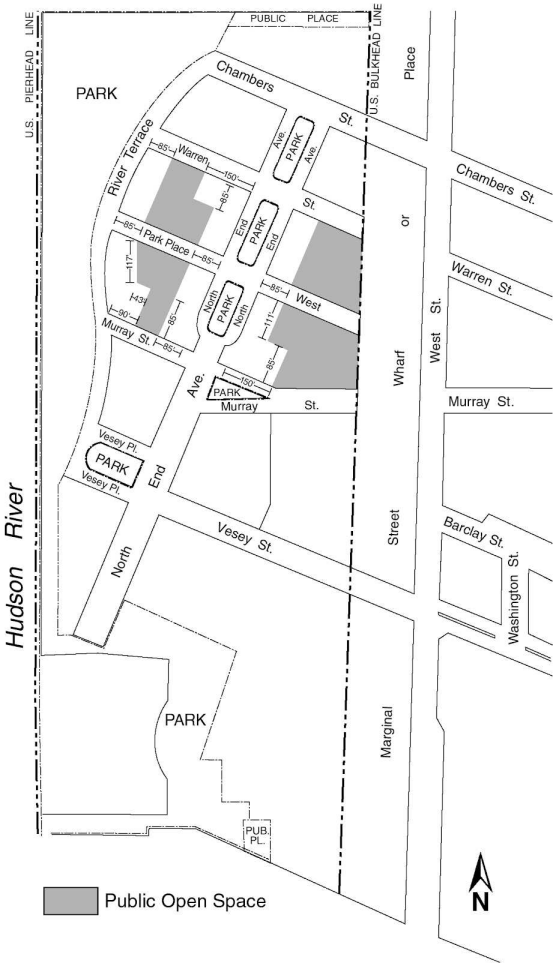
Appendix 3.5 - Special Battery Park City District — Curb Cut Locations

LAST AMENDED8/12/2004



Appendix 3.6 - Special Battery Park City District — Public Open Space Areas

LAST AMENDED2/27/2001



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special United Nations Development District (U)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 5 - Special United Nations Development District (U)

85-00 - GENERAL PURPOSES

LAST AMENDED
8/21/1980

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

(a) to preserve, protect and promote the character of the Special United Nations Development District adjacent to the headquarters of the United Nations, an attraction which helps the City of New York to maintain its preeminent status as a center for international organizations, as an office headquarters center and a cosmopolitan residential community;

(b) to facilitate the continued growth of the programs and activities of the United Nations and to help assure the retention of the United Nations headquarters in the City of New York;

(c) to encourage the provision of suitable office facilities for the United Nations, missions of member nations of the United Nations, and for non-governmental organizations related to the United Nations, in an attractive environment within a reasonable distance of the United Nations;

(d) to encourage the provision of housing suitable for personnel of delegations and members of the United Nations staff within a reasonable distance of the United Nations;

(e) to encourage the provision of hotel accommodations in the immediate vicinity of the United Nations suitable for visiting heads of state and other dignitaries attending the United Nations;

(f) to encourage the provision of community facilities, meeting rooms, and other facilities suitable for United Nations-related uses and purposes;

(g) to alleviate vehicular and pedestrian traffic congestion in the vicinity of the United Nations;

(h) to promote coordinated redevelopment of the area contiguous to the United Nations in a manner consistent with the foregoing objectives which are an integral element of the comprehensive plan of the City of New York;

(i) to provide freedom of architectural design in accommodating facilities for the United Nations and supporting activities within multi-use structures which produce more attractive and economic development; and

(j) to promote the most desirable use of land in this area in accordance with a well-considered plan to promote the special character of the district and its peculiar suitability for uses related to the United Nations and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

85-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

85-02 - General Provisions

LAST AMENDED

8/21/1980

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special United Nations Development District# and in accordance with the provisions of this Chapter, the existing district regulations are superseded and replaced by the regulations applying to a C5-3 District, except as modified by the provisions of this Chapter, for construction of any #development# in the #Special United Nations Development District#, provided that the #development# is undertaken in accordance with a development plan approved by the City Planning Commission and the Board of Estimate, which plan comprises #zoning lots# having a total area of at least 1.5 acres to be #developed# at one time or in stages, and that such #development# is undertaken by or with the consent of the party proposing such plan, and further provided that the Chairperson of the City Planning Commission certifies:

(a) for #development# commencing before January 1, 1980, that the final plans generally comply with the design concept dated January 6, 1970, on file with the Commission; or

(b) for #development# commencing after January 1, 1980, that the final plans generally comply with the amended design concept dated April 30, 1980, on file with the Commission.

85-03 - Modifications of Use Regulations

LAST AMENDED
2/8/1990

In addition to the #uses# permitted in a C5-3 District, the #uses# and #accessory uses# set forth in this Section are hereby permitted in any #development# to be constructed in accordance with the general purposes and provisions of this Chapter, notwithstanding any other provision of this Resolution. All such #commercial# #uses# may be located in any #mixed building# and anywhere within such #building# without regard to Section 32-42 (Location Within Buildings).

(a) Auditoriums, with unlimited capacity;

(b) Automobile rental establishments;

(c) Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing; or

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or less;

(d) #Parking facilities, accessory, group#, with a capacity of 380 parking spaces for automobiles solely for #residences#, hotels, foreign missions and United Nations related #uses# ;

(e) Photographic developing or printing, without limitation on #floor area# per establishment;

(f) Printing or publishing, without limitation on #floor area# per establishment;

(g) #Public parking lots#, temporary, of no more than five years' duration or until such time as the #development# is completed, whichever is sooner;

(h) Recreational #uses#, other;

(i) Skating rinks, indoor;

(j) Swimming pools, commercial;

(k) Tennis courts, indoor;

(l) Theaters, with unlimited capacity.

85-04 - Modifications of Bulk Regulations

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution the following modifications of #bulk# regulations are hereby granted for any #development# which the Chairperson of the City Planning Commission certifies will generally comply with the concept on file with the City Planning Commission dated January 6, 1970, for #development# commencing before January 1, 1980, or the amended design concept on file with the Commission dated April 30, 1980, for #development# commencing after January 1, 1980.

In no event shall the maximum #floor area ratio# for the #Special United Nations Development District#, taken as a whole, exceed 15.0. The #floor area ratio# of a #residential building# or the #residential# portion of a #mixed building# shall not exceed the maximum #floor area ratio# set forth in Sections 34-112, 23-152 and 35-31.

The #development# may include land in more than one #block# and the total permitted #floor area# of all #zoning lots# within such #development# may be distributed without regard for #zoning lot lines# or any #streets# separating the #zoning lots# and the #buildings# comprising such #development# may be located without regard for the applicable height and setback regulations.

In no event shall any #development# on the south side of 44th Street within the #Special United Nations Development District# contain more than 200,000 square feet of #floor area#, and no more than 61,000 square feet of #floor area# may be transferred for any such #development#.

At the time of any transfer of #floor area# in the #Special United Nations Development District#, there shall be recorded in the land records, and indexed against each tax lot from which #floor area# is removed, an instrument removing such #floor area# and stating the maximum permissible #floor area# remaining on the tax lot after deducting the #floor area# transferred; and there shall be recorded in the land records, and indexed against each tax lot to which #floor area# is added, an instrument evidencing the transfer of the #floor area# to the tax lot benefitted and identifying by tax block and lot number and description the tax lot from which the #floor area# has been transferred. A certified copy of such instruments shall be filed with the Commission upon recordation thereof.

For the purpose of any transfer of #floor area# in the #Special United Nations Development District#, the total permitted #floor area# of any tax lot from which #floor area# is transferred shall be the maximum #floor area# permitted under this Chapter for a #commercial building#, less the total #floor area# of any #building# on the tax lot.

The minimum front setback of a #building# on any portion of 45th Street within the #Special United Nations Development District#, more than 100 feet from First Avenue, shall be not less than 10 feet from the #street line#, and required #yards# within the #Special United Nations Development District# shall not be less than 20 feet in depth.

For a #residential building# or the #residential# portions of any mixed-#use# #building# located on the north side of 44th Street within the #Special United Nations Development District#, the provisions of Sections 23-532 (Required rear yard equivalents) and 23-711 (Standard minimum distance between buildings) shall not apply. Notwithstanding anything in this Resolution to the contrary, the minimum distance between a #residential# portion of a #building# and any other #building# on the same #zoning lot# within the #Special United Nations Development District# shall be not less than 28 feet.

For any #building# containing #residences# within the #Special United Nations Development District#, the applicable density requirements may be modified, but in no event shall there be less than 395 square feet of #residential# #floor area# per #dwelling unit#.

As a condition for granting such authorizations, in each case the Commission shall make the following findings:

(a) that the land use intensity and distribution of #bulk# of the total #development# permit better site planning and significantly achieve the specific purposes for which the #Special United Nations Development District# is established; and

(b) that all new #buildings or other structures# erected within the #Special United Nations Development District# are in compliance with the special height requirements set forth in Section 85-05 of this Chapter.

85-05 - Limited Height of Buildings

LAST AMENDED
8/21/1980

The maximum height of a #building or other structure#, including elevator or stair bulkheads, #accessory# water tanks or cooling towers, chimneys, parapets, arbors or trellises and flagpoles, located within the #Special United Nations Development District#, shall not exceed 550 feet above the established grade of the easterly side of Second Avenue midway between East 43rd and East 45th Streets. No portion of any #building# within the #Special United Nations Development District# may be built to a height greater than the present height of the United Nations Secretariat Building within 200 feet west of the westerly boundary of First Avenue. No portion of any #development# on the south side of 44th Street within the #Special United Nations Development District# may be built to a height greater than 183 feet above #curb level# or 15 #stories#, whichever is less.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special Forest Hills District (FH)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 6 - Special Forest Hills District (FH)

86-00 - GENERAL PURPOSES

LAST AMENDED
3/24/2009

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

(a) to ensure that the form of new buildings is compatible with and relates to the built character of the Forest Hills neighborhood;

(b) to preserve, protect and promote the special character of Austin Street as a regional shopping destination;

(c) to create a graduated transition from the lower-scale character of Austin Street to the higher-scale character of Queens Boulevard;

(d) to support a broad and vibrant mix of commercial and residential uses throughout the Special District;

(e) to enhance the pedestrian setting of Austin Street through appropriate ground floor uses and structural requirements; and

(f) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

86-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

86-02 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Any special permit granted by the Board of Standards and Appeals before March 24, 2009, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

86-03 - District Plan and Maps

LAST AMENDED
3/24/2009

The regulations of this Chapter are designed to implement the District Plan for the #Special Forest Hills District#. The District Plan includes the map of the #Special Forest Hills District#, which is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

86-10 - SPECIAL USE REGULATIONS

LAST AMENDED
3/24/2009

86-11 - Ground Floor Uses Along Designated Streets

LAST AMENDED
2/2/2011

Along the portions of Austin Street and 71st Avenue specified on the map in the Appendix to this Chapter as Retail Continuity Streets, #uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial# or #community facility# #uses# permitted by the underlying district and the provisions of Section 86-12 (Modification of Uses Along Austin Street) and shall extend to a minimum depth in accordance with the provisions set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

Such ground floor #street# frontage of a #development# or #enlargement# constructed after March 24, 2009, shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations and #accessory# parking spaces provided in accordance with applicable provisions of Section 37-33 (Maximum Width of Certain Uses).

86-12 - Modification of Uses Along Austin Street

LAST AMENDED
3/24/2009

The #use# regulations in the #Special Forest Hills District# shall be modified to permit Use Groups 10A, 10C, 12A, 12B, 12D and 12E within C2 Districts fronting on Austin Street.

The provisions of Section 32-423 (Limitation on ground floor location) shall not apply to #uses# located along Austin Street.

86-13 - Location of Uses in Mixed Buildings

LAST AMENDED
2/2/2011

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #dwelling units#.

Such #commercial# #uses#, however, may be located over #dwelling units# by authorization of the City Planning Commission

upon a finding that there is sufficient separation of #residential uses# from #commercial# #uses# within the #building#.

86-14 - Transparency Requirement

LAST AMENDED
2/2/2011

For #developments# or #enlargements# constructed after March 24, 2009, the ground floor #street wall# bounding any #commercial# or #community facility# #use#, other than a #school#, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

86-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/24/2009

The applicable #bulk# regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-21 - Special Floor Area Regulations in C4-5X Districts

LAST AMENDED
3/24/2009

In C4-5X Districts within the #Special District#, the underlying #floor area ratio# for #commercial uses# shall not apply. In lieu thereof, the provisions of Section 33-122 (Commercial buildings in all other Commercial Districts) shall be modified to permit a maximum #floor area ratio# of 5.0.

86-22 - Waiver for Rear Yards

LAST AMENDED
3/24/2009

No #rear yards# shall be required for any #commercial# or #community facility# #use# permitted within a C2-3 District in the #Special Forest Hills District#.

86-23 - Height and Setback Regulations

LAST AMENDED
2/2/2011

#Buildings or other structures# within the Special District shall comply with the height and setback regulations of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), except as modified by this Section.

(a) In C4-4A Districts

Within the C4-4A District, the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building or other structure# within the C4-4A District shall be 70 feet.

(b) In C4-5X Districts

Within the C4-5X District west of 70th Road, the minimum base height of the #street wall# shall be 40 feet and the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building or other structure# within the C4-5X District shall be 120 feet, except that within 60 feet of the northerly side of Austin Street between Yellowstone Boulevard and 70th Avenue, the maximum height for #buildings or other structures# shall be 80 feet.

All heights shall be measured from the #base plane#.

86-30 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED
2/2/2011

For any #zoning lot# within the #Special Forest Hills District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, other than #floor area ratio# provisions, provided the Commission shall find that such:

(a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) #use# modification will encourage a lively pedestrian environment along Austin Street;

(c) modification is the only practicable way to achieve the programmatic requirements of the development;

(d) modification will enhance the distribution of #bulk# on the #zoning lot#;

(e) modification of #bulk# will permit adequate access of light and air to surrounding #streets# and properties; and

(f) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

86-40 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
3/24/2009

The applicable parking and loading regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-41 - Parking Regulations for Commercial Uses

LAST AMENDED
3/24/2009

For all #commercial# #uses# located within the #Special Forest Hills District# in parking requirement category (PRC) A, B, B1 or C, the requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified to provide one parking space per 400 square feet of #floor area# for all such #uses#.

In the Special District, hotels (PRC-H) shall be required to provide one parking space per 12 guest rooms or suites, or one

parking space per 12 persons rated capacity, whichever is greater. Places of assembly (PRC-D) shall be required to provide one parking space per 12 persons rated capacity.

86-42 - Location of Off-site Accessory Parking Spaces for Residential Uses

LAST AMENDED
2/2/2011

The applicable regulations for the location of permitted or required off-site #accessory# parking spaces for #residential uses# in Sections 36-42 (Off-site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall not apply in the #Special Forest Hills District#. In lieu thereof, such off-site parking spaces, which are #accessory# to a #residential use#, may also be located on any #zoning lot# within the Special District other than the #zoning lot# to which they are #accessory#.

86-43 - Modification of Parking Requirement Waivers

LAST AMENDED
2/2/2011

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#, as follows:

(a) For any #development# or #enlargement# containing #residences#, the waiver modification provisions set forth in Section 36-362 (In other C1 or C2 Districts or in C4, C5 or C6 Districts), inclusive, shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS), inclusive, shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the applicable regulations of Section 36-30, inclusive, is five spaces or fewer.

For any #commercial# or #community facility# #use# permitted in the Special District, the modification waiver provisions for a C4-4 or C4-5 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-21 (General Provisions) shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the regulations of Section 36-21, is fewer than 40 spaces.

(b) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Forest Hills District#.

(c) Within the #Special Forest Hills District#, the provisions of paragraph (a) of this Section and Sections 36-23 (Waiver of Requirements for Spaces Below Minimum Number) and 36-36 (Waiver of Requirements for Small Number of Spaces) shall apply only to #zoning lots# existing both on March 24, 2009, and on the date of application for a building permit.

86-44 - Location of Access to the Street

LAST AMENDED
3/24/2009

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), pertaining to location of access shall be modified within the #Special Forest Hills District#, as follows:

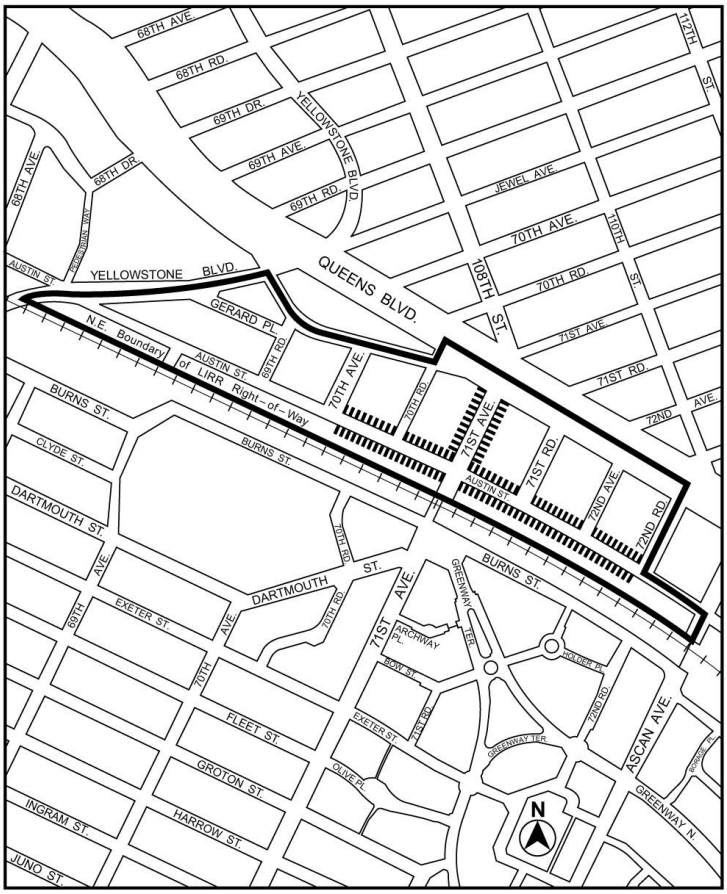
(a) curb cuts for permitted or required #accessory# off-street parking and loading spaces along Austin Street from 70th Avenue to Ascan Avenue and along 71st Avenue from Austin Street to Queens Boulevard, as shown on the map in the Appendix to this Chapter, shall not be allowed. The Chairperson of the City Planning Commission, however, may certify to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that a curb cut in that location would not be hazardous to traffic safety and would, if granted, be no wider than 20 feet; and

(b) an application for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Appendix - Special Forest Hills District Plan

LAST AMENDED3/24/2009



Special Forest Hills District Boundary

Retail Continuity Street

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special Harlem River Waterfront District (HRW)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 7 - Special Harlem River Waterfront District (HRW)

87-00 - GENERAL PURPOSES

LAST AMENDED
12/11/2017

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

(a) to maintain and reestablish physical and visual public access to and along the waterfront;

(b) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) to promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;

(d) to encourage well-designed development that complements the built character of the neighborhood;

(e) to take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;

(f) to provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms;

(g) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(h) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner that will safeguard the health and safety of people using the area; and

(i) to promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront and thus conserve the value of land and buildings and thereby protect City tax revenues.

87-01 - Definitions

LAST AMENDED
5/12/2021

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 62-11 or 64-11, or within this Section.

Ground floor level

The “ground floor level” shall mean the finished floor level of the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.

Major Deegan Expressway street line

The “Major Deegan Expressway street line” shall be:

(a) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2, 3 or 4, as shown on Map 1 in the Appendix to this Chapter, has been widened after December 11, 2017, a line 22 feet west of and parallel to the as-built western edge of such Expressway structure for Parcel 1, and a line 14 feet west of and parallel to the as-built western edge

of such Expressway for Parcels 2, 3, or 4; or

(b) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2 , 3 or 4, as shown on Map 1 in the Appendix to this Chapter, has not been widened after December 11, 2017, a line connecting on:

(1) Parcel 1:

(i) a point located on the northern boundary of Parcel 1 that is 120 feet west of its intersection with the eastern parcel boundary; and

(ii) a point on the southern boundary of Parcel 1 that is 110 feet west of its intersection with the eastern parcel boundary.

(2) Parcel 2:

(i) a point located on the northern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary.

(3) Parcel 3:

(i) a point located on the northern boundary of Parcel 3 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 3 that is 30 feet west of its intersection with the eastern parcel boundary.

(4) Parcel 4:

(i) a point located on the northern #lot line# of Parcel 4 that is 30 feet west of its eastern #lot line#; and

(ii) a point located on the eastern #lot line# of Parcel 4 that intersects with a line parallel to and 60 feet from the northern #lot line#.

87-02 - General Provisions

LAST AMENDED
12/11/2017

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except as specifically modified in this Chapter.

87-03 - District Plan

LAST AMENDED
12/11/2017

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in

the Appendix to this Chapter. The plan area has been divided into three Subdistricts comprised of parcels that consist of tax blocks and lots as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100 (that portion not mapped as parkland in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President)

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

North Subdistrict - tax blocks and lots existing on December 11, 2017

Parcel 10: Block 2539, Lot 1, portion of
Lots 2, 3

Block 2356, Lots 2, 72 and tentative
Lot 102 (existing on December 11, 2017)

South Subdistrict - tax blocks and lots existing on December 11, 2017

Parcel 11: Block 2319, Lot 55

Parcel 12: Block 2319, Lot 60

Parcel 13: Block 2319, Lots 37 and 155

Parcel 14: Block 2319, Lot 98

Parcel 15: Block 2319, Lot 99

Parcel 16: Block 2319, Lots 100 and 108

Parcel 17: Block 2319, Lot 109

Parcel 18: Block 2319, Lot 112

Parcel 19: Block 2319, Lot 2

Parcel 20: Block 2316, Lots 1 and 35

Parcel 21: Block 2319, Lot 200

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)

Map 2. (Designated Non-residential Use Locations)

Map 3. (Waterfront Access Plan: Public Access Elements)

Map 4. (Waterfront Access Plan: Designated Visual Corridors)

87-04 - Applicability of District Regulations

LAST AMENDED
12/11/2017

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem River Waterfront District and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009.

87-041 - Applicability of the Quality Housing Program

LAST AMENDED
12/11/2017

In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

87-042 - Applicability of Article VI, Chapter 2

LAST AMENDED
12/11/2017

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by the provisions of this Chapter.

For the purpose of applying the provisions of Article VI, Chapter 2, Parcels 1, 2, 3 and 4 within the Core Subdistrict, and any parcels having a boundary within 40 feet of a #shoreline# within the South Subdistrict, as shown on Map 1 (Special Harlem River Waterfront District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009 for the Core Subdistrict, and after December 11, 2017, for the South Subdistrict.

87-043 - Applicability of Article VI, Chapter 4

LAST AMENDED
5/12/2021

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

87-044 - Applicability of Article XII, Chapter 3

LAST AMENDED
10/17/2017

Within the South Subdistrict, for M1 Districts mapped with a #Residence District#, the provisions of Article XII, Chapter 3 (Special Mixed Use District) for #waterfront blocks# shall apply, except as modified in this Chapter. In the event of a conflict between the provisions of Article XII, Chapter 3 and this Chapter, the provisions of this Chapter shall control.

87-045 - Applicability of the Inclusionary Housing Program

LAST AMENDED
12/11/2017

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#, and the North Subdistrict, as shown on Map 1, shall be a #Mandatory Inclusionary Housing area#.

87-05 - Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

LAST AMENDED
12/11/2017

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 in the Core Subdistrict after June 30, 2009, and on any Parcel in the South Subdistrict after December 11, 2017, as shown on Map 1 in the Appendix to this Chapter, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying #floor area# regulations of this Zoning Resolution.

87-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/11/2017

The #use# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified by the provisions of this Section, inclusive.

87-11 -

LAST AMENDED
12/11/2017

Use Regulations Within the Core Subdistrict

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map

1 in the Appendix to this Chapter.

87-111 - Vehicle storage establishments

LAST AMENDED
12/11/2017

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

(a) such #use# is the primary #use# on Parcel 5;

(b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and

(c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-71 (Special Public Access Provisions).

The streetscape provisions of Section 87-41, inclusive and the special height and setback regulations of Section 87-32, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112 - Location of commercial space

LAST AMENDED
12/11/2017

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

87-113 - Location of underground uses

LAST AMENDED
10/17/2017

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

87-12 - Use Regulations in the North Subdistrict

LAST AMENDED
12/11/2017

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-121 - Modification of supplementary commercial use regulations

LAST AMENDED

In the North Subdistrict, the supplementary #commercial# #use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial# #uses# on any #story#, provided no access exists between such #commercial# and #residential uses# at any level containing #residences#, and provided that such #commercial# #uses# are not located directly over any #residential use#.

87-20 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED
12/11/2017

The applicable #floor area# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), or of Article XII, Chapter 3 (Special Mixed Use District), are modified by the provisions of this Section, inclusive.

87-21 - Floor Area Regulations in the Core Subdistrict

LAST AMENDED
12/11/2017

The provisions of this Section, inclusive, shall apply to #developments# and #enlargements# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-211 - Special floor area regulations

LAST AMENDED
12/11/2017

The maximum #floor area ratio# for #zoning lots# containing only #residential uses#, or #residential uses# and #community facility# or #commercial# #uses# shall be 3.0. Such maximum #floor area ratio# may be increased to 4.0 through the provision of #affordable housing# pursuant to paragraph (b) of Section 23-154 (Inclusionary Housing). The maximum #floor area ratio# for #affordable independent residences for seniors# shall be 4.0.

87-212 - Special floor area requirement for certain commercial uses

LAST AMENDED
12/11/2017

(a) For each square foot of #commercial# #floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial# #floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

(1) Use Groups 6A and 6C, except for:

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour

Docks for water taxis with vessel capacity limited to 99 passengers

Docks or mooring facilities for non-commercial pleasure boats;

Use Group 10:

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment;

Use Group 12:

Antique stores

Art gallery, commercial

Billiard parlor or pool halls

Book stores

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

Gift shops

Jewelry or art metal craft shops

Music stores

Photographic equipment stores

Record stores

Stationery stores

Toy stores

(2) Use Groups 1 and 2

Use Groups 3, 4A, and 4B, except cemeteries

Use Groups 5A, 6B and 8A

(b) However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that

such #building# includes:

(1) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and publicly accessible areas;

(2) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots and limits conflicts between curb cuts;

(3) a design that enhances and is integrated with publicly accessible areas including provision of a public entrance fronting on a #waterfront public access area#;

(4) a variety of retail establishments; and

(5) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and development of adjacent areas.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on publicly accessible areas.

87-213 - Maximum width of establishments

LAST AMENDED
12/11/2017

On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.

87-214 - Location of building entrances

LAST AMENDED
10/17/2017

On Parcels 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, a main front entrance for at least one #building#, as the term “main front entrance” is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

(a) on Parcel 2, located no less than 95 feet from a mapped parkland; and

(b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

87-22 - Floor Area Regulations in the North Subdistrict

LAST AMENDED
12/11/2017

Within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for all permitted #uses#, the #floor area# provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply. However, in no event shall the maximum #floor area ratio# for any #zoning lot# exceed 4.6.

87-30 - SPECIAL HEIGHT AND SETBACK, LEGAL WINDOW AND COURT REGULATIONS

LAST AMENDED
12/11/2017

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The special height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive, shall not apply.

In the North Subdistrict, as shown on Map 1, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive, as applicable. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply, except as specifically made applicable in this Section, inclusive.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply, except as modified in this Section, inclusive.

In all Subdistricts, the height of all #buildings or other structures# shall be measured from the #base plane#.

87-31 - Permitted Obstructions

LAST AMENDED
12/11/2017

In the Core and North Subdistricts, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

87-32 - Special Height and Setback Regulations in the Core Subdistrict

LAST AMENDED
12/11/2017

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the provisions of the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as applicable, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection#, or fire apparatus access road provided in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#. In addition, the #street line# of Exterior Street shall be modified as follows:

(a) for Parcels 1, 2, 3 and 4, the westerly #street line# along Exterior Street shall be the #Major Deegan Expressway street line# or the #street line# of Exterior Street, whichever is closest to the #shore line#; and

(b) for Parcel 1, the #street line# of East 149th Street shall be the southernmost boundary of any easement area existing on December 11, 2017, any fire apparatus access road or any private road.

For Parcels 2, 3 and 4, where a fire apparatus access road in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads) is immediately adjacent to and contiguous with the #shore public walkway#, the fire apparatus access road shall be considered as part of the #shore public walkway#, and the #street line# shall be considered the boundary of the fire apparatus access road furthest from the #shoreline#. In addition, for Parcels

1 and 2, where a fire apparatus access road in accordance with the provisions of Section 87-61 is provided immediately adjacent to and contiguous with the northern or southern boundaries, as applicable, of the mapped parkland, the #street line# shall be considered the boundary of the fire apparatus access road furthest from the mapped parkland.

87-321 - Street wall location

LAST AMENDED
12/11/2017

In the Core Subdistrict, the following #street wall# location rules shall apply.

(a) Parcels 1, 2, 3 and 4

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#. For frontages beyond 50 feet of the #shore public walkway#, such #street wall# shall rise to at least the minimum base height specified in Section 87-322 (Base heights and transition heights), or the height of the #building#, whichever is less. Along all frontages, up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along the #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

(b) Parcels 5, 6, 7, 8 and 9

On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall rise to at least the minimum base height specified in Section 87-322, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

87-322 - Base heights and transition heights

LAST AMENDED
12/11/2017

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway# For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the

#shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#

Along all other frontages beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(3) Along, and within 50 feet of, the #Major Deegan Expressway street line#

Along, and within 50 feet of, the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 15 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# along the #shore public walkway# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Along all #streets#, such set back shall have a minimum depth of seven feet from any portion of the #street wall# below such maximum base height. However, the depth of such setback may include the depth of recesses or #outer courts# provided that the aggregate width of such portion of a #street wall# with a reduced setback shall not exceed 30 percent of the #street wall#.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

Dormers provided in accordance with paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall be permitted obstructions in all setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls# above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323 - Tower provisions

LAST AMENDED
12/11/2017

All #stories# that partially or wholly exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) shall be considered a “tower” and may exceed such transition height only in accordance with the tower

provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 60 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322.

The dormer provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2 the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two towers on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-324 - Authorization to modify the special street line provision for Parcels 2, 3 or 4

LAST AMENDED
12/11/2017

For Parcels 2, 3 or 4, as shown on Map 1 in the Appendix to this Chapter, the City Planning Commission may authorize the modification of the definitions of #Major Deegan Expressway street line# as set forth in paragraph (b) of Section 87-01 and the associated special #street line# provision of paragraph (a) of Section 87-32 (Special Height and Setback Regulations in the Core

Subdistrict), on condition that there shall be no less than 14 feet between the #street wall# of #developments# or #enlargements# and the as-built western edge of the Major Deegan Expressway. In conjunction with the modification of such #street line# provision, the special open area provisions of paragraph (a) of Section 87-416 may also be modified. In order to grant such authorization, the Commission shall find that:

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area; and

(d) such modification will enhance the quality of the design of the #development# or #enlargement#.

Prior to granting such authorization, the Commission shall request the Department of Transportation of the State of New York to indicate within 30 days whether said agency has any plan to widen or expand the Major Deegan Expressway or its ramps.

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

87-33 - Special Height and Setback, Legal Windows and Courts in the North Subdistrict

LAST AMENDED
12/11/2017

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

87-331 - Maximum height of buildings and setback regulations

LAST AMENDED
10/17/2017

In the North Subdistrict, #buildings or other structures#, or portions thereof, within 30 feet of a #shore public walkway#, shall

not exceed the maximum base height provisions set forth in paragraph (a) of this Section. #Buildings or other structures#, or portions thereof, within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed the maximum base height provisions set forth in paragraph (b) of this Section. Except as otherwise set forth in paragraphs (a) or (b) of this Section, as applicable, such maximum heights may be exceeded only in accordance with Section 87-31 (Permitted Obstructions).

(a) Height allowances along the #shore public walkway#:

The maximum height of #buildings or other structures#, or portions thereof, located within 30 feet of a #shore public walkway# shall be as follows:

(1) such #buildings or other structures#, or portions thereof, shall not exceed 65 feet, except that 80 percent of the #street wall# of such #building or other structure#, or portion thereof, may rise to a maximum height of 85 feet; and

(2) no dormers, pursuant to the provisions of Section 87-31, shall be permitted.

(b) Height allowances along all other frontages

The maximum height of #buildings or other structures#, or portions thereof, located within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed a maximum height of 85 feet.

Beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets# or 15 feet of #narrow streets#, the maximum height of #buildings or other structures# shall be as set forth in Section 87-332 (Towers).

87-332 - Towers

LAST AMENDED
10/17/2017

In the North Subdistrict, the maximum height of #buildings or other structures#, or portions thereof, beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets#, or 15 feet of #narrow streets#, shall be 85 feet.

Such maximum #building# height may be exceeded by “towers” permitted in Location A or Location B. Such #towers# shall be provided in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of applying the provisions of this Section, Location A shall be the portion of the North Subdistrict located within 100 feet of the northerly boundary of East 149th Street; Location B shall be the remaining portion of the North Subdistrict; and all #stories# of a #building# located partially or wholly above 85 feet shall be considered a “tower” and shall comply with the provisions of this Section. Two or more #abutting# #towers# shall be considered one #tower#.

(a) Tower in Location A

One #tower# shall be permitted, subject to the following provisions:

(1) the maximum width of any #story# of a #tower# facing a #shoreline# shall not exceed 100 feet, except that any permitted dormers need not be included in such maximum width;

(2) each #residential# #story# of such #tower#, partially or fully above the height of the base height, shall not exceed 10,000 square feet, except that any permitted dormers need not be included in such gross area;

(3) such #tower# shall not exceed a maximum #building# height of 375 feet;

(4) a #tower# that exceeds a height of 260 feet shall provide articulation in accordance with the following provisions:

(i) For a #tower# less than 300 feet in height, the uppermost three #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#; and

(ii) For a #tower# 300 feet or more in height, the uppermost four #stories# shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

(b) Towers in Location B

#Towers# shall be permitted, subject to the following provisions:

(1) no #tower# shall be located within 60 feet of a #tower# within Location A;

(2) the aggregate width of #towers# that face a #shoreline#, and are located within 100 feet of a #shore public walkway#, shall not exceed 185 feet, where such aggregate width is measured in accordance with paragraph (c)(5) of Section 62-341 (Development on land and platforms);

(3) the #aggregate width of street walls# of #towers# located along the southerly boundary of the required #visual corridor# as specified in paragraph (d) of Section 87-71, shall not exceed 150 feet.

(4) such #towers# shall not exceed a maximum #building# height of 260 feet; and

(5) any #tower# that exceeds a height of 200 feet shall provide articulation in accordance with the following provisions: the uppermost three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# not exceeding 80 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-34 - Special Height and Setback Provision in the South Subdistrict

LAST AMENDED
12/11/2017

For #zoning lots# that coincide with, or are completely within, the boundaries of Parcel 19 in the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of paragraph (a)(2) of Section 62-341 shall be modified to require an #initial setback distance# with a depth of 15 feet from the boundary of a #shore public walkway#.

87-40 - SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

LAST AMENDED
12/11/2017

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# or #ground floor level# #enlargements# within the #Special Harlem River Waterfront District#, as applicable.

87-41 - Streetscape Requirements in the Core and South Subdistricts

LAST AMENDED
12/11/2017

In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# or #ground floor

level# #enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special streetscape regulations of this Section, inclusive, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.

87-411 - Ground floor uses

LAST AMENDED
12/11/2017

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level# #floor area#

At least 50 percent of the width of the #ground floor level# #street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level# #street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non-#residential uses# in certain locations

The #ground floor level# #street wall# within 50 feet of the intersection of two #streets#, designated on Map 2, shall be occupied exclusively by non-#residential# #floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level# #street wall# facing the #shore public walkway# shall be occupied exclusively by non-#residential# #floor area#, at the locations designated on Map 2. Offices (Use Group 6B) and clubs (Use Group 6E) as listed in Section 32-15, automotive service establishments (Use Groups 8C, 7D and 12D) as listed in Sections 32-16, 32-17 and 32-21, and #group parking facilities#, including entrances and exits thereto, shall not be permitted within such locations.

Non-#residential# #floor area# required pursuant to this paragraph may satisfy #ground floor level# #floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level# #floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412 - Transparency requirements in the Core and South Subdistricts

LAST AMENDED
5/12/2021

In the Core and South Subdistricts, for non-#residential uses# located at the #ground floor level#, any portion of a #ground floor level# #street wall# that is subject to the #floor area# requirements of paragraph (b) of Section 87-411 (Ground floor uses) shall be glazed in accordance with the transparency requirements for designated retail streets set forth in Section 37-34 (Minimum Transparency Requirements), except that:

(a) in the South Subdistrict, where the #ground floor level# #street wall# is occupied by #uses# in Use Groups 16, 17 or 18, up to 50 percent of the length of such #ground floor level# #street wall# may be exempt from such transparency requirements, provided that any #street wall# width exceeding 50 feet shall provide planting or screening in accordance

with the provisions of (a)(1) or (b)(1) of Section 37-362 (Mitigation elements) pursuant to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds); and

(b) in #flood zones#, for #buildings# utilizing the provisions of Section 64-222 (Ground floor use), the provisions for Type 2 blank walls set forth in Section 37-361, except that only paragraph (b)(1) of Section 37-362 shall apply to such blank wall.

For the purposes of applying the provisions of Section 37-34, locations subject to the provisions of paragraph (b) of Section 87-411 shall be considered designated retail streets.

87-413 - Parking wrap and screening requirements in the Core and South Subdistrict

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LAST AMENDED
12/11/2017

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

(a) Design requirements for enclosed #group parking facilities#

All enclosed #group parking facilities# shall be located either entirely below the level of an adjacent sidewalk or any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following:

(1) #Group parking facilities# on the #ground floor level# within 30 feet of #street walls# subject to the provisions of Section 87-411 (Ground floor uses) shall be wrapped by #floor area# in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds).

(2) #Group parking facilities# along all other frontages shall either be wrapped by #floor area#, or screened in accordance with the provisions of paragraph (e) of Section 87-415. In addition, any continuous stretch of screening that exceeds 25 feet in width shall provide planting in accordance with the provisions of paragraph (a) of Section 87-415 (Special streetscape provisions for certain blank walls) along 50 percent of such screened frontage.

(b) Open parking areas

Open parking areas shall be permitted only in the following locations:

(1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Major Deegan Expressway street line#;

(2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;

(3) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and

(4) on all parcels, open, unscreened, in tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply

with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the #Major Deegan Expressway street line#, or, on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use# as listed in Use Group 16C, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61.

87-414 - Special streetscape provisions for certain blank walls

LAST AMENDED
5/12/2021

The provisions of this Section shall apply to a #ground floor level# #building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), where visual mitigation elements shall be provided in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds).

87-415 - Special open area provisions

LAST AMENDED
5/12/2021

(a) For Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the open area between the #street wall# of a #building# fronting on the #Major Deegan Expressway street line# and the western edge of such Expressway, shall be subject to the provisions of Section 28-23 (Planting Areas), whether the ground floor is occupied by #residential uses# or non- #residential uses#. Such provisions shall be modified by the provisions of this Section.

(1) Primary circulation path

A circulation path, with a width of at least 13 feet or the width of such open area, whichever is less, and the western edge of such path shall be provided within five feet of a #street wall# facing the #Major Deegan Expressway street line#. Such circulation path shall extend along the entire frontage of the #zoning lot#, and shall be constructed in accordance with Department of Transportation standards for sidewalks.

(2) Planting

At least 20 percent, but not more than 50 percent of the required open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet. For planting located east of the circulation path required pursuant to this paragraph (a), the maximum linear length of any individual planting bed shall not exceed 50 feet.

(3) Other amenities

The remainder of the open area may contain any combination of:

(i) streetscape amenities including, but not limited to, benches or tables and chairs;

(ii) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks; and

(iii) streetscape-enhancing amenities including, but not limited to, trees in tree pits, and lighting, or sculptural artwork.

All streetscape and entertainment amenities provided in accordance with paragraphs (a)(3)(i) and (a)(3)(ii) of this Section shall be connected to the primary circulation path required by paragraph (a) of this Section through secondary circulation paths, paved with permeable materials, each with a minimum width of six feet. Any planting associated with an amenity including, but not limited to, playgrounds and dog runs, as applicable, may exceed the amount set forth in paragraph (b) of this Section.

Any open area not otherwise allocated to amenities or secondary circulation paths shall also be paved with permeable materials. The minimum clear space between any planted areas required by paragraph (b) of this Section, any amenity provided under this paragraph, or any combination thereof, shall be six feet.

(4) Fencing

In no event shall chain link fencing or barbed or razor wire be permitted in any open area provided pursuant to this Section. No fences may exceed a height of four feet.

(b) In the event that Parcel 1 is #developed# with #mixed buildings#, sidewalks shall be provided on such parcel as follows:

(1) Sidewalks with a width of at least 15 feet shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#.

(2) In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# such that the combined width of the sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# remaining on the #zoning lot# need not be removed in order to comply with this requirement.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards and shall connect at grade to the adjoining public sidewalks.

87-42 - Streetscape Requirements in the North Subdistrict

LAST AMENDED
12/11/2017

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the provisions of Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive, to this Section, inclusive, in locations where non-#residential# #floor area# is provided along public access areas in accordance with the provisions of Section 87-421 (Ground floor uses in the North Subdistrict), such portions of #shore public walkways#, mapped parkland, #upland connections# or #streets# shall constitute a designated retail street.

87-421 - Ground floor uses in the North Subdistrict

LAST AMENDED
10/17/2017

For #building# walls more than 50 feet in width that face a #street#, #shore public walkway#, #public park# or #upland connection#, at least 30 percent of the width of such #building# walls shall be occupied by non-#residential# #floor area# on the #ground floor level#. Such non-#residential# #floor area# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

87-422 - Transparency requirements in the North Subdistrict

LAST AMENDED
10/17/2017

Along designated retail streets, any #building# wall shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

87-423 - Parking wrap and screening requirements in the North Subdistrict

LAST AMENDED
10/17/2017

Along designated retail streets, any off-street parking spaces shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).

In other locations, any #accessory# off-street parking space provided on the #ground floor level# of a #building# shall be wrapped by #floor area# or screened in accordance with the provisions of paragraph (b) of Section 37-35.

87-50 - SPECIAL PARKING REGULATIONS

LAST AMENDED
12/11/2017

The applicable parking and loading regulations of underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

87-51 - Special Parking Regulations in the Core Subdistrict

LAST AMENDED
12/11/2017

(a) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required #accessory# off-street parking spaces may be provided on any #zoning lot# within the Core Subdistrict.

(b) Roof parking

Any roof, or portion thereof, that covers off-street parking spaces and is larger than 400 square feet in surface area, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of

dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

87-52 - Curb Cut Restrictions

LAST AMENDED
12/11/2017

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcels 1 and 2, no curb cuts shall be provided facing a mapped parkland.

87-53 - Sidewalks

LAST AMENDED10/17/2017

In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:

(a) Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.

(b) A 22 foot wide walkway shall extend east of and along the Parcel 1 #building# line, linking East 149th Street and mapped parkland, or a fire apparatus access road if such road is provided adjacent to mapped parkland. In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.

(c) Any driveway located east of the Parcel 1 #building# line that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

87-60 - FIRE APPARATUS ACCESS ROADS

LAST AMENDED
12/11/2017

The provisions of this Section, inclusive, shall apply in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter. The #lot area# allocated to fire apparatus access road pursuant to the provisions of this Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas) and, where applied, such area may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

87-61 - Special Provisions for Certain Fire Apparatus Access Roads

LAST AMENDED
12/11/2017

Within the Core and South Subdistricts, for Parcels 1, 2, 3, 4 and 11, as shown on Map 1 in the Appendix to this Chapter, where a fire apparatus access road is provided as required by New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the Chairperson of the City Planning Commission shall certify, in conjunction with a certification application filed pursuant to paragraph (c) of Section 62-811, the following:

(a) the road shall be constructed to minimum Department of Transportation standards for public #streets#, including two sidewalks, curbs and curb drops, lighting, signage, materials and crosswalk, and shall meet the requirements set forth in the New York City Fire Code. For Parcels 2, 3 and 4, where a fire apparatus access road is immediately adjacent to and contiguous with the #shore public walkway#, any pedestrian path within such #shore public walkway# shall substitute for one such sidewalk, provided that at least 30 percent of such path is provided adjacent to and contiguous with the fire apparatus access road;

(b) for Parcels 2, 3 and 4, the contiguity provisions of paragraph (a) of Section 87-62 shall apply, except that where no connection for vehicular travel lanes terminating at the opposite side of a shared #lot line# exist at the time of construction, the provisions of paragraph (b) of such Section may be utilized as an interim alternative;

(c) a restrictive declaration shall be executed in accordance with the provisions of Section 87-63; and

(d) street trees shall be planted pursuant to the requirements of Section 26-41 along such fire apparatus access road as if it were a #street#.

However, the requirements of this Section shall not apply to: fire apparatus access roads on Parcels 1 and 3 that are provided pursuant to the provisions of paragraph (b)(3) of Section 87-71 (Special Public Access Provisions); and to a fire apparatus access road on Parcel 11 located in the required #upland connection# within the prolongation of East 134th Street.

87-62 - Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4

LAST AMENDED
12/11/2017

On Parcels 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, in addition to the certification provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), a fire apparatus access road shall be provided in accordance with the provisions of this Section.

(a) Bi-Directional Road

On each of Parcels 2, 3 and 4, and only between such parcels, a connection for bi-directional vehicular travel lanes to an adjacent #zoning# #lot line# shall be provided. When complete, such fire apparatus access road shall provide bi-directional contiguous vehicular access from the intersection of Exterior Street and the northern boundary of Parcel 2, immediately adjacent to and contiguous with the entire southern boundary of the mapped parkland immediately adjacent to Parcel 2, immediately adjacent to and contiguous with the #shore public walkway# of Parcels 2, 3 and 4, to within the southerly #upland connection# of Parcel 4.

Any connection of fire apparatus access roads across a shared #zoning# #lot line# must meet the grade of, and maintain the street width of, the existing adjacent fire apparatus access road. Such fire apparatus access road shall extend immediately adjacent to and contiguous with the entire #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-63, has been recorded against the adjacent #zoning lot#.

(b) Interim fire apparatus access road turnaround

When bi-directional vehicular travel lanes are constructed that terminate at a #lot line# and do not continue on the adjacent #zoning lot# at the time of their construction, an interim dead-end fire apparatus access road turnaround may be constructed as an alternative to the provisions of paragraph (a) of this Section, in accordance with the following provisions.

An applicant utilizing the provisions of this paragraph shall construct a fire apparatus access road that extends along the entire southern boundary of mapped parkland immediately adjacent to Parcel 2, the entire #upland connection# and the entire #shore public walkway# of the #zoning lot#, as applicable, from #lot line# to #lot line#, and shall provide an "approved turnaround area," constructed as part of a "dead-end fire apparatus access road," as those terms are defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor.

Such turnaround area shall be constructed to dimensions no greater than required under the New York City Fire Code, Section 503.2.9, or its successor, and shall be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. Such turnaround area may extend into the designated #shore public walkway#, but at no point may such turnaround area extend into the associated circulation path. Where an interim dead-end fire apparatus access road turnaround area extends into the #shore public walkway#, the area of such turnaround may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62. Sidewalks shall not be required adjacent to the turnaround area. The portion of the turnaround area that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials to the extent permissible by the Fire Commissioner and shall meet all applicable requirements set forth in the New York City Fire Code, Section 503.2 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage.

At the time of certification pursuant to Section 87-61, the site plan shall demonstrate a suitable design for the dead-end fire apparatus access road that demonstrates both the approved turnaround area and the repurposed turnaround area outside of the roadbed upon the issuance of a notice of substantial compliance for the adjacent #zoning lot#. In addition, a conceptual site plan shall demonstrate that the proposed site plan and grading plan for required contiguous access pursuant to the provisions of paragraph (a) of this Section is compatible with future #development# on the adjoining #zoning lot#. Such site plans shall be included as an exhibit to the declaration of restrictions recorded pursuant to Section 87-63.

Repurposing a turnaround area and providing contiguous access in accordance with an approved conceptual site plan shall not necessitate a certification pursuant to Section 62-811, provided that there are no further modifications to an approved #waterfront public access area#.

87-63 - Declaration of Restrictions

LAST AMENDED
12/11/2017

For any fire apparatus access road proposed for certification pursuant to Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, and any sidewalk adjacent to such road, to guarantee that such road, and any sidewalk adjacent to such road, remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a

form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Section 87-61, where applicable.

For certifications proposed pursuant to Section 87-61 on Parcels 2, 3 or 4, where #developments# or #enlargements# on such parcels utilize the allowance for interim fire access turnaround, in accordance with paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4), any declaration of restrictions shall include that, at the time of the issuance of the notice of substantial compliance for the adjacent #development#, or #enlargement# pursuant to this Section, thereby permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access road turnaround area shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

(a) repurposing the fire apparatus access road turnaround area pursuant to the requirements set forth in paragraph (b) of Section 87-62;

(b) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable unobstructed pedestrian movement across parcels;

(c) complying with all applicable waterfront rules, the Department of Transportation standards for public #streets# and the New York City Fire Code; and

(d) providing a connection with the adjacent #zoning lot# pursuant to Section 87-62.

87-70 - HARLEM RIVER WATERFRONT ACCESS PLAN

LAST AMENDED
12/11/2017

Map 3 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location where certain features are mandated or permitted by the Plan.

The underlying regulations for #waterfront public access areas# shall apply, except as modified in this Section, inclusive. For the purposes of applying the provisions of Section 61-822, the City Planning Commission may authorize modifications to the requirements for #waterfront public access areas# set forth in Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and as those provisions are modified by the provisions of this Section, inclusive.

87-71 - Special Public Access Provisions

LAST AMENDED
5/12/2021

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, as modified in this Section. For the purpose of this Section, "development" shall be as defined in Section 62-11. To "develop" shall mean to create such #development#. In addition, the #lot area# allocated to fire apparatus access road pursuant to the provisions of Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas).

(a) #Shore public walkways#

(1) The #shore public walkway# shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation not lower than the highest level of the train track bed of the Oak Point Rail Link, except that on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# as the primary #use# on the #zoning lots#, the elevation requirement shall not apply. However, for any other #use#, the elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet.

(2) An approved turnaround area in a dead-end fire apparatus access road, as defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor, may, by certification extend into a designated #shore public walkway# pursuant to paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).

(3) In the event that a portion of a #waterfront# #zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least 10 feet wide, and any required planted screening buffer shall have a width of at least four feet.

(4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:

(i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;

(ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet;

(iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; and

(iv) a 10-foot-wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) #Upland connections#

#Upland connections# shall be located on Parcels 1, 3, 4, 5, 6, 10 and 11, as designated on Map 3 in the Appendix to this Chapter. The applicable provisions of Section 62-50, inclusive, are modified, as follows:

(1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply;

(2) Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:

(i) The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply.

(ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided

within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall apply.

(3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code, Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of Section 62-64 shall be modified as follows:

(i) the required circulation path may be used to allow such fire apparatus access road, and its minimum width shall be in accordance with all applicable requirements of the Fire Code;

(ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and

(iii) the minimum planting area requirements shall be reduced to 15 percent;

(4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1, 2, 10 and 11, as indicated on Map 3 in the Appendix to this Chapter, except that:

(1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:

(i) such vehicular connection complies with the requirements of Section 87- 62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-62 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and

(ii) such vehicular connection, either:

(a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or

(b) on Parcel 2, provides a bi-directional connection from the intersection of Exterior Street and the northern boundary of Parcel 2, immediately adjacent to and contiguous with the entire southern boundary of the mapped parkland, immediately adjacent to and contiguous with the #shore public walkway# to the southernmost #lot line# of Parcel 2.

(2) for Parcel 11, at the location designated as "Supplemental Public Access Area (Shore Public Walkway Location)" on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels 4, 9, 10, 11, 12 and 13, and mapped parkland, as indicated on Map 4 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measured to a height as set forth in Section 62-512 or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

87-72 - Applicability of Waterfront Regulations

LAST AMENDED
12/11/2017

In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 or 4 after June 30, 2009, or on Parcel 11 after December 11, 2017, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-73 - Special Vesting Provisions for the South Subdistrict

LAST AMENDED
12/11/2017

In the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, shall apply, except as modified by the provisions of this Section. For the purpose of this Section, #development# shall be as defined in Section 62-11.

(a) For Parcel 20, a building permit may be issued in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to December 11, 2017, where, as part of an application filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 prior to December 11, 2017, a declaration of restrictions has been recorded with the Office of the Register of the City of New York (County of the Bronx), setting forth the obligations of the owner to construct, and maintain a #waterfront public access area# pursuant to the provisions of Section 62-811. Such building permit shall allow the #development# of a #building# only in accordance with such certified #waterfront public access area# plan.

(b) For Parcel 19, a building permit may be issued in accordance with the bulk and waterfront public access area regulations that were effective immediately prior to December 11, 2017, where the Chairperson has certified that no #waterfront public access area# is required on the #zoning lot# pursuant to the provisions of Section 62-811 prior to December 11, 2017, provided that no new #buildings or other structures#, except those permitted as obstructions pursuant to Section 62-611, are located within 40 feet of the #shoreline#, and further provided that all work on the foundations for such #development# has been completed prior to December 11, 2021.

In addition, for such #development#, no temporary certificate of occupancy shall be granted by the Department of Buildings unless and until the Chairperson of the City Planning Commission certifies that the #zoning lot# provides open space between the #building# and the #shoreline# that is in compliance with the size and design provisions for #shore public walkways# set forth in Section 62-53 and the provisions of Section 62-60, inclusive. However, such provisions may be modified as follows:

(1) in addition to the permitted obstructions listed in Section 62-611, a dead-end fire apparatus access road turnaround shall be permitted obstruction within a #shore public walkway#, and an emergency egress path from #buildings# shall be a permitted obstruction within a screening buffer;

(2) for portions of the #shore public walkway# where a fire apparatus access road turnaround is provided, the minimum width of a circulation path required pursuant to paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be reduced to a width of 10 feet, and the required width of a screening buffer required pursuant to paragraph (c)(2) of Section 62-62, may be reduced to six feet; and

(3) where a fire apparatus access road is provided within the #shore public walkway#, the percentage of the #shore public walkway# required to be planted pursuant to paragraph (c) of Section 62-62 may be reduced to 35 percent.

As part of an application for certification pursuant to this paragraph, a site plan shall be submitted, along with any other materials necessary to demonstrate compliance with the provisions of this paragraph (b).

All open space certified pursuant to the provisions of this paragraph shall comply with the maintenance and operation requirements of Sections 62-71 and 62-72.

In addition, a written declaration of restrictions shall be recorded against such property in the Office of the Register of the City of New York (County of the Bronx) pursuant to the provisions of Section 62-74 (Requirements for Recordation), setting forth obligations of the owner to construct, maintain and provide public access to improvements certified by the Chairperson pursuant to this paragraph. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

In the event that foundations required to be completed prior to December 11, 2021, have been commenced but not completed before such date, the building permit shall automatically lapse and the right to continue construction under the provisions of this Section shall terminate. No application to renew the building permit may be made to the Board of Standards and Appeals.

Where foundations have been completed prior to December 11, 2021, the provisions of Section 11-332 (Extension of period to complete construction) may be utilized and such date shall be the effective date for applying such provisions.

Appendix - Special Harlem River Waterfront District Plan

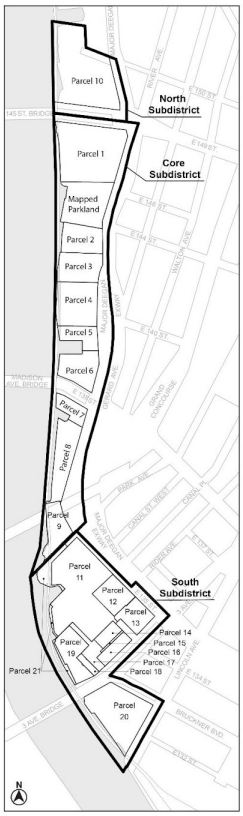
LAST AMENDED12/11/2017

(12/11/17)

Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels (87-A1)

Special Harlem River Waterfront District

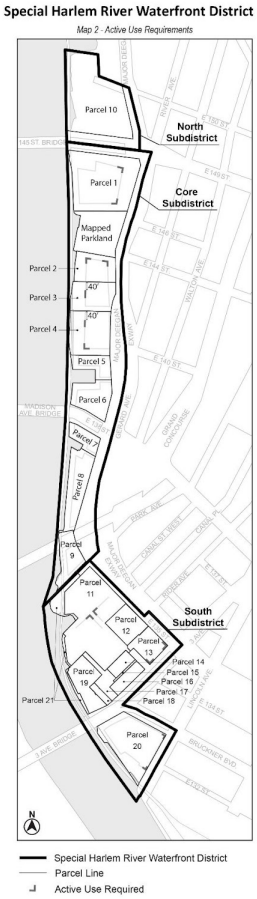
Map 1- Special Harlem River Waterfront District and Parcels



Special Harlem River Waterfront District

Parcel Line

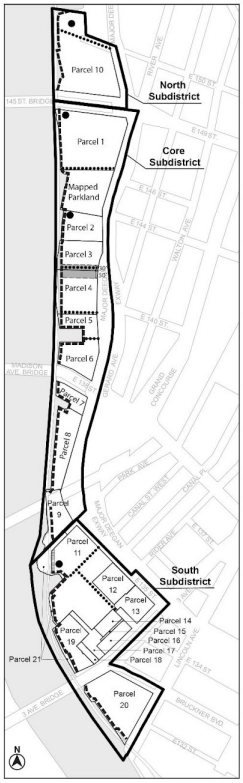
Map 2. Designated Non-residential Use Locations (87-A2)



Map 3. Waterfront Access Plan: Public Access Elements (87-A3)

Special Harlem River Waterfront District

Map 3 - Waterfront Access Plan: Public Access Elements

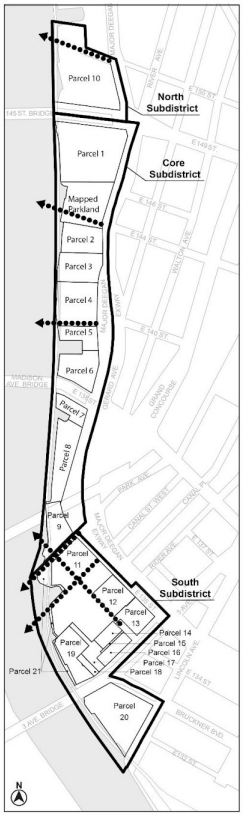


- Special Harlem River Waterfront District
- Parcel Line
- Shore Public Walkway
- Supplemental Public Access Area (SPW Location)
- Supplemental Public Access Area (Designated Location)
- Upland Connection (Within Flexible Location Zone)
- Upland Connection (Designated Location)

Map 4. Waterfront Access Plan: Visual Corridors (87-A4)

Special Harlem River Waterfront District

Map 4- Designated Visual Corridors



Special Harlem River Waterfront District

Parcel Line

Visual Corridor (Designated Location)

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special Hudson Square District (HSQ)

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Chapter 8 - Special Hudson Square District (HSQ)

88-00 - GENERAL PURPOSES

LAST AMENDED
3/20/2013

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

(a) to support the growth of a mixed residential, commercial and industrial neighborhood by permitting expansion and new development of residential, commercial and community facility uses while promoting the retention of commercial uses and light manufacturing uses;

(b) to recognize and enhance the vitality and character of the neighborhood for workers and residents;

(c) to encourage the development of buildings compatible with existing development;

(d) to regulate conversion of buildings while preserving continued manufacturing or commercial use;

(e) to encourage the development of affordable housing;

(f) to promote the opportunity for workers to live in the vicinity of their work;

(g) to retain jobs within New York City; and

(h) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

88-01 - Definitions

LAST AMENDED
3/20/2013

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Qualifying building

For the purposes of this Chapter, a "qualifying building" shall be any #building# that contained at least 70,000 square feet of #floor area# on March 20, 2013.

88-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as

defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

88-03 - District Plan and Maps

LAST AMENDED
3/20/2013

The regulations of this Chapter are designed to implement the #Special Hudson Square District# Plan. The District Plan includes the map, "Special Hudson Square District and Subdistrict," in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

88-04 - Subdistricts

LAST AMENDED
3/20/2013

In order to carry out the purposes and provisions of this Chapter, Subdistrict A is established. The Subdistrict is specified on the map in the Appendix to this Chapter.

88-05 - Applicability of District Regulations

LAST AMENDED
3/20/2013

88-051 - Applicability of Article I, Chapter 5

LAST AMENDED
3/20/2013

The conversion to #dwelling units# of non-#residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of this Chapter.

88-052 - Applicability of district bulk regulations to certain enlargements

LAST AMENDED
3/20/2013

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), for the #enlargement# of a #building# which is the subject of Department of Buildings application number 121326742 filed on December 3, 2012, to create a single commercial development, such #enlarged building# shall not be subject to the height and setback regulations of Section 88-33, paragraph (b), and may continue, provided that a building permit has been issued for such commercial development within two years of March 20, 2013. In addition, should the #zoning lot# which is the subject of the above-referenced Department of Buildings application merge with an adjacent #zoning lot# containing #wide street# frontage on Sixth Avenue, such a #zoning lot# merger and the subsequent combining of adjacent #buildings# shall not be deemed to create a new #non-compliance#, nor an increase in the degree of #non-compliance# in regards to Section 88-33, paragraph (b)(4), (Maximum length of #street wall#).

88-10 - SUPPLEMENTAL USE REGULATIONS

LAST AMENDED
3/20/2013

All permitted #uses# in the underlying districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

88-11 - Residential Use

LAST AMENDED
3/20/2013

#Residential use# shall be permitted in accordance with the provisions of this Section.

(a) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, such absence of a #qualifying building# on the #zoning lot# must be demonstrated to the satisfaction of the Department of Buildings.

(b) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot#, as it existed on March 20, 2013, will contain at least the amount of #commercial# or #manufacturing floor area# that existed within such #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:

(1) #commercial# or #manufacturing# #floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count towards meeting the requirements of this certification; and

(2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing# #floor area# converted to #residential# vertical circulation space and lobby space need not be replaced as #commercial# or #manufacturing# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing# #floor area# that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from #commercial# or #manufacturing# to #residential#, or for any #development# containing #residences#.

88-12 - Community Facility Use

LAST AMENDED
3/20/2013

The #community facility use# regulations applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In

lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

(a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, such absence of a #qualifying building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of #commercial# or #manufacturing# #floor area# that existed within #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:

(1) #commercial# or #manufacturing# #floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count towards meeting the requirements of this certification; and

(2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing# #floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as #commercial# or #manufacturing# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing# #floor area# that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from #commercial# or #manufacturing# to #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.

(c) Ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 88-131.

88-13 - Commercial Use

LAST AMENDED
3/20/2013

The #commercial# #use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

(a) food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to the size of the establishment;

(b) #uses# listed in Use Group 6A, other than food stores, and Use Groups 6C, pursuant to Section 42-13, 6E, 10 and 12B, shall be limited to 10,000 square feet of #floor area# at the ground floor level, per establishment. Portions of such establishments located above or below ground floor level shall not be limited in size;

(c) ground floor #commercial# #uses# shall be subject to special streetscape provisions set forth in Section 88-131;

(d) #commercial# #uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive;

(e) #transient hotels# shall be subject to the provisions of Section 32-02 (Special Provisions for Hotels); and

(f) eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals, pursuant to Section 73-244.

88-131 - Streetscape provisions

LAST AMENDED
3/20/2013

For #zoning lots# with #street# frontage of 50 feet or more, the location of certain #uses# shall be subject to the following #use# requirements.

For the purposes of applying the special ground floor level streetscape provisions set forth in Section 37-30 to this Section, all #zoning lots# with a #street# frontage of 50 feet or more shall be considered #primary street frontages#, as defined in Section 37-311.

(a) For #uses# located on the ground floor or within five feet of #curb level#, #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B, shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#, and shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

(b) The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, except that lobbies shall comply with the standards for Type 2 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses).

(c) In Subdistrict A of this Chapter, for portions of a #building# bounding a #public park#, the ground floor #use# requirements of paragraph (a) of this Section shall apply to 100 percent of the width of the #street# frontage of the #zoning lot#, and #residential# lobbies and #schools# shall be permitted #uses# on the ground floor for purposes of compliance with paragraph (a).

For #zoning lots# with #street# frontage of less than 50 feet, no special ground floor #use# requirements shall apply.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided they are wrapped by #floor area# or screened in accordance with the provisions set forth in Section 37-35 (Parking Wrap and Screening Requirements).

Any ground floor #street wall# of a #development# or #enlargement# that contains #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

88-14 - Manufacturing Use

LAST AMENDED
3/20/2013

In the #Special Hudson Square District#, #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive.

88-20 - SIGN REGULATIONS

LAST AMENDED
3/20/2013

In the #Special Hudson Square District#, #signs# are subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

88-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/20/2013

Except as modified in this Chapter, the following bulk regulations shall apply:

(a) For #developments#, #enlargements#, or changes of #use# containing #residences#, the #bulk# regulations of an R10 District, as set forth in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply;

(b) For #developments#, #enlargements#, or changes of #use# containing #manufacturing#, #commercial# or #community facility uses#, the #bulk# regulations set forth in Article IV, Chapter 3 (Bulk Regulations), shall apply.

For the purposes of applying the regulations of this Section, Greenwich Street shall be a #wide street#.

88-31 - Floor Area Regulations

LAST AMENDED
3/20/2013

Except in Subdistrict A of this Chapter, the maximum #floor area# ratio for #zoning lots# that do not contain #residences# shall be 10.0.

The maximum base #floor area ratio# for #zoning lots# that contain #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For #zoning lots# that contain #residences#, such bonus may be applied separately or in combination with the #floor area# provisions of Section 88-32. No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

88-311 - Special floor area regulations in Subdistrict A

LAST AMENDED
3/20/2013

For #zoning lots# in Subdistrict A of this Chapter that do not contain #residences#, the maximum #floor area ratio# shall be 10.0.

For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Additionally, any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

(a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or

(b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

88-32 - Inclusionary Housing

LAST AMENDED
3/20/2013

The #Special Hudson Square District#, except Subdistrict A, shall be an #Inclusionary Housing designated area#, and the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts shall apply.

88-33 - Height and Setback

LAST AMENDED
3/20/2013

In the #Special Hudson Square District#, the height and setback regulations of the underlying districts shall not apply. In lieu thereof, the provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height provided that such dormers comply with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

(2) Screening requirements for mechanical equipment

For all #developments#, #enlargements# and #conversions# of #commercial# or #manufacturing# #floor area# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to the minimum base height or the height of the #building#, whichever is less. On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line#. For the purposes of this paragraph (b), portions of #street walls# located up to 18 inches from a #street line# shall be considered to be located on the #street line# where a vertical element of such #street wall# is located on the #street line# and rises without setback from ground level to the top of the second #story# at intervals of at least once every 15 feet in plan and, above the level of the second #story#, where a vertical element rises without setback to the applicable minimum base height at an interval of at least once every 30 feet in plan.

On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the ground floor, recesses shall be permitted beyond 20 feet of an adjacent #building# and beyond 30 feet of the intersection of two #street lines#, as follows:

(i) Along #wide streets#

Recesses shall be provided at the level of each #story# entirely above a height of 60 feet, up to the maximum base height of the #building#. Such recesses shall have a minimum depth of five feet and a width between 10 and 40 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(ii) Along #narrow streets#

Above the level of the second #story#, recesses in #street walls# deeper than 18 inches shall be permitted. Such recesses may not exceed 30 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(2) Base height

(i) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 155 feet.

(ii) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, up to a maximum base height of 135 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the maximum base height may be increased to 155 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from its intersection with a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets#, and on #narrow streets# within 100 feet from their intersection with a #wide street#, the portion of such #building# above the maximum base height set forth in paragraph (b)(2)(i) of this Section shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# located entirely above a height of 230 feet, shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet from their intersection with a #wide street#, the portion of such #building# above the maximum base height set forth in paragraph (b)(2)(i) of this Section shall be set back from the #street wall# of the #building# at least 15 feet, except such dimensions may include the depth of any permitted recesses in the #street wall#.

The maximum height of a #building# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for an R10A District on a #narrow street#. However, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be increased, provided that the maximum number of #stories# does not exceed 23, the maximum height of a #building# with a #non-qualifying ground floor# does not exceed a height of 230 feet and the maximum height of a #building# with a #qualifying ground floor# does not exceed a height of 235 feet.

(4) Maximum length of #street wall#

The maximum length of any #street wall# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet. As an alternative, for #street walls# facing #wide streets# that provide vertical articulation, such maximum length may be increased to 175 feet, provided that between 30 and 40 percent of the width of the #street wall# is recessed at least five feet from all adjacent #street walls# above a height of 150 feet.

(5) Vertical #enlargements#

(i) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section.

(ii) Existing #buildings# with #street walls# that rise without setback to a height of at least 80 feet may be vertically #enlarged# in excess of one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section, provided such #enlarged# portion is located at least 10 feet from a #wide street# and at least 15 feet from a #narrow street#.

88-331 - Special height and setback regulations in Subdistrict A

LAST AMENDED
3/20/2013

For #zoning lots# in Subdistrict A of this Chapter, the regulations in paragraph (b) of Section 88-33 applicable to #wide streets# shall apply, except where modified or superseded by the regulations of this Section.

(a) Maximum #building# height

The maximum height of #buildings# shall be 430 feet.

(b) #Lot coverage#

Below a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 30 percent of the #lot area# of the #zoning lot#. Above a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 20 percent of the #lot area# of the #zoning lot#.

(c) Modification of #bulk# regulations for #zoning lots# bounding a #public park#

In the case of a #zoning# #lot line# #abutting# the boundary of a #public park#, such #zoning# #lot line# shall be considered to be a #wide# #street line# for the purposes of applying all #bulk# regulations of this Resolution, except for #street wall# regulations. For the purposes of applying #street wall# regulations in the case of a #zoning# #lot line# #abutting# the boundary of a #public park#, a line no more than 45 feet west of and parallel to the nearest boundary line of the #public park# shall be considered a #wide# #street line#.

(d) #Street wall# location

The #street wall# provisions of this Chapter shall apply, except that, for the portion of a #building# bounding a #public park#, the #street wall# shall be located at the #street line# for at least 50 percent of the frontage bounding the #public park# and shall rise to the minimum base height, but not higher than the maximum base height.

88-332 - Courts

LAST AMENDED
3/20/2013

Those portions of #buildings# that contain #residences# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.

88-40 - YARD REGULATIONS

LAST AMENDED
3/20/2013

In the #Special Hudson Square District#, except as provided in Section 88-41 (Rear Yard Regulations for Shallow Through Lots), the #yard# provisions applicable in R10 Districts shall apply to the #residential# portion of a #building#, and the #yard# provisions applicable in C6 Districts shall apply to non-#residential buildings#, or the non-#residential# portion of a #building#.

88-41 - Rear Yard Regulations for Shallow Through Lots

LAST AMENDED
3/20/2013

For #through lots# or #through lot# portions of #zoning lots# located beyond 100 feet of a #wide street#, where the maximum depth of such #through lot# between #narrow streets# is 180 feet or less, any required #rear yard equivalent# shall be provided in accordance with the provisions set forth in Section 23-533 (Required rear yard equivalents for Quality Housing buildings).

88-50 - PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

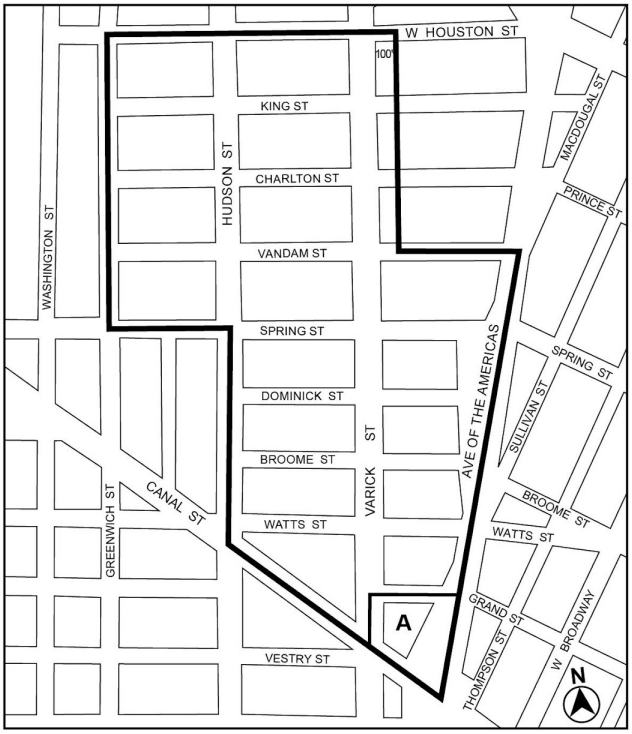
LAST AMENDED
3/20/2013

In the #Special Hudson Square District#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) shall apply.

Appendix A - Special Hudson Square District Plan

LAST AMENDED
3/20/2013

Special Hudson Square District and Subdistrict



Special Hudson Square District

Special Hudson Square District Subdistrict A

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 9 - Special Hudson River Park District (HRP)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 9 - Special Hudson River Park District (HRP)

89-00 - GENERAL PURPOSES

LAST AMENDED
12/15/2016

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

(a) to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure within Hudson River Park, and to facilitate their maintenance and development, through the transfer of development rights within the Special Hudson River Park District, given that commercial development is limited by the Hudson River Park Act;

(b) to promote an appropriate range of uses that complements Hudson River Park and, to the extent housing is included, to serve residents of varied income levels;

(c) to establish criteria for any and all transfers of air rights from the Hudson River Park to inland areas; and

(d) to promote the most desirable use of land and development in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

89-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special Hudson River Park District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

89-02 - Definitions

LAST AMENDED
12/15/2016

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Granting site

Within the #Special Hudson River Park District#, a "granting site" is a #zoning lot#, or a portion of a #zoning lot#, within the areas identified as "A1" or "B1" on the map in the Appendix to this Chapter, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Special District and from which #floor area# may be transferred. A #granting site# may only transfer #floor area# to a #receiving site# within an area that shares the same letter designation. For example, a #granting site# within area A1 may transfer #floor area# to a #receiving site# within area A2, but not to a #receiving site# within area B2.

Receiving site

Within the #Special Hudson River Park District#, a “receiving site” is a #zoning lot#, within the area identified as “A2”, “B2” or “B3” on the maps in the Appendix to this Chapter, to which #floor area# of a #granting site# may be transferred.

Required funds

Within the #Special Hudson River Park District#, the “required funds” are the specified amount of funds required to effectuate the transfer of #floor area#, pursuant to paragraph (a) of Section 89-21, set forth in a statement from the Hudson River Park Trust.

89-03 - District Plan and Maps

LAST AMENDED
12/15/2016

The regulations of this Chapter are designed to implement the #Special Hudson River Park District# Plan. The District Plan includes the map in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

89-10 - USE AND BULK REGULATIONS

LAST AMENDED
12/15/2016

89-11 - Use and Bulk Regulations on Receiving Sites

LAST AMENDED
10/9/1986

The #use# and #bulk# regulations applicable to a #receiving site# shall be modified as follows:

(a) C6-4 Districts

Within Area A2 on the maps in the Appendix to this Chapter, the #use# and #bulk# regulations of the underlying C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

Within Areas B2 and B3, the #use# and #bulk# regulations of the underlying C6-4X District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-3 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the underlying C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the City Planning Commission pursuant to Section 89-21 (Transfer of Floor Area From Hudson River Park), the

#use# and #bulk# regulations of the underlying C6-3, C6-4 or M1-5 District shall only apply to such approved #development#, #enlargement# or #conversion#.

89-12 - Special Floor Area Regulations Within Areas B2 and B3

LAST AMENDED
10/9/1986

Within Areas B2 and B3 on the maps in the Appendix to this Chapter, where the #bulk# regulations of the underlying C6-4X District apply pursuant to the provisions of Section 89-11 (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# of the underlying district shall not apply. In lieu thereof, the maximum base #floor area ratio# shall be 10.0 within a #Mandatory Inclusionary Housing area#, and such maximum #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).

89-20 - SPECIAL PERMITS

LAST AMENDED
12/15/2016

89-21 - Transfer of Floor Area From Hudson River Park

LAST AMENDED
12/15/2016

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations, except #floor area# regulations, for a #development#, #enlargement# or #conversion# located on such #receiving site#. In addition, for #receiving sites# within Area B2 on the maps in the Appendix to this Chapter, the Commission may exempt floor space from the definition of #floor area# in a #building# that contains an ambulance station and may increase the maximum number of #accessory# off-street parking spaces permitted for such station.

(a) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

(1) a survey of the #granting site# illustrating existing #buildings# to remain on the #granting site# and zoning calculations indicating the #floor area# on the #granting site# and within such #buildings#;

(2) a survey of the #receiving site# and a site plan illustrating the proposed #development#, #enlargement# or #conversion# on such lot, and associated zoning calculations demonstrating compliance with the conditions and limitations set forth in this special permit;

(3) drawings that illustrate any proposed #bulk# modifications for the proposed #development#, #enlargement# or #conversion# on the #receiving site#; and

(4) a statement from the Hudson River Park Trust identifying improvements to be made to Hudson River Park, and indicating that payment of the #required funds# necessary to effectuate the transfer of #floor area# pursuant to this Section, in combination with any other available funding, would be sufficient, according to the Trust's

estimate, to complete such identified improvements.

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

(1) the maximum #floor area# that may be transferred from the #granting site# shall be the maximum #floor area# permitted for the #granting site# under the applicable district regulations if it were undeveloped, less the #floor area# of all #buildings# on such #granting site#;

(2) the increase in #floor area# on the #receiving site# allowed by the transfer of #floor area# to such #receiving site# shall in no event exceed 20 percent of the maximum #floor area# permitted on such #receiving site# by the underlying district;

(3) the transfer, once completed, shall irrevocably reduce the amount of #floor area# that can be utilized by the #granting site# by the amount of #floor area# transferred;

(4) the #granting site# and location of identified improvements to be made to the Hudson River Park in connection with the proposed transfer of #floor area# are located in the same Community District as the #receiving site#;

(5) if the proposed #development#, #enlargement# or #conversion# on the #receiving site# includes #residential# #floor area#, it shall provide #affordable housing# in accordance with Section 23-90 (INCLUSIONARY HOUSING);

(6) for the #receiving site# within Area A2 on the map in the Appendix to this Chapter:

(i) the portion of the #receiving site# located over West Houston Street shall not generate #floor area# for the proposed special permit #development#, and no #floor area# shall be located directly above West Houston Street;

(ii) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street; and

(7) no more than 200,000 square feet of #floor area#, in the aggregate, shall be transferred to #receiving sites# located within the boundaries of Manhattan Community District 2.

(c) Findings

The Commission may grant the transfer of #floor area# and any associated #bulk# modifications, provided that:

(1) such transfer of #floor area# will facilitate the repair, rehabilitation, maintenance and development of Hudson River Park, including its piers, bulkheads and infrastructure;

(2) the transfer of #floor area# will support the completion of improvements to Hudson River Park as identified in the statement submitted to the Commission by the Trust as part of this application; and

(3) for the #receiving site#:

(i) the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a superior site plan, and such #buildings# and open areas will relate harmoniously with one another and with adjacent #buildings# and open areas;

(ii) the location and quantity of the proposed mix of #uses# will complement the site plan;

(iii) the proposed transfer of #floor area# and any modification to #bulk# regulations will not unduly increase the #bulk# of any #building# on the #receiving site# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces;

(iv) such transferred #floor area# and any proposed modifications to #bulk# are appropriate in relation to the identified improvements to Hudson River Park;

(v) any #affordable housing#, as defined in Section 23-90 (INCLUSIONARY HOUSING), that is provided as part of the project will support the objectives of the Inclusionary Housing Program; and

(vi) the Commission, in consultation with the Fire Department, determines that the amount of proposed floor space and the number of proposed parking spaces in such ambulance station is reasonable in order to provide a necessary service to the surrounding area.

(d) Additional requirements

The City Planning Commission shall receive a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer of #floor area#. Notices of the restriction upon further #development#, #enlargement# or #conversion# of the #granting site# and the #receiving site# shall be filed by the owners of the respective #zoning lots# in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restriction shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting site# and the #receiving site# that are a party to such transfer.

On a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the Commission pursuant to this Section, the Department of Buildings shall not:

(1) issue a building permit until the Chairperson has certified that the owner of the #receiving site# and the Hudson River Park Trust have jointly executed a Purchase and Sale Agreement for the amount of the #required funds#, specified in paragraph (a)(4) of this Section, associated with the transfer of #floor area#, and that all of such #required funds# have either been irrevocably paid to Hudson River Park Trust or will be paid in accordance with a payment schedule and secured by a cash equivalent, such as a letter of credit, in accordance with such Purchase and Sale Agreement; or

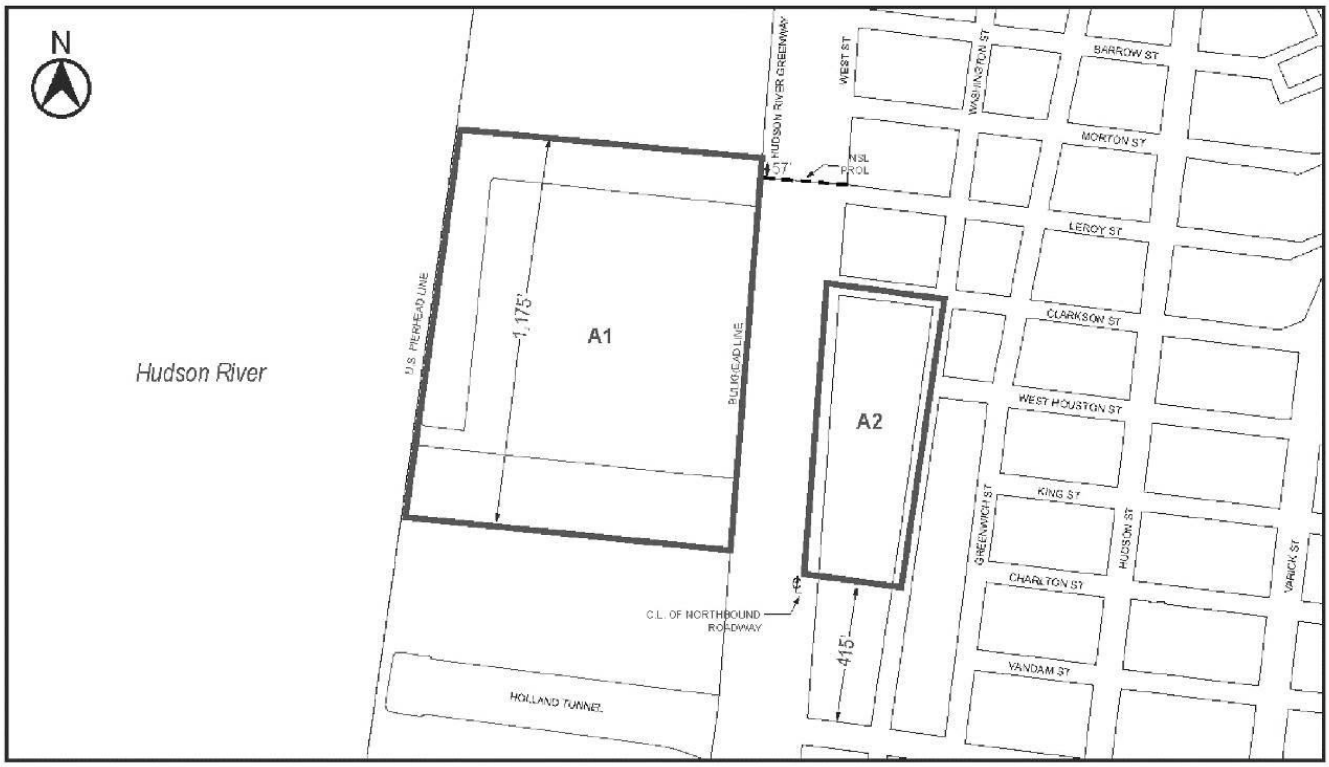
(2) issue a temporary or final certificate of occupancy until the Chairperson has certified that the Hudson River Park Trust has submitted a letter to the Chairperson confirming that payment of all of the #required funds# specified in paragraph (a)(4) of this Section, associated with the transfer of #floor area#, has been irrevocably made by the owner of such #receiving site# to the Hudson River Park Trust, or that the Hudson River Park Trust has drawn down on the security such that no portion of the #required funds# is outstanding.

Any modification of a special permit previously issued pursuant to this Section which proposes a change to the amount of #required funds# shall be referred to the affected Community Board for a period of at least 45 days. The Commission shall not act upon the modification application until the completion of the Community Board review period.

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

Appendix - Special Hudson River Park District Plan

Map 1. Transfer of Floor Area — Granting and Receiving Sites within Areas A1 and A2

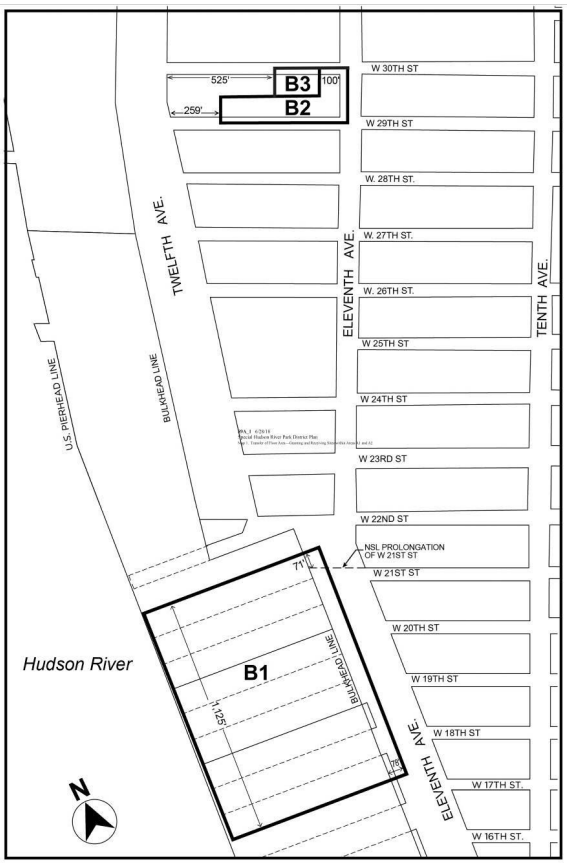


Special Hudson River Park District

A1 Area within which a *granting site* may be located

A2 Area within which a *receiving site* may be located

Map 2. Transfer of Floor Area — Granting and Receiving Sites within Areas B1, B2 and B3



Special Hudson River Park District

B1 Area within which a *granting site* may be located

B2 Area within which a *receiving site* may be located

B3 Area within which a *receiving site* may be located

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article IX - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Lower Manhattan District (LM)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Lower Manhattan District (LM)

91-00 - GENERAL PURPOSES

LAST AMENDED
6/21/2016

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

(a) encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;

(b) facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;

(c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;

(d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;

(e) restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;

(f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration;

(g) establish the Water Street Subdistrict to improve the urban design relationship between existing buildings and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area; and

(h) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

91-01 - General Provisions

LAST AMENDED
5/12/2021

Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

Requirements that apply generally throughout the District are set forth in the provisions for this Chapter. The provisions of Section 91-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify planning and urban design features that are primarily oriented toward the accommodation and well-being of pedestrians.

For requirements that are not generally applicable but are tied to specific locations within the Special District, the locations where these requirements apply are shown on District Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3), Map 3 (Street Wall Continuity Types 4 & 5), Map 4 (Designated Retail Streets) and Map 5 (Curb Cut Prohibitions) in Appendix A. Certain #sign# regulations that apply to landmark #buildings# with #street walls# fronting Broadway are set forth in Section 91134.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront

area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

An existing public amenity, open or enclosed, that was a mandatory requirement or received a #floor area# bonus pursuant to the provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, shall not be removed, reduced in size or in any way altered, other than pursuant to the provisions of Section 91-71 (Authorization for the Modification of Required Public Amenities).

Special regulations governing the development of three specific sites in the #Special Lower Manhattan District# are set forth in the following Sections:

Section 91-72 (Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel)

Section 91-73 (Special Provisions for Battery Park Underpass/South Street).

91-02 - Definitions

LAST AMENDED
2/2/2011

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or 91-62 (Definitions).

91-03 - District Maps

LAST AMENDED
6/21/2016

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 Special Lower Manhattan District

Map 2 Street Wall Continuity Types 1, 2A, 2B & 3

Map 3 Street Wall Continuity Types 4 & 5

Map 4 Designated Retail Streets

Map 5 Curb Cut Prohibitions

Map 6 South Street Seaport Subdistrict (Section 91-63)

Map 7 Subway Station Improvement Areas

Map 8 Water Street Subdistrict

Map 9 Water Street Subdistrict Arcades

91-04 - Subdistricts and Core Area

LAST AMENDED
2/2/2011

In order to carry out the purposes and provisions of this Chapter, the South Street Seaport Subdistrict, the Historic and Commercial Core and the Water Street Subdistrict are established within the #Special Lower Manhattan District# and include specific regulations designed to advance the purpose of these areas:

(a) South Street Seaport Subdistrict

The South Street Seaport Subdistrict contains certain provisions that do not apply to other areas of the Special District. Except as otherwise provided in the Subdistrict regulations, the Subdistrict is subject to all other regulations of the #Special Lower Manhattan District# and the underlying districts. The requirements for the South Street Seaport Subdistrict are set forth in Section 91-60 (SPECIAL REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT).

The Subdistrict is shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A of this Chapter.

(b) The Historic and Commercial Core

The Historic and Commercial Core has been established to promote development compatible with existing #buildings# that border the area whose street plan has been accorded landmark status by the New York City Landmarks Commission as the Streetplan of New Amsterdam and Colonial New York. Height and setback provisions for the Historic and Commercial Core are set forth in Sections 91-31 through 91-33.

The Core is bounded by Broadway and Wall, Whitehall and Water Streets, as shown on Map 1 (Special Lower Manhattan District) in Appendix A of this Chapter.

(c) Water Street Subdistrict

The Water Street Subdistrict has been established to improve the urban design relationship between existing #buildings# and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area.

The Subdistrict is shown on Map 8 (Water Street Subdistrict) and Map 9 (Water Street Subdistrict Arcades) in Appendix A of this Chapter.

91-05 - Applicability of the Quality Housing Program

LAST AMENDED
2/2/2011

Within the #Special Lower Manhattan District#, #buildings# containing #residences# may be #developed# or #enlarged# in accordance with the provisions of Article II, Chapter 8 (The Quality Housing Program), except that the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and modified by Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall be superseded by the

#bulk# regulations of this Chapter. Recreation space required pursuant to Section 28-20 (RECREATION SPACE AND PLANTING AREAS) shall be in addition to any recreation space required pursuant to this Chapter.

91-06 - Applicability of Article VII Provisions

LAST AMENDED
8/27/1998

91-061 - Applicability of special permits by the Board of Standards and Appeals

LAST AMENDED
8/12/2004

Within the #Special Lower Manhattan District#, the following Board of Standards and Appeals special permits shall not be applicable or shall be applicable only as modified.

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

Section 73-68 (Modifications of Height, Setback and Rear Yard Regulations)

The following special permits by the Board of Standards and Appeals shall be applicable as modified:

Section 73-21 (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 or Map 4 in Appendix A

Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall also apply in C5 Districts to eating or drinking establishments with entertainment, including musical entertainment or dancing, and a capacity of more than 200 persons.

91-062 - Applicability of special permits by the City Planning Commission

LAST AMENDED
8/27/1998

Within the #Special Lower Manhattan District#, the following special permits by the City Planning Commission shall not be applicable or shall be applicable within C5 Districts.

The following special permits by the City Planning Commission shall not be applicable:

Section 74-721 (Modification of Height, Setback and Yard Regulations)

Section 74-82 (Through Block Arcades)

The following special permits by the City Planning Commission shall be applicable also within C5 Districts:

Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions)

Section 74-46 (Indoor Interactive Entertainment Facilities).

91-07 - Modification of Use and Bulk Regulations for Zoning Lots Fronting Upon DeLury Square Park

LAST AMENDED
12/21/2009

Where the #lot line# of a #zoning lot# coincides with, or is within 20 feet of, the boundary of DeLury Square Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

91-10 - SPECIAL USE REGULATIONS

LAST AMENDED
8/27/1998

91-11 - Modification of Use Regulations in C5 Districts

LAST AMENDED
8/27/1998

91-111 - Additional uses in C5 Districts

LAST AMENDED
8/27/1998

In addition to the special permit #uses# cited in Section 91-06, the #use# regulations for C5 Districts within the #Special Lower Manhattan District# are modified to permit the following #uses#:

From Use Group 7:

Use Groups 7B and 7E

From Use Group 8:

Use Groups 8A*, 8B and 8E

From Use Group 12:

Use Groups 12A**, 12B, 12C and 12E

---

* inclusive of the waiting area requirements for theaters as listed in Use Group 8A

** except for eating or drinking establishments as listed in Use Group 12A

91-112 - Eating and drinking establishments with dancing in C5 Districts

LAST AMENDED
8/12/2004

In all C5 Districts within the #Special Lower Manhattan District#, in addition to eating and drinking establishments permitted pursuant to Section 32-15 (Use Group 6), the following types of eating and drinking establishments shall be permitted:

eating or drinking establishments with entertainment, including musical entertainment or dancing, with a total capacity

of 200 persons or fewer, provided that the dance floor or area, if any, does not exceed 400 square feet. The locational and waiting area requirements for eating or drinking establishments of Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall apply;

eating or drinking establishments with entertainment, including musical entertainment or dancing, with a capacity of more than 200 persons, pursuant to the provisions of Section 73-244, as modified in Section 91-061 (Applicability of special permits by the Board of Standards and Appeals).

91-113 - Location of certain commercial uses

LAST AMENDED
8/27/1998

In C5 Districts within the #Special Lower Manhattan District#, the provisions of Section 32-423 (Limitation on ground floor location) shall not apply.

91-12 - Uses on Designated Retail Streets

LAST AMENDED
2/2/2011

On designated retail #streets#, as shown on Map 4 in Appendix A, for #buildings# #developed# or #enlarged# after August 27, 1998, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon such #streets#, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level#, shall be limited to only those #uses# permitted by the underlying regulations and Section 91-111 (Additional uses in C5 Districts), other than automobile showrooms or plumbing, heating or ventilating equipment showrooms, or any of the #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

91-13 - Sign Regulations

LAST AMENDED
8/27/1998

In the #Special Lower Manhattan District#, except as modified by the provisions of this Section, inclusive, the regulations of Section 32-60, et seq., pertaining to #signs#, shall apply.

91-131 - Illuminated signs in C5 Districts

LAST AMENDED
8/27/1998

In all C5 Districts within the #Special Lower Manhattan District#, not more than one #illuminated#, non-#flashing sign#, other than an #advertising sign#, with a total #surface area# not exceeding eight square feet shall be permitted for each #street# frontage of the #zoning lot#. Such #sign# may be located only within a window of a #building#.

91-132 - Banner regulations

LAST AMENDED
8/27/1998

In all C5 and C6 Districts within the #Special Lower Manhattan District#, in lieu of the provisions of Section 32-652 (Permitted projection in all other Commercial Districts), banners may project across a #street line# for a maximum distance of eight feet.

In C5-3 or C5-5 Districts within the Special District, in lieu of the provisions of Section 32-655 (Height of signs in all other Commercial Districts), banners may extend above #curb level# to a maximum height of 40 feet.

91-133 - Height of signs in C6-9 Districts

LAST AMENDED
5/9/2001

In C6-9 Districts within the #Special Lower Manhattan District#, the regulations of Section 32-655 (Height of signs in all other Commercial Districts) may be modified to allow a maximum height of 50 feet above #curb level#, provided the City Planning Commission certifies that the design features of the existing #building#, as they appear on May 9, 2001, would unduly obstruct the visibility of the #sign# without such modification. An application for such certification shall be filed with detailed plans showing compliance with this Section.

91-134 - Signs on landmark buildings fronting Broadway in C5-5 Districts

LAST AMENDED
5/14/2003

In addition to #signs# and banners otherwise permitted pursuant to Section 91-13, et seq., within 100 feet of Broadway in C5-5 Districts, on any #building# with a #street wall# fronting Broadway that is a landmark designated by the Landmarks Preservation Commission, the applicable #sign# regulations of Section 32-60 shall be modified according to the following provisions, provided such #signs# and any alterations to the #building# connected with such #signs# have received a certificate of appropriateness or other permit from the Landmarks Preservation Commission.

(a) #Illuminated# non-#flashing signs# other than #advertising signs# are permitted with a total #surface area# (in square feet) not to exceed 50 square feet along any #street# frontage.

(b) No permitted #sign# shall extend above #curb level# at a height greater than 30 feet.

(c) No permitted #sign# shall project across a #street line# more than 60 inches.

(d) Permitted #signs# displayed on awnings may also include commercial copy related to the type of business, profession, commodity, service or entertainment conducted, sold or offered within such #building#.

91-20 - FLOOR AREA AND DENSITY REGULATIONS

LAST AMENDED
8/27/1998

91-21 - Maximum Floor Area Ratio

LAST AMENDED
2/2/2011

The basic maximum #floor area ratio# on a #zoning lot# is specified in the table in Section 91-22 (Floor Area Increase

Regulations) and may be increased only pursuant to the #floor area# increase and bonus provisions of this Chapter.

Notwithstanding the #floor area# increase and bonus provisions of this Chapter, the maximum permitted #floor area ratio# on a #zoning lot# for #residential use# shall be 12.0.

91-22 - Floor Area Increase Regulations

LAST AMENDED
2/2/2011

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the table in this Section.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in this table. Wherever there may be an inconsistency between any provision in Section 74-79 and the table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Hist-oric & Comm Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4	C5-5	C2-8	C4-6	C6-2A	C5-3	C6-9
Basic maximum FAR	6.02[1] 6.5[3]	10.0[2,3,4]	10.0[4] 15.0[2,3]	2.0[2] 6.5[3]	10.0[4] 15.0[2,3]	2.0[2] 3.4[3] 10.0[4]	3.4[2,3,4]	6.0[2] 6.02[4] 6.5[3]	10.0[4] 15.0[2,3]	15.0
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA

Maximum as-of-right #floor area# bonus for Inclusionary Housing (23-90)	NA	2.0	NA	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.02[1] 6.5[3]	12.0	18.0	2.0[2] 6.5[3]	15.0	2.0[2] 3.4[3] 10.0[4]	3.4	6.0[2] 6.02[4] 6.5[3]	15.0	15.0
Maximum #floor area# bonuses by authorization or special permit: #mass transit station# improvements and #covered pedestrian spaces#	NA	2.0[8]	3.0	NA	3.0	2.0[9]	NA	NA	3.0[9]	3.0[9]
Maximum FAR with as-of-right, authorization or special permit #floor area# bonuses	6.02[1] 6.5[3]	12.0[10]	18.0	2.0[2] 6.5[3]	18.0	12.0	3.4	6.0[2] 6.02[4] 6.5[3]	18.0	18.0
Development rights (FAR) of a landmark lot for transfer purposes (74-79)	NA	10.0	15.0[5] 18.0[6]	NA	15.0	NA	NA	NA	NA	NA

Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	NA	3.4	8.02	21.6[7]	21.6[7]
Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and authorization or special permit #floor area# bonuses	6.02[1] 6.5[3]	14.0[10]	21.6	2.4[2] 7.8[3]	21.6	NA	3.4	8.02	21.6[7]	21.6[7]

1 maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3

2 for a #commercial# or, where permitted, #manufacturing use#

3 for a #community facility use#

4 for a #residential use#

5 if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

6 if receiving lot is located in a zoning district with a basic maximum FAR of 15

7 maximum FAR for receiving lots less than 30,000 square feet

8 for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR

9 only pursuant to Section 66-51

10 for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, the maximum FAR may be increased through a combination with Inclusionary Housing, in accordance with the provisions of such Section

91-23 - Floor Area Increase for Provision of Recreation Space

LAST AMENDED
2/2/2011

In C5-3, C5-5 and C6-9 Districts, the #residential# #floor area ratio# of a #zoning lot# may be increased to 12.0, provided that recreation space, for the #residential# occupants of the #building# on such #zoning lot#, is provided in an amount not less than 16.25 square feet for each #dwelling unit# or a total area of at least 5,000 square feet, whichever is greater.

Such recreation space may be located at any level, including a roof, and shall:

(a) be restricted to #residential# occupants of the #building# and their guests for whom no admission or membership fees may be charged;

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

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

(d) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet; and

(e) have not less than 50 percent of the area open from its lowest level to the sky. The remaining portion may be roofed and up to 50 percent of its perimeter may be enclosed. In no event may more than 25 percent of the required recreation space be fully enclosed. All enclosures shall be transparent except when located within the #building#. Covered areas shall contain recreation facilities or seating areas.

A copy of requirements (a) through (e) shall be permanently posted in a conspicuous place within each recreation space.

91-24 - Floor Area Bonus for Public Plazas

LAST AMENDED
7/20/2017

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section 37-70 (PUBLIC PLAZAS):

(a) A #floor area# bonus for a #public plaza# shall only be permitted for a #development# or #enlargement# that is located:

(1) outside the Historic and Commercial Core;

(2) outside the South Street Seaport Subdistrict; or

(3) beyond 50 feet of a #street line# of a designated #street#, except in C6-4 Districts, on which:

(i) retail continuity is required, pursuant to Section 91-41 (Regulations for Designated Retail Streets); or

(ii) #street wall# continuity is required, pursuant to the regulations for Type 1 or Type 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).

(c) Within a C6-4 District, paragraph (a)(3) of this Section shall not apply to the location of a #development# or #enlargement#. However, a #floor area# bonus for a #public plaza# shall be permitted, provided that such #public plaza# is located beyond 50 feet of the designated #streets# referenced in paragraph (a)(3).

(b) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Increase Regulations) may be increased, in C6-4 Districts, by six square feet, to a maximum #floor area# ratio of 12.0

and, in C5-3, C5-5 and C6-9 Districts, by 10 square feet, to a maximum #floor area# ratio of 18.0.

(c) When a #public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the #public plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

91-25 - Special Permit Bonuses for Increased Floor Area

LAST AMENDED
2/2/2011

Within the #Special Lower Manhattan District#, the City Planning Commission may grant the following special permits for increased #floor area# in accordance with the provisions of this Section.

91-251 - Special permit for covered pedestrian space

LAST AMENDED
2/2/2011

In C5-3, C5-5, C6-4 and C6-9 Districts within the #Special Lower Manhattan District#, except within the South Street Seaport Subdistrict, the City Planning Commission may grant, by special permit, a #floor area# bonus for a #commercial#, #community facility# or #mixed building# that provides #covered pedestrian space# on a #zoning lot#, in accordance with the provisions of Section 74-87 (Covered Pedestrian Space).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) and 91-22 (Floor Area Increase Regulations).

91-30 - HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

LAST AMENDED
4/30/2003

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section.

The height of all #buildings or other structures# shall be measured from #curb level#.

91-31 - Street Wall Regulations

LAST AMENDED
2/2/2011

For the purposes of applying the #street wall# regulations of this Section, #developments# shall include alterations and #enlargements# that change the height, width or location of a #street wall#.

All portions of #buildings or other structures# located above the maximum base heights specified in paragraph (a) of this Section shall provide a setback in accordance with the regulations of Section 91-32 (Setback Regulations).

(a) Within the Special District, the maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater, except as provided for the following types of #street wall# regulations:

(1) #Street wall# regulations: Type 1

For #developments# that front upon a #street# indicated as "Type 1" on Map 2 (Street Wall Continuity Types 1, 2A, 2B and 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 150 feet or the height of the #building#, whichever is less. The maximum base height shall be 250 feet.

(2) #Street wall# regulations: Type 2A

For #developments# that front upon a #street# indicated as "Type 2A" on Map 2 in Appendix A, #street walls# shall extend along such entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(3) #Street wall# regulations: Type 2B

For #developments# that front upon a #street# indicated as "Type 2B" on Map 2 in Appendix A, #street walls# shall extend along at least 60 percent of such #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(4) #Street wall# regulations: Type 3

For #developments# that front upon a #street# indicated as "Type 3" on Map 2 in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 60 feet, five stories, or the height of the #building#, whichever is less. The maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater.

(5) #Street wall# regulations: Type 4

For #developments# that front upon a #street# within the Historic and Commercial Core, indicated as "Type 4" on Map 3 (Street Wall Continuity Types 4 and 5) in Appendix A, the maximum base height shall be 100 feet.

(6) #Street wall# regulations: Type 5

For #developments# that front upon a #street# indicated as "Type 5" on Map 3 in Appendix A, no setbacks are required for any portion of a #building#.

(b) For #developments# that front upon a #street# indicated as "Type 1" or "Type 2A," at least 70 percent of the #aggregate width of street walls# shall be located on such #street line#. For #developments# that front upon a #street# indicated as "Type 2B," at least 60 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. For #developments# that front upon a #street# indicated as "Type 3," at least 70 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. The remaining 30 percent of the #aggregate width of street walls# may be located beyond such #street lines# in compliance with:

(1) the #outer court# regulations of Article II, Chapter 3, for #residential# portions of #buildings#;

(2) the #outer court# regulations of Article II, Chapter 4, for all other portions of #buildings#; or

(3) the requirements of Section 37-50 where such areas are pedestrian circulation spaces.

(c) When a #building# fronts on two intersecting #streets# for which different maximum base heights are specified, the higher maximum base height may wrap around to the #street# with the lower maximum base height for a distance along the #street line# of 100 feet. However, "Type 5" #street walls# shall not be permitted to wrap around to the intersecting #street#.

(d) Arcades and sidewalk widenings that meet the design standards of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be permitted along any #street# indicated as "Type 1," "Type 2A" or "Type 3," pursuant to paragraphs (a), (b) or (c) of this Section, provided such arcade or sidewalk widening extends along the entire #block# frontage or abuts another arcade, existing on August 27, 1998, of equal width and height or another sidewalk widening of equal width. In such case, the #street wall# requirements for paragraph (b) of this Section shall be measured from the permitted arcade or sidewalk widening.

91-32 - Setback Regulations

LAST AMENDED
2/2/2011

In accordance with the provisions of Section 91-31 (Street Wall Regulations), setbacks are required for any portion of a #building or other structure# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31.

Required setbacks shall be provided at a height not lower than any minimum base height or 60 feet where none is specified and not higher than any maximum base height specified for the applicable #street# in Section 91-31. The depth of the setback shall be determined by the #lot area# of the #zoning lot#, as shown in the following table:

REQUIRED DEPTH OF SETBACKS

#Lot area# of #zoning lot#	Minimum setback depth
Less than 15,000 square feet	10 feet
15,001 to 30,000 square feet	15 feet
Greater than 30,000 square feet	20 feet

For "Type 1" and "Type 2A and 2B" #street walls#, the required setbacks shall be measured from the #street line#.

For "Type 3" #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such line and the #street line#.

For all other #street walls#, the required setbacks shall be measured from a line drawn at, or parallel to, the #street line# so that at least 50 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such drawn line and the #street line#. However, setbacks are not required for #street walls# fronting upon the major portion of a bonused #public plaza#.

For #buildings# within the Historic and Commercial Core as shown on Map 1 in Appendix A, any #building# or portion of a #building# may be located within the required setback area beneath a #sky exposure plane# that rises from a height of 100 feet above the #street line# over the #zoning lot# at a vertical distance of six to a horizontal distance of one.

91-33 - Lot Coverage Regulations

LAST AMENDED
2/2/2011

Above the maximum base height specified in Section 91-31 (Street Wall Regulations), up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 65 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 50 percent.

However, within the Historic and Commercial Core, above the maximum base height specified in Section 91-31, up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 75 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 60 percent.

For #buildings# fronting on more than one #street# where different maximum base heights are specified, the maximum #lot coverage# regulations specified in this Section shall apply at horizontal planes at heights corresponding to the different maximum base heights. The #lot coverage# at the level of the lowest plane shall apply to the portion of a #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height. The #lot coverage# at the level of each subsequent higher plane shall apply to the portion of the #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height, and shall also include those portions of the #zoning lot# where lower base heights apply. The highest horizontal plane shall be established over the entire #zoning lot#.

91-34 - Maximum Horizontal Dimension for Tall Buildings

LAST AMENDED
2/2/2011

For any portion of a #building# above a height of 300 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 175 feet

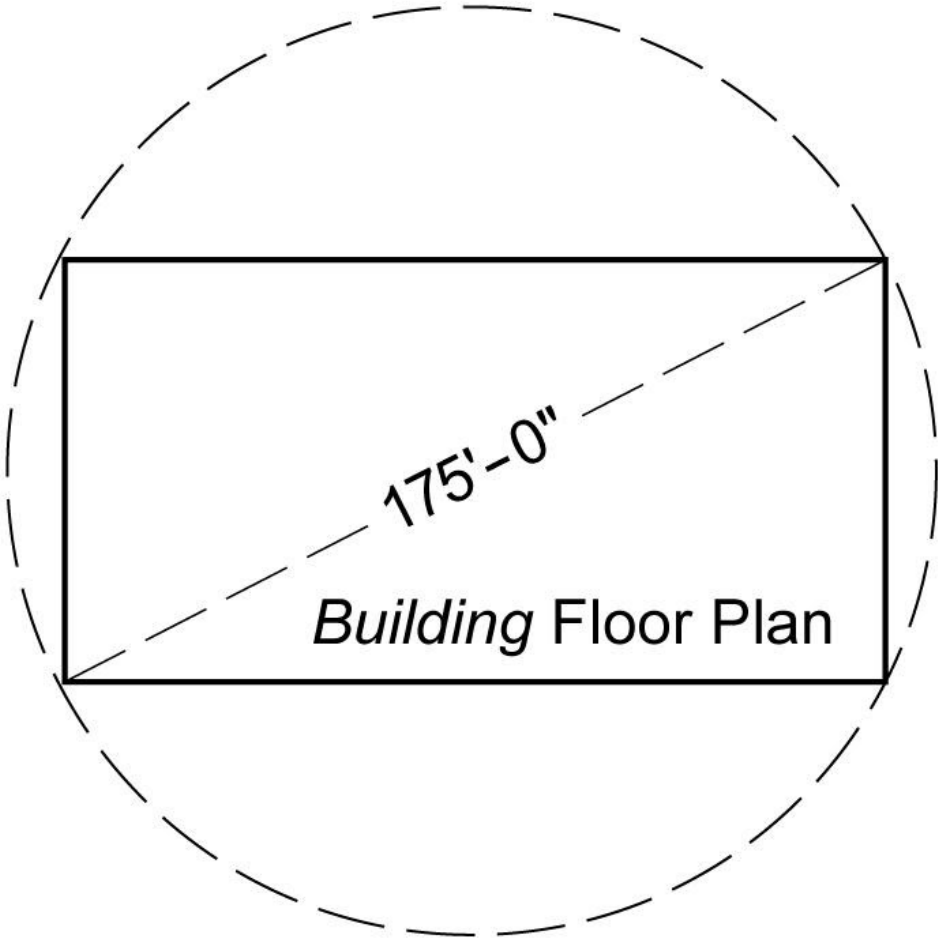


Diagram of Maximum Horizontal Dimension

(91—34)

91-35 - Modification of Street Wall, Setback, Lot Coverage and Maximum Horizontal Dimension Regulations

LAST AMENDED
2/2/2011

The City Planning Commission, by special permit, may modify:

(a) the #street wall# requirements and minimum base heights of Section 91-31 (Street Wall Regulations);

(b) the setback requirements of Section 91-32; and

(c) where such #zoning lots# contain #buildings# existing on December 15, 1961, that exceed a height of 300 feet, the #lot coverage# regulations of Section 91-33 and the maximum horizontal dimension set forth in Section 91-34 (Maximum Horizontal Dimension for Tall Buildings), provided such modifications are limited to that portion of the #development# or #enlargement# between 300 and 325 feet in height, and provided the #lot coverage# of such portion does not exceed 55 percent.

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

(1) such modifications will result in a site plan consistent with existing scale and streetscape patterns;

(2) such modifications will ensure a harmonious relationship between the #development# or #enlargement# and the surrounding area;

(3) such #street wall# modifications will enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion;

(4) such setback, #lot coverage# or horizontal dimension modifications will not unduly obstruct access to light and air to surrounding #streets# and properties; and

(5) such setback, #lot coverage# or horizontal dimension modifications will result in a built form that maintains an appropriate relationship between tower and base portions of the #development# or #enlargement#.

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

91-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
8/27/1998

91-41 - Regulations for Designated Retail Streets

LAST AMENDED
2/2/2011

The #use# regulations of this Section, inclusive, shall apply to #buildings# #developed# after August 27, 1998, and to #buildings# #enlarged# on the ground floor level after August 27, 1998.

91-411 - Location of required retail space

LAST AMENDED
2/2/2011

For any #development# or #enlargement# fronting on the ground floor level of designated retail #streets#, as shown on Map 4 in Appendix A, the #street# frontage of the #building# shall be allocated exclusively to the #uses# set forth in Section 91-12 (Uses on Designated Retail Streets). However, #uses# located within lobby or entrance spaces, subway station improvements or pedestrian circulation spaces that do not front on the ground floor level of the #street# shall be in accordance with the provisions for permitted #uses# of the underlying district.

Where the #street# frontage occupied by all #building# entrances is 20 feet or more in width, the amount of #street# frontage occupied by lobby space, entrance space and #building# entrance recesses shall not exceed, in total, 40 linear feet or 25 percent of the #building's# total #street# frontage, whichever is less, exclusive of any frontage occupied by a relocated subway stair or the entrance area to a bonused subway station improvement.

Storefronts for permitted ground floor #uses# shall be no more than 10 feet from the #street line# or, where an #arcade# is provided with supporting columns at the #street line#, no more than 10 feet from the supporting columns.

91-412 - Access and glazing of required retail space

LAST AMENDED
8/27/1998

Access to each permitted establishment or #use# shall be provided directly from the designated retail #street#, as shown on Map 4 in Appendix A. Where there is more than one entrance to the establishment or #use# from the designated retail #street#, direct access shall be provided via the entrance with the greatest aggregate clear opening width.

At least 50 percent of the #street wall# surface of each permitted establishment or #use# shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.

For the purposes of this glazing requirement, the #street wall# surface of each permitted establishment shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

91-42 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

Within the boundaries of the #Special Lower Manhattan District#, all #developments# or #enlargements# constructed after August 27, 1998, on #zoning lots# of at least 5,000 square feet that contain more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space on such #zoning lot# in accordance with the provisions of Section 37-50.

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

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

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

(c) the #zoning lot# is an #interior# or #through lot# fronting on a #street# or #streets# with Type 1, Type 2A, Type 2B, Type 3, Type 4 or Type 5 #street wall# regulations, as set forth in paragraph (a) of Section 91-31 (Street Wall Regulations);

(d) the #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length; or

(e) the #zoning lot# is located in a C6-2A or C6-9 District within the South Street Seaport Subdistrict.

91-43 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-50.

The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A.

STATION	LINE
Bowling Green	Lexington Avenue

Broad St	Nassau Street
Broadway-Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway-7th Ave/ Lexington Ave
Brooklyn Bridge-City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway-7th Avenue
Chambers Street	8th Avenue
Park Place	Broadway-7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway-60th Street
Cortlandt Street-WTC	Broadway-7th Avenue
Cortlandt Street	Broadway-60th Street
Rector Street	Broadway-7th Avenue
Rector Street	Broadway-60th Street
Wall Street	Broadway-7th Avenue
Wall Street	Lexington Avenue
Whitehall Street-South Ferry	Broadway-7th Avenue/ Broadway-60th Street

91-50 - OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

LAST AMENDED
5/8/2013

The off-street parking regulations of Article 1, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) and the loading regulations of the underlying districts apply to the #Special Lower Manhattan District#, except as supplemented or modified by the provisions of this Section.

91-51 - Accessory Off-street Parking for Residential Uses in Converted Buildings

LAST AMENDED
2/2/2011

#Accessory# off-street parking spaces shall be permitted for #dwelling units# in non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are #converted# to #residential use#, provided:

(a) no more than 200 spaces or a number of spaces equal to 20 percent of the number of #dwelling units# in the #converted# #building#, whichever is less, shall be permitted;

(b) no curb cut shall be permitted on any #street# where the #converted# #building# has a #street# frontage of 40 feet or less;

(c) no portion of any such parking facility shall be more than 23 feet above #curb level#;

(d) no exhaust vents shall open onto any #street# or #public park# or publicly accessible #open space#, and no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets# or parks; and

(e) all such parking facilities shall be provided on the same #zoning lot# as the #residential uses# to which they are #accessory#, except as otherwise provided in Section 91-511 (Authorization for off-site parking facilities for converted buildings).

91-511 - Authorization for off-site parking facilities for converted buildings

LAST AMENDED
5/8/2013

The City Planning Commission may authorize #accessory# residential off-site parking spaces for non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are #converted# to #residential use#, to be provided in a fully enclosed #building# on a #zoning lot# within the #Special Lower Manhattan District# other than the #zoning lot# that contains the #residential use#, provided the Commission finds that:

(a) such #accessory# off-site parking spaces are conveniently located in relation to the #residential use#, and in no case further than 600 feet from the #zoning lot# containing the #residential use#;

(b) such location of the #accessory# off-site parking facility will permit better site planning for the #building# #converted# to #residential use#;

(c) that such #accessory# off-site parking facility shall contain parking spaces #accessory# only to #residential uses#; and

(d) such parking facility complies with findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

The number of #accessory# off-site parking spaces authorized in accordance with the provisions of this Section shall be recorded on the certificates of occupancy, temporary and permanent, for both the #residential use# and the #accessory# off-site parking facility.

91-52 - Curb Cut Regulations

LAST AMENDED
5/8/2013

All curb cuts shall be prohibited on #streets# indicated on Map 5 in Appendix A, except that:

(a) The Commissioner of Buildings may approve a curb cut where there are no alternative means of access to required off-street loading berths from other #streets# bounding the #zoning lot#.

(b) The City Planning Commission may authorize curb cuts for loading berths, provided:

(1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;

(2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

(c) The City Planning Commission may authorize curb cuts for #accessory# parking for #residences#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of required pedestrian circulation spaces, or public transit facilities.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

No curb cuts may be approved or authorized on Battery Place, Broad Street, Broadway, Liberty Street west of Broadway, Park Row South or Wall Street.

In addition, for #zoning lots# with frontage on #streets# where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-35 (Modification of Loading Berth Requirements).

Where a curb cut is approved or authorized pursuant to this Section, the maximum width of a curb cut, including splays, shall be 15 feet for a #street# with one-way traffic and 25 feet for a #street# with two-way traffic.

91-53 - Waiver of Requirements for Accessory Off-street Loading Berths

LAST AMENDED
9/8/2011

(a) For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the conditions in paragraphs (b), (c), (d) and (e) of this Section have been met:

(1) waiver of #accessory# off-street loading berths required for such department store #use#;

(2) waiver of existing required #accessory# off-street loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and

(3) exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section 12-10 when such floor space will be used for such improved goods receiving and in-store transport system.

(b) A plan for curb side deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and shall not interfere with the efficient functioning of nearby public transit facilities;

(c) At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;

(d) In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section 12-10, such floor space shall be used for the improved goods receiving and in-store transport system; and

(e) A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries and the site plan. Such declaration shall be filed and recorded in the Office of the City Register of the City of New York against the lots comprising the #zoning lot#. Receipt of proof of recordation in a form acceptable to the Department shall be a precondition to the issuance of this certification, and the recording information shall be included on any temporary or final certificate of occupancy for any #building# or portion thereof, issued after the recording date.

91-60 - REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

LAST AMENDED
8/27/1998

91-61 - General Provisions

LAST AMENDED
8/27/1998

The regulations of Section 91-60, et seq., relating to special regulations for the South Street Seaport Subdistrict are applicable only in the South Street Seaport Subdistrict. The boundaries of the South Street Seaport Subdistrict are shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A. The regulations of Section 91-60, et seq., supplement or modify the regulations of this Chapter applying in general to the South Street Seaport Subdistrict area of the #Special Lower Manhattan District#.

In order to preserve and protect the character of the South Street Seaport Subdistrict and to implement the provisions of the Brooklyn Bridge Southeast Urban Renewal Plan, as amended, special controls and incentives are provided.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of paragraph (c) of Section 74-792 (Conditions and limitations) concerning the transfer of development rights from landmark sites in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts shall not apply

in the South Street Seaport Subdistrict.

91-62 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

Development rights

Within the South Street Seaport Subdistrict, the basic maximum permitted #floor area# for a #granting lot# shall be that which is allowed by the applicable district regulations as if such granting lot were undeveloped, and shall not include any additional #floor area# bonuses for #public plazas#, #arcades# or any other form of #floor area# increase, whether as-of-right or by special permit. #Streets# located within the Subdistrict that have been closed or discontinued in whole, part or whose air space has been closed or discontinued pursuant to Section E15-3.0 of the Administrative Code, or its successor, shall have attributed to such closed area or closed air space the basic maximum permitted #floor area# allowed within the underlying zoning district within which such #streets# are situated. The #lot area# of a closed or discontinued volume of air space shall be measured by the area of the bed of the #street# lying below and within such closed or discontinued volume.

Granting lot

Within the South Street Seaport Subdistrict, a "granting lot" is a #zoning lot# or a closed or discontinued portion of a #street# or air space over a #street# which is identified as a #granting lot#, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Subdistrict and from which #development rights# may be transferred. Such #zoning lots# and closed portions of #streets# or air space over #streets# are identified on the map of the transfer areas (Map 6) as Parcels 6, 7 and 9 and the adjacent hatched #street# areas.

Person

Within the South Street Seaport Subdistrict, a "person" is an individual, corporation (whether incorporated for business, public benefit or not-for-profit purposes or otherwise), partnership, trust firm, organization, other association or any combination thereof.

Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such "receiving lots" are identified on the map as Parcels 1, 2, 8, 15, 16, 20, 21 and 22.

Street

(a) A #street#, as defined in Section 12-10; or

(b) a way, designed or intended for general public circulation and #use#, that:

(1) performs the pedestrian circulation functions usually associated with a way shown on the City Map;

(2) remains open and unobstructed from the at-grade circulation level to the sky, except for public facilities customarily located on a #street# shown on the City Map, or those facilities permitted to be located on a #street# shown on the City Map, including without limitation, transitory fixtures or objects unattached to the real property encompassed by such way; and

(3) is a designated pedestrian way, pursuant to Section 91-68.

A #street#, as defined in paragraph (b) of this Section, shall satisfy and apply to all references to #streets# provided elsewhere in the Zoning Resolution.

91-63 - Transfer Areas Map

LAST AMENDED
8/27/1998

The South Street Seaport Subdistrict transfer areas map, shown hereto as Map 6 in Appendix A, sets forth each #granting lot# and #receiving lot# within the Subdistrict.

91-64 - Transfer of Development Rights From Granting Lots

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, #development rights# from each of the #granting lots# may be conveyed or otherwise disposed of:

(a) directly to a #receiving lot#; or

(b) to a #person# for subsequent disposition to a #receiving lot#, all in accordance with the provisions of this Subdistrict, except that with respect to #zoning lots# located on Parcels 6, 7 and 9, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, only those #development rights# in excess of the larger of the following conditions may be so conveyed or otherwise disposed of:

(1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or

(2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

The City Planning Commission shall certify such initial transfer from the #granting lots#. Any #person# may convey its interest in all or a portion of such #development rights# to another #person# but such #development rights# may only be used on a #receiving lot#.

91-65 - Addition of Development Rights to Receiving Lots

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of

#development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# shall not exceed 21.6. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02. #Development rights# transferred to a #receiving lot# may be applied to a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #residential# #floor area ratio# exceed 12.0.

The City Planning Commission shall certify that any #zoning lot# that utilizes such transferred #development rights# conforms to this Section and, for those #receiving lots# within the Urban Renewal Area, to the regulations and controls of the Urban Renewal Plan.

91-66 - Modification of Use and Bulk Regulations

LAST AMENDED
3/20/2013

91-661 - Bulk modifications in C6-2A Districts

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except the maximum #building# height shall be 120 feet. No minimum base height shall apply, and the depth of a required setback along a #narrow street# shall be at least 10 feet. No #lot coverage# regulations shall apply to #corner lots#. Furthermore, the provisions of Article II, Chapter 8 (The Quality Housing Program), shall not apply.

91-662 - Authorization for modification of bulk provisions and public space in C6-9 Districts

LAST AMENDED2/2/2011

In the South Street Seaport Subdistrict, the City Planning Commission may authorize:

(a) the alteration of any public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that the Commission finds that such modifications improve the intended public purpose of the amenity; or

(b) the elimination or reduction of an existing public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that a new or improved public amenity, open or enclosed, is supplied elsewhere on, or within proximity to, the #zoning lot#, and the Commission finds that:

(1) the public amenity to be eliminated no longer serves its original purpose; and

(2) the proposed new or improved public amenity will provide a greater public benefit than the amenity to be eliminated or reduced and will better serve the purposes of the #Special Lower Manhattan District#; and

(c) the modification of the applicable height, setback, lot coverage and distance between #buildings# requirements for any #development# or #enlargement# on a designated #receiving lot# that will incorporate transferred #development rights#, provided the Commission finds that the modifications:

(1) provide an appropriate distribution of #bulk# on the #zoning lot#;

(2) permit adequate light and air to the #development# or #enlargement# and adjoining properties as well as the surrounding #streets#; and

(3) will not impair the use and desirability of any public amenity that may be created or improved under the provisions of paragraph (b) of this Section.

If a #receiving lot# contains an existing #building#, such authorization shall incorporate any previous height and setback or other bulk modifications, granted prior to December 11, 2001, by the Board of Standards and Appeals, for such existing #building#.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-663 - Special permit for bulk modifications

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, the City Planning Commission may modify, by special permit, the height and setback and #lot coverage# regulations of Section 91-30, provided that:

(a) either of the following conditions have been met:

(1) that the developer has obtained negative easements limiting the height of future #development# or #enlargement# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# or #enlargement# will be located; or

(2) that the #lot coverage# for that portion of a #development# or #enlargement# below 300 feet may be increased to a maximum of 80 percent when additional #development rights# have been purchased and converted to increased #lot coverage#. The maximum percentage of #lot coverage# on such #receiving lot# shall be the sum of 65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# or #enlargement# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

(b) In order to grant such special permit, the Commission shall make the following findings:

(1) the location of the #development# or #enlargement# and the distribution of #bulk# will permit adequate light and air to surrounding #streets# and properties;

(2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and

(3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

91-664 - Modification of hours of operation for waterfront public access areas

LAST AMENDED
3/20/2013

For any #zoning lot# which was the subject of application N130058 ZCM, the hours of operation set forth in paragraph (a) of Section 62-71 (Operational Requirements) may be extended to allow public access up to 24 hours per day, and the provisions of paragraph (a)(3) of Section 62-654 (Signage) shall be modified to require any such extended hours of public access, as may change over time, to be included on the required signage. The provisions of paragraph (a)(4) of Section 62-654 shall not apply where 24 hour access is allowed. The provisions of paragraph (b) of Section 62-71 requiring rules of conduct for the #waterfront public access area# to be established with the Department of Parks and Recreation, and other provisions of this Chapter requiring a maintenance and operation agreement pursuant to Section 62-74 (Requirements for Recordation), shall not apply so long as a legal instrument acceptable to the Chairperson, in all other respects consistent with the provisions of Section 62-74, has been executed and recorded, setting forth rules of conduct and maintenance and operations requirements.

91-67 - Recordation

LAST AMENDED
8/27/1998

Within the South Street Seaport Subdistrict, at the time of transfer of #development rights# from a #granting lot#, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such #zoning lot# of any #building or other structure# which would contain #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed, such prohibition to be non-cancelable for 99 years; and at the time of the addition of #development rights# to a #receiving lot# as provided in Section 91-65, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #receiving lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited and identifying the #granting lot# (by tax block and lot number and description) from which the #floor area# has been removed. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation.

91-68 - Designated Pedestrian Ways

LAST AMENDED
8/27/1998

Within the South Street Seaport Subdistrict, the volume situated above the subsurface #streets# shown on the City Map, and listed in this Section are designated pedestrian ways and are governed by paragraph (b) of the definition of #street# as set forth in Section 91-62 (Definitions):

(a) Fulton Street, between Water and South Streets

(b) Water Street, between Fulton and Beekman Streets

(c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets

(d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section 12-10 (Definitions).

91-69 - Special Permit for Development of Piers 9, 11, 13 and 14

LAST AMENDED

2/2/2011

Within the area bounded by South Street, the southerly edge of Pier 9, the U. S. Pierhead Line and the northerly edge of Pier 14, which, for the requirements of this Section, shall be deemed to be a single #zoning lot#, the City Planning Commission may, by special permit, permit modification of the bulk regulations, other than #floor area ratio# applicable to the #zoning lot#, and may modify or waive the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in accordance with the provisions of this Section.

The special permit shall be subject to the condition that the property owner, principal lessee or licensee of property owner has entered into an agreement with the Department of Parks and Recreation to operate and maintain the publicly accessible areas in accordance with Section 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). For purposes of this Section, such publicly accessible areas shall be deemed "waterfront public access areas."

In granting any such modifications, the Commission shall find that:

(a) any modification of height and setback regulations results in an appropriate distribution of permitted bulk on the piers;

(b) no #buildings or other structures# shall unduly obstruct the visual corridor bounded by the prolongation of the northern and southern #street lines# of Wall Street seaward to the U. S. Pierhead Line;

(c) any modification will not unduly impede surface traffic and will minimize possible vehicular/pedestrian conflicts in the surrounding area;

(d) that the seaward end of all such piers is unobstructed to the greatest extent feasible so as to maximize views northward and southward;

(e) the development plan for such area includes an appropriate amount of publicly-accessible open space which shall incorporate appropriate design features that serve the needs of the local area, including but not limited to landscaping, lighting and seating; and

(f) the development plan is integrated with existing and proposed nearby development.

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

91-70 - SPECIAL REGULATIONS FOR CERTAIN AREAS

LAST AMENDED
2/2/2011

#Developments# or #enlargements# in the former Special Greenwich Street Development District built prior to August 27, 1998, will continue to be governed by the regulations in effect at the time of issuance of the building permit and can only be modified or altered by Sections 91-71 through 91-73, inclusive.

91-71 - Authorization for the Modification of Required Public Amenities

LAST AMENDED
2/2/2011

The City Planning Commission may authorize modifications of certain provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, that mandated public amenities, as follows:

(a) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that resulted in an increase in the basic maximum #floor area ratio# or an increase in the adjusted basic maximum #floor area ratio#, the Commission may authorize:

(1) the alteration of the amenity or improvement, provided that the Commission finds that such modifications improve the intended public purpose of the amenity;

(2) the elimination of the amenity or improvement, provided that the Commission finds that the intended public purpose is no longer useful or desirable and a new public amenity or improvement is supplied, as permitted pursuant to this Chapter, that generates the same or higher amount of bonusable #floor area#; or

(3) in the case of an amenity or improvement built in excess of the requirements necessary to generate the bonus #floor area# at the time of #development# or #enlargement#, the elimination of such portion of the amenity not tied to the bonus #floor area#, provided that the Commission finds that such portion is no longer useful or desirable.

(b) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that did not result in an increase in the basic maximum #floor area ratio#, the Commission may authorize the elimination or alteration of the amenity or improvement if it finds that the intended public purpose is no longer useful or desirable.

(c) No mandatory or elective public amenity or improvement built pursuant to the regulations of the former Special District shall be eliminated or reduced in size, without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#, in accordance with the provisions of paragraph (a)(2) of this Section, except by special permit of the Commission, subject to a finding that the proposed change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the #Special Lower Manhattan District#.

However, the open pedestrian bridge spanning Greenwich Street between Liberty and Cedar Streets may be eliminated, without recourse to the Commission, where the pedestrian access provided between the required elevated public pedestrian circulation systems is no longer useful or desired.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-72 - Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel

LAST AMENDED
2/2/2011

The City Planning Commission, by special permit, may allow:

(a) the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single #zoning lot# and may allow the #development# or #enlargement# of a #building# on such unmapped air space, where the #zoning lot# for such #development# or #enlargement# shall include only that portion of the area above the approaches to the Brooklyn Battery Tunnel and contiguous areas of land or property that are covered by a permanent platform and not designated as approaches to the Brooklyn Battery Tunnel.

(b) the unmapped air space above the approaches to the Brooklyn Battery Tunnel, the unmapped air space above Joseph P. Ward Street and the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street to be deemed a single #zoning lot#, and in connection therewith:

(1) such #zoning lot# shall generate #floor area# only from such at-grade parcels and only those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on November 15, 2007;

(2) no #floor area# shall be generated from the unmapped air space above Joseph P. Ward Street; and

(3) unused #floor area# generated from those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on November 15, 2007, shall only be located on the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street and shall only be used for #residential# #floor area#.

Notwithstanding any of the foregoing, the use and occupancy of the unmapped air space above the approaches to the Brooklyn Battery Tunnel and of the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel by the New York State Triborough Bridge and Tunnel Authority, may be continued and in effect as set forth in Resolutions of the former New York City Board of Estimate and as otherwise permitted by law.

The at-grade parcels of the #zoning lot# bounding the northern #street line# of Joseph P. Ward Street shall be considered a #through lot# bounded by Washington Street and West Street from its lowest level to the sky, and only such at-grade parcels shall be used to determine compliance with applicable #bulk# regulations other than #floor area# and #lot area# regulations.

For purposes of this paragraph, (b), the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street shall mean:

the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel; and

the at-grade parcel bounding the northern line of said parcel.

In order to grant such special permit, the Commission shall find that adequate access and #street# frontage to one or more #streets# is provided; and the streetscape, site design and location of #building# entrances of the proposed #development# or #enlargement# will contribute to the overall improvement of pedestrian circulation within the surrounding area.

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

91-73 - Special Provisions for Battery Park Underpass/South Street

LAST AMENDED
2/2/2011

A #zoning lot# containing a #development#, or portion thereof, on a #waterfront zoning lot#, may be located within the volume above the upper limiting plane of the Battery Park Underpass/South Street, when such volume is eliminated, discontinued and closed. That portion of the #zoning lot# that lies above the Battery Park Underpass/South Street shall not be considered #lot area# for the purpose of computing maximum #floor area#; however, such portion shall be considered #lot area# for all other purposes of this Resolution.

91-80 - PUBLIC ACCESS AREAS

LAST AMENDED

6/21/2016

The following regulations shall apply to #arcades# and #publicly accessible open areas# existing on June 21, 2016, located within the Water Street Subdistrict as shown on Map 8 in Appendix A of this Chapter except for the #plaza# that was the subject of special permit application CP-20518, approved by the City Planning Commission on November 27, 1968.

For the purposes of this Section, inclusive, "arcade" shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES), or any other #arcade# that generated a #floor area# bonus as evidenced by plans approved by the Department of Buildings.

A horizontal #enlargement# permitted by Sections 91-83 (Retail Uses Within Existing Arcades), inclusive, or 91-841 (Authorization for retail uses within existing arcades) shall not be included as #floor area#, and such additional area shall not result in a reduction of the permitted #floor area#.

No #arcade# may be eliminated or reduced in size pursuant to paragraphs (a) or (d) of Section 33-124 (Existing public amenities for which floor area bonuses have been received). In lieu thereof the following provisions shall apply: Sections 91-83, 91-841 and, as applicable, Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater).

For any #zoning lot# that was the subject of application C810325ZSM, C810506ZSM or C841070ZSM, a certification pursuant to Section 91-83 or an authorization pursuant to Section 91-841 shall not result in a departure from the findings and conditions specified in the applicable special permit, and such certification or authorization shall not require modification of the applicable special permit unless such a modification is required pursuant to a related restrictive declaration. For the #zoning lot# that was the subject of application C810325ZSM, the existing #through block arcade# shall not be eliminated, but may be modified in size and configuration provided that the standards for #through block arcades# set forth in Section 12-10 are met.

Public events may take place within a #publicly accessible open area# or #arcade# pursuant to the provisions of Section 91-81 (Events Within Public Access Areas). Publicly accessible tables, chairs, shade umbrellas and heating lamps may be located within a #publicly accessible open area# or #arcade# pursuant to the provisions of Section 91-82 (Amenities Within Public Access Areas). An outdoor cafe may be located within an #arcade# pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

A horizontal #enlargement# of the ground floor and second floor levels may be permitted within #arcades#, or portions thereof, located within Area A in Map 9 of Appendix A of this Chapter pursuant to the provisions of Section 91-83, and within Area B pursuant to the provisions of Section 91-841. In addition, a horizontal #enlargement# of 7,500 square feet or greater shall also require a special permit pursuant to Section 91-85. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation. In no event shall an #enlargement# be permitted within #arcades#, or portions thereof, located within Area C on Map 9 in Appendix A of this Chapter.

91-81 - Events Within Public Access Areas

LAST AMENDED
6/21/2016

The provisions of Article III, Chapter 7 restricting the temporary placement or storage of event-related amenities or equipment within a #publicly accessible open area# or #arcade# shall be modified by the provisions of this Section. The temporary placement or storage of event-related equipment or amenities in accordance with the provisions of this Section shall not constitute a design change pursuant to the provisions of Sections 37-625 or 91-837.

Events including, but not limited to, farmers' markets, holiday markets, concerts and performances, art and cultural exhibitions and festivals are permitted within all #publicly accessible open areas# and #arcades#. The utilization of a #publicly accessible open area# or #arcade# for the promotion of products or services shall not itself qualify as an event permitted under this Section.

Events shall be open to the public, provide free and unticketed admission and only be permitted to use amplified sound between the hours of 9:00 a.m. and 10:00 p.m. All #publicly accessible open areas# and #arcades# shall continue to be publicly accessible at all times. Event-related amenities and equipment shall be considered temporary permitted obstructions provided that sufficient circulation space connecting all #streets# and #building# entrances exists. All #publicly accessible open areas# and #arcades# shall be restored to their approved condition within 24 hours of the conclusion of an event.

The storage of equipment or materials outside of an event's scheduled hours, excluding time required for set up and clean up, shall not be permitted within a #publicly accessible open area# or #arcade#. However, for events taking place over multiple days or weeks, large temporary equipment that requires assembly and will be actively used during the event, such as stages, kiosks and sound and video entertainment systems, may remain in the #publicly accessible open area# or #arcade# outside of the event's scheduled hours.

At least 30 days prior to the scheduled date of an event, notification shall be given to the local Community Board, local Council Member and Borough President of the nature, size and duration of the event.

91-82 - Amenities Within Public Access Areas

LAST AMENDED
6/21/2016

The provisions of Article III, Chapter 7 restricting the placement of tables, chairs, shade umbrellas and heating lamps within a #publicly accessible open area# or #arcade# shall be modified by the provisions of this Section. The placement of tables, chairs, shade umbrellas or heating lamps in accordance with the provisions of this Section, inclusive, shall not constitute a design change pursuant to the provisions of Sections 37-625 or 91-837.

Publicly accessible tables and chairs, as well as shade umbrellas and heating lamps, shall be permitted obstructions within a #publicly accessible open area# or #arcade#, provided that such obstructions comply with the provisions of Section 91-822 (Requirements for furnishings), as applicable. Tables, chairs, shade umbrellas and heating lamps provided pursuant to this Section may be used by the public without restriction. Outdoor cafes may be placed within an #arcade# by certification pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

91-821 - Certification for outdoor cafes within arcades

LAST AMENDED
6/21/2016

An outdoor cafe may be permitted within an #arcade# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that, in addition to the provisions of this Section, the provisions of Section 91-822 (Requirements for furnishings) are met. An outdoor cafe that is permitted by this Section shall be a permanently unenclosed restaurant or eating or drinking place, which may have waiter or table service.

No portion of an outdoor cafe that is permitted by this Section may extend into a #publicly accessible open area# except where an open air cafe has been permitted by a certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

In order to certify that the proposed modification to an existing #arcade# is consistent with the provisions of this Section, the applicant shall submit to the Chairperson a site plan and other detailed plans demonstrating that the proposed obstructions within the existing #arcade# and, where applicable, pursuant to paragraph (a)(2) of Section 91-822, the adjacent #publicly

accessible open area#, will comply with the provisions of this Section. The placement of publicly accessible tables and chairs within a #publicly accessible open area# pursuant to paragraph (a)(2) of Section 91-822 shall not constitute a design change pursuant to the provisions of Section 37-625.

All plans for #arcades# or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #arcade#, pursuant to this Section. The filing and recording of such instrument shall be a precondition to certification. The filing and recording information shall be included on any temporary or final certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

91-822 - Requirements for furnishings

LAST AMENDED
6/21/2016

The following provisions shall apply to all furnishings, including tables, chairs, shade umbrellas and heating lamps, permitted by Section 91-82 (Amenities Within Public Access Areas) and Section 91-821 (Certification for outdoor cafes within arcades).

(a) Size, location and other requirements

(1) Requirements for all furnishings

All furnishings shall be moveable. Permanent fixtures may be installed in the ground of a #publicly accessible open area# or #arcade# for the purposes of supporting shade umbrellas or heating lamps provided that such fixtures are flush-to-grade.

No furnishings shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths.

(2) Additional requirements for outdoor cafes located within #arcades#

Where an outdoor cafe is provided pursuant to Section 91-821, a minimum of four tables and 16 chairs shall be provided and made available to the public without restriction, which may be located within an #arcade# or within a #publicly accessible open area# and shall be outside of the permitted cafe boundary.

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that they may be located no more than six inches below or on a platform no more than six inches above such adjoining sidewalk area or #publicly accessible open area#. The border of the outdoor cafe shall be permanently marked in accordance with the applicable standards for open air cafes set forth in paragraph (b) of Section 37-73.

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the #arcade#, adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

Litter receptacles shall be provided in accordance with the standards for #public plazas# set forth in Section 37-744.

(3) Circulation requirements for outdoor cafes located within #arcades#

For #arcades# with a depth of 10 feet or less, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, an unobstructed path not less than three feet wide shall be provided. For #arcades# with a depth greater than 10 feet, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, such unobstructed pedestrian way shall be increased to at least six feet. For #through block arcades#, an unobstructed pedestrian way, except for approved doorways, of at least eight feet shall be provided connecting each #street# on which the #through block arcade# fronts.

(b) Operation

(1) Requirements for all tables and chairs

Except as otherwise provided in paragraph (b)(2) of this Section, tables, chairs, shade umbrellas and heating lamps may be stored or secured within an #arcade# between the hours of 9:00 p.m. and 7:00 a.m., but may not be stored or secured within a #publicly accessible open area#.

(2) Additional requirements for outdoor cafes located within #arcades#

Publicly accessible tables and chairs that are required by paragraph (a)(2) of this Section may not be removed or secured while the cafe is in active use.

All furnishings within the boundary of an outdoor cafe, including tables, chairs, shade umbrellas, bussing stations and heating lamps, shall be completely removed from the #arcade# when the outdoor cafe is not in active use, except that tables and chairs may remain in such #arcade# if they are unsecured and may be used by the public without restriction.

91-83 - Retail Uses Within Existing Arcades

LAST AMENDED
6/21/2016

A horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area A on Map 9 in Appendix A of this Chapter may be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that such #enlargement# complies with the provisions of this Section, and the following conditions are met:

(a) the horizontal #enlargement# meets the requirements of Section 91-831 (Ground floor requirements);

(b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plaza improvements, Section 91-834 for indoor public spaces, or Section 91-835 for alternative improvements; and

(c) the additional requirements of Section 91-836, as applicable.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by condition (b) of this Section, and a certification for design changes pursuant to Section 37-625 shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to this Section or a prior authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) may satisfy the requirements of condition (b) of this Section for a compensating amenity.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#, and such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where an #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to this Section and Section 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such #arcade# area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section 91-831 may apply.

91-831 - Ground floor requirements

LAST AMENDED
6/21/2016

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#, and the provisions of this Section for new #building# walls fronting on a #publicly accessible open area# shall also apply to new #building# walls fronting on a #through block arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) Location of #enlargement#

(1) Location of new #building# walls

All new #building# walls shall extend to the full height of the #arcade#. New #building# walls may only be located between the column face closest to an existing #street wall# and the column face furthest from an existing #street wall# or the #street wall# location of the floor above, except that new #building# walls within an existing #through block arcade# that do not face a #street# may extend past the column face furthest from the existing #street wall# provided that the standards for #through block arcades# set forth in Section 12-10 (DEFINITIONS) and all other provisions of this Section are met. New #building# walls within an existing #through block arcade# that do not face a #street# shall not be required to extend for the full height of the #through block arcade#.

(2) Length of new #building# walls

An #enlargement# shall extend for the full length of the #street wall#, except for the locations specified on Map 9 in Appendix A of this Chapter and except if a corner #arcade# that adjoins the Water Street #street line# and another #street line# or #publicly accessible open area# is provided in accordance with the provisions of paragraph (c) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) which may provide a clear path 10 feet wide. However, an #enlargement# shall not be required along the length of the #street wall# occupied by an existing parking or loading entrance. Where an #enlargement# within an #arcade# extends along two or more #street walls#, the #enlargement# shall also include the area where the #arcade# areas intersect, except as otherwise provided in this Section, and the location of new #building# walls in such area shall be subject to the provisions of paragraph (a)(1) of this Section.

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

(i) Retail #uses#

The #street# frontage or frontage along a #publicly accessible open area# of the #enlarged# portion of the ground floor level shall be allocated exclusively to indoor public spaces that are provided in accordance with the provisions of Section 91-834 or the #uses# permitted by Sections 91-111 (Additional uses in C5 Districts) and 91-12 (Uses on Designated Retail Streets), except that Use Groups 5A, 7A, 7B, 8B, 9A, 10A, 12A, 12B, or 12C shall not be permitted. However, bicycle rental or repair shops and studios for art, music, dancing or theater shall be permitted. #Residential uses# shall be limited to lobbies permitted by paragraph (c)(2) of this Section.

All #uses# permitted by this paragraph shall occupy a height no less than that of the ground floor level, and shall occupy a depth no less than that of the #enlargement#.

(ii) Parking, loading and mechanical equipment

No garage entrances, driveways, parking spaces or loading berths shall be permitted within an #enlargement#. No exhaust vents or mechanical equipment shall be permitted on any new #building# wall unless such exhaust vents are more than 15 feet above the level of the curb.

(iii) Maximum #street wall# width

On the ground floor portion of an #enlargement# for the following Use Group 6 #uses#: the maximum #street wall# width of a bank or loan office shall not exceed 30 feet; and the maximum #street wall# width of a drug store shall not exceed 50 feet.

(2) Additional #use# requirement for a #publicly accessible open area# or #through block arcade#

At least 50 percent of the total frontage of all new #building# walls fronting on a #publicly accessible open area# or #through block arcade#, excluding such frontage occupied by #building# lobbies, shall be occupied by retail or service establishments permitted by paragraph (b)(1) of this Section. As an alternative, the amount of frontage required by this paragraph for occupancy by retail or service establishments may be partially or fully located along existing #building# walls fronting on the #publicly accessible open area# or #through block arcade# and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage.

Libraries, museums and art galleries are permitted #uses# that may front on a #publicly accessible open area#.

Banks shall not be a permitted #use# on any #publicly accessible open area# or #through block arcade#. #Uses# required by this paragraph shall be directly accessible from the #publicly accessible open area# or #through block arcade#.

(c) Frontage

(1) Number of establishments

Along the longest #street wall# of the ground floor level #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the ground floor level. Frontage that is solely dedicated to access a #use# on a level other than the ground floor level shall not constitute an establishment for the purposes of this paragraph.

(2) Access, entrances and lobbies

The #street wall# frontage of an #enlarged# portion of the ground floor level may be occupied by the #primary entrance# for the principal #use# of the #building#, provided that such #primary entrance# shall not exceed a #street wall# width of 50 feet along Water Street, or, along other #streets#, a #street wall# width of 40 feet, or 25 percent of the #aggregate width of street wall# along such #street# frontage, whichever is less.

For a #primary entrance# that fronts on a #publicly accessible open area#, such entrance shall occupy a minimum frontage length of 20 feet or a length equal to the distance between the two closest columns adjacent to the #publicly accessible open area#, whichever is less. A #primary entrance# for the principal #use# of the #building# may be located along a #through block arcade# or indoor public space provided in accordance with Section 91-834 (Indoor public spaces), but may only occupy a maximum frontage length of 25 feet.

Where more than 50 percent of the length of the #enlargement# is occupied by a #primary entrance# permitted by this paragraph, retail or service establishments with an aggregate frontage length equal to at least 50 percent of the length of the #enlargement# shall be required along new or existing #building# walls along the same #street# frontage as the #enlargement#, and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage along existing #building# walls.

(3) Transparency and flood resilience

The ground floor level #street wall# between existing columns shall be glazed with transparent materials, which may include #show windows#, transom windows or glazed portions of doors, except for certain #uses# set forth in Section 37-31 (Applicability). Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height above grade of two feet and 14 feet or the height of the ground floor ceiling, whichever is lower.

Where the #use# located within the ground floor level #enlargement# fronts on an #arcade# that remains open and accessible, the length of such frontage shall be glazed with transparent materials in accordance with the provisions of this paragraph.

Permanent fixtures for temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter and are affixed to a column may obstruct any transparent portion of a new #building# wall. Such permanent fixtures may be considered a transparent portion of a new #building# wall. Additionally, such permanent fixtures shall be encased in a decorative material. Temporary flood control devices and associated emergency egress systems shall be permitted in front of any new #building# wall for a reasonable period of time prior to and after a storm event, as determined by the Department of

Buildings.

91-832 - Plaza improvements

LAST AMENDED
6/21/2016

A #publicly accessible open area# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by this Section, and as further modified by Section 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# with a maximum depth of less than 40 feet, as measured perpendicular to any #street line#. Subsequent design changes to any #publicly accessible open area# improved pursuant to the provisions of such Sections may only be permitted pursuant to Section 91-837. The City Planning Commission may authorize a modification of the provisions of this Section and Section 91-833 pursuant to Section 91-842 (Authorization to modify design requirements).

(a) For the purposes of applying the provisions of this Section, any portion of the #publicly accessible open area# occupied by a garage entrance, driveway, loading berth or gratings for electrical vaults may be excluded from the calculation of the total area or total #street# frontage of the #publicly accessible open area#. Such area shall remain open and accessible to the public at all times.

(b) The area dimension requirements of Section 37-712, the locational restrictions of Section 37-713, the orientation restrictions of Section 37-714 and the requirements for major and minor portions of #public plazas# set forth in Sections 37-715 and 37-716, respectively, shall not apply.

(c) The #through block public plaza# provisions of Section 37-717 that require a setback along any #building# wall or walls that adjoin a #through block public plaza# or through #block# portion of a #publicly accessible open area# shall not apply.

(d) The sidewalk frontage provisions of Section 37-721 shall be modified as follows:

(1) the requirements of paragraph (a) may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain, provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, #arcade# or other portion of the #publicly accessible open area#.

(2) paragraph (b) shall be modified to allow planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of this Section to be located in such area.

(3) for #corner public plazas#, where there is a change in elevation permitted by paragraph (e) of this Section for the area within 15 feet of the intersection of any two or more #streets# on which the #publicly accessible open area# fronts, such area shall not be required to be at the same elevation as the adjoining public sidewalk, but must be free of obstructions except as may otherwise be provided in paragraph (d)(1) of this Section.

(e) The provisions of Section 37-722 (Level of plaza) shall be modified to permit any elevation of the #publicly accessible open area# existing on June 21, 2016, to remain.

(f) The provisions of Section 37-726 (Permitted obstructions) shall be modified as follows:

(1) paragraph (c) shall allow awnings above retail and service establishments that do not project into the #publicly accessible open area# more than three feet when measured perpendicular to the #building# facade. There shall be no limitation on the area or height of an awning, but in no event shall an awning for a retail or service establishment contain vertical supports.

(2) paragraph (d) shall allow garage entrances, driveways or loading berths fronting on a #publicly accessible open area# and existing on June 21, 2016, to remain, provided that they are separated from the remainder of the #publicly accessible open area# by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #publicly accessible open area#. A #building# trash storage facility may be accessed or serviced through the portion of a #publicly accessible open area# that is occupied by a garage entrance, driveway or loading berth.

(g) The provisions of Section 37-742 (Planting and trees) may be modified where the Chairperson of the City Planning Commission has been provided with documentation sufficient to establish that subsurface conditions do not allow the required soil depth for shrubs or trees to be provided below-grade or within a planter with bounding walls no higher than 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall of such planter adjoins two or more walking surfaces with different elevations. A raised planter may be provided with bounding walls up to three feet for shrubs, or 3 feet, 6 inches for trees, provided that fixed seating with backs is integrated into the planter for at least 50 percent of the perimeter of the planter that is adjacent to a walking surface. If such planter, or any portion thereof, is located within ten feet of a #street line#, fixed seating with backs shall be integrated into at least 75 percent of the perimeter of the planter that is adjacent to a walking surface. Where it is demonstrated that no required trees can be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, the Chairperson may allow all trees to be planted within raised planters.

(h) The calculation of the minimum number of entry plaques required by paragraph (a) of Section 37-751 (Public space signage systems) may be modified for #publicly accessible open areas# that occupy more than one #street# frontage to alternatively require a minimum of one entry plaque at each #street# frontage of the #publicly accessible open area#, and to further require one additional entry plaque at each #street# frontage that measures 80 feet or more in length.

(i) The provisions of paragraphs (a) and (d) of Section 37-753 (Accessory signs) shall not apply. Each establishment fronting on the #publicly accessible open area# shall be permitted to have one or more #signs# with an aggregate area not to exceed the product of 12 square feet and the length of the establishment along the #publicly accessible open area# in linear feet, divided by 40 linear feet. In no event shall a #sign# exceed 16 square feet in area. #Signs# may be affixed to the #building# wall or to awnings, or may project no more than 18 inches when measured perpendicular to the #building# facade, provided that such #sign# is located a minimum of 10 feet above the level of the #publicly accessible open area#.

(j) The provisions of paragraphs (a) and (b) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) shall not apply. The provisions of Section 91-831 (Ground floor requirements) shall apply to all new #building# walls fronting on the #publicly accessible open area#, and the following shall also apply:

(1) the #use# requirements of paragraph (b)(1) of Section 91-831 shall apply to all new establishments located along existing #building# walls fronting on a #publicly accessible open area#; and

(2) the provisions of paragraph (c) of Section 37-76 for existing #building# walls that are non-transparent shall apply except for frontage occupied by active loading and parking entrances.

(k) The provisions of Section 37-78 (Compliance) shall be modified as follows:

(1) paragraph (a) shall be modified to provide that no permit shall be issued by the Department of Buildings for any change to a #publicly accessible open area# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of this Section and Sections 91-833 or 91-837, as applicable; and

(2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section and, as applicable, Section 91-833, and that such report shall also be provided to the local Council Member.

91-833 - Special regulations for plazas less than 40 feet in depth

LAST AMENDED
6/21/2016

A #publicly accessible open area# with a maximum depth less than 40 feet measured perpendicular to any #street line# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by Section 91-832 (Plaza improvements) and as further modified by this Section. Where a #publicly accessible open area# may be considered a #corner public plaza#, the maximum depth shall be measured from a #street line# to a #street wall#. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) The provisions of Section 37-721 (Sidewalk frontage) shall not apply. In lieu thereof, the provisions of this paragraph (a) shall apply to the area of the #publicly accessible open area# located within 10 feet of a #street line# or sidewalk widening line.

(1) At least 40 percent of such area shall be free of obstructions and, in addition:

(i) to facilitate pedestrian access at least 40 percent of the frontage along each #street line# or sidewalk widening line of the #publicly accessible open area# shall be free of obstructions; and

(ii) such unobstructed access area shall extend to a depth of 10 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

The requirement of this paragraph for unobstructed access may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, #arcade# or other portion of the #publicly accessible open area#.

(2) In the remaining 60 percent or more of such area, the provisions of paragraph (b) of Section 37-721 shall apply, except that no more than 40 continuous linear feet of any #street# frontage occupied by a #publicly accessible open area# may be obstructed. Furthermore, planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of Section 91-832 may be located in such area.

(3) For #corner public plazas#, the requirements of this paragraph (a) shall apply separately to each #street# frontage, and the area within 10 feet of the intersection of any #street# and Water Street or Wall Street shall be at the same elevation as the adjoining public sidewalk, except where there is a change in elevation permitted by paragraph (e) of Section 91-832, and such area shall be free of obstructions except as may otherwise be provided in paragraph (a)(1) of this Section.

(b) The provisions of Section 37-723 (Circulation paths) shall be modified so that the required circulation path of at least eight feet clear width shall be located adjacent to the #street wall# and shall extend for at least 80 percent of the length of such #street wall#. Where there are multiple #street walls#, the provisions of this paragraph shall apply separately to each frontage. In addition to the obstructions that are permitted within circulation paths, moveable tables and chairs, fixed seating and planting beds not exceeding six inches above any adjacent walking surface shall also be considered permitted obstructions provided that an unobstructed path of at least five feet wide is provided.

Where an open air cafe pursuant to Section 37-73 (Kiosks and Open Air Cafes) is provided adjacent to a #building# wall, such open air cafe may occupy a portion of the required circulation path provided that there is an unobstructed clear

path of at least six feet wide between the #building# wall and any furnishings of the open air cafe. The unobstructed path shall be included in the calculation of the area occupied by the open air cafe.

(c) The provisions of Section 37-741 (Seating) that require seating within 15 feet of the #street line# shall not apply to #street# frontages that measure less than 40 feet in length.

(d) The provisions of Section 37-742 (Planting and trees) shall be further modified as follows:

(1) For #publicly accessible open areas# with an area less than 2,000 square feet, the number of required trees shall be reduced to two, and only one tree shall be required to be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, except as may be modified by paragraph (g) of Section 91-832.

(2) The total area of required planting beds may not be concentrated within one continuous planter or planting bed, except when a #publicly accessible open area# has an area of 1,000 square feet or less.

(e) The provisions of Section 37-746 (Drinking fountains) shall be modified to require only #publicly accessible open areas# containing an area of 2,000 square feet or more to provide a minimum of one drinking fountain.

91-834 - Indoor public spaces

LAST AMENDED
6/21/2016

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section 37-70. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.

(b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section 91-831 (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.

(c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section 37-751 (Public space signage systems) and paragraph (i) of this Section.

(d) The provisions of Sections 37-718 (Paving), 37-722 (Level of plaza), 37-728 (Standards of accessibility for persons with disabilities), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-748 (Additional amenities), 37-752 (Prohibition signs), 37-753 (Accessory signs) and 37-77 (Maintenance) shall apply.

(e) The provisions of Section 37-723 (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section 91-821 (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.

(f) The provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) shall apply. A kiosk shall be a

permitted obstruction provided that the requirements of paragraph (a) of Section 37-73 (Kiosks and Open Air Cafes) are met. A certification pursuant to Section 37-73 shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section 91-821 shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.

(g) The provisions of Section 37-741 for seating shall apply, except as modified as follows:

(1) The requirements for seating within 15 feet of a #street line# shall not apply.

(2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.

(3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.

(h) The requirements of Section 37-742 for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.

(i) Public space signage shall be provided in accordance with the provisions of Section 37-751, except as modified as follows:

(1) An information plaque shall be provided at each point of pedestrian entry to the indoor public space. Information plaques for #through block arcades# shall also include lettering stating "PUBLIC ACCESS TO _____ STREET" indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.

(2) Paragraph (c) shall not apply.

(j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section 37-743 for a lighting schedule, a diagram of light level distribution and electrical power shall apply.

(k) The #use# requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section 91-831 shall apply to all #building# walls fronting on an indoor public space that do not face a #street# or #publicly accessible open area#. The provisions of paragraph (c) of Section 37-76 for new or existing #building# walls that are non-transparent shall apply.

(l) The provisions of Section 37-78 (Compliance) shall be modified as follows:

(1) paragraph (a) shall not apply; and

(2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section, and that such report shall also be provided to the local Council Member.

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section 91-837 (Subsequent design changes).

91-835 - Alternative improvements

LAST AMENDED
6/21/2016

A permanent amenity other than the improvement of an existing #publicly accessible open area# pursuant to the provisions of Section 91-832 or the provision of an indoor public space pursuant to the provisions of Section 91-834 may be provided for the properties listed in this Section. The City Planning Commission may authorize an improvement not listed in this Section pursuant to Section 91-843 (Authorization to modify requirements for alternative improvements).

Building Address	Required Alternative Improvement
175 Water Street	Area C on Map 9 in Appendix A of this Chapter, the open area along John Street and the open area along Front Street with a minimum depth of 15 feet measured perpendicular to the Front Street #street line# shall be improved in accordance with the provisions of Sections 91-832 and 91-833. Such open area and remaining #arcade# area shall be considered one contiguous public space and shall be accessible to the public at all times.
100 Wall Street	Maintenance of Manahatta Park between Water Street and Front Street for the life of the #building#.
110 Wall Street	Maintenance of Manahatta Park between Front Street and South Street for the life of the #building#.

91-836 - Additional requirements

LAST AMENDED
6/21/2016

(a) Legal requirements

All plans for #arcades#, #publicly accessible open areas#, required open areas, and indoor public spaces that are the subject of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) shall be filed and duly recorded in the New York County Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson of the City Planning Commission, providing notice of the certification pursuant to Section 91-83. The filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for such #enlargement# until the compensating amenity has been substantially completed in accordance with the approved plans, as certified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Chairperson, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Modifications to the declaration required by this paragraph may only be allowed upon approval by the Chairperson.

(b) Existing approvals by the Board of Standards and Appeals

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the application pursuant to Section 91-83 shall be referred for thirty (30) days to the Board of Standards and Appeals who shall certify to the Department of City Planning whether such application would not result in a departure from the findings and conditions specified in the original approval.

(c) Community Board review

No earlier than the date on which the application for certification pursuant to Section 91-83 is filed, a copy of the application shall be submitted by the applicant to the affected Community Board and local Council Member for 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

91-837 - Subsequent design changes

LAST AMENDED
6/21/2016

Design changes to any #publicly accessible open area#, required open area or indoor public space previously improved pursuant to the provisions of Sections 91-832 (Plaza improvements) or 91-834 (Indoor public spaces) may only be made upon certification by the Chairperson of the City Planning Commission that such changes would result in a #publicly accessible open area# or indoor public space that is compliant with the Section under which it was previously approved. As part of the certification, a horizontal #enlargement# on the ground floor level may be permitted along existing #building# walls that face the #publicly accessible open area# and do not face an #arcade#, but such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section 91-831 (Ground floor requirements) and the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply. The legal requirements of paragraph (a) of Section 91-836 shall apply.

91-84 - Authorizations

LAST AMENDED
6/21/2016

91-841 - Authorization for retail uses within existing arcades

LAST AMENDED
6/21/2016

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

(a) the requirements of Section 91-831 (Ground floor requirements) are met;

(b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plazas, Section 91-834 for indoor public spaces or Section 91-835 for alternative improvements;

(c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and

(d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section 91-831 (Ground floor requirements).

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by finding (b) of this Section, and a certification for design changes pursuant to Section 37-625 shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where the #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to this Section shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such #arcade# area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section 91-831 may apply.

All plans for #arcades#, #publicly accessible open areas#, required open areas and indoor public spaces, once authorized, shall be

filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Commission, providing notice of the authorization pursuant to this Section. The filing and recording of such instrument shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where a compensating amenity required by paragraph (b) of this Section is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the applicable legal requirements of Section 91-836 (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section 91-836 shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-842 - Authorization to modify design requirements

LAST AMENDED
6/21/2016

The City Planning Commission may authorize a modification of the requirements of Section 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 of Appendix A of this Chapter.

In order to grant such authorization, the Commission shall find:

(a) the location, #use#, access, size and treatment of the #enlargement# would result in a superior urban design relationship with the surrounding #streets#, #buildings# and open areas;

(b) the usefulness and attractiveness of the #publicly accessible open area#, required open area or indoor public space will be assured by the proposed layout and design, and that such modification will result in a superior urban design relationship with surrounding #streets#, #buildings# and public open areas; and

(c) any waiver of required amenities and circulation paths is the minimum necessary to create a better site plan.

The Commission may prescribe appropriate conditions and controls to enhance the relationship between the #enlargement#, #publicly accessible open area#, required open area or indoor public space and the surrounding #streets#, #buildings# and open areas.

91-843 - Authorization to modify requirements for alternative improvements

LAST AMENDED
6/21/2016

The City Planning Commission may authorize an alternative improvement not listed in Section 91-835 provided that the Commission finds that the new amenity will better serve the purpose of the Water Street Subdistrict described in Section 91-00 (GENERAL PURPOSES).

As a condition of the authorization, for a compensating amenity that is located within a #street# or #public park#, the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Commission, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-85 - Special Permit for Enlargements of 7,500 Square Feet or Greater

LAST AMENDED6/21/2016

In addition to any certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), inclusive, or an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades), the City Planning Commission may permit a horizontal #enlargement# of 7,500 square feet or greater within Areas A or B on Map 9 in Appendix A of this Chapter, provided that the Commission finds that the public amenity or improvement that is provided on the #zoning lot# is of equal or greater benefit to the public than the #arcade# to be eliminated or reduced.

For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by any prior certification pursuant to Section 91-83, inclusive, and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space provided in accordance with the provision of Section 91-834 (Indoor public spaces) shall be excluded from such calculation.

As part of the special permit, the Commission may modify the requirements of Section 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 in Appendix A of this Chapter.

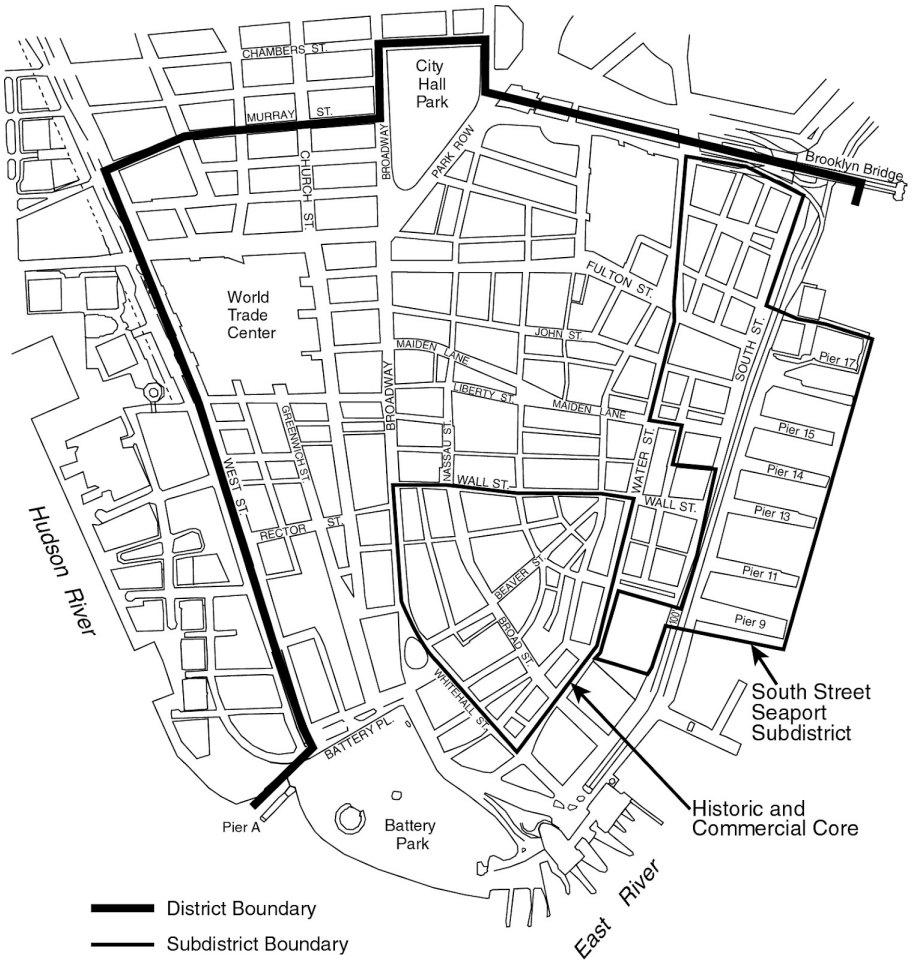
The Commission may prescribe additional conditions and safeguards to enhance the relationship between the #enlargement# and the surrounding #streets#, #buildings# and public open areas.

Appendix A - Lower Manhattan District Plan Maps

LAST AMENDED
6/12/2013

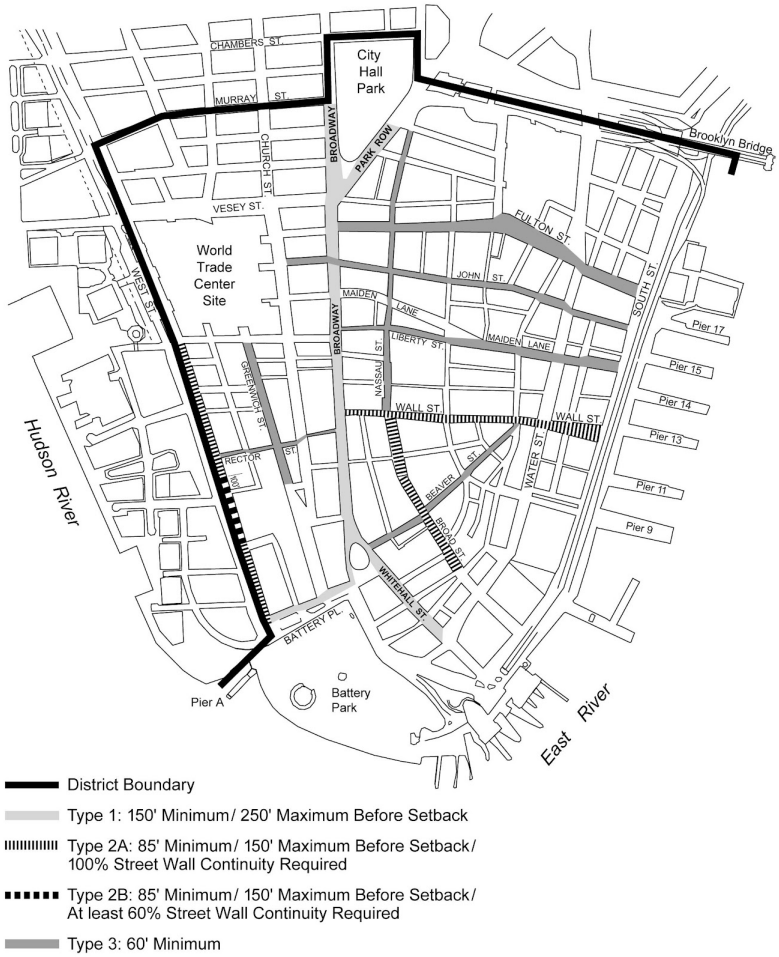
(12/11/01)

Map 1 — Special Lower Manhattan District (91-A1)


CHAMBERS ST.
MURRAY ST.
City Hall Park
BROADWAY
PARK ROW
CHURCH ST.
Brooklyn Bridge
World Trade Center
FULTON ST.
JOHN ST.
MAIDEN LANE
LIBERTY ST.
SOUTH ST.
Pier 17
Pier 15
Pier 14
Pier 13
Pier 11
Pier 9
GREENWICH ST.
WEST ST.
NASSAU ST.
WALL ST.
WATER ST.
RECTOR ST.
Hudson River
BEAVER ST.
BROAD ST.
WHITEHALL ST.
BATTERY PL.
South Street Seaport Subdistrict
Historic and Commercial Core
Pier A
Battery Park
East River
District Boundary
Subdistrict Boundary

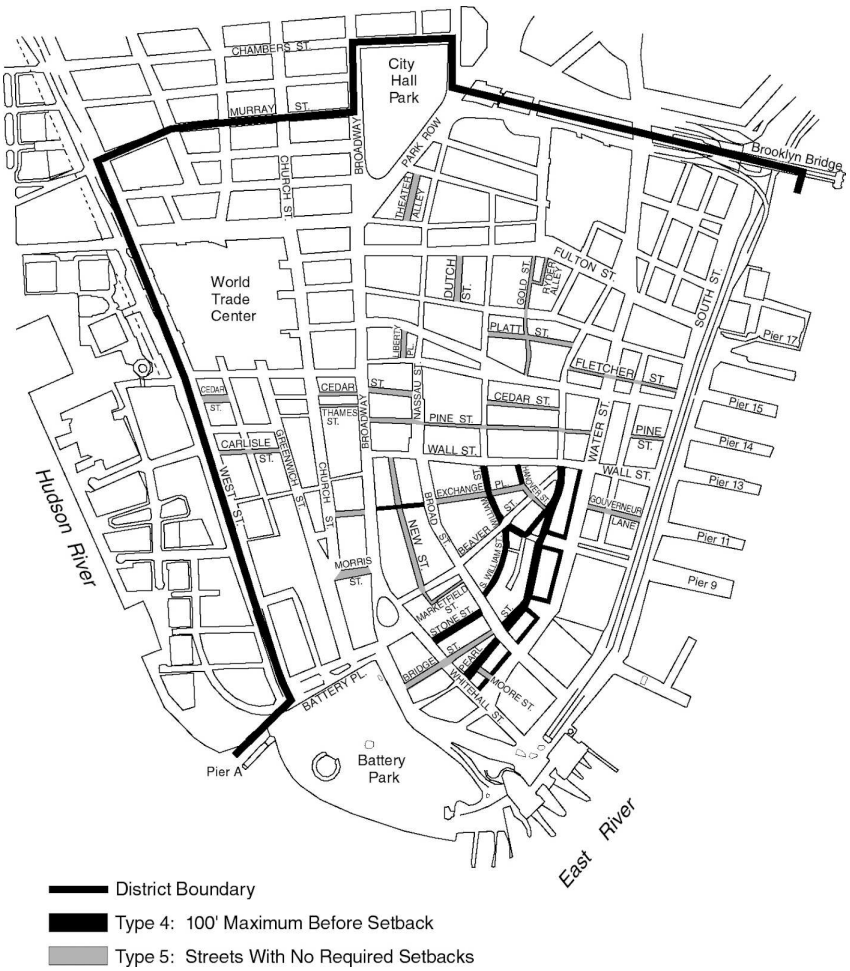
(11/15/07)

Map 2 — Street Wall Continuity Types 1, 2A, 2B and 3 (91-A2)



(8/27/98)

Map 3 — Street Wall Continuity Types 4 & 5 (91-A3)



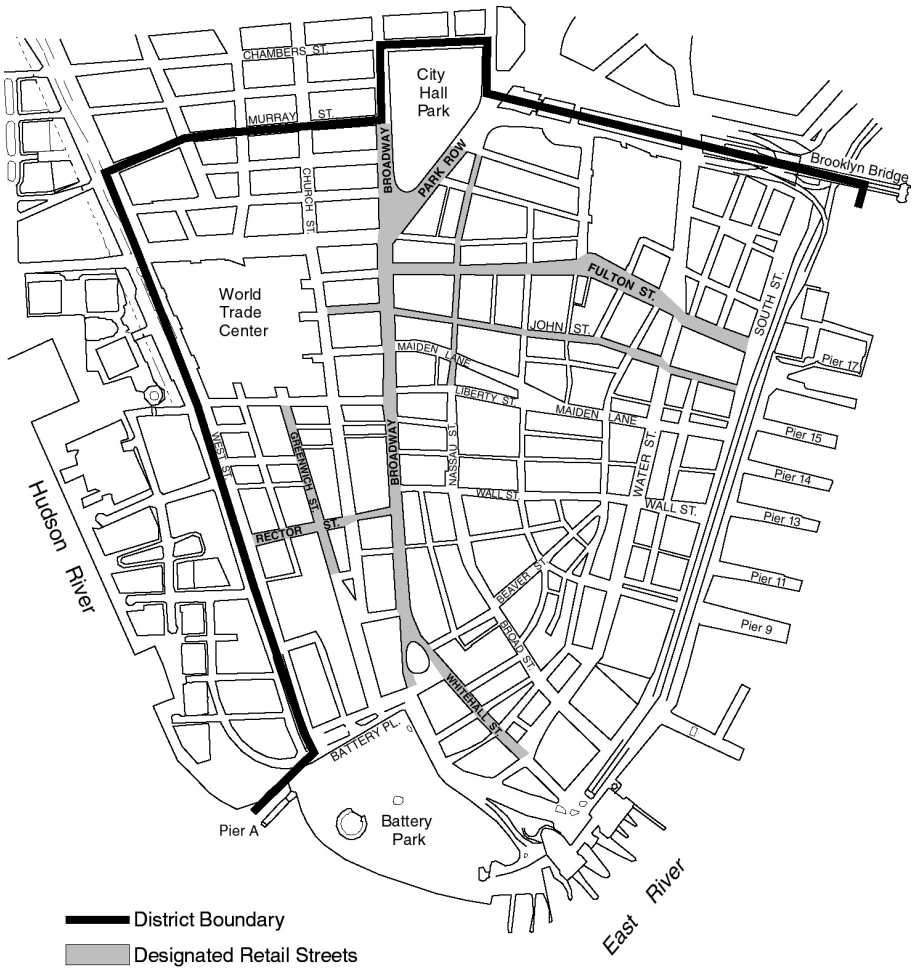
District Boundary

Type 4: 100' Maximum Before Setback

Type 5: Streets With No Required Setbacks

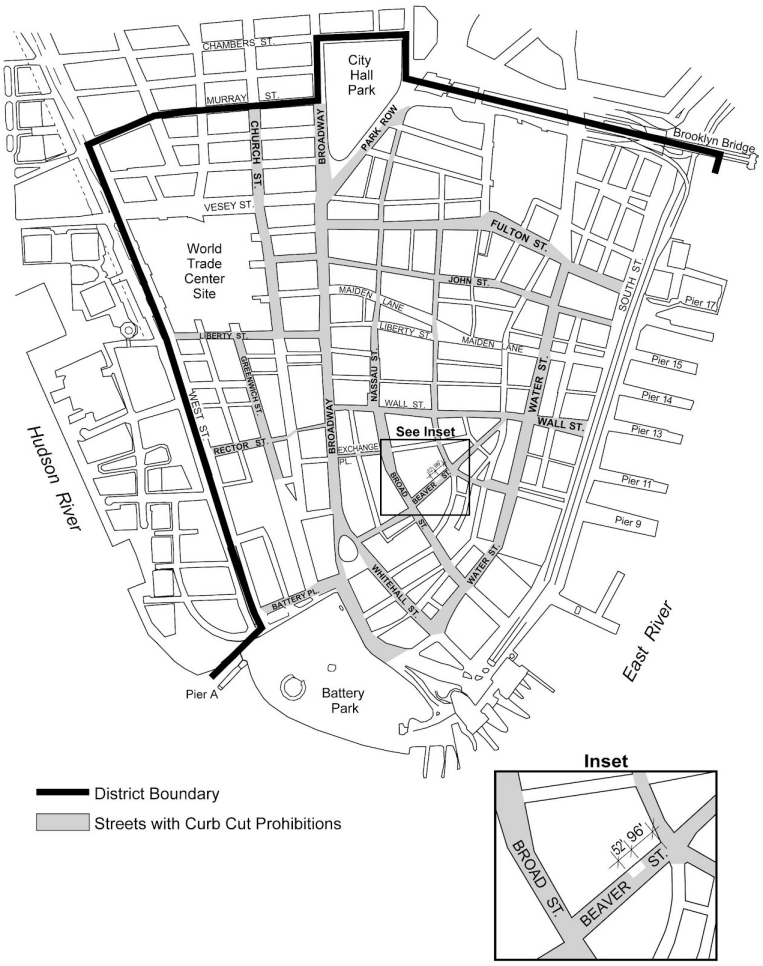
(8/27/98)

Map 4 — Designated Retail Streets (91-A4)



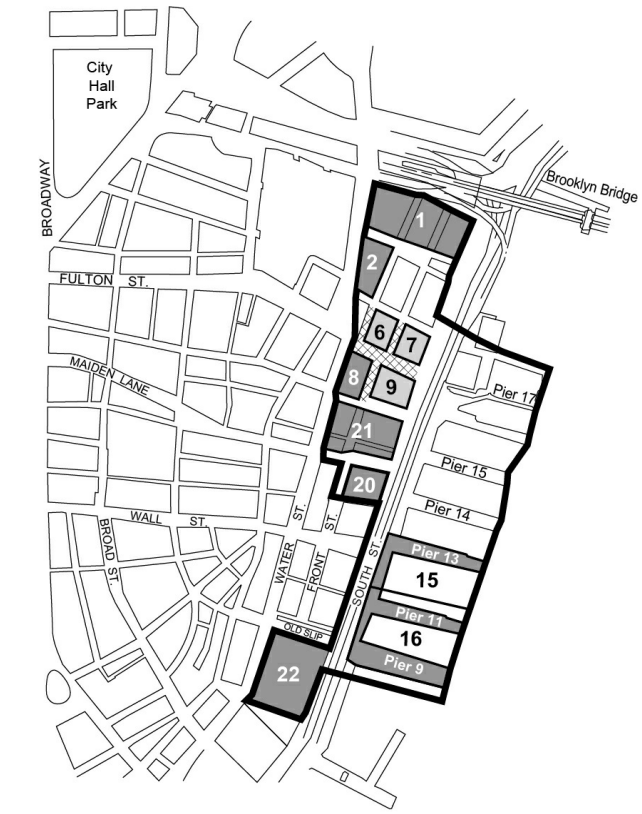
(12/21/09)

Map 5 — Curb Cut Prohibitions (12/21/09) (91-A5)



(12/15/21)

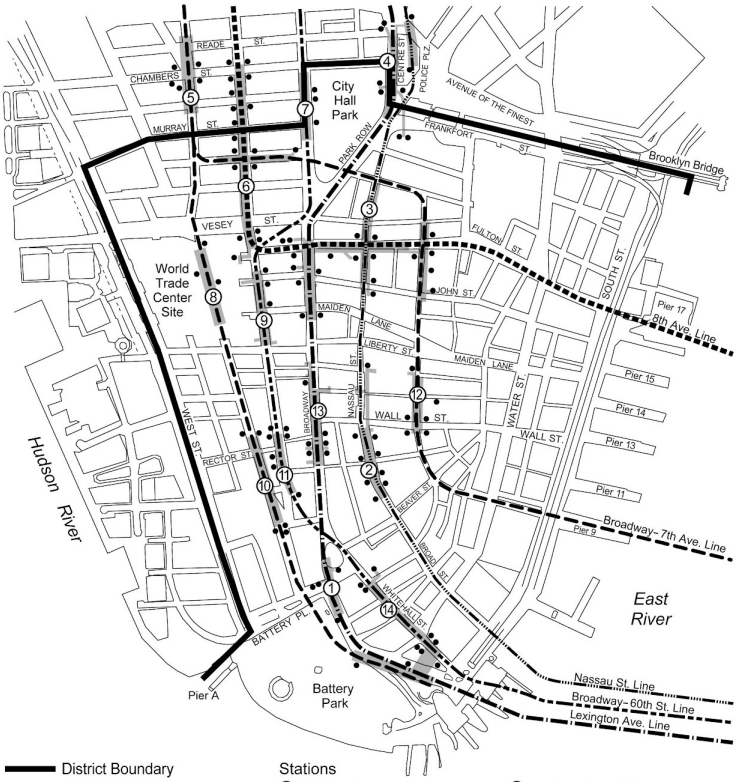
Map 6 — South Street Seaport Subdistrict (91-A6)



Numbers indicate Brooklyn Bridge Southeast Urban Renewal Plan Parcels

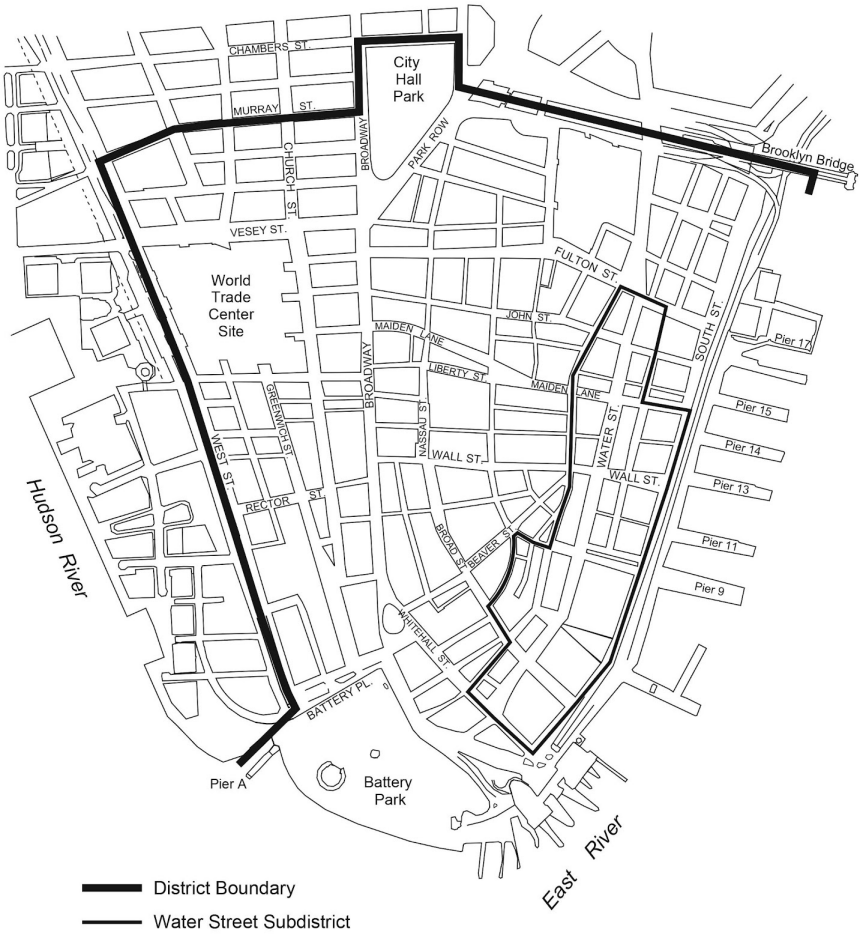
(2/2/11)

Map 7 — Subway Station Improvement Areas (91-A7)



(6/21/16)

Map 8 — Water Street Subdistrict (91-A8)



(6/21/16)

Map 9 — Water Street Subdistrict Arcades (91-A9)

Inset

Building 2: Area C follows the portion of the arcade that is open to the sky.

Building 4: Area A extends to the column faces closest to John Street.

Building	Address
①	200 Water Street
②	180 Water Street
③	160 Water Street
④	175 Water Street
⑤	100 Wall Street
⑥	110 Wall Street
⑦	75 Wall Street
⑧	95 Wall Street
⑨	111 Wall Street
⑩	77 Water Street
⑪	32 Old Slip
⑫	7 Hanover Square
⑬	55 Water Street
⑭	4 New York Plaza
⑮	2 New York Plaza
⑯	1 New York Plaza
⑰	85 Broad Street

Unless otherwise noted, where two Areas are located within the same arcade, the line separating them shall be one extending from the building wall to which it is drawn.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Park Improvement District (PI)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Special Park Improvement District (PI)

92-00 - GENERAL PURPOSES

LAST AMENDED
4/23/1973

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

(a) to preserve and protect the unique character and architectural quality of the residential part of Fifth Avenue and Park Avenue which includes many landmarks and other cultural buildings;

(b) to provide alternatives to plaza and arcade development along Fifth Avenue and Park Avenue which are redundant in view of the existence of Central Park and the Park Avenue malls;

(c) to channel private expenditures which would otherwise be spent on redundant facilities into development, beautification and maintenance of proximate public parks and other public areas;

(d) to encourage the development of buildings compatible with the height of present development; and

(e) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

92-01 - Definitions

LAST AMENDED
2/2/2011

Development

For purposes of this Chapter a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

92-02 - General Provisions

LAST AMENDED
5/12/2021

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

92-03 - Special Use Regulations

LAST AMENDED
12/11/2001

For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Streets:

(a) #commercial# #uses# shall only be permitted beyond 100 feet of Fifth Avenue and shall be restricted to office #uses# listed in Use Group 6B;

(b) the underlying district #sign# regulations shall not apply. In lieu thereof, #signs# #accessory# to a #commercial# #use# shall conform with all the #sign# regulations applicable in C1 Districts, except that #illuminated signs# shall not be permitted and, within 100 feet of Fifth Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section 22-30.

92-04 - Special Bulk Provisions

LAST AMENDED
12/11/2001

92-041 - Maximum Floor Area Ratio

LAST AMENDED
2/2/2011

The maximum #floor area ratio# for any #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

92-042 - Mandatory front building walls along certain street lines

LAST AMENDED
12/11/2001

(a) Except as provided in paragraph (b) of this Section, the front #building# wall for all #developments# on #zoning lots# having frontage on Fifth Avenue or Park Avenue and for all #developments# along #street lines# within 50 feet of their intersection with the #street lines# of Fifth Avenue or Park Avenue, shall extend along the full length of its #street line# fronting on such #street# without setback for a height of 125 feet above #curb level# or the full height of the #building#, whichever is less. Above the height of 150 feet above #curb level#, the front #building# wall shall be set back 10 feet from the #street line#. The mandatory front #building# wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. However, where the front wall of a #building# with a height less than 125 feet above #curb level# was constructed with a setback from the #street lines#, #enlargement# of such #building# may be permitted by vertical extension of its existing #building# wall.

(b) For any #zoning lot# having frontage on Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Street, the provisions of this paragraph (b) shall apply. The front #building# wall of any #development# shall extend along the full length of the Fifth Avenue and Duke Ellington Circle #street lines#, and along the full length of the East 109th Street and East 110th Street #street lines# within 50 feet of their intersection with Fifth Avenue and Duke Ellington

Circle, and rise without setback to a minimum height of 85 feet above #curb level# or the full height of the #building#, whichever is less. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet from such #street lines#. Such mandatory front #building# wall requirements are optional for the next 50 feet along the East 109th Street and East 110th Street #street lines#.

(c) Front wall recesses are permitted within mandatory front #building# walls for architectural or decorative purposes, provided that the aggregate length at the level of any #story# does not exceed 50 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed six feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Where the aggregate width of balconies located along the front #building# wall, at the level of any #story#, exceeds 20 percent of the length of such front #building# wall, the front #building# wall may be set back not more than three feet from the #street line#.

The underlying district height and setback regulations apply along #street lines#, or portions thereof, not subject to the front #building# wall requirement.

92-043 - Special height limitation

LAST AMENDED
12/11/2001

The maximum height of a #building or other structure#, or portion thereof, shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less.

92-05 - Maximum Number of Accessory Off-street Parking Spaces

LAST AMENDED
5/8/2013

Within the portion of the #Special Park Improvement District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Park Improvement District#, the provisions of this Section shall apply.

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All parking spaces #accessory# to #residences# shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections 25-21, 25-31, 36-21 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Hudson Yards District (HY)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Special Hudson Yards District (HY)

93-00 - GENERAL PURPOSES

LAST AMENDED
4/14/2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

93-01 - Definitions

LAST AMENDED
12/20/2018

ERY Culture, Festival and Exhibit Facility

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

ERY High Line

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

High Line

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

High Line bed

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

High Line Landscape Improvement Deposit

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

High Line Maintenance Funding

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

High Line Rehabilitation Deposit

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

Hudson Yards District Improvement Fund

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

Hudson Yards Redevelopment Area

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

Phase 2 Hudson Boulevard and Park

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

Tenth Avenue Spur

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

93-02 - General Provisions

LAST AMENDED
5/12/2021

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

93-03 - District Plan and Maps

LAST AMENDED
4/29/2014

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

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

Map 1 Special Hudson Yards District, Subdistricts and Subareas

Map 2 Mandatory Ground Floor Retail

Map 3 Mandatory Street Wall Requirements

Map 4 Mandatory Sidewalk Widenings

Map 5 Transit Facilities

Map 6 Sites Where Special Parking Regulations Apply

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

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

Map 2 Subdistrict F: Site Plan

Map 3 Subdistrict F: Public Access Area Plan

Map 4 Subdistrict F: Mandatory Ground Floor Requirements

Map 5 Subdistrict F: Mandatory Street Wall Requirements

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

93-04 - Subdistricts and Subareas

LAST AMENDED
4/29/2014

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

Large-Scale Plan Subdistrict A

Farley Corridor Subdistrict B

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Eleventh Avenue Subdistrict G

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

Within the Large-Scale Plan Subdistrict A:

Eastern Rail Yard Subarea A1

Four Corners Subarea A2

Subarea A3

Subarea A4

Subarea A5

Within Farley Corridor Subdistrict B:

Western Blocks Subarea B1

Central Blocks Subarea B2

Farley Post Office Subarea B3

Pennsylvania Station Subarea B4

Within Hell's Kitchen Subdistrict D:

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

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

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

93-05 - Applicability of District Regulations

LAST AMENDED
1/19/2005

93-051 - Applicability of Article I, Chapter 1

LAST AMENDED
3/28/2012

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

93-052 - Applicability of Article I, Chapter 3

LAST AMENDED
5/8/2013

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

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

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

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

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

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

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

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

93-053 - Applicability of Article VII, Chapter 3

LAST AMENDED
1/19/2005

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

Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-18 (Authorization for Electrical Utility Substations)

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

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

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

93-054 - Applicability of Article VII, Chapter 4

LAST AMENDED
4/14/2010

(a) The following special permits by the City Planning Commission shall not be applicable:

Section 74-61 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-18 (Authorization for Electrical Utility Substations

Section 74-68 (Development Within or Over a Right-of-way or Yards)

Section 74-72 (Bulk Modification)

Section 74-74 (Large-scale General Development) shall be inapplicable in the Large-scale Plan Subdistrict A

Section 74-83 (Court Houses)

Section 74-841 (Development in certain Commercial Districts)

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

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas)

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

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

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be

applicable to the renewal of City Planning Commission special permits for #public parking lots# and #public parking garages# granted prior to April 14, 2010.

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

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

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

LAST AMENDED
9/4/2008

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

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

93-06 - Declaration of Restrictions in Subdistrict F

LAST AMENDED
12/21/2009

No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless a declaration of restrictions, in substantially the form reviewed by the City Planning Commission pursuant to CEQR No. 09DCP007M and referenced in and made an exhibit to the findings of the Commission pursuant to 6 NYCRR Section 617.11 in connection with its adoption of the regulations of this Chapter and as modified by the City Council, applicable to Subdistrict F (as such declaration may be revised prior to filing and recordation in accordance with the provisions thereof applicable to amendments made subsequent to filing and recordation), shall have been filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against all property interests in Subdistrict F proposed for #development# or #enlargement# pursuant to this Chapter.

93-10 - USE REGULATIONS

LAST AMENDED
5/31/2012

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

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

93-101 - ERY Culture, Festival and Exhibit Facility

LAST AMENDED
7/24/2013

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

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

LAST AMENDED
1/19/2005

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

93-12 - Special Residential Use Regulations

LAST AMENDED
1/19/2005

93-121 - Restrictions on residential use

LAST AMENDED
1/19/2005

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

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

LAST AMENDED
7/20/2017

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

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

(a) except as provided in paragraph (c) of this Section, for #zoning lots# with less than 69,000 square feet of #lot area#, the Chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of

#commercial# #floor area# to #residential# #floor area#, in #buildings# in each phase, is no smaller than the ratio of the minimum amount of #commercial# #floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot# as specified in Section 93-21 or 93-22, as applicable;

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

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

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

93-123 - Location of residential use within buildings

LAST AMENDED
2/2/2011

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

93-124 - Restrictions on conversions of residential use

LAST AMENDED
2/2/2011

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

93-13 - Special Commercial Use Regulations

LAST AMENDED
1/19/2005

93-131 - Certification for office use

LAST AMENDED
2/2/2011

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

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

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

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

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

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

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

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

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

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

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

Planning Commission pursuant to Section 93-132.

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

93-132 - Authorization for office use

LAST AMENDED
12/21/2009

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

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

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

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

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

93-133 - Vehicle storage establishments

LAST AMENDED10/21/2021

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

93-14 - Ground Floor Level Requirements

LAST AMENDED
5/29/2019

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

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

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

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

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

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

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

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

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

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

(b) Retail continuity along designated streets in Subdistrict F

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

(1) Along Eleventh Avenue

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

(2) Along designated streets other than Eleventh Avenue

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

From Use Group 3:

Art galleries, non-commercial

Libraries

Museums

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

From Use Group 4:

Ambulatory diagnostic and treatment health care facilities

Community centers

Houses of worship

Recreation centers, non-commercial

From Use Group 6B:

Veterinary medicine, limited to small animals.

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

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

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

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

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

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

Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section, shall be

glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

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

(d) Non-transparent walls within Subdistrict F

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

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

LAST AMENDED
12/21/2009

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

93-15 - Public Parking Facilities

LAST AMENDED
2/2/2011

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

93-16 - Modification of Sign Regulations

LAST AMENDED
4/14/2010

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

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

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

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

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

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

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

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

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

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

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

(4) For an #ERY Culture, Festival and Exhibit Facility#, the total #surface area# of all permitted #signs# and banners shall be as set forth in this paragraph, (a)(4). The maximum aggregate #surface area# of all #signs# shall not exceed 2,700 square feet. #Signs#, other than banners, facing the outdoor plaza, as described in Section 93-71, paragraph (b), shall not exceed a maximum aggregate #surface area# of 200 square feet; #signs# facing the connection to the High Line, as described in Section 93-71, paragraph (f), shall not exceed a maximum aggregate #surface area# of 200 square feet; and #signs# facing West 30th Street shall not exceed a maximum aggregate #surface area# of 1,700 square feet. A maximum of 600 square feet of #signs# in the form of banners are permitted facing or within the outdoor plaza. No #sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section 93-71, paragraph (j) and no #signs# facing West 30th Street shall be located at a height above the #High Line#. Banners located within the outdoor plaza may be installed on one or two poles located not less than 13 feet from an #ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any #sign# that exceeds 300 square feet of #surface area# shall be non-#illuminated# or a #sign with indirect illumination#.

(b) Subdistrict F

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

(1) Along the #High Line#

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

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

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

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

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

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

(2) Other locations

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

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

LAST AMENDED3/22/2016

For an arena permitted pursuant to Section 74-41 within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections 32-63 (Permitted Advertising Signs) to allow advertising #signs#, 32-64 (Surface Area and Illumination Provisions) to allow increased #surface area# along specified #streets# and 32-65 (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows:

(a) Conditions

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

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

(3) all #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each

#corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

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

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

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

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

LAST AMENDED
4/29/2014

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

93-18 - Authorization for Electrical Utility Substations

LAST AMENDED
1/19/2005

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

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

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

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

93-20 - FLOOR AREA REGULATIONS

LAST AMENDED
2/2/2011

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

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

LAST AMENDED
7/24/2013

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

(a) Subareas A2 through A5

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

(1) 18.0 or more in Subareas A2 and A3

(2) 15.6 or more in Subarea A4

(3) 14.0 or more in Subarea A5.

MAXIMUM PERMITTED FLOOR AREA RATIO WITHIN SUBAREAS A2 THROUGH A5

	Subarea A2	Subarea A3	Subarea A4	Subarea A5
ROW A Basic maximum #floor area ratio# (FAR)	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF
ROW B Maximum FAR through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.4 R 2.0 CF	18.0 total 18.0 C 4.0 R 2.0 CF

ROW C Maximum FAR through distribution pursuant to Section 93-34	33.0 total 33.0 C 6.0 R 2.0 CF	24.0 total 24.0 C 6.0 R 2.0 CF	21.6 total 21.6 C 6.0 R 2.0 CF	20.0 total 20.0 C 6.0 R 2.0 CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Eastern Rail Yard Subarea A1

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

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

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

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

(2) Unused #floor area# may be distributed to #zoning lots# in Subareas A2 through A5 pursuant to Section 93-34, provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the

Eastern Rail Yard Subarea A1 multiplied by 10.0. Furthermore, the total #floor area# distributed to Subarea A2 shall not exceed 3,238,000 square feet.

(c) #Phase 2 Hudson Boulevard and Park#

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

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

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

LAST AMENDED
2/2/2011

(a) Subdistricts B, C, D and E

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

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

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

Maximum Permitted Floor Area Ratio within Subdistricts B through E

	Farley Corridor Subdistrict B	34th St Corridor Sub district C	Hell's Kitchen Subdistrict D	South of Port Auth. Sub district E

Subarea	Western Blocks	Central Blocks	Farley Post Office	Penn. Stn.		Subarea D1	Subarea D2	Subarea D3	
ROW A Basic maximum FAR for non-#residential buildings#	10.0 total 10.0 C 2.0 CF	12.0 total 12.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 10.0 CF	7.5 total 2.0 C 7.5 CF	7.5 total 2.0 C 7.5 CF	7.5 total 6.0 C 7.5 CF	10.0 total 10.0 C 2.0 CF
ROW B Basic maximum FAR for #buildings# containing #residences#	NA	NA	10.0 total 10.0 C 6.0 R 2.0 CF	NA	6.5 total 6.5 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	7.5 total 6.0 C 7.5 R 7.5 CF	NA
ROW C Maximum FAR through special #floor area# increases pursuant to Section 93-30, inclusive, Inclusionary Housing Section 93-23, inclusive, or Section 74-79, inclusive, as applicable.	21.6 total 21.6 C 6.0 R 2.0 CF	19.0 total 19.0 C 4.0 R 2.0 CF	NA	19.5 total 19.5 C 2.0 CF	13.0 total 13.0 C 12.0 R 12.0 CF	15.0 total 3.0 C 12.0 R 12.0CF	13.0 total 3.0 C 12.0 R 12.0CF	12.0 total 7.5 R 7.2 C 12.0CF	18.0 total 18.0 C 3.0 R 2.0 CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Subdistrict F

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

(c) Subdistrict G

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

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

LAST AMENDED
4/29/2014

(a) Western Blocks Subarea B1

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

(b) Central Blocks Subarea B2

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

(c) Farley Post Office Subarea B3

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

(d) Pennsylvania Station Subarea B4

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

(e) Transfer of #floor area#

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

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

LAST AMENDED
2/2/2011

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

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

Housing Program), as follows:

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

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

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

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

LAST AMENDED
2/2/2011

(a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

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

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

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

(b) Subarea D3

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

(c) Subareas D4 and D5

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

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

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

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

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

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

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

For #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches or Dyer Avenue, the Commission may authorize the distribution of #floor area# across such district boundaries pursuant to Section 93-543 (Authorization for the provision of public open areas).

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

LAST AMENDED
2/2/2011

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

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

93-225 - Floor area regulations in Subdistrict F

LAST AMENDED
2/2/2011

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

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

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

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

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

93-226 - Floor area regulations in Subdistrict G

LAST AMENDED10/21/2021

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

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

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

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

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

93-23 - Modifications of Inclusionary Housing Program

LAST AMENDED
12/20/2018

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

93-231 - Definitions

LAST AMENDED
7/29/2009

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

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

LAST AMENDED
12/20/2018

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

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

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

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

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

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

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

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

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

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

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

LAST AMENDED
10/9/2013

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

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

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

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

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

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

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

93-30 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED
1/19/2005

93-31 - District Improvement Fund Bonus

LAST AMENDED
12/20/2018

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

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

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

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

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

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

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

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

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

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

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

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

LAST AMENDED
6/7/2018

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

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

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

(a) Transfer of floor area by certification

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

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

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

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

(3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section; and

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

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

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

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

(b) Authorization for contribution-in-kind

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

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

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

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

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

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

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

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

Receipt of executed copies of the agreement or instruments required pursuant to paragraph (b)(3) of this Section, and of copies of the recorded restrictive declaration, shall be a precondition to the issuance of a building permit, including any foundation or

alteration permit, for any #development# or #enlargement# on the receiving site that incorporates a #floor area# bonus granted pursuant to this paragraph (b).

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

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

LAST AMENDED
2/2/2011

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

Block 708, Lots 20 and 46

Block 709, Lot 17

Block 710, Lot 20.

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

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

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

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

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

LAST AMENDED
2/2/2011

In order to promote a superior site plan in the Eastern Rail Yard Subarea A1 of the Large-Scale Plan Subdistrict A, the

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

(a) Distribution of #floor area# by certification

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

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

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

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

(b) Requirements for application

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

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

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

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

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

LAST AMENDED
1/19/2005

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

19.5.

(a) The following conditions shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

93-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
1/19/2005

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

93-41 - Rooftop Regulations

LAST AMENDED
5/31/2012

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

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

(b) Subdistrict F

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

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

LAST AMENDED
2/2/2011

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

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

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

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

(a) Maximum base heights

The maximum height of a #building or other structure# before setback shall be 150 feet along a #wide street# and along a #narrow street# within 100 feet of its intersection with a #wide street#, and 90 feet along a #narrow street# beyond 100 feet of its intersection with a #wide street#. For #corner lots# with #wide street# frontage and more than 100 feet of

#narrow street# frontage, the maximum #building# height before setback along the #narrow street# may, as an alternative, be the weighted average of 150 feet for the first 100 feet from the corner, and 90 feet for the remainder of the #narrow street# frontage. Such allowable maximum heights before required setbacks are hereinafter referred to as "maximum base heights."

(b) Required setbacks

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

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

(c) Tower #lot coverage#

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

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

17,501 to 18,500	42
18,501 to 19,999	41

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

(d) Length of #building# wall

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

93-50 - SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS

LAST AMENDED
6/29/2010

In Subdistricts A, B and C, and Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E, F and G) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, and minimum and maximum base heights, as shown on Map 3 (Mandatory Street Wall Requirements) of Appendix A of this Chapter. Such modifications also include depths of required setbacks, maximum length of #building# walls for towers, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

(a) Recesses

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

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

(b) Sidewalk Widenings

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

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

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

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

LAST AMENDED
2/2/2011

93-511 - Tower lot coverage

LAST AMENDED2/2/2011

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

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

LAST AMENDED
2/2/2011

(a) Hudson Boulevard

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

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

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

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

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

(b) Tenth Avenue

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

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

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

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

(3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance

with the provisions of paragraph (b) of Section 93-42.

(c) Midblocks

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

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

(d) Rear setback

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

93-513 - Four Corners Subarea A2

LAST AMENDED
2/2/2011

(a) Hudson Boulevard

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

(b) West 34th Street

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

(c) Tenth Avenue

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

(d) Rear setback

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

93-514 - Eastern Rail Yard Subarea A1

LAST AMENDED
7/24/2013

(a) Location of #buildings#

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

(1) east of the southerly prolongaton of the eastern sidewalk widening line of Hudson Boulevard East;

(2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street;

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

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

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

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

(b) Height and setback

No setbacks shall be required for any #building# wall facing Eleventh Avenue, West 30th Street or West 33rd Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot# not occupied by the public plaza required pursuant to Section 93-71. Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

(c) Length of #building# walls

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

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

LAST AMENDED
2/2/2011

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

93-521 - 450 West 33rd Street

LAST AMENDED
2/2/2011

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

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

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

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

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

93-522 - Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

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

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

15 feet of the #narrow street line#.

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

93-523 - Pennsylvania Station Subarea B4

LAST AMENDED
2/2/2011

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

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

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

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

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

LAST AMENDED
2/2/2011

(a) 34th Street

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

(b) Tenth Avenue

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

(c) Midblocks between Eighth Avenue and Ninth Avenue

For #zoning lots# with frontage on West 33rd Street or West 35th Street beyond 100 feet of Eighth Avenue and Ninth Avenue, the #street wall# of any #building# shall be located on and extend along the entire West 33rd Street or West 35th Street frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

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

LAST AMENDED
1/19/2005

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

LAST AMENDED
2/2/2011

(a) Tenth Avenue

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

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

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

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

(ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the

Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet;

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

(iv) all portions of the Tenth Avenue #street wall# that do not exceed a height of 90 feet are located 10 feet from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section 93-50. Above a height of 90 feet, up to a height of 150 feet, any #street wall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

(b) Hudson Boulevard

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

(c) Midblocks between Tenth Avenue and Hudson Boulevard

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

(d) Length of #building# wall

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

(e) Tower #lot coverage#

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

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

LAST AMENDED
2/26/2015

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

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

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

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

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

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

LAST AMENDED
2/2/2011

For #zoning lots# that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches or Dyer Avenue, the City Planning Commission may authorize height and setback modifications within C2-5 Districts mapped within R8A Districts and the distribution of #floor area# without regard to district boundaries, provided the Commission finds that:

(a) such publicly accessible open area provides an appropriate amenity to the surrounding area;

(b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting;

(c) modifications to the height and setback regulations of C2-5 Districts mapped within R8A Districts result in a #building# that does not exceed a height of 180 feet and is compatible with the scale and character of the surrounding area; and

(d) all necessary approvals have been granted by the Port Authority, or adequate provision has been made for the receipt of such approvals prior to the issuance of any building permit.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section 37-727 (Hours of access). Furthermore, such open areas shall comply with the requirements for #public plazas# set forth in Sections 37-744 (Litter receptacles), 37-75 (Signs), 37-77 (Maintenance) and paragraph (a) of Section 37-78 (Compliance).

All plans for publicly accessible open areas, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the publicly accessible open areas and setting further such provisions as necessary to ensure compliance with the requirements of this Section. Such filing and recording of the instrument, together with the grant of all necessary approvals by the Port Authority, shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

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

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

LAST AMENDED
4/30/2012

(a) #Zoning lots# with Eighth Avenue frontage

For #zoning lots# with frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the Eighth Avenue sidewalk widening line and, where applicable, on the West 39th Street and West 40th Street #street lines#, and extend along the entire #street# frontage of the #zoning lot#. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. The #street wall# of any #building# may rise to a height less than 90 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 90 feet.

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

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

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

(b) #Zoning lots# without Eighth Avenue frontage

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

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

LAST AMENDED
4/29/2014

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

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

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

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

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

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

93-561 - General rules for Subdistrict F

LAST AMENDED
4/29/2014

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

(a) #Street wall# location

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

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

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

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

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

(b) Measurement of #building# heights

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

For portions of a #building# that front upon a publicly accessible sidewalk, the maximum #building# base height and, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the public sidewalk that such #street wall# fronts upon. For portions of a #building# that front upon

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

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

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

(2) Measurement of tower heights

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

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

(c) Towers

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

93-562 - Street wall regulations for certain streets

LAST AMENDED
4/29/2014

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

(a) Applicability

The provisions of this Section shall apply to:

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

(i) the West 32nd Street Extension;

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

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

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

(i) Eleventh Avenue south of the Northeast Plaza;

(ii) the West 32nd Street Extension; and

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

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

(i) Eleventh Avenue;

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

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

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

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

(ii) the West 31st Street Extension;

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

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

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

(b) #Street wall# location

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

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

(c) Recesses

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

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

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

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

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

93-563 - Site 1

LAST AMENDED

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

(a) #Building# base

(1) Facing West 33rd Street

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

(2) Facing the West 32nd Street Extension

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

(3) Facing the Western Open Space

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

(b) Transition height

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

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

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

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

(c) Towers

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

(1) Required setbacks

All towers, or portions of a transition height located beneath a tower, shall be set back at least 15 feet from the #street line# of West 33rd Street and from the #street walls# of the #building# facing the West 32nd Street Extension, except that the depth of such setback distance may include the depth of any permitted recesses. However, no setbacks shall be required within 150 feet of Twelfth Avenue, along the Western Open Space or along the Midblock Connection to allow portions of towers that comply with the provisions of paragraphs (c)(2) and (c)(3) of this Section to rise without setback.

(2) Maximum floor plate

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

(3) Maximum length and height

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

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

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

93-564 - Site 2

LAST AMENDED
2/2/2011

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

(a) #Building# base

(1) Facing Eleventh Avenue

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

(2) Facing the West 32nd Street Extension

The provisions of this paragraph (a)(2) shall apply to #street walls# facing the West 32nd Street Extension

beyond 60 feet of Eleventh Avenue (or beyond 100 feet if the optional #building# base provisions of paragraph (a)(1) of this Section are applied along the West 32nd Street Extension), and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of such #buildings# facing the West 32nd Street Extension shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Midblock Connection within 60 feet of the West 32nd Street Extension need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (b) of this Section to rise without setback.

(3) Facing West 33rd Street

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

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

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

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

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

(b) Towers

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

(1) Maximum floor plate

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

(2) Maximum length and height

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

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

93-565 - Site 3

LAST AMENDED
4/29/2014

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

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

(a) Ground floor

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

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

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

(b) Maximum floor plate

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

(c) Maximum length and height

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

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

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

93-566 - Site 4

LAST AMENDED
4/29/2014

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

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

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

(b) #Building# base facing Eleventh Avenue

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

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

(c) Towers

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

(1) Maximum floor plate

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

(2) Maximum length and height

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

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

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

93-567 - Site 5

LAST AMENDED
4/29/2014

All #stories# of a #building# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall

comply with the provisions of this Section.

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

(a) Maximum floor plate

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

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

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

(b) Maximum length and height

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

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

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

93-568 - Site 6

LAST AMENDED
4/29/2014

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

(a) Height and setback regulations

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

The provisions of this paragraph (a) shall apply to #street walls# on Site 6 beneath the #High Line# that face

West 30th Street, Eleventh Avenue and the Southwest Open Space.

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

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

(2) #Building# base

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

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

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

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

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

(3) Transition height

If the outermost walls of all #stories# of any tower provided in accordance with the tower provisions of

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

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

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

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

(4) Towers

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

(i) Maximum floorplate

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

(ii) Maximum length and height

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

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

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

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

(b) Certification to expand Site 6

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

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

additional area;

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

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

(4) any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# shall affect southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

93-569 - Tower top articulation

LAST AMENDED
12/21/2009

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

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

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

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

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

Each tower top shall provide the following forms of articulation:

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

(1) Constructing the profile change boundary

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

(2) Required profile change

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

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

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

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

(c) Material continuity

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

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

LAST AMENDED
2/2/2011

(a) Required setbacks

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

(b) Tower #lot coverage#

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

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

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

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

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

LAST AMENDED10/21/2021

Within the #Special Hudson Yards District#, except within C1-7A Districts, or C2-5 Districts mapped within R8A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, provided the Commission finds that:

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

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

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

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

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

93-59 - Special Yard Regulations in Subdistrict G

LAST AMENDED10/21/2021

No rear yard equivalent shall be required in Subdistrict G.

93-60 - MANDATORY IMPROVEMENTS

LAST AMENDED
1/19/2005

93-61 - Sidewalk Widenings

LAST AMENDED
1/19/2005

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

93-62 - Street Tree Planting

LAST AMENDED

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, trees shall also be provided along the #street# edge of the mandatory sidewalk widenings along West 34th Street. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

93-63 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

In C2-8 and C6-4 Districts, except within Subdistrict G, all #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-50. In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

Pedestrian circulation space shall not be required if any of the following conditions exist:

(a) The #zoning lot# is entirely occupied by a #building# of no more than one #story# in height.

(b) The #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage.

(c) The #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length.

(d) The #zoning lot# is required to provide public access pursuant to Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES).

93-64 - Major Building Entrances

LAST AMENDED
2/2/2011

Any #development# or #enlargement# with a #commercial# #floor area ratio# of 5.0 or greater and located on a #zoning lot# with frontage upon Hudson Boulevard shall provide a major entranceway to the #commercial# portion of the #building# on Hudson Boulevard.

Any #development# or #enlargement# containing #residences# located on #zoning lots# with frontage upon Tenth Avenue north of West 33rd Street shall provide a major entrance to the #residential# portion of the #building# on or within 100 feet of Tenth Avenue.

The #street wall# of any #building# facing east towards Ninth Avenue south of West 33rd Street shall contain either a major #building# entrance or have at least 70 percent of its ground floor frontage occupied by retail #uses#.

93-65 - Transit Facilities

LAST AMENDED
10/27/2010

(a) Any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue shall provide an easement for public access to the subway mezzanine or station as illustrated on Map 5 (Transit Facilities) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with, and with the approval of, the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Floor space within any required transit easement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public use of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

(b) For the locations listed in this paragraph, (b), floor space devoted to subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station, which are established pursuant to an easement or other agreement, shall be excluded from the definition of #floor area# in Section 12-10:.

(1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #public park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5.

(2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5.

(3) The tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of the #Special Clinton District#.

(4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of the #Special West Chelsea District#.

Any transit easement or other agreement for such subway-related #use# shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

93-66 - Open Area Requirements in the Large-Scale Plan Subdistrict A

LAST AMENDED

10/17/2007

In Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

(a) Where such open areas are sidewalk widenings required pursuant to Section 93-61, or where a sidewalk widening is not required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a distance of 10 feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond 10 feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) of this Section, as applicable.

(b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet, shall be paved or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.

(c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet, shall be paved and contain landscaping. Paved areas shall not be more than 2 feet, 6 inches above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.

(d) Open areas described in paragraphs (b) and (c) of this Section may be occupied by features, equipment and appurtenances normally found in #public parks# and playgrounds, as listed in Section 37-726 (Permitted obstructions). In addition, gates or fences shall be permitted for open areas described in paragraph (c) of this Section, provided such gates are fully open during business hours, such gates or fences are not higher than five feet, and are a minimum of 65 percent open to permit visibility of the open area. No parking areas shall be permitted in any open area. Driveways in any open area shall lead directly to an enclosed parking or loading facility, except that portes-cocheres are allowed in any open area on #zoning lots# with at least 80,000 square feet of #lot area#. #Building# trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the #street# or any public access area. All paved areas shall be accessible to the public during business hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than 2 feet, 6 inches above the level of any adjacent paved area.

93-70 - PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

LAST AMENDED
4/29/2014

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, the requirements set forth in paragraph (h) of Section 93-71, shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-722 shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732, respectively.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in paragraph (h) of Section 93-71, and Section 93-732. Issuance of a temporary or permanent certificate of occupancy for any #building#, or portion of a #building#, not occupied by an #ERY Culture, Festival and Exhibit Facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (j) of Section 93-71 is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility# but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

93-71 - Public Access Areas in the Eastern Rail Yard Subarea A1

LAST AMENDED
7/24/2013

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and paragraphs (h) and (j), of this Section. For purposes of determining compliance with such 55 percent and 40 percent requirements, the Culture Facility Plaza, any portion of the connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f), and any portion of the connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public, as follows:

(1) unenclosed public access areas shall be accessible between the hours of 6:00 a.m. and 1:00 a.m., except that any portions of the outdoor plaza, as described in paragraph (b) of this Section, designed and constructed for purposes of vehicular use, shall be accessible at all times, except as necessary to perform maintenance and repairs or address hazardous or emergency conditions;

(2) enclosed portions of the through block connection and connection to the public plaza, described in paragraphs (d) and (e) of this Section, shall be accessible to the public between the hours of 8:00 a.m. and 10:00 p.m.; and

(3) upon completion of the Tenth Avenue bridge, described in paragraph (g) of this Section, access between the bridge and the outdoor plaza shall be provided by means of the through block connection between the hours of 6:00 a.m. and 1:00 a.m.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage erected at conspicuous locations. Such signs shall include the statement “Open to the Public,” followed by the hours of operation specified in this paragraph (a). The public space signage for the Culture Facility Plaza may include additional information, consistent with the provisions of paragraph (j) of this Section.

(b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the “outdoor plaza”), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and

parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to 10 percent of the area of such outdoor plaza may be covered by a #building or other structure#

In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section 93-71), provided that any such #building#:

(1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;

(2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;

(3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;

(4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;

(5) is located such that the maximum east-west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east-west dimension shall increase at a rate of one foot in the east-west dimension for every four feet in the north-south dimension from such line, up to a maximum east-west dimension of 60 feet; and

(6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building#, or portion of a #building#, located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing #uses# in Use Group 3 or 4 or an #ERY Culture, Festival and Exhibit Facility#.

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a "public plaza"), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street. Such public plaza

shall be open to the sky except that such space may be covered by the #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514, paragraph (a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726, paragraph (a), as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities:

(1) no less than 120 linear feet of fixed seating;

(2) no less than 12 moveable tables and 48 moveable chairs; and

(3) no less than four trees or multi-stemmed equivalents measuring at least four inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities:

(i) artwork;

(ii) water features; or

(iii) food service located in a retail space directly accessible from the public plaza.

The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 70 percent of the length of all #building# walls, other than the #building# walls of any facility operated by the Long Island Rail Road, or its successor, facing each side of the public plaza. In addition, at least 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Groups 6A and 6C or the connection to the public plaza described in paragraph (e) of this Section.

(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet and any enclosed portion shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of Section 93-14, paragraph (a), then such through block connection may: (i) have a minimum width of 24 feet; and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all #building# walls facing each side of the through block connection (or, if enclosed, the interior walls facing the through block

connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the through block connection, and a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all #building# walls facing each side of such connection (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. For any portions that are enclosed, the minimum clear height shall be 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to the public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the "connection") shall be provided that has a minimum width, measured parallel to the High Line, of 60 feet and is located east of the Culture Facility Plaza. For a width of 60 feet measured parallel to the High Line, the clear height of the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 50 percent of the length of all #building# walls facing the connection.

(g) Tenth Avenue bridge

A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section 93-72 (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until the 450 West 33rd Street through block connection has been completed. Such bridge may be open or enclosed, have a minimum clear width of 30 feet and, if enclosed, have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the center line of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section 93-72.

(h) #ERY High Line# and #Tenth Avenue Spur#

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly accessible open area.

(1) In order to meet the public access area requirements of Section 93-71, paragraph (a), and this paragraph (h), the following shall be provided for the #ERY High Line#, and shall, if the owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:

(i) Payment of the #High Line Rehabilitation Deposit#; or subject to entry into construction-related agreements with the City or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms thereof. If the owner has elected to perform the rehabilitation work, then all such work shall be completed in accordance with plans and specifications prepared by or on behalf of the City;

(ii) Payment of the #High Line Landscape Improvement Deposit#;

(iii) Provision of #High Line Maintenance Funding#;

(iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the City.

Such requirements shall be set forth in agreements or instruments in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by the owner, and mortgagees and parties in interest of the owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City of New York, indexed against the property, shall be a precondition to the Chairperson's certification to the Department of Buildings for a building permit under Section 93-70. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(2) No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph (h).

(3) No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (i) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with paragraph (h)(1)(i) of this Section, have been executed and delivered; and (ii) the #High Line Landscape Improvement Deposit# has been made.

(4) No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (i) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been completed in accordance with the construction documents and instruments; (ii) the initial installment of #High Line Maintenance Funding# has been delivered, provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public; and (iii) the easement agreement described in paragraph (h)(1)(iv) of this Section, is in effect for the #ERY High Line#. The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section 93-70 shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

(5) Nothing herein shall be construed to affect any obligation of the owner to make the #High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, by March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms of such agreements.

(6) Use by the City of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for phased development pursuant to Section 93-70 granted before May 31, 2012

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45-day period, a new application for certification pursuant to Section 93-70 and Section 93-71, paragraph (h), shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as public access areas associated with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section 93-70 granted before May 31, 2012, shall not affect the validity of any permit issued by the Department of Buildings prior to the expiration of such 45-day period, provided the new application under Section 93-70 and Section 93-71, paragraph (h), is made within such 45-day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after May 31, 2012, the preconditions to issuance of a crane permit set forth in Section 93-71, paragraph (h), shall be prerequisites for the grant of any new certification for phased development made under this paragraph (i).

(j) Culture Facility Plaza

A publicly accessible space located east of and #abutting# the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. Outdoor installations for such events, including seating, shall be restricted to the Culture Facility Plaza. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come, first served, or timed basis, shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 a.m. and 1:00 a.m. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a #building# that is not used for an #ERY Culture, Festival and Exhibit Facility# shall have any obligation to comply with the requirements of paragraph (a), or this paragraph (j), of this Section related to the Culture Facility Plaza.

93-72 - Public Access Areas at 450 West 33rd Street

LAST AMENDED
4/29/2014

For the purposes of this Section 93-72, inclusive, 450 West 33rd Street shall be considered the area bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 1 and 15, existing on April 29, 2014. Any #development# or #enlargement# in such area shall provide public access areas in accordance with the provisions of this Section. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit. All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Through block connection

A publicly accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the Dyer Avenue Platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard). Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a #building# wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

An #enlargement# that does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Dyer Avenue Platform

A permanent easement shall be provided along the eastern edge of 450 West 33rd Street, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter, for the purposes of constructing the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73. Such easement shall have a minimum width of 33 feet. Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73, as shown on Map 1 in Appendix B. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue Platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of 10 feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area (hereinafter referred to as the "Tenth Avenue podium") shall be provided at the corner of Tenth Avenue and West 31st Street, as shown on Map 1 in Appendix B. The Tenth Avenue podium shall have a minimum area of 1,800 square feet, be located at the same elevation as the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street #building#.

93-721 - Design and maintenance requirements for public access areas at 450 West 33rd Street

LAST AMENDED
8/9/2017

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 shall comply with the following applicable design standards:

(1) at least two litter receptacles in such public access areas shall be provided;

(2) the public access areas at 450 West 33rd Street shall provide the following public signage system:

(i) One entry plaque shall be provided in each of the following locations:

(a) the Dyer Avenue access point to the West 31st Street Passageway;

(b) the Tenth Avenue Podium access point to the West 31st Street Passageway; and

(c) the #street# level entrance to the Tenth Avenue Podium.

(ii) Each entry plaque is subject to the signage standards as set forth in paragraphs (a)(1) through (a)(4) of

Section 37-751 (Public space signage systems).

(iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas at 450 West 33rd Street that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas at 450 West 33rd Street.

(iv) A minimum of two information plaques, constructed from the same permanent materials as the entry plaque, or combined with one or more of the required entry plaques, shall be provided within the public access areas. Information plaques shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) The information plaque is subject to the signage standards as set forth in paragraphs (b)(1) through (b)(6) of Section 37-751, except that paragraph (b)(3) shall be modified to read, "in lettering three-eighths of an inch in height, the words: 'This public access area contains:'" followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

(3) the minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);

(4) no gates, fences or other barriers shall be permitted within such public access areas; and

(5) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-722 - Certification for public access areas at 450 West 33rd Street

LAST AMENDED
4/29/2014

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), no temporary or permanent certificate of occupancy shall be issued by the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31st Street Passageway and the Tenth Avenue Podium, required pursuant to paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street), respectively, to be substantially complete and open to and useable by the public.

93-73 - Public Access Areas on the Ninth Avenue Rail Yard

LAST AMENDED
8/9/2017

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on April 29, 2014. Any #development# in such area shall provide public access areas in accordance with the provisions of Section 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61. The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the “entry plaza”), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

(i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);

(ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;

(iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and

(v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the "central plaza"), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 478 feet west of and parallel to the western #street line# of Ninth Avenue, a line 167 feet north of and parallel to the northern #street line# of West 31st Street beyond 40 feet of the western street line of Ninth Avenue, a line 40 west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street within 40 feet of the western street line of Ninth Avenue, as shown on Map 1 in Appendix B of this Chapter. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension of 100 feet as measured from the #building# walls of the #buildings# facing onto the central plaza of. The central plaza shall be open to the sky, except:

(i) for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section; and

(ii) within a line 115 feet west of and parallel to the western #street line# of Ninth Avenue, a #building# may cantilever over the central plaza and required circulation paths located therein, provided such cantilever extends no greater than 10 feet over such central plaza.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7,500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided, of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space may be used for events not exceeding a maximum area of 4,500 square feet, except as set forth below for summer public events and winter public events. When the event space is not being used

for an event (general public events, summer public events, winter public events and private events), it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables and, between April 1 and November 15, a minimum of two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section. When the event space is being used for an event (general public events, summer public events, winter public events and private events), the additional tables, chairs and moveable food carts may be removed.

(a) General Public Events

At all times of the year, the event space may be used to host general public events which are open and accessible to the general public and free of admission. During such public events, the event space may contain associated temporary structures and seating.

(b) Summer Public Events

For not more than 75 days between April 1 and November 15, the event space may be used for summer public events which are open and accessible to the general public and free of admission charge, where the temporary structures and seating associated with such summer public events may extend beyond 4,500 square feet, provided that the total area used for such summer public events does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue.

(c) Winter Public Events

Between November 15 and April 1, an ice skating rink, together with associated temporary structures, may extend beyond 4,500 square feet, provided that the total area used for the ice skating rink together with associated temporary structures does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue. The ice skating rink shall be open and accessible to the general public, but a fee for use of the ice skating rink may be charged, provided the combined total admission and equipment rental fees do not exceed the highest of such combined fees charged at any one rink operating in a #public park#.

(d) Private Events

The City Planning Commission may allow the closing of the event space for up to 12 private events per year pursuant to a restrictive declaration acceptable to the City and recorded in the Office of the City Register for New York County and indexed against the property.

For all events specified in this Section, temporary structures or seating associated with such an event (general public events, summer public events, winter public events and private events) permitted by this paragraph may be installed in the event space, provided the circulation paths required in paragraph (b)(2)(iv) of this Section remain unobstructed at all times.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

(a) pedestrian circulation paths with an aggregate width of not less than 30 feet shall be provided;

(b) at least two of the required circulation paths with a minimum clear width of 12 feet shall be located within 20 feet of the facade of each #building# facing the central plaza;

(c) in addition to the circulation paths required by paragraph (b)(2)(iv)(a) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(b) of this Section;

(d) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and

(e) clear paths, with a total minimum aggregate width of 20 feet, shall be located at the boundary between the entry plaza, required pursuant to paragraph (a) of this Section, and the central plaza, required by paragraph (b) of this Section, and at the boundary between the art plaza, required pursuant to paragraph (c) of this Section, and the central plaza, required by paragraph (a) of this Section, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza, respectively, and that all clear paths counted toward the aggregate minimum width required by this paragraph shall be a minimum of 7 feet, 6 inches in clear width, and be located no further than 12 feet apart from one another.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14. Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion, and any seating associated with a #use# in the pavilion, shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such seating

shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(c) Art Plaza

(1) Location and minimum dimensions

A publicly accessible space open to the sky (hereinafter referred to as the "art plaza") shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street, as shown on Map 1 in Appendix B. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(2) Required amenities

The art plaza shall contain the following features and amenities:

(i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);

(ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;

(iii) a minimum of 45 linear feet of seating;

(iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and

(v) the transparency requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and minimum dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the "Dyer Avenue Platform"), as shown on Map 1 in Appendix B. The Dyer Avenue Platform shall include the easement area described in paragraph (b) of Section 93-72 and shall directly connect with the central plaza and the West 31st Street connector required by paragraphs (b) and (e) of this Section, respectively. The Dyer Avenue Platform shall have a minimum east-west dimension of 53 feet and a

minimum north-south dimension of 455 feet. However, such minimum east-west dimension may be reduced to accommodate an extension of such existing egress stair in order to adjoin the level of the platform, or to accommodate up to 15 inches of additional exterior wall thickness added to the eastern face of the existing #building# at 450 West 33rd Street. Except for any portion of the Dyer Avenue Platform which on April 29, 2014, was covered by the #building# located at 450 West 33rd Street and the existing egress stairs on the eastern face on such #building#, or the permitted additions thereto, respectively, the Dyer Avenue Platform shall be open to the sky.

(2) Required amenities

The Dyer Avenue Platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue Platform located within the easement provided pursuant to paragraph (b) of Section 93-72 (Public Access Areas at 450 West 33rd Street):

(i) a minimum of 16 trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of 12 trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;

(ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street;

(iv) the glazing requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue Platform; and

(v) at least two pedestrian circulation paths with a minimum clear path of eight feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue Platform, from West 31st Street to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue Platform shall be considered a part of the Dyer Avenue Platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and minimum dimensions

A publicly accessible connection (hereinafter referred to as the "West 31st Street connector") shall be provided between the Dyer Avenue Platform required pursuant to paragraph (e) of this Section and West 31st Street, as shown on Map 1 in Appendix B. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue Platform and shall have a minimum area of 450 square feet.

(2) Required amenities

The West 31st Street connector shall be directly accessible from West 31st Street by a staircase with a minimum width of eight feet and by an elevator.

(f) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such passage.

93-731 - Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
8/9/2017

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73, shall comply with the applicable design reference standards set forth in paragraph (a) and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

(1) seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;

(2) where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section 37-742;

(3) steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);

(4) kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73. Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73;

(5) the public access areas on the Ninth Avenue Rail Yard shall provide the following public signage system:

(i) One entry plaque in each of the following locations:

(a) entry to the Entry Plaza from West 33rd Street;

(b) entry to the Central Plaza from Ninth Avenue;

(c) entry to the Art Plaza from West 31st Street;

(d) sidewalk level entry to the West 31st Street Connector; and

(e) entry to the Dyer Avenue Platform from West 33rd Street.

(ii) Each entry plaque is subject to the signage standards as set forth in paragraph (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).

(iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located

within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas on the Ninth Avenue Rail Yard that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas on the Ninth Avenue Rail Yard.

(iv) A minimum of one information plaque, constructed from the same permanent materials as the entry plaques, or combined with one or more of the required entry plaques, shall be provided within the Art Plaza, the Entry Plaza, the Central Plaza and Dyer Avenue. The information plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) Each information plaque is subject to the signage requirements as set forth in paragraphs (b)(1) through (b)(6) of Section 37-751 except that paragraph (b)(3) shall be modified to read, "in lettering three-eighths of an inch in height, the words: 'This public access area contains:'" followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

(6) where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions);

(7) the aggregate number of litter receptacles in such public access areas shall be 21;

(8) no gates, fences or other barriers shall be permitted within such public access areas except that protective bollards provided in connection with the development of the Ninth Avenue Rail Yard may be located within the required public access areas; and

(9) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-732 - Certification for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

No certification for the phased development of public access areas on the Ninth Avenue Rail Yard shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the Ninth Avenue Rail Yard, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction of a #building# located on the southeast corner of the Ninth Avenue Rail Yard

and that in connection with the construction of a #building# on the southwest corner of the Ninth Avenue Rail Yard, the West 31st Street connector required by paragraph (e) of Section 93-73, and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the public access area, or portions thereof, and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73.

Plans for the public access areas shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Office of the City Register of the City of New York for New York County and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the plans for public access area, or portions thereof associated with such phase.

No temporary certificate of occupancy from the Department of Buildings may be issued for a #building#, or portion thereof, where the total amount of #floor area# that has been #developed# or #enlarged# on the Ninth Avenue Rail Yard exceeds 3,204,000 square feet until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section 93-72 and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 have been substantially completed and are open and usable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion provided that:

(a) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the West 31st Street passageway required by paragraph (c) of Section 93-72 was at any time subject to a lease with an expiration date of December 31, 2019, and was not able to obtain control of the areas subject to such lease on or before December 31, 2017;

(b) a letter of credit has been posted in accordance with City requirements, and such letter of credit:

(1) is in an amount equal to 200 percent of the estimated cost to construct the public access area and the elevator at 450 West 33rd Street, required by paragraphs (c) and (d) of Section 93-72, respectively, as set forth in a cost estimate prepared by a professional engineer. Such cost estimate shall be based upon construction documents prepared by a registered architect and submitted with the application for certification pursuant to this Section, and shall be subject to review and acceptance by the City; and

(2) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the public by December 31, 2022;

(c) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area and elevator required by paragraphs (c) and (d) of Section 93-72, respectively, if they are not completed by the owner by December 31, 2022; and

(d) in addition to the foregoing, such letter of credit shall be maintained from the date of certification for temporary certificates of occupancy, pursuant to this Section, until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 have been substantially completed and are open and usable by the public, or until same have been substantially completed by the City. The Chairperson may, no more frequently than annually, require the submission of an updated or new letter of credit in an amount that reflects changes in costs over time, and such updated or new letter of credit shall be subject to the requirements and procedures of paragraph (b) of this Section, until such letter of credit is released based upon substantial completion.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-734 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with a phase of #development#, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that such public access area, or portions thereof, are open and useable by the public.

93-733 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
4/29/2014

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED
4/29/2014

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that the area designated for public access will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer amenities and other features required pursuant to Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities.

Such temporary public access area plan shall be subject to review and approval in the same manner as site plan approval pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard) and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

93-74 - Public Access Areas in Pennsylvania Station Subarea B4

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to any #development# in the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

(a) Public space

A publicly accessible enclosed space with a minimum area of 32,500 square feet shall be provided. Such space shall have at least 100 feet of frontage along the Eighth Avenue #street line#, and have a minimum clear height of 60 feet. The length of such space shall not exceed four times its narrowest width. Up to one-half of such space may be below- grade but shall be visually connected to the at-grade space. Furthermore, such below-grade space shall be connected to the at-grade space by escalators on at least two sides. The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to least 70 percent of the length of all #building# walls facing each side of such space. Such space shall provide direct access to the through block connection required pursuant to paragraph (b) of this Section, adjacent #building# lobbies and transit facilities.

(b) Through block connection

A through block connection shall be provided linking West 31st Street and West 33rd Street, at least 300 feet from Eighth Avenue and with direct access to the public space required pursuant to paragraph (a) of this Section. Such through block connection shall have a minimum clear width of 20 feet and may be open or enclosed. If enclosed, such through block connection shall have a minimum clear height of 30 feet.

(c) Plaza

A publicly-accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.

(d) Corner circulation space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section 37-53. Such spaces shall count towards meeting the pedestrian circulation space requirements of Section 93-63. However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if a plaza is provided at such corner in accordance with paragraph (c) of this Section.

93-75 - Publicly Accessible Open Spaces in Subdistrict F

LAST AMENDED
4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces.

General requirements for each publicly accessible open space are set forth within this Section. Design requirements for each publicly accessible open space are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible open space is set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

All publicly accessible open spaces listed in this Section shall be accessible to the public from the hours of 6:00 a.m. to 1:00 a.m. with the exception of the #High Line# and the Northeast Plaza. The Northeast Plaza shall provide hours of access pursuant to Section 37-727.

93-751 - General requirements for the Western Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Western Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that amenities that are provided in accordance with this Section and Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Western Open Space.

(a) General purpose

The Western Open Space is intended to serve the following purposes:

(1) to provide a major open space that joins the northern portion of the #High Line# open space network on its west to the open space networks leading to the Hudson Park and Boulevard on its east;

(2) to provide a large open lawn area overlooking the Hudson River for public use and enjoyment; and

(3) to provide transition areas that offer shade, supplemental space between the open lawn and surrounding #building# and connections between surrounding publicly accessible open spaces.

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

The Western Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre. Any lawn area located within 40 feet of a #building# wall on Sites 1 or 5 shall not contribute towards this one acre requirement. The required lawn area shall be comprised of the following amenities:

(i) a continuous lawn area shall be provided over a minimum of 75 percent of the required one acre. Such area shall have a maximum slope of three degrees and unobstructed visual access toward the Hudson River; and

(ii) a transitional lawn area may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area need not be continuous, and shall have a maximum slope of 15 degrees. Trees and other

plantings shall be permitted in such area.

(2) #High Line# connection

Access to the #High Line# shall be provided along a minimum of 75 feet and a maximum of 150 feet of #High Line# frontage length. Such frontage need not be continuous, however, in order to qualify as unobstructed access that contributes to the minimum 75 foot requirement set forth in this paragraph (c)(2), a minimum frontage width of five feet is required. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756 (General requirements for the High Line).

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the Allee of the West 32nd Street Extension, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B, to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Permanent structures such as food or information kiosks, pavilions or public restrooms may be placed within the supplemental area, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet, and such structures shall be exempt from the definition of #floor area#.

(d) Transparency

For portions of #buildings# on Site 1 and Site 5 fronting upon the Western Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted transparent material.

(e) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 32nd Street Extension shall be permitted to encroach upon the supplemental area of the Western Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Western Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-752 - General requirements for the Central Open Space

A publicly accessible open space, (henceforth referred to as the "Central Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that portions of a #building# on Site 3 and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Central Open Space.

(a) General purpose

The Central Open Space is intended to serve the following purposes:

(1) to serve as a neighborhood open space;

(2) to provide amenities for area residents, workers and the general public; and

(3) to provide areas that offer varied programs, supplemental spaces between amenities and surrounding #buildings# and connections between surrounding publicly accessible open spaces.

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Central Open Space shall have a minimum dimension in the north-south direction as measured from the southerly #street line# of the West 32nd Street Extension to the northerly #street line# of the West 31st Street Extension of 175 feet. In addition, the minimum dimension of the Central Open Space in the north-south direction between the northern boundary of Site 3 and the southerly #street line# of the West 32nd Street Extension shall be 55 feet.

The Central Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of the Connector to the westerly #street line# of Eleventh Avenue of 545 feet. In addition, the minimum dimension of the open space in the east-west direction between the eastern boundary of Site 3 and the western boundary of Site 4 shall be 265 feet.

Within 350 feet of the Eleventh Avenue #street line#, the maximum height of the finished grade of the Central Open Space shall be 45 feet above the Manhattan Datum, which is 2.75 feet above sea level. Beyond 350 feet of Eleventh Avenue, the maximum height of the finished grade shall be 47 feet above the Manhattan Datum.

(c) Core elements

The Central Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum aggregate area of 10,000 square feet and a maximum slope of three degrees. Such area need not be continuous. Any lawn area located within 12 feet of a #building# wall on Sites 3 or 4 shall not contribute towards such minimum gross area.

(2) Playground

A playground shall be provided with a minimum area of 10,000 square feet.

(3) Supplemental area

Any space in the Central Open Space other than the required lawn area set forth in paragraph (c)(1) of this Section or the required playground space set forth in paragraph (c)(2) of this Section, shall be designated as supplemental area and shall comply with the requirements set forth in this Section.

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 1,500 square feet of the supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. Such pedestrian access shall link the West 31st and West 32nd Street Extensions and be no closer than 150 feet to one another at any point.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Within 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 7.5 degrees, or a maximum height of two feet. Beyond 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 15 degrees.

(d) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms may be placed within the Central Open Space, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet and such structures shall be exempt from the definition of #floor area#.

(e) Transparency

For portions of #buildings# in Site 4 fronting upon the Central Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted, transparent material.

(f) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 31st Street Extension shall be permitted to encroach upon the supplemental area of the Central Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Central Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-753 - General requirements for the Southwest Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Southwest Open Space"), shall be provided in Subdistrict F. Such accessible open space shall be open to the sky, except that portions of a #building or other structure# on Site 5, the #High Line# and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Southwest Open Space.

(a) General purpose

The Southwest Open Space is intended to serve the following purposes:

(1) to serve as an inviting pedestrian gateway to the Western Rail Yard from open space networks along the Hudson River;

(2) to provide pedestrian amenities and connections between surrounding public spaces both on and adjacent to the Western Rail Yard; and

(3) to offer a unique open space experience for pedestrians through the negotiation of the area's grade changes.

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Southwest Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of Twelfth Avenue to the western boundary of Site 6 of 400 feet. However, if the length of Site 6 is extended to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6), the minimum dimension of the Southwest Open Space shall be 360 feet.

The Southwest Open Space shall have a minimum dimension in the north-south direction as measured from the northerly #street line# of West 30th Street to the southern boundary of the Western Open Space of 180 feet and a maximum dimension of 200 feet.

(c) Core elements

The Southwest Open Space shall have the following core elements. For the purpose of determining the amount of an amenity to provide in relation to the area of the Southwest Open Space, the area of the Southwest Open Space shall exclude the area occupied by a #building or other structure# on Site 5 and the #High Line#.

A minimum of 50 percent of the area of the Southwest Open Space shall be landscaped with soft ground cover, and the remaining 50 percent of the Southwest Open Space may be paved. At least one tree shall be provided for every 1,500 square feet of Southwest Open Space.

An unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the West 31st Street Extension. If such pedestrian access contains 'switchbacks,' comprised of a series of ascending pedestrian ways, the minimum distance between midpoints of each way, as measured, in plan, from the northerly edge of one way to the southerly edge of the next ascending way shall be 15 feet.

A second unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the #High Line bed# or with an elevator located adjacent to the #High Line# that provides public access

to the #High Line bed#. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756.

A minimum of one linear foot of seating shall be provided for every 75 square feet of soft ground cover provided within the Southwest Open Space. At least 50 percent of such required seating shall provide seatbacks.

Permanent structures, such as food or information kiosks, pavilions or public restrooms shall be permitted within the Southwest Open Space, provided the height of such structures does not exceed 20 feet. The maximum area #lot coverage# that all such permanent structures may occupy shall be 1,000 square feet, provided that such structures are located entirely west of the #High Line#. Such permanent structures shall be exempt from the definition of #floor area#.

(d) Permitted encroachments from private streets

The terminus of the West 31st Street Extension shall be permitted to encroach upon the Southwest Open Space, provided that the site and landscape plans for the West 31st Street Extension are approved in conjunction with the Southwest Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-754 - General requirements for the Northeast Plaza

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Northeast Plaza"), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be provided in accordance with the standards for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

93-755 - General requirements for the Midblock Connection

LAST AMENDED
4/29/2014

A pedestrian way, (henceforth referred to as the "Midblock Connection"), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) General purpose

The Midblock Connection is intended to serve the following purposes:

(1) to provide pedestrian access between West 33rd Street and the Western Rail Yard Subdistrict F; and

(2) to provide amenities similar to a through block public plaza.

(b) Location and dimensions

The entirety of the Midblock Connection shall be located between 335 feet and 455 feet west of the westerly Eleventh Avenue #street line#.

The minimum width of the Midblock Connection, measured in the east-west direction, shall be 60 feet.

(c) Core elements

The Midblock Connection shall provide the following core elements:

(1) A minimum of one unimpeded pedestrian access, with a minimum width of 12 feet, shall be provided to connect the West 32nd Street Extension with West 33rd Street;

(2) A minimum of one linear foot of seating shall be provided for every 75 square feet of the Midblock Connection. A minimum of 50 percent of the required seating shall provide seatbacks; and

(3) A minimum of 20 percent of the gross area of the Midblock Connection shall be landscaped with soft ground cover, and shall provide a minimum of one tree per every 1,500 square feet.

93-756 - General requirements for the High Line

LAST AMENDED
2/2/2011

For the portion of the #High Line# that is located within the boundary of Subdistrict F, the following provisions shall apply.

(a) General purpose

The #High Line# is intended to serve the following purposes:

(1) to serve as a continuation of the #High Line# public open space to the east and to the south of West 30th Street;

(2) to offer a pedestrian and passive open space experience similar to the #High Line# open space south of West 30th Street, through planting, materials and amenities, while taking into account the nature and character of the Western Rail Yard Subdistrict F; and

(3) to allow for connections to other public areas on the Western Rail Yard Subdistrict F.

(b) Permitted #uses#

Any permitted change of #use# for the #High Line# shall be made pursuant to the provisions of Section 93-10 (USE REGULATIONS).

(c) Core elements

The #High Line# open space shall provide amenities including, but not limited to, planting, seating and lighting designed to complement and be integrated with portions of the #High Line# south of West 30th Street in a manner that provides both visual and pedestrian continuity along the #High Line# open space network. The #High Line# open space shall not be subject to the design criteria for public access areas in Subdistrict F set forth in Section 93-77.

The site and landscape plans for the #High Line# approved pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) shall make provision for access points to and from the #High Line# open space, including the public access provided in the Southwest Open Space pursuant to Section 93-753 (General requirements for the Southwest Open Space) and, subject to agreement, shall include support facilities necessary for the operation, maintenance and public enjoyment of the #High Line# open space located in Subdistrict F, or at other locations north of West 30th Street.

(d) Certification to modify requirements adjacent to the #High Line#

The Chairperson of the City Planning Commission may modify certain regulations on adjacent development sites 1 through 6, provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary in order to provide access to the #High Line# open space or to accommodate facilities for the #High Line# open space, and that such change is compatible with the character of developed portions of the #High Line# south of West 30th Street.

The following regulations may be modified:

(1) The ground floor level requirements set forth in Section 93-14 (Ground Floor Level Requirements), where applicable;

(2) The unobstructed five foot separation between the #High Line# and a #street wall# on Sites 1, 5 and 6 required pursuant to paragraph (a) of Section 93-561 (General rules for Subdistrict F) in order to accommodate a pedestrian access way, open to the sky, between the #High Line# and such development sites. However, the required five foot #street wall# separation from the edge of the #High Line# shall not be modified;

(3) The #street wall# requirements for Site 6 set forth in Section 93-562 (Street wall regulations for certain streets), only as necessary to accommodate pedestrian access onto the #High Line#;

(4) The general requirements for the Western Open Space and the Southwest Open Space set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F); and

(5) The general requirements for the 30th Street Corridor set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

Any application for such change shall be included in the application for the site and landscape plans submitted pursuant to the provisions of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) for the #High Line# open space.

93-76 - Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F

LAST AMENDED
4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

General requirements for each publicly accessible private street and pedestrian way are set forth within this Section. Design requirements for each publicly accessible private street and pedestrian way are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible private street and pedestrian way are set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Publicly accessible private streets and pedestrian ways listed in this Section shall be accessible to the public at all times.

93-761 - General requirements for the West 32nd Street Extension

LAST AMENDED

A private street, (henceforth referred to as the "West 32nd Street Extension"), shall be provided south of and parallel to West 33rd Street.

(a) General purpose

The West 32nd Street Extension is intended to serve the following purposes:

(1) to serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;

(2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts;

(3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B; and

(4) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 3 in Appendix B, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

(c) Core elements

The West 32nd Street Extension shall provide the following core elements:

(1) Streets and sidewalk requirements

The West 32nd Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

(i) a road bed, paved with asphalt, with a minimum width pursuant to the requirements set forth by the Fire Department;

(ii) a 20 foot minimum sidewalk along its entire northern curb; and

(iii) a 25 foot minimum sidewalk along its entire southern curb.

(2) Planting and seating requirements for the southern sidewalk and the Allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 3 in Appendix B. No #building or other structure# shall be permitted within 15 feet of the southern edge of the Allee.

The Allee shall provide a minimum of one linear foot of seating for every 75 square feet of the Allee. A minimum of 50 percent of the required seating shall provide seatbacks.

(3) Planting requirements for the northern sidewalk

One tree shall be planted for every 25 feet of curb length of the West 32nd Street Extension along its northern curb between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Along the northern sidewalk, trees shall be planted within five feet of the curb.

(4) Curb cuts

No curb cuts shall be permitted along the West 32nd Street Extension, except for access to the Connector if required by the Fire Department.

93-762 - General requirements for the West 31st Street Extension

LAST AMENDED
4/29/2014

A private street, (henceforth referred to as the "West 31st Street Extension"), shall be provided north of and parallel to West 30th Street.

(a) General purpose

The West 31st Street Extension is intended to serve the following purposes:

(1) to serve as a publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;

(2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts; and

(3) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the

Southwest Open Space), and/or paragraph (f) of Section 93-752 (General requirements for the Central Open Space), as applicable.

(c) Core Elements

The West 31st Street Extension shall provide the following core elements:

(1) Street and sidewalk requirements

The West 31st Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

(i) a road bed, paved with asphalt, with a minimum width pursuant to requirements set forth by the Fire Department;

(ii) a 15 foot minimum sidewalk along its entire northern curb; and

(iii) a 20 foot minimum sidewalk along its entire southern curb.

(2) Planting requirements for sidewalks

One tree shall be planted for every 25 feet of curb length of the West 31st Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street between Eleventh Avenue and the Connector.

(3) Curb cuts

One curb cut shall be permitted along each side of the West 31st Street Extension. The maximum width of such curb cut shall be 30 feet. A third curb cut accessing the Connector shall be permitted if required by the Fire Department.

93-763 - General requirements for the West 30th Street Corridor

LAST AMENDED
4/29/2014

A pedestrian way (henceforth referred to as the "West 30th Street Corridor"), shall be provided along the northerly sidewalk of West 30th Street adjacent to the area below the #High Line#.

(a) General purpose

The West 30th Street Corridor is intended to serve the following purposes:

(1) to serve as a transition space between the #High Line# and the West 30th Street sidewalk;

(2) to allow for active frontages with publicly accessible spaces for establishments below the #High Line#; and

(3) to provide an overall streetscape design that complements and provides views of the #High Line# along West 30th Street.

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

In the north-south direction, the West 30th Street Corridor shall extend from the #street wall# of #buildings# beneath the #High Line# facing West 30th Street (which shall coincide with the northerly edge of the southern row of structural columns of the #High Line#) to the northerly #street line# of West 30th Street.

(c) Core elements

The West 30th Street Corridor shall have the following provisions for its core elements:

(1) a pedestrian access area at least 10 feet in width shall be provided along the entire length of the West 30th Street Corridor, linking Eleventh Avenue with the sidewalk adjacent to the Southwest Open Space. Such area shall be located a minimum of five feet beyond the northerly curb line of West 30th Street, and shall be free of obstructions;

(2) portions between the required pedestrian access area and the #High Line# may be paved or landscaped; and

(3) street trees shall be planted within five feet of the northern curb of West 30th Street. One tree shall be planted for every 25 feet of curb length. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of West 30th Street.

93-764 - General requirements for the Connector

LAST AMENDED
4/29/2014

A publicly accessible connection (henceforth referred to as the "Connector"), shall be provided between the West 32nd Street Extension and the West 31st Street Extension.

(a) General purpose

The Connector is intended to serve the following purposes:

(1) to serve as a connection between the West 32nd Street Extension and the West 31st Street Extension;

(2) to provide a space that complements the surrounding publicly accessible open spaces; and

(3) to provide an emergency egress connector pursuant to Fire Department standards.

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(c) Core elements

The Connector shall provide the following core elements:

(1) the Connector shall be constructed to minimum Fire Department standards for an emergency egress connection between the West 32nd Street Extension and the West 31st Street Extension, including, but not limited to, the width and materials of paved area, and permitted obstructions within such area; and

(2) the Connector shall not be located within 15 feet of a #building#.

93-77 - Design Criteria for Public Access Areas in Subdistrict F

LAST AMENDED
4/30/2012

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

(a) Design criteria

Where private streets, pedestrian ways and publicly accessible open spaces, with the exception of the #High Line#, provide elements listed in this Section, such elements shall comply with the applicable minimum design standards, set forth in paragraph (a) of this Section, as a minimum design standard.

(1) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741, inclusive.

(2) Planting and trees

Where planting areas are provided, they shall meet the planting bed requirements and irrigation requirements of Section 37-742 (Planting and trees).

Where trees are provided, they shall meet the applicable minimum tree caliper standards, soil requirements and irrigation standards set forth in Section 37-742, except that within the Western Open Space, the Central Open Space and the Southwest Open Space, the soil requirements for tree planting shall not apply. In lieu thereof, all trees in the Central and Western Open Spaces shall be planted in areas with soil depth of at least five feet. In the Southwest Open Space, all trees shall be planted in continuous planted areas that have a minimum depth of five feet and a minimum area of 500 square feet of soil.

(3) Paving

Paving, exclusive of the required asphalt paving of the West 31st and West 32nd Street Extension roadbeds, shall meet the minimum standards set forth in Section 37-718.

(4) Steps

Steps shall meet the minimum dimensional standards set forth in Section 37-725.

(5) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

(6) Standards of accessibility for persons with disabilities

All publicly accessible open spaces, private streets and pedestrian ways shall be designed pursuant to the standards of accessibility for persons with disabilities set forth in Section 37-728.

(7) Lighting and electrical power

All publicly accessible open spaces, private streets and pedestrian ways shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743.

(8) Litter receptacles

All publicly accessible open spaces, private streets and pedestrian ways shall provide litter receptacles pursuant to the standards set forth in Section 37-744.

(9) Bicycle parking

Bicycle racks sufficient to accommodate at least 25 bicycle parking spaces shall be provided in the Southwest Open Space, bicycle racks sufficient to accommodate at least 30 bicycle parking spaces shall be provided in the Central Open Space and bicycle racks sufficient to accommodate at least 33 bicycle parking spaces shall be provided in the Western Open Space. Such racks shall be located adjacent to a paved circulation path within the open space or in public sidewalks adjacent to the open space.

(10) Playgrounds and additional amenities

Where playgrounds and additional amenities are provided in publicly accessible open spaces, such amenities shall be designed pursuant to the standards set forth in Section 37-748.

(11) Signs

All open spaces within the publicly accessible open spaces shall provide open space signage pursuant to the standards set forth in Section 37-751.

(12) Canopies, awnings, marquees and sun control devices

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).

(13) Gates and fences

Gates, fences or other barriers shall be permitted at the perimeter of any playgrounds, tot lots or dog runs provided as part of a publicly accessible open space or pedestrian way. Additional gates, fences or other barriers shall be permitted in the Midblock Connection, the Southwest Open Space and the #High Line# only as approved as part of the site and landscape plans submitted pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Such gates, fences or other barriers shall have a maximum height of 48 inches, as measured from the adjoining grade level, and shall be at least 70 percent open. However, where gates, fences or other barriers are mounted on a solid curb, such minimum transparency shall not include the surface area of the curb, provided that the height

of such curb does not exceed six inches.

Chain link fencing or barbed or razor wire shall not be permitted.

(14) Public restrooms

At least one public restroom shall be provided to serve either the Central Open Space or the Western Open Space, whichever is developed first pursuant to the provisions of Section 93-78. Such public restroom shall provide separate restroom spaces for each gender, and may be located in either the publicly accessible open space or within the ground floor of any adjacent #building#.

(b) Maintenance

The owner of each of Sites 1 through 6 in Subdistrict F shall be responsible for the maintenance of all publicly accessible open spaces, private streets and pedestrian ways, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the portion of the Subdistrict associated with such site in the phased development provided in the site and landscape plans required pursuant to Section 93-78. Notwithstanding the foregoing, maintenance of the #High Line# shall be governed by such agreements as are entered into with respect thereto.

(c) Interim #use#

Open #uses# listed in Use Group 4B, with the exception of cemeteries and golf courses, shall be permitted as interim #uses# within the designated boundary of any public access area described in Sections 93-75 or 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) with the exception of the #High Line# open space, or within the designated boundary of any development site described in Section 93-56 (Special Height and Setback Regulations in Subdistrict F). Such interim #uses# may be #developed# prior to the approval of the site and landscape plans for the public access area in which it is located, and may continue until such time as development commences on such public access area pursuant to the approved site and landscape plans. Any such interim #uses# shall be open to and usable by the public, and may include temporary structures, provided that all associated #floor area# is appurtenant to the interim #use#.

93-78 - Site and Landscape Plans for Public Access Areas in Subdistrict F

LAST AMENDED
4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

All publicly accessible open spaces, or portions thereof, listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways, or portions thereof, listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), shall comply with the following provisions:

(a) No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless the Chairperson of the City Planning Commission has certified to the Commissioner of Buildings that the site and landscape plans for the Subdistrict F public access area have been approved by the Chairperson pursuant to the provisions of this Section. Notwithstanding the foregoing, the Chairperson shall allow for the phased development of public access areas, or portions thereof, upon certification to the Commissioner of Buildings that site and landscape plans have been submitted that provide for the completion of public access areas in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

(b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include:

(1) a site plan indicating the area and dimensions of the public access area, or portions thereof, and the location of all proposed #buildings# in the phase subject to the application;

(2) a landscape plan, prepared by a registered landscape architect, for the public access area, or portions thereof, in the phase subject to the application; and

(3) a report to the Chairperson demonstrating:

(i) that the site and landscape plans have been presented by the applicant to the affected Community Board, City Council Member and Borough President and the Community Board, City Council Member and Borough President have had at least 60 days to review; and

(ii) that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered by the applicant, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall identify how the design has been modified.

(c) The Chairperson of the City Planning Commission shall approve the site and landscape plans within 45 days following filing, provided that the following provisions are met:

(1) the site and landscape plans provide for the improvement of the public access area, or portions thereof, which, taking into account relevant considerations relating to platform construction and engineering, are:

(i) of sufficient size to provide a valuable public amenity and promote site access for the benefit of residents and workers in the #buildings# in the phase to which they relate, as well as for the general public; and

(ii) appropriately sited and located in suitable proximity to the #building# locations in the phase to which they relate.

(2) the site and landscape plans are consistent with the general purposes and contain the core elements listed in Sections 93-75 and 93-76, inclusive;

(3) all elements in the site and landscape plans comply with the design criteria as set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F), or, in the case of the #High Line#, that the elements in the landscape plan comply with the criteria set forth in paragraph (c) of Section 93-756 (General requirements for the High Line);

(4) the site and landscape plans are consistent and appropriate in relation to any previously approved landscape plan for other phases and in relation to conceptual plans for future phases, as applicable;

(5) the level of public amenity provided in the landscape plan is equal to or better than the level of public amenity required in #public plazas# that are provided in accordance with the standards of Section 37-70 or, in the case of the #High Line#, than the level of public amenity provided on developed portions of the #High Line# south of West 30th Street. All public amenities that are provided in the landscape plan shall take into account the nature and character of the Subdistrict F public access areas; and

(6) a maintenance plan, including any necessary maintenance facilities for the public access area, or portions thereof, in the phase, has been established that will ensure compliance with the provisions of paragraph (b) of Section 93-77.

Approved site and landscape plans shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(d) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with the site and landscape plans, and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the site and landscape plans for the public access area, or portions thereof associated with such phase. Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-782 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within the phase until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with the phase previously improved pursuant to the temporary public access area plan, has been fully completed in accordance with the site and landscape plans therefor, and that the public access area, or portions thereof, are open to and useable by the public.

(e) Where a phase of development results in all development sites in Subdistrict F, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved, pursuant to paragraph (c) of this Section, at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

93-781 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
12/21/2009

The Chairperson of the City Planning Commission may modify the general requirements of the publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the

Western Rail Yard. In addition to the site and landscape plans required pursuant to Section 93-78, a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-782 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED
2/2/2011

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development# or #enlargement#, the application for the site and landscape plans may be accompanied by a request for approval of a temporary public access area plan for the public access area which may include fewer than all core elements required as part of a phase of #development# or #enlargement# of such public access area pursuant to paragraph (c)(2) of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as the site and landscape plans, pursuant to Section 93-78 and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site and landscape plans, including all core elements for such public access area, shall be implemented.

93-80 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
5/8/2013

In Subdistricts A, B, C, D and E, the regulations governing permitted #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall not apply, except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistricts F and G, the regulations of Article I, Chapter 3, shall apply.

93-81 - Definitions

LAST AMENDED
12/20/2018

Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District# and Subdistrict A-2 of the #Special Garment Center District#

Hudson Yards development parking supply

The “Hudson Yards development parking supply” shall be the aggregate number of off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking lots# and #public parking garages# in the #Hudson Yards parking regulations applicability area#:

(a) that have been constructed, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010, to the extent that such spaces satisfy the ratios of Section 93-821;

(b) that have been constructed, pursuant to a City Planning Commission special permit approved subsequent to January 19, 2005, and before April 14, 2010;

(c) for which the Chairperson has issued a certification, pursuant to Section 93-821, paragraph (e); and

(d) that have been approved by Board of Standards and Appeals variance, pursuant to Section 72-21 , to the extent that such spaces satisfy the ratios of Section 93-821.

However, all off-street parking on Site 1, as shown on the map of the Special 42nd Street Perimeter Area in Appendix A of the #Special Clinton District# (Article IX, Chapter 6), shall be counted toward the #Hudson Yards development parking supply#.

For purposes of this definition, "constructed" shall include any off-street parking spaces in #accessory# or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were completed on April 14, 2010, under construction on such date with the right to continue construction pursuant to Section 11-331 or granted a City Planning Commission special permit after January 19, 2005, where such permit had not lapsed as of April 14, 2010.

Public parking

"Public parking" shall be off-street parking that is open to the public during the business day for hourly, daily or other time-defined rental of parking spaces, for which a fee is charged.

Reservoir deficit

The "reservoir deficit" shall be the amount by which the #reservoir surplus# is less than zero.

Reservoir parking supply

The "reservoir parking supply" shall be the sum of:

(a) all off-street parking spaces lawfully operating as of May 27, 2009, in the #Hudson Yards parking regulations applicability area# as #public parking#; and

(b) any off-street parking spaces for which a valid building permit had been issued, as of May 27, 2009, and which have been constructed before April 14, 2010.

However, any off-street parking space that satisfies the definition of the #Hudson Yards development parking supply# in this Section shall not be counted as part of the #reservoir parking supply#.

For purposes of this definition, "constructed" shall include any off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were either completed on April 14, 2010, or under construction on such date with the right to continue construction pursuant to Section 11-331.

Reservoir surplus

The initial #reservoir surplus# shall be 3,600 off-street parking spaces. The "reservoir surplus" shall be increased by:

(a) the aggregate number of off-street parking spaces in the #reservoir parking supply# for which a building permit has been issued, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010;

(b) the number of off-street parking spaces in the #Hudson Yards parking regulations applicability area# above the ratios permitted in Section 93-821, either certified by the Chairperson pursuant to Section 93-822, paragraph (c), or by City Planning Commission special permit, pursuant to Section 93-823; and

(c) the number of off-street parking spaces lawfully added in the #Hudson Yards parking regulations applicability area#, other than those permitted pursuant to Section 93-80, inclusive, except for any increase by Board of Standards and Appeals variance that is counted as part of the #Hudson Yards development parking supply#;

The #reservoir surplus# shall be decreased by:

(a) the aggregate number of parking spaces counted at any time in the #reservoir parking supply#, that subsequently are:

(1) reduced through modification or discontinuance of the applicable Department of Consumer Affairs license or certificate of occupancy or otherwise cease operation permanently; or

(2) not constructed in accordance with the applicable building permit, as reflected in a modification of such building permit or the issuance of a certificate of occupancy for a reduced number of spaces; or

(b) the issuance of a certificate of occupancy for a #development# or #enlargement# providing a smaller number of spaces than allowed, pursuant to Section 93-821, to the extent of the difference between the number of #accessory# off-street parking spaces allowed, and the number provided. However, this paragraph shall not apply to Sites 2, 3, 4 and 5, as shown on Map 6 of Appendix A, and shall apply to no more than 200 #accessory# off-street parking spaces on Site 6 as shown on Map 6.

Substantial construction

"Substantial construction" shall mean the substantial enclosing and glazing of a new #building# or of the #enlarged# portion of an existing #building#.

93-82 - Permitted Parking

LAST AMENDED
4/14/2010

#Developments# or #enlargements# in the #Hudson Yards parking regulations applicability area# may provide #accessory# parking spaces in accordance with the provisions of this Section. The provisions of Sections 36-52 (Size, Location and Identification of Spaces) and 36-53 (Width of Curb Cuts and Location of Access to the Street) shall apply to all permitted #accessory# off-street parking spaces.

93-821 - Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

(a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.

(b) For Use Group 5 #transient hotels#, the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses) shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.

(c) For Use Group 6B offices, not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.

(d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph (d):

(1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;

(2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and

(3) in no event shall the total number of #accessory# off-street parking spaces for all #uses# exceed 1,000.

(e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:

(1) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(1)(i), (e)(1)(ii) and (e)(1)(iii), is less than or equal to 5,084 spaces:

(i) the #reservoir surplus# or zero;

(ii) the #Hudson Yards development parking supply#; and

(iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and

(2) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(2)(i), (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv), is less than or equal to 5,905 spaces:

(i) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;

(ii) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been

categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;

(iii) the #Hudson Yards development parking supply#; and

(iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.

(3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.

(4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-822 - Permitted parking when a reservoir deficit exists

LAST AMENDED
4/29/2014

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

(a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses).

(b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).

(c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:

(1) a #reservoir deficit# exists;

(2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and

(3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.

(d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-823 - Parking permitted by special permit

LAST AMENDED
5/8/2013

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, Use Group 6B offices to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, provided that:

(a) within the vicinity of the site, there are insufficient parking spaces available;

(b) the facility will not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement;

(c) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and

(d) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this condition.

In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 do not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

93-824 - Publication of data

LAST AMENDED
4/14/2010

The Department of City Planning shall make available, in a form easily accessed by the public, regularly updated calculations of the current #Hudson Yards development parking supply#, #reservoir parking supply#, spaces described in paragraphs (e)(2)(i) and (e)(2)(ii) of Section 93-821, and #reservoir surplus# or #reservoir deficit#, as applicable.

93-83 - Use and Location of Parking Facilities

LAST AMENDED
5/8/2013

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

(a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, all off-street parking spaces #accessory# to Use Group 5 #transient hotels# and Use Group 6B offices may be made available for public use. No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

(b) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:

(1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or

(2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor# #area#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

93-831 - Authorization for above-grade parking

LAST AMENDED
2/2/2011

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (b) of Section 93-83 (Use and Location of Parking Facilities) and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

(a) below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-way or other conditions that impose practical difficulties for the construction of below-grade parking facilities;

(b) the scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;

(c) the materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(d) the ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;

(e) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(f) for portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties; and

(g) the location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

93-84 - Curb Cut Restrictions

LAST AMENDED
4/14/2010

Along all avenues in the #Special Hudson Yards District#, and along Hudson Boulevard and West 34th Street, and along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, no driveway curb cuts for parking facilities or loading berths shall be permitted, except:

(a) for entrances or exits to a public parking garage located beneath Hudson Boulevard and the adjacent #public parks#; or

(b) where the Commissioner of Buildings determines there is no alternative means of access to required off-street parking spaces or required loading berths from other #streets# bounding the #zoning lot#. However, in no event shall curb cuts be permitted on or within 40 feet of Hudson Boulevard.

93-841 - Curb cut restrictions in the Large-Scale Plan Subdistrict A

LAST AMENDED
4/14/2010

In Subarea A2 of the Large-Scale Plan Subdistrict A, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

93-842 - Curb cut restrictions in the Farley Corridor Subdistrict B

LAST AMENDED
4/14/2010

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea B4, the maximum aggregate width of curb cuts on West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth Avenue, the maximum aggregate width of curb cuts shall be 90 feet.

93-85 - Authorization for Additional Curb Cuts

LAST AMENDED
4/14/2010

Along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed for required loading berths, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area. Loading berths shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot# and thereby permit a more efficient loading operation.

93-90 - HARASSMENT

LAST AMENDED
12/20/2018

(a) Definitions

(1) Anti-harassment area

"Anti-harassment area" shall mean the #Special Hudson Yards District# and Subdistrict A-2 of the #Special Garment Center District#.

(2) Application date

"Application date" shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(3) Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to this Section that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(4) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. A #cure compliance lot# may be a #cure requirement lot#.

(5) Cure requirement

Except as otherwise provided in paragraph (e) of this Section with respect to Subareas 4 and 5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, "cure requirement" shall mean #floor area# in an amount not less than the greater of:

(i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

(6) Cure requirement lot

"Cure requirement lot" shall mean:

(i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or

(ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required for the full or partial demolition or #material alteration# of a #multiple dwelling# located in the #anti-harassment area#, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(7) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(8) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

(i) which is a #transient hotel# and was a #transient hotel# on the #referral date#;

(ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and

(iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(9) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

(i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#, and

(ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(10) Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

(i) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(ii) the interruption or discontinuance of essential services which

(a) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#, and

(b) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;

(iii) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or

(iv) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

(11) Inquiry period

"Inquiry period" shall mean a period which:

(i) commences upon the later of the #referral date# or a date which is 15 years prior to the #application date#, and

(ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

(a) set such commencement date upon any date which is on or after the #referral date# and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section, and

(b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(12) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(13) Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# or other #building#, including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling# or other #building#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

(i) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#, or

(ii) a repair or replacement of existing elements of such #multiple dwelling# or other #building# without materially modifying such elements.

(14) Multiple dwelling

"Multiple dwelling" shall have the meaning set forth in the Multiple Dwelling Law.

(15) Referral date

"Referral date" shall mean June 21, 2004.

(16) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#,

(ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

(iii) contains such other terms as the Department of Housing Preservation and Development shall determine,

(iv) has been approved by the Department of Housing Preservation and Development,

(v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors,

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors, and

(vii) is perpetual in duration.

(17) Rooming unit

"Rooming unit" shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

(1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, the Department of Buildings shall not issue a permit for:

(i) the full or partial demolition of a #multiple dwelling# located in the #anti-harassment area#; or

(ii) the #material alteration# of a #multiple dwelling# located in the #anti-harassment area#.

(2) Any permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(i) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or

(ii) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

(3) The following structures shall be exempt from the provisions of this Section:

(i) any city-owned #multiple dwelling#;

(ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;

(iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(4) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(2) There shall be a rebuttable presumption that any of the acts or omissions described in paragraph (a)(10) of this Section occurring within the #inquiry period# were committed by or on behalf of the owner of such #multiple dwelling# and that such acts or omissions:

(i) were committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy, and

(ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

(3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:

(i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application,

(ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not limited to, costs for publication of any notices, and

(iii) establish the duration for which a #certification of no harassment# will remain effective, and

(iv) authorize the recission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such recission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.

(4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:

(i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#,

(ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or,

where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or

(iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

(5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.

(6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(11) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged harassment.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a

#material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.

(ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:

(a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and

(b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.

(iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where:

(a) the #cure requirement lot# is not the #cure compliance lot#; and

(b) the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#.

Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to the provisions of Section 23-90, as modified by the provisions of the #Special Hudson Yards District# and the #Special Garment Center District#; or

(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(e) Demolition in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D

Notwithstanding any provision of paragraph (a)(5) of this Section or paragraph (d) of this Section to the contrary, with regard to any #multiple dwelling# to be demolished in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, #cure requirement# shall mean #floor area# in an amount not less than the greater of:

(i) 40 percent of the total #residential# or #hotel# #floor area# of any #multiple dwelling# to be demolished in which #harassment# has occurred; or

(ii) 30 percent of the total #floor area# of any new #building# on the same #zoning lot# as the #multiple dwelling# to be demolished.

93-91 - Demolition

LAST AMENDED
12/20/2018

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Subdistrict A-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Subdistrict A-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential# #floor area# in such #multiple dwelling# by 20 percent or more, unless:

(a) such #multiple dwelling# is an unsafe #building# or an emergency exists such that demolition is required pursuant to the provisions of Title 28, Chapter 2, Articles 215 or 216 of the New York City Administrative Code; or

(b) the Commissioner of the Department of Housing Preservation and Development, after providing 60 days notice and opportunity to comment to the local Community Board, has certified:

(1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;

(2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally funded program; and

(3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section 93-90, paragraph (c), or has certified compliance with the cure provisions of Section 93-90, paragraph (d).

(c) the following structures shall be exempt from the provisions of this Section:

(1) any city-owned #multiple dwellings#;

(2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low- or moderate-income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(3) any #multiple dwelling# initially occupied for #residential# purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;

(4) any #exempt hotel#, as defined in Section 93-90;

(5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or

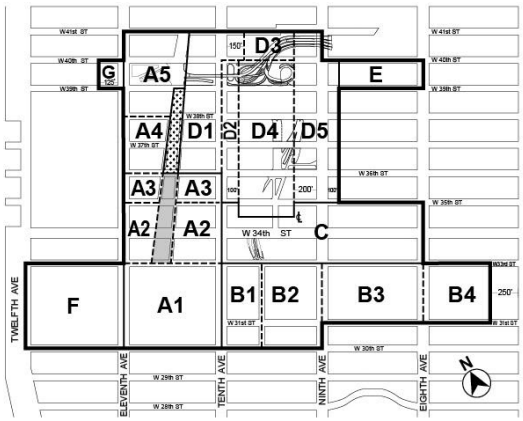
(6) any #exempt institutional residence#, as defined in Section 93-90.

Appendix A - Special Hudson Yards District

LAST AMENDED
4/29/2014

(10/21/21)

Map 1 — Special Hudson Yards District, Subdistricts and Subareas (93-A1)



Special Hudson Yards District
Subdistricts
Subareas within subdistricts
Phase 1 Hudson Boulevard and Park
Phase 2 Hudson Boulevard and Park

Large-Scale Plan Subdistrict A
Eastern Rail Yard Subarea A1
Four Corners Subarea A2
Subareas A3 through A5

Farley Corridor Subdistrict B
Western Blocks Subarea B1
Central Blocks Subarea B2
Farley Post Office Subarea B3
Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D
Subareas D1 through D5

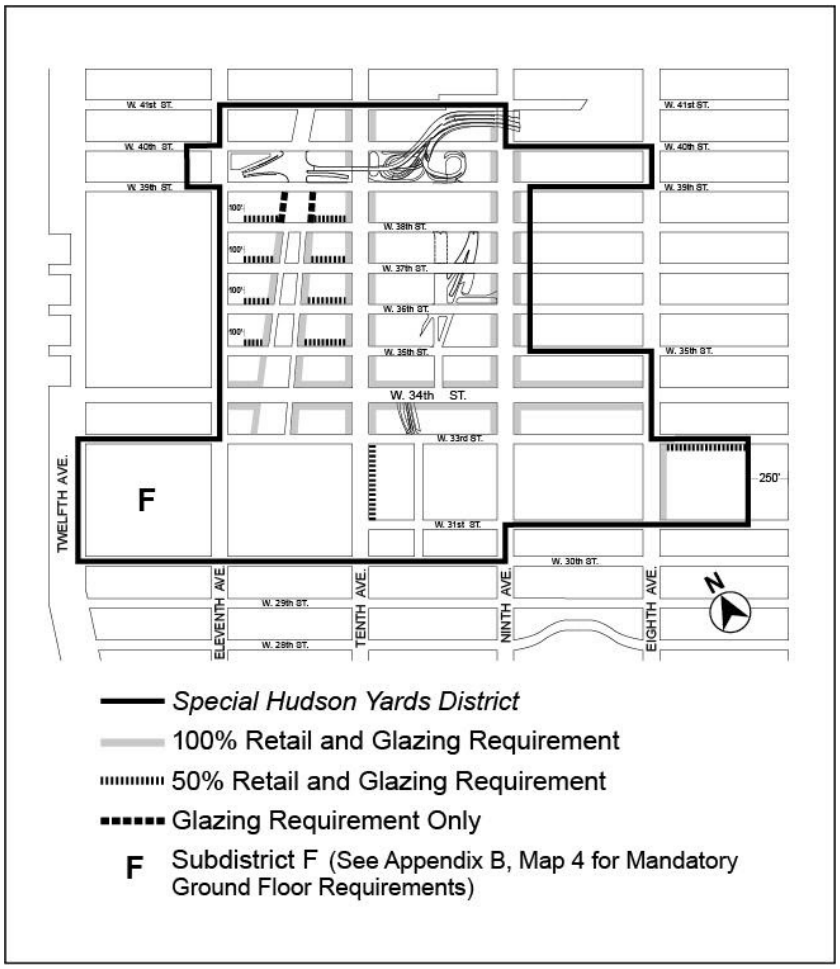
South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Eleventh Avenue Subdistrict G

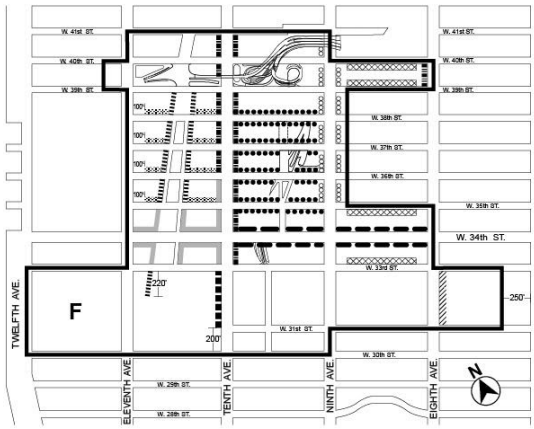
(10/21/21)

Map 2 — Mandatory Ground Floor Retail (93-A2)



(10/21/21)

Map 3 — Mandatory Street Wall Requirements (93-A3)



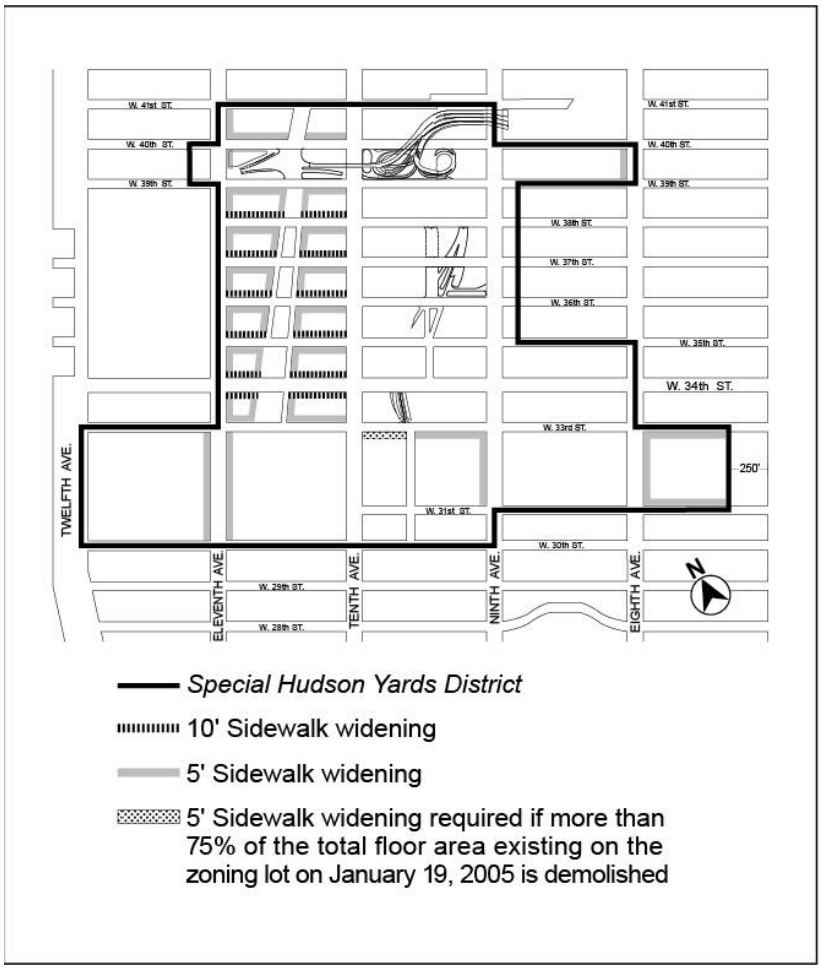
Special Hudson Yards District

	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
	60'	85'	100%
	60'	85'	None
	60'	120'	50%
	80'	90'	100%
	90'	120'	70%
	60'	150'	70%
	90'	120'	100%
	90'	150'	100%
	90'	150'	70%
	90'	150'	35%
	120'	150'	100%

F Subdistrict F (See Appendix B, Map 5 for Mandatory Street Wall Requirements)

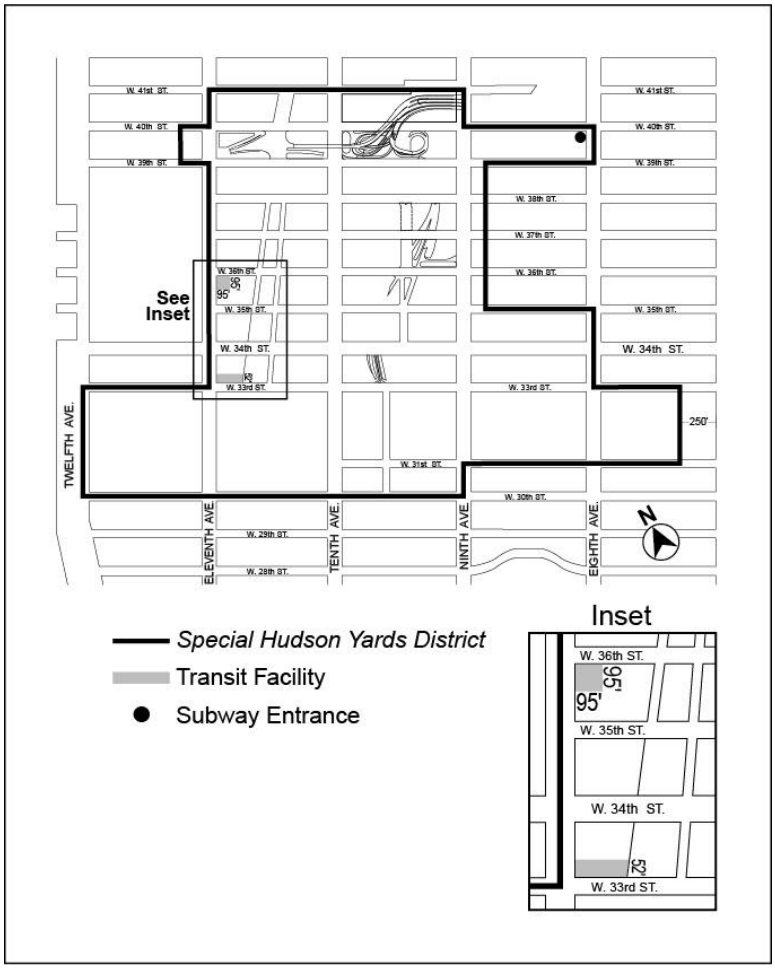
(10/21/21)

Map 4 — Mandatory Sidewalk Widenings (93-A4)



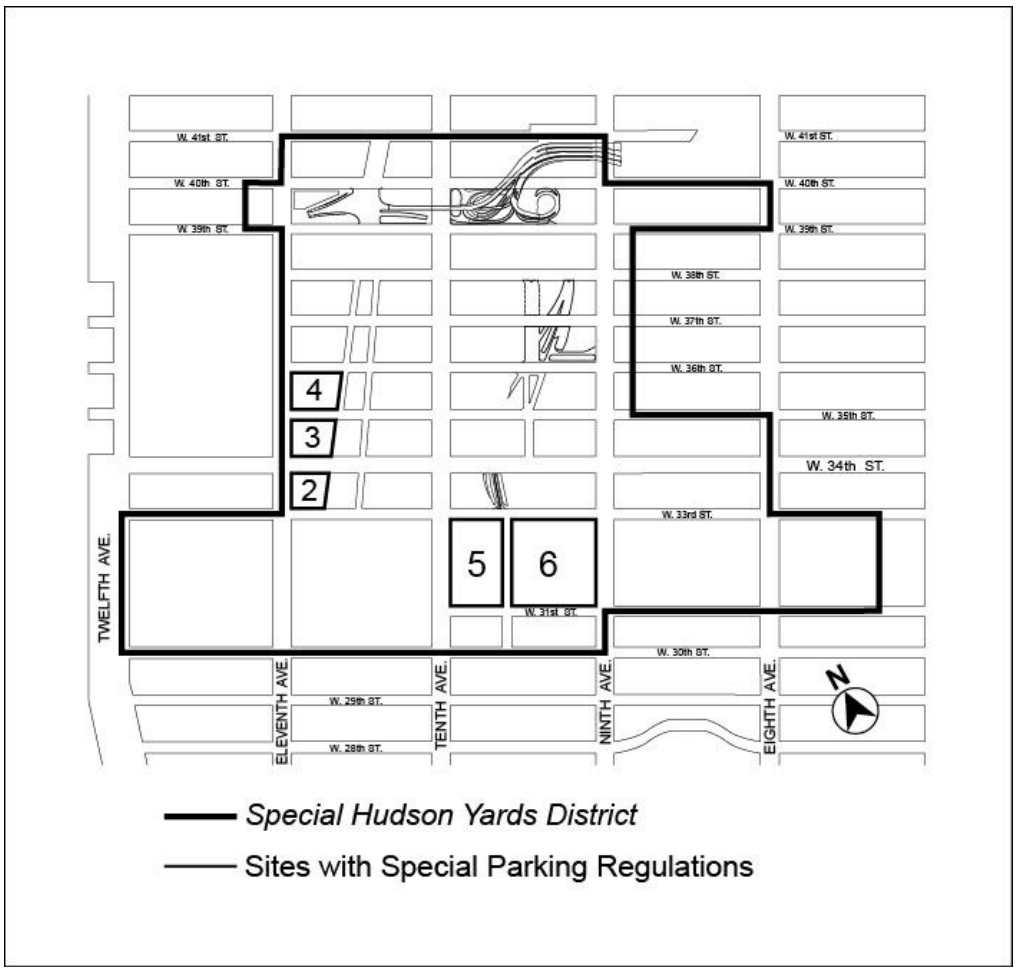
(10/21/21)

Map 5 — Transit Facilities (93-A5)



(10/21/21)

Map 6 — Sites Where Special Parking Regulations Apply (93-A6)

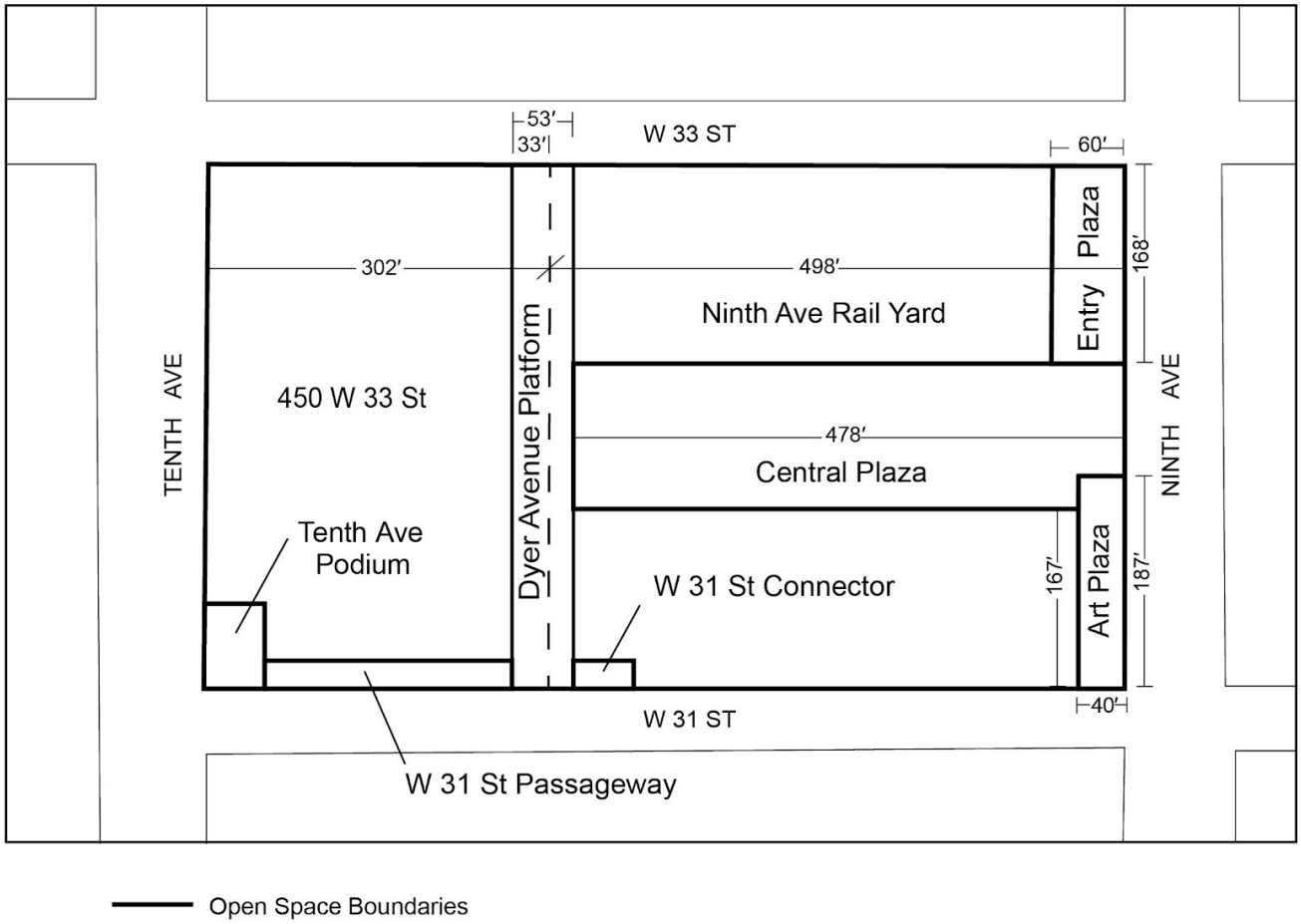


Appendix B - Special Hudson Yards Subdistricts Maps

LAST AMENDED
4/29/2014

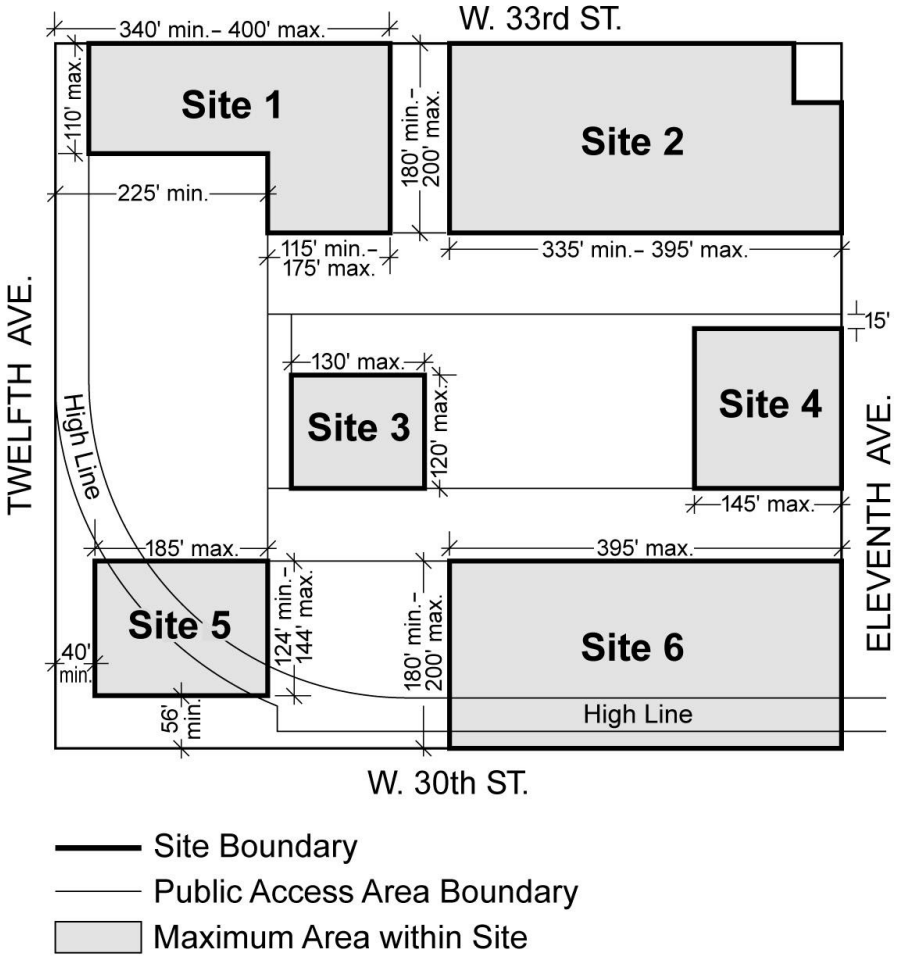
(8/9/17)

Map 1 — Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan (93-B1)



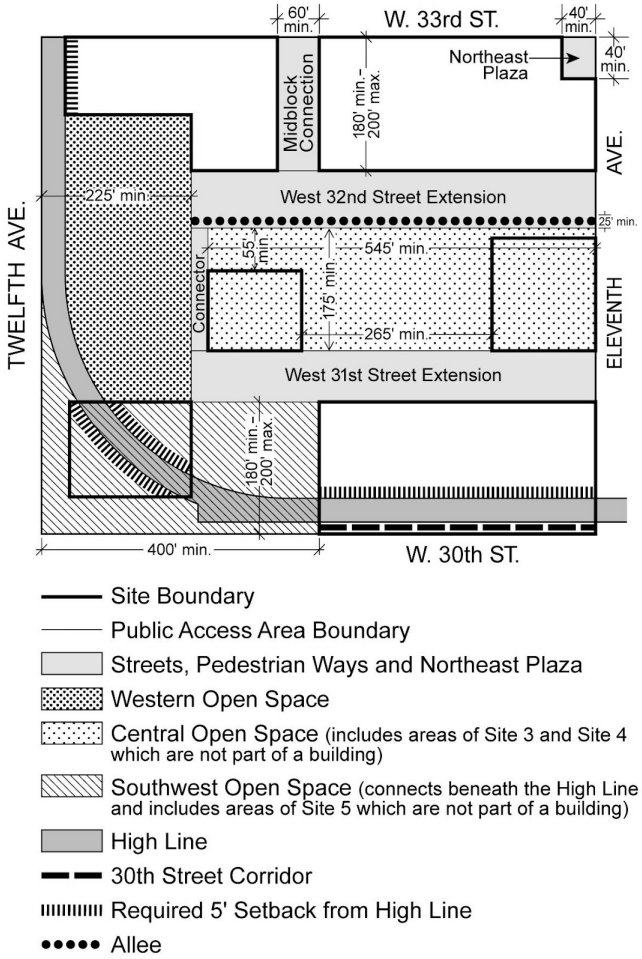
(4/29/14)

Map 2 — Subdistrict F: Site Plan (93-B2)



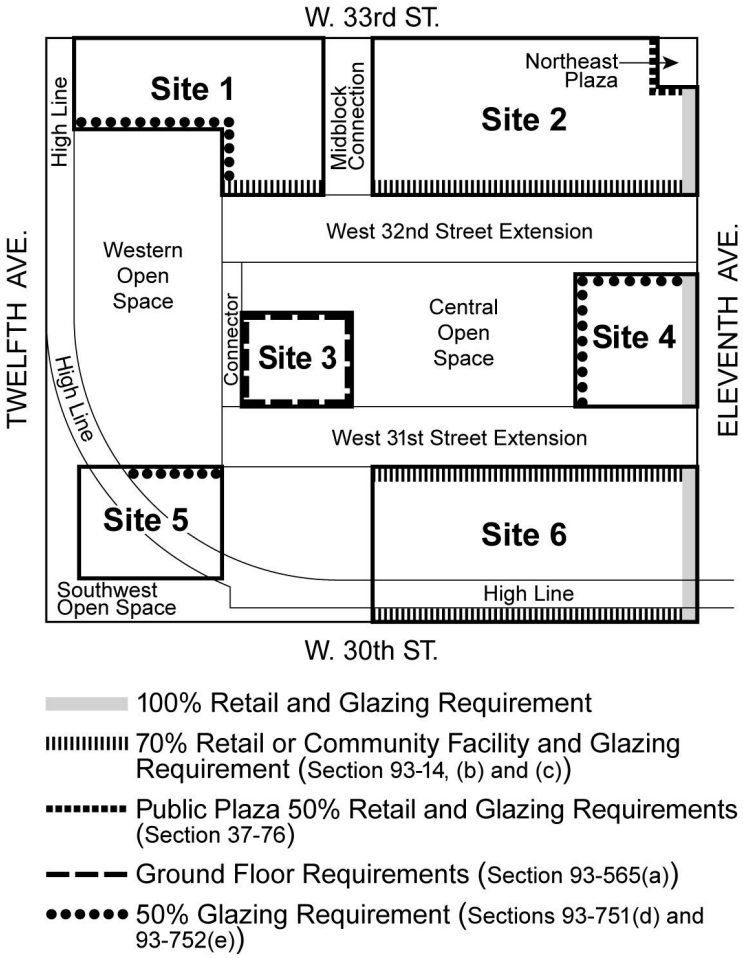
(4/29/14)

Map 3 — Subdistrict F: Public Access Area Plan (93-B3)



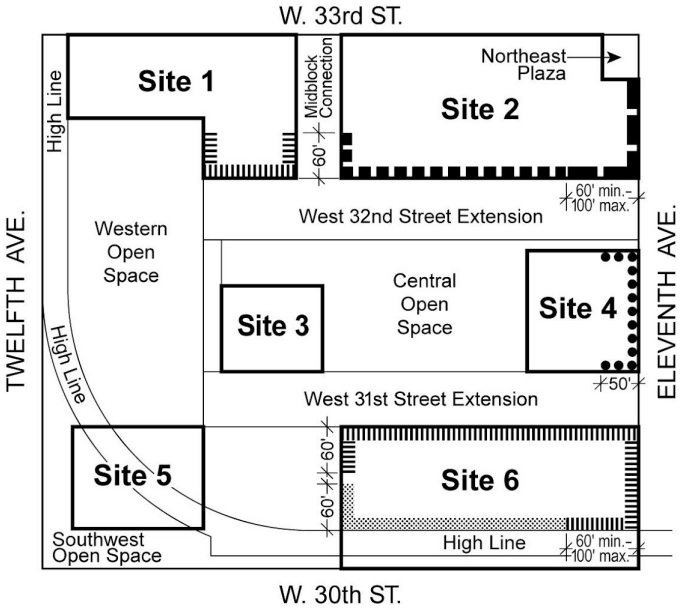
(4/29/14)

Map 4 — Subdistrict F: Mandatory Ground Floor Requirements (93-B4)



(4/29/14)

Map 5 — Subdistrict F: Mandatory Street Wall Requirements (93-B5)



	Minimum Base Height	Maximum Base Height	Percentage of frontage that must be occupied by a street wall	Percentage of street wall which must recess	Maximum percentage of street wall which may set back
	50'*	60'*	100%	20%	30%
	60'	90'	100%	20%	30%
	90'	120'	100%	20%	50%
	90'	120'	100%	20%	30%
	120'	150'	100%	20%	30%

*As measured above the High Line bed

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Sheepshead Bay District (SB)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 4 - Special Sheepshead Bay District (SB)

94-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

The "Special Sheepshead Bay District," established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to promote and strengthen the unique character of the "Special Sheepshead Bay District" area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;

(b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;

(c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;

(d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York;

(e) to facilitate flood-resilient construction and open space design to reduce the potential for property damage and disruption from regular flood events; and

(f) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.

94-01 - Definitions

LAST AMENDED
2/2/2011

Development

For the purposes of this Chapter, a "development" includes #development#, as defined in Section 12-10, or an #enlargement#.

Development rights

For the purposes of this Chapter, the "development rights" of a #granting lot# shall consist of the unused bonus #floor area# allowed by Section 94-08 (Special Floor Area Bonus Provisions). Any unused bonus #floor area# transferred from a #granting lot# may be used on a #receiving lot# either for #residential# or #commercial# #uses# as set forth in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots).

Granting lot

For the purposes of this Chapter, a "granting lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, D or E, as indicated in Appendix A (District Map), and is #developed# pursuant to Sections 94-07 (Mandatory Provisions) and 94-08 (Special Floor Area Bonus Provisions).

Person

For the purposes of this Chapter, a "person" is an individual, corporation (whether incorporated for business, public benefit, or non-profit purposes or otherwise), partnership, trust, firm, organization, other association or any combination thereof.

Receiving lot

For the purposes of this Chapter, a "receiving lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, E or F, as indicated in Appendix A (District Map), and on which #development rights# are transferred from a #granting lot# pursuant to Section 94-094.

94-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

94-04 - Requirements for Applications

LAST AMENDED
10/4/1973

An application to the City Planning Commission for the grant of a special permit or authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on both the #granting# and #receiving lots#; the location of all special amenities that are to be provided under the mandatory and bonus provisions; the location of all vehicular entrances and exits and off-street parking and loading spaces; and such other information as may be required by the Commission for its determination as to whether or not a special permit or authorization is warranted.

94-05 - Relationship to Public Improvement Projects

LAST AMENDED
10/4/1973

In all cases, the City Planning Commission shall deny a special permit or authorization application whenever the #development# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment

or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board, as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit or authorization.

94-06 - Special Use Regulations

LAST AMENDED
10/4/1973

In order to preserve the character of the area and to encourage waterfront and related #uses#, special limitations are imposed on the location, size and kinds of #uses# permitted within the Special District as set forth in this Section.

94-061 - Permitted residential, community facility and commercial uses

LAST AMENDED
5/27/2015

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial# #uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial# #uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial# #uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial# #uses# listed in Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial# #uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

Antique stores

Art galleries, commercial

Artists' supply stores

Bicycle sales, rental or repair shops

Boat fuel sales, open or enclosed, restricted to location within 10 feet of a dock berth

Boat rentals, open or enclosed

Boat showrooms or sales

Boat storage, repair or painting, including the incidental sale of boats, boat parts or accessories, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed# #building# only if located at a distance greater than 100 feet from a #Residence District# boundary

Book stores

Candy or ice cream stores

Cigar or tobacco stores

Coin-operated ice vending machines, including those machines that are self-contained dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Docks for pleasure boats less than 100 feet in length

Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment

Fish stores, retail

Fishing tackle or equipment, rental or sales

Florist shops

Gift shops

#Health and fitness establishments#

Hardware stores, limited to marine supplies

#Hotels, transient#, #motels# or #boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

Jewelry or art metal craft shops

Newsstands, open or enclosed

Non-commercial clubs, without restrictions on activities or facilities

Pet shops

Photographic equipment or supply stores

Picture framing shops

Sailmaking establishments

Sale or rental of sporting goods or equipment, including instructions in skiing, sailing or skin diving

Stamp or coin stores

Studios, art, music, dance or theatrical

Taxidermist shops

C. #Accessory# #uses#

94-062 - Use Group SB

LAST AMENDED
2/2/2011

In Areas A, B, C, D and E, except as stated in this Section, all #commercial# #uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (*) shall not be located on the ground floor of a #building#.

A. Convenience retail or service establishments

Bakeries, limited to 750 square feet of #floor area# for production

Eating or drinking places, with no restriction on #floor area# or frontage per establishment, including those which provide outdoor table service or incidental musical entertainment

Hardware stores, limited to marine supplies

Stationery stores

Tailor or dressmaking shops, custom

B. Offices

* Offices, business, professional or governmental

C. Retail or service establishments

Antique stores

Art galleries

Artists' supply stores

Bicycle, rental or sales

Boat showrooms, with no repair or preparation or boats for delivery, #floor area# limited to 5,000 square feet

Book stores

Candy or ice cream stores

Cigar or tobacco stores

Clothing stores or clothing accessory stores

Dry goods stores (fabrics)

Fishing tackle and equipment

Florists

Gift shop

#Health and fitness establishments#

Jewelry or art metal shops

Leather goods stores

* Meeting halls, having a rated capacity of not more than 75 people

Millinery shops

Music stores or repair shops

Newsstands, open or enclosed

Off-track betting establishments

Pet shops

Photographic equipment or supply stores

Picture framing shops

Record stores

Shoe stores

Sporting or athletic goods stores

Stamp or coin stores

* Studios, music, dance or theatrical, with no restriction on #floor area#

Taxidermist shops

Toy stores

Travel bureaus

Watch or clock stores or repair shops

D. Clubs

* Clubs, non-commercial, without restrictions on activities or facilities

E. #Accessory# #uses#

94-063 - Uses permitted by special permit

LAST AMENDED
2/2/2011

The City Planning Commission, by special permit, may allow the #uses# listed in Tables 1 and 2 in Areas A, B, C, D and E and the #uses# listed in Table 2 only in Area H, provided that the following findings are made:

(a) the #use# is so located as not to impair the character of the surrounding area or its future development or cause any environmental hazards;

(b) the principal vehicular access for such #use# is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or Bedford Avenue, except where no access is available from another #street#, and that such #use# will not cause undue congestion in local #streets#;

(c) the #uses# listed under #manufacturing# establishments in Table 1 are #accessory# to the retail sales on the same #zoning lot# and such #uses# occupy not more than 50 percent of the #floor area# of the establishment and that such #uses# do not create objectionable noise, vibration, smoke, dust or odor; and

(d) any public parking facilities provide adequate reservoir space at vehicular entrances, and that sufficient vehicular entrances and exits are provided to prevent traffic congestion.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Table 1

A. #Manufacturing# Establishments

Art needlework, hand weaving, tapestries

Books, hand binding, tooling

Ceramics, custom

Jewelry manufacture, custom

Musical instruments (except pianos)

Printing, custom

Watchmaking

B. Amusements

Billiard parlors or pool halls, limited to 10 tables

Golf recreation centers, indoor, limited to 5,000 square feet

Skating rinks or ice skating rinks, outdoor or indoor, limited to one rink

Theaters, having a rated capacity of 500 people or less

Table 2

A. Automotive Service Establishments

#Parking garages#, #public#, or #parking lots#, #public#, with any capacity

B. Amusements

Historical exhibits, provided such #use# is contained mainly within a structure

Skating rinks or ice skating rinks, outdoor, may be enclosed in winter, limited to one rink

Tennis courts, outdoor, may be enclosed in winter, limited to four courts in Areas A, B, C, D and E and to eight courts in Area H

Swimming pools, commercial, limited to Area H

C. Service Establishments

Eating or drinking places, without restrictions on entertainment or dancing

94-064 - Supplementary use regulations

LAST AMENDED
3/22/2016

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District.

94-065 - Restriction on ground-floor use

LAST AMENDED
10/4/1973

In Areas A, B, C and D, the ground floor of a #building# shall not be used for #residences# except for #single#- or #two-family residences# or #accessory# lobbies.

94-066 - Additional sign regulations

LAST AMENDED
4/8/1998

Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect illumination. Where #signs#, other than #advertising signs#, are permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.

94-07 - Mandatory Provisions

LAST AMENDED
10/4/1973

All #developments# within the Special District shall comply with the mandatory provisions made applicable by this Section and such mandatory improvements, when developed for a #floor area# bonus pursuant to Section 94-08 (Special Floor Area Bonus Provisions), shall require certification by the City Planning Commission, pursuant to Section 94-13.

94-071 - Sidewalk extension area

LAST AMENDED
5/12/2021

All #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue shall contain a sidewalk extension area, which complies with the following requirements:

(a) has a minimum depth of five feet, measured perpendicular to such #street lines#;

(b) extends the full length of the #zoning lot# along such #street lines#, except for existing #buildings# within five feet of the #street line#;

(c) is open and unobstructed from its lowest level to the sky;

(d) maintains continuity with the established sidewalk, to which it shall be immediately adjacent throughout its entire length;

(e) is available for public use at all times; and

(f) has a paved surface which complies with standards as established by the New York City Department of Transportation.

No sidewalk extension area shall be required along any portion of a #street line# where a plaza is provided in accordance with the provisions of Sections 94-072 (Special plaza provisions) or 94- 081 (Plaza bonus).

94-072 - Special plaza provisions

LAST AMENDED
5/12/2021

In Areas A, C and E, all #developments# that are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet that was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

(a) The plaza shall #abut# the Emmons Avenue #street line# along the full length of such #lot line# or for a distance of at least 50 feet, whichever is less.

(b) The plaza shall be directly accessible to the public at all times from Emmons Avenue or a plaza.

(c) The size of the plaza shall be at least 4,000 square feet in one location with a minimum dimension of 35 feet, and shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS).

94-08 - Special Floor Area Bonus Provisions

LAST AMENDED
2/2/2011

In Areas A, C, D, E and F, any #development# on a #zoning lot# with an area of at least 20,000 square feet within the Special District shall be eligible for a #floor area# bonus as set forth in this Section.

In areas A and E, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #residential use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section 94-093 (Transfer of development rights from granting lots).

In Area C, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #commercial# #use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area D, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for the purposes of transfer to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area F, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for #residential use# on the same #zoning lot#.

In no event shall the aggregate bonus #floor area#, permitted under the provisions of this Section, exceed the basic #floor area ratio# permitted for #residential use# by Section 94-09 (Special Bulk Regulations) by more than 60 percent in Areas A, C, D or E, or by more than 20 percent in Area F.

Any #floor area# bonus received according to the provisions of this Section shall require certification by the City Planning Commission, pursuant to Section 94-13.

94-081 - Plaza bonus

LAST AMENDED
5/12/2021

In Areas A, C, D, E and F, any #development# on a #zoning lot# which provides and maintains a plaza for public use shall be eligible for a #floor area# bonus, in accordance with the following provisions:

(a) the #development# shall contain a minimum area of 20,000 square feet;

(b) the plaza shall comply with the following minimum area requirements:

(1) in Areas A, C, D and E, the plaza shall be at least 4,000 square feet in one location, with a minimum dimension of 35 feet;

(2) in Area F, the plaza shall be at least 5,000 square feet in one location, with a minimum dimension of 50 feet;

(c) the plaza shall not be located within 30 feet of the Leif Ericson Drive service road;

(d) the plaza shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS); and

(e) the #development# shall be eligible for a #floor area# bonus as follows:

(1) in Areas A, C, D, and E, the #floor area# bonus shall be at a rate of 3.5 square feet of #floor area# for every square foot of plaza area;

(2) in Area F, the #floor area# bonus shall be at a rate of one square foot of #floor area# for every two square feet of

plaza area.

94-082 - Special parking bonus

LAST AMENDED
5/12/2021

In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory# #commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.

To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

94-09 - Special Bulk Regulations

LAST AMENDED
10/4/1973

94-091 - Basic floor area ratio

LAST AMENDED
2/2/2011

For the purposes of this Chapter, the #floor area ratio# of a #zoning lot# within the Special District shall not exceed the #floor area ratio# permitted by the underlying district regulations, except as set forth in Section 94-092 (Maximum floor area ratio).

94-092 - Maximum floor area ratio

LAST AMENDED
3/22/2016

The permitted basic #floor area ratio# for #residential# or #community facility use# is 1.25 and for #commercial# #use# is 1.00. The permitted basic #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section 94-08 (Special Floor Area Bonus Provisions) or through transfer provisions pursuant to Section 94-094 (Authorization provisions for transfer of development rights to receiving lots) or by special permit pursuant to Section 94-096 (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

In Areas A, E and F, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 2.00 and for #commercial# #use# be no more than 1.00.

In Area C, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 1.25 and for #commercial# #use# be more than 1.50. The maximum #floor area# in a #mixed building# within the Special District shall be the maximum #floor area# permitted for either the #residential# portion, the #community facility# portion or the #commercial# portion of such a #building#, whichever permits the greatest amount of #floor area#.

94-093 - Transfer of development rights from granting lots

LAST AMENDED

10/4/1973

#Development rights# from a #granting lot# may be conveyed, or otherwise disposed of:

(a) directly to a #receiving lot#; or

(b) to a #person# for subsequent disposition to a #receiving lot# all in accordance with the provisions of this Special District. Any #person# may convey interest in all or any portion of such #development rights# to another #person#, but such #development rights# may only be used for a #development# on a #receiving lot#.

In transferring #development rights# from #granting lots#, such bonus #floor area# shall not exceed 40 percent of the basic #floor area ratio# in Areas A, C and E, and shall not exceed 60 percent of the basic #floor area ratio# in Area D, as permitted on such #granting lots# by Section 94-09 (Special Bulk Regulations), inclusive.

94-094 - Authorization provisions for transfer of development rights to receiving lots

LAST AMENDED
2/2/2011

The City Planning Commission, on application after public notice and hearing, may authorize the addition of all or any portion of the #development rights# from a #granting lot# to the permitted #floor area# of a #receiving lot#, provided that:

(a) the maximum #floor area# for any #development# on a #receiving lot# does not exceed the maximum #floor area# permitted by Section 94-092 (Maximum floor area ratio);

(b) the #development# shall aid in achieving the general purposes and intent of this Chapter as set forth in Section 94-00 (GENERAL PURPOSES);

(c) the design of the #development# shall not impair the character of the surrounding area or its future development;

(d) the distribution of the #bulk# on the #receiving lot# permits adequate access of light and air to surrounding #streets# and properties;

(e) the traffic created by the #development# will not create or contribute to serious traffic congestion and will make adequate provisions for unconstrained pedestrian circulation; and

(f) the requirements set forth in Sections 94-093 (Transfer of development rights from granting lots), 94-12 (Recordation) and 94-13 (Certification) are satisfied.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

94-095 - Open space ratio

LAST AMENDED
10/4/1973

For the purposes of this Section, the minimum required #open space ratio# for a #building# on a #zoning lot# shall be 40.0. However, if a #zoning lot# is #developed# pursuant to Sections 94-08 (Special Floor Area Bonus Provisions) or 94-094 (Authorization provisions for transfer of development rights to receiving lots), then the minimum #open space ratio# may be modified as set forth in this Section. For every 0.10 increase in permitted #floor area ratio# on a #zoning lot#, the corresponding required #open space ratio# may be decreased by not more than 2.0. In no event shall the required #open space ratio# on a

#zoning lot# be less than 25.0.

94-096 - Special permit for floor area, location within buildings, building height and related parking modifications within Area G

LAST AMENDED
3/22/2016

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on March 22, 2016, the City Planning Commission may:

(a) modify the provisions of Section 94-092 (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial# #use# to 2.0 provided that such #enlargement#:

(1) is designed so as not to impair the character of the surrounding area or its future development; and

(2) will not cause undue congestion on local #streets# or impair pedestrian circulation;

(b) modify the height provisions of paragraph (a) of Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the requirements in Section 32-42 for location of #uses# within #buildings#, to allow a #commercial building# or portion thereof to exceed 30 feet in height or two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet or three #stories#, whichever is less; and provided that the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and

(c) waive or reduce the number of #accessory# off-street parking spaces required by Section 36-21 (General Provisions) for such #use#, provided that the applicant has demonstrated that the number of #accessory# off-street parking spaces supplied is sufficient to meet the parking needs of such #use#.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

94-10 - SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

LAST AMENDED
2/2/2011

The height and setback regulations set forth in Sections 23-631 (General provisions), 34-24 (Modification of Height and Setback Regulations) and 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent), shall not apply to #buildings# in the #Special Sheepshead Bay District#. In lieu thereof, height and setback regulations set forth in this Section shall apply. For #buildings# in #Residence Districts#, #building# height is measured from the #base plane#. For #buildings# in #Commercial Districts#, #building# height is measured from #curb level#.

In Areas A, B, C, D, E and F, the #street wall# or any other portion of a #residential building# or the #residential# portion of a #mixed building#, except for a structure which encloses only #accessory# parking fronting on the Leif Ericson Drive service road #street line#, shall be set back a minimum distance of 10 feet from all #street lines#. Beyond the #initial setback distance#, the #building# shall not exceed the maximum height as set forth in this Section.

In Area A, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or 15 feet of the Sheepshead Bay Road #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distances# in Area A, the #building# shall not exceed seven #stories# or 85 feet, whichever is fewer.

In Area C, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or Ocean Avenue #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distance# of 25 feet in Area C, the #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas B and D, a #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas E and F, within 75 feet of the Emmons Avenue #street line#, the maximum height of any portion of a #building# shall not be more than three #stories# or 35 feet, whichever is fewer. Beyond the #initial setback distance# of 75 feet in Areas E and F, the #building# shall not exceed six #stories# or 75 feet, whichever is fewer.

In Areas G and H, a #building# shall not exceed three #stories# or 35 feet, whichever is fewer. However, the City Planning Commission may, by a special permit, modify such height restrictions, provided that:

(a) the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and

(b) the height of such #building# does not exceed five #stories# or 50 feet, whichever is fewer.

The Commission may prescribe appropriate conditions and safeguards to protect the view of the Bay and to minimize the adverse effects on the character of the surrounding areas.

94-11 - Special Parking Provisions

LAST AMENDED
10/4/1973

94-111 - Curb cuts

LAST AMENDED
2/2/2011

No curb cuts shall be permitted on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue except that where no access is available on a #zoning lot# from another #street#, one curb cut shall be permitted.

94-112 - Restricted location

LAST AMENDED
10/4/1973

In Areas A, B, C, D, E and F, no open off-street parking shall be located within 30 feet of the #street lines# of Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue.

94-113 - Treatment of parking areas

LAST AMENDED
5/12/2021

Any parking facilities in the Special District that are not completely enclosed shall be screened by shrubbery at least three feet high at the time of planting and expected to form a year-round dense screen at least five feet high within three years. When roof parking is provided, it shall be screened where it is visible from a #street# or plaza.

94-114 - Exceptions to application of waiver provisions

LAST AMENDED
3/22/2016

In areas A, B, C, D, E and F, the provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) do not apply.

The provisions relating to modifications of parking requirements of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) in Sections 73-10 through 73-52, shall not apply in the Special District.

94-115 - Location of commercial parking spaces

LAST AMENDED
5/12/2021

In Area F, #accessory# off-street parking spaces for #commercial# #uses# may be located outside the commercially zoned area but within 600 feet of the #building# to which it is #accessory#, only if an area equal to the #lot area# occupied by the parking in the #residential# area is provided as a plaza in the commercially zoned area to which the parking is #accessory#.

94-12 - Recordation

LAST AMENDED
10/4/1973

At the time of transfer of #development rights# from a #zoning lot#, there shall be recorded in the land records and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such lot from which the #floor area# is taken, of any #building or other structure# which would contain a #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed. Such prohibition shall be non-cancelable for 99 years and, at the time of the addition of #development rights# to a #receiving lot# as provided in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots), there shall be recorded in the land records and indexed against such #zoning lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation thereof.

94-13 - Certification

LAST AMENDED
10/4/1973

An application for certification pursuant to Sections 94-07 (Mandatory Provisions) or 94-08 (Special Floor Area Bonus Provisions), by the City Planning Commission shall include:

(a) written notice of intention to #develop# a #zoning lot# within the Special District;

(b) plans for lot improvements, which shall be constructed on both #granting# and #receiving lots#; and

(c) consents, agreements, restrictive declarations or legal documents obligating the owner of the #zoning lot# or its designee to #develop# its property in accordance with the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards in connection with the issuance of such certification.

94-20 - DESIGN REQUIREMENTS FOR PLAZAS

LAST AMENDED
5/12/2021

Where a plaza within the #Special Sheepshead Bay District# is provided in accordance with the provisions of this Chapter, such plaza shall comply with the applicable minimum design standards set forth in this Section.

(a) Design criteria

(1) Basic design criteria

Plazas shall comply with the standards set forth in paragraphs (a) and (b) of Sections 37-715 (Requirements for major portions of public plazas), 37-716 (Requirements for minor portions of public plazas), and 37-718 (Paving).

(2) Access and circulation

Plazas shall meet the requirements set forth in Section 37-721 (Sidewalk frontage), and Sections 37-723 (Circulation paths) through 37-726 (Permitted obstructions), inclusive. Hours of access shall be governed by Section 37-727 (Hours of access). Accessibility for persons with disabilities shall be provided in compliance with Section 37-728 (Standards of accessibility for persons with disabilities).

Plazas shall be located no lower than #curb level#.

(3) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements as set forth in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes), as applicable. In addition, kiosks may be placed on plazas upon certification by the Chairperson of the City Planning Commission as set forth in paragraph (c) of Section 37-73.

(4) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating).

(5) Planting and trees

Plazas shall provide planting areas in compliance with Section 37-742 (Planting and trees). All planted areas shall consist of salt-tolerant species recommended by the Department of Parks and Recreation.

(6) Lighting and electrical power

All plazas shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743 (Lighting and electrical power).

(7) Litter receptacles

All plazas shall provide litter receptacles pursuant to the standards set forth in Section 37-744 (Litter receptacles).

(8) Bicycle parking

All plazas shall provide bicycle parking pursuant to the standards set forth in Section 37-745 (Bicycle parking).

(9) Drinking fountains

A minimum of one drinking fountain shall be provided in all plazas.

(10) Signs

All plazas shall provide entry and information plaques that contain the words “Open to the public” and information regarding the hours of access. Prohibition and accessory signage may be provided pursuant to the standards set forth in Sections 37-752 (Prohibition signs) and 37-753 (Accessory signs).

(b) Maintenance

The owner shall be responsible for the maintenance of all plazas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

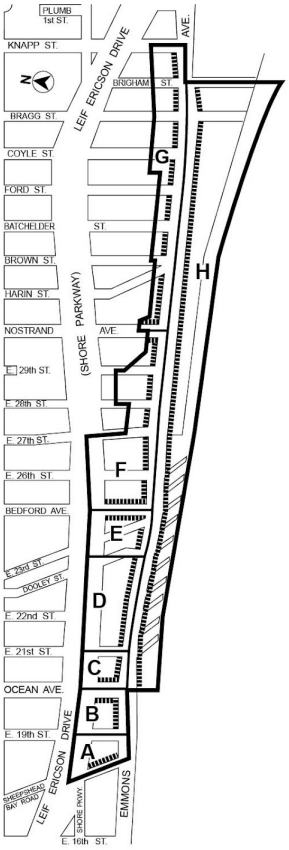
(c) Compliance

Plazas shall be governed by the compliance requirements of Section 94-13 (Certification).

Appendix A - Special Sheepshead Bay District Map

LAST AMENDED
4/30/2008

(94A)



Special Sheepshead Bay District
Area Boundary

MANDATORY PROVISIONS
Sidewalk Extension Area
Special Plaza Provisions – Areas A, C and E

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special Transit Land Use District (TA)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 5 - Special Transit Land Use District (TA)

95-00 - GENERAL PURPOSES

LAST AMENDED
11/7/1974

The "Special Transit Land Use District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include the following specific purposes:

(a) to minimize the conflict between normal pedestrian movements on public sidewalks and access to underground transit systems, by requiring developments within the Special District to provide access to underground transit or other subway amenities;

(b) to reduce congestion on city streets in the vicinity of transportation nodes, by encouraging the provision of adequate underground pedestrian circulation systems;

(c) to require adequate access of light and air to the subway mezzanines or station areas of the underground transit system and other related facilities in order to provide greater visibility and safety to below ground spaces;

(d) to encourage development that reinforces and preserves the character of the existing communities within the area, by promoting needed pedestrian amenities;

(e) to coordinate the present and future relationship of land uses within the Special District including weather protected public access to the underground transit system; and

(f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

95-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

95-02 - General Provisions

LAST AMENDED
5/12/2021

#Special Transit Land Use Districts# are mapped in the vicinity of existing or proposed subway stations. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provisions of the #Special Transit Land Use District# shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmarks Preservation Commission.

For #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

95-03 - Transit Easement

LAST AMENDED
11/30/2017

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

(a) the integration and relating of subway station design to surrounding development;

(b) the introduction of light and air to: stations; mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

(c) the reduction of conflict between pedestrian movements and station facilities on the #street# level;

(d) the provision of weather protection for subway entrances;

(e) the relation of subway entrances to #commercial# and other transit facilities;

(f) the provision of maximum visual exposure of subway entrances from public areas; and

(g) the elimination or reduction of adverse environmental impact accompanying subway development.

In no event, however, may the easement area be used temporarily or permanently for any other purpose not immediately related to pedestrian amenity, except as hereinafter provided.

95-031 - Selection of transit easement at certain stations

LAST AMENDED
11/30/2017

At the stations specified below, the transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

Six possible types of transit easements are listed in Table A and in Table B. The applicant for a #development# or an #enlargement# involving ground level construction shall, in consultation with the Metropolitan Transportation Authority and the City Planning Commission, select the easement type that is most appropriate for the location.

TABLE A

MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME (in feet)

Stations: Houston St., Kips Bay, Lenox Hill and E. 96th St.

Easement Type	Height above #Curb Level# (h)	Depth below #Curb Level#* (D)	Length (L)	Width(W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	30	80	20	x	x
3	15	30	85	32		x
4	15	25	80	10	x	
5	15	30	80	10	x	
6	15	25	60	20	x	

* See Section 95—054

TABLE B

MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME (in feet)

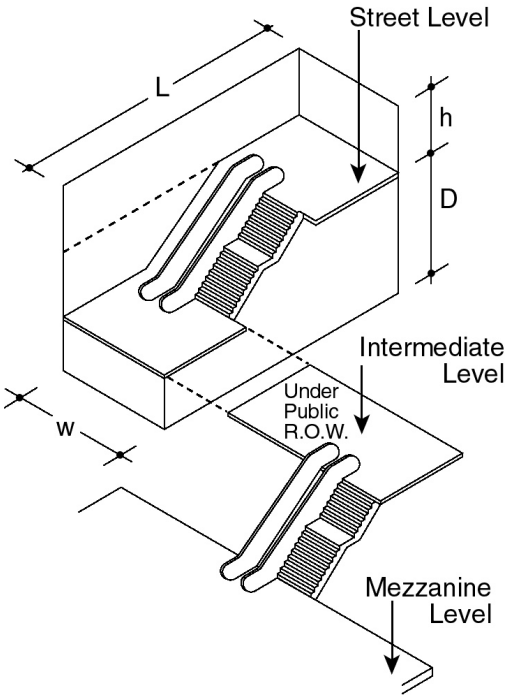
Stations: Chatham Square, Grand St., 14th St., 23rd St., UN Plaza, East Midtown and Yorkville

Easement Type	Height above #Curb Level# (h)	Depth below #Curb Level#* (D)	Length (L)	Width(W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	40	100	20	x	x
3	15	40	85	32		x
4	15	35	100	10	x	

5	15	40	100	10	x	
6	15	35	65	20	x	

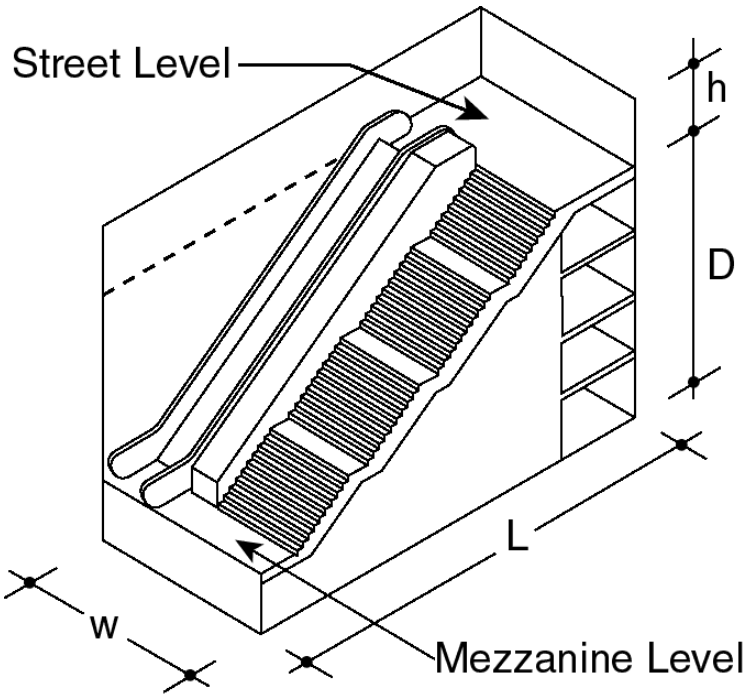
* See Section 95—054

Type 1 is appropriate on #zoning lots# of less than 10,000 square feet with adequate lot frontage and where the Metropolitan Transportation Authority provides final access to the subway mezzanine level under a public right-of-way.



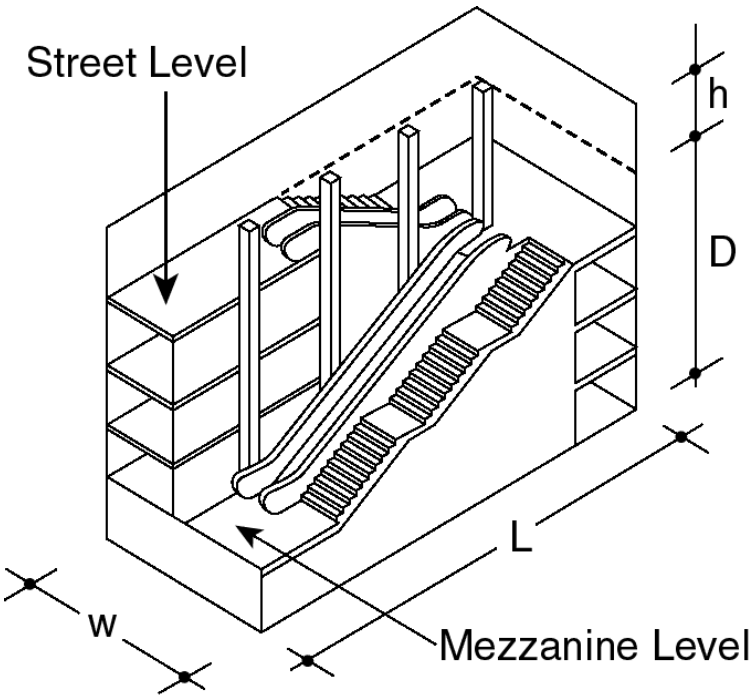
(95-031.1)

Type 2 is appropriate on any size #zoning lot# for providing direct access to the subway mezzanine level by a "straight run" stairway and/or escalator.



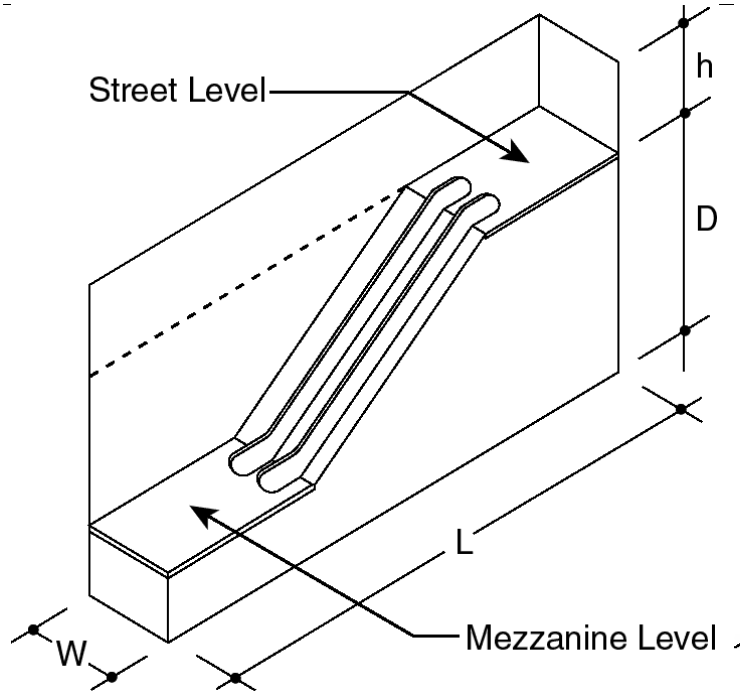
(95-031.2)

Type 3 is applicable to #zoning lots# of 10,000 square feet or more for providing a "turn around" arrangement of stairs.

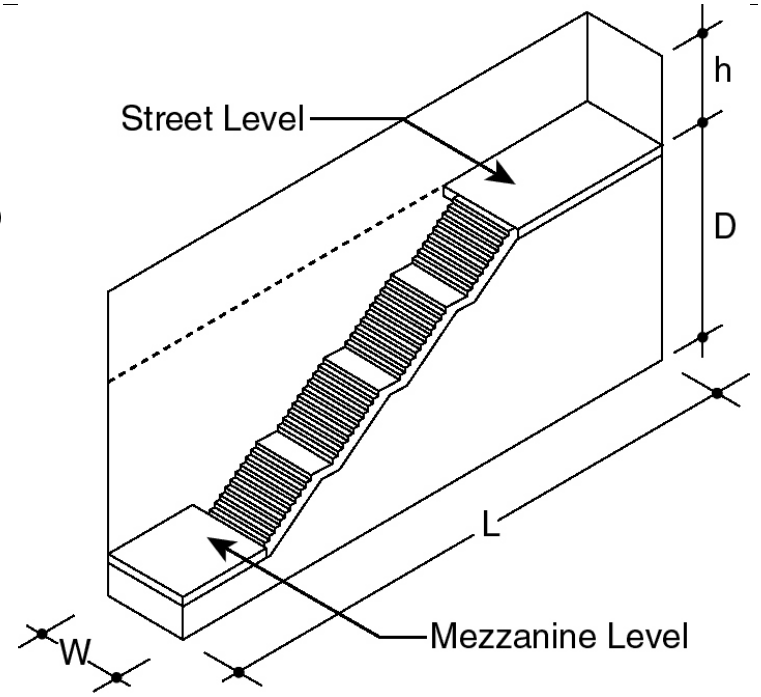


(95-031.3)

Types 4 and 5 are limited to #zoning lots# of less than 10,000 square feet with a narrow lot frontage for a single "straight-run" transit access facility, such as an escalator or stairway.

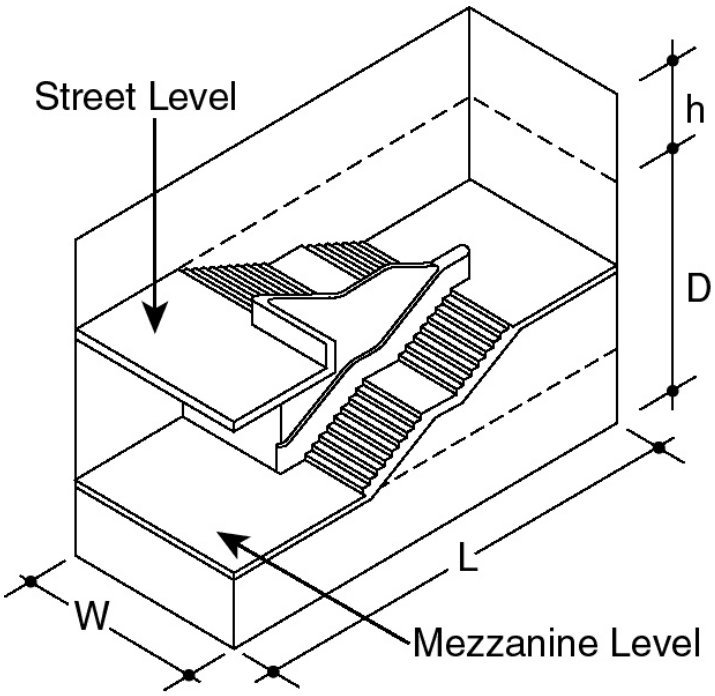


(95-031.4)



(95-031.5)

Type 6 is appropriate on #zoning lots# of less than 10,000 square feet for providing a "turn around" arrangement of stairs.



(95-031.6)

Where appropriate, any of these easement types may be used exclusively for light wells.

The Metropolitan Transportation Authority and the Commission, in consultation with the applicant, may make minor modifications of the dimensions of the easement volume type required on the applicant's site and the spacing of #building# columns permitted within the easement volume to facilitate the design and construction of circulation facilities appropriate for the area.

95-032 - Determination of transit easement at other stations

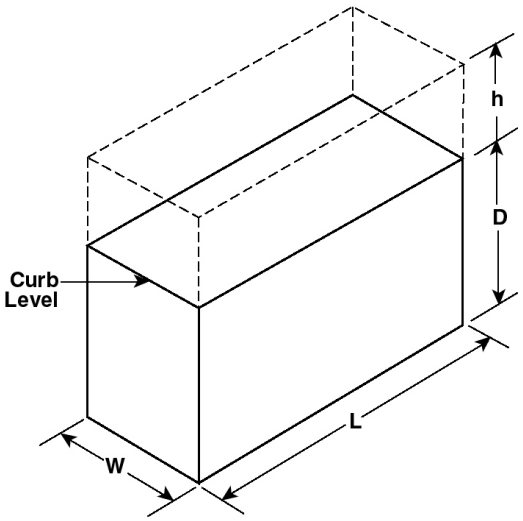
LAST AMENDED
11/30/2017

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

95-033 - Location of transit easements

LAST AMENDED
11/30/2017

The transit easement volume may be located within a #building#, in open areas, including #public plazas#, or in areas covered by projected overhangs of a #building#. At least one vertical face of the easement volume shall be at a #front lot line#. The easement volume shall be located on the #zoning lot# as close as possible to the #street# containing the transit line.



h – Height above curb level

D – Depth below curb level

L – Length

W – Width

TRANSIT EASEMENT VOLUME

(95-032)

95-04 - Certification of Transit Easement Volume

LAST AMENDED
12/20/1979

95-041 - For developments or enlargements

LAST AMENDED
2/2/2011

Prior to filing any applications with the Department of Buildings for an excavation permit or building permit for a #development# or #enlargement# within the #Special Transit Land Use District#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority and the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Upon receipt of the completed application, the Commission shall furnish a copy to the affected Community Board.

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Commission shall jointly certify whether or not an easement is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the Metropolitan Transportation Authority and the Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of easement volume that would be most compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the Metropolitan Transportation Authority and the Commission. Copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approval and certified plans.

95-042 - For substantially vacant existing zoning lots

LAST AMENDED
2/2/2011

When a #zoning lot# located within the #Special Transit Land Use District# is substantially vacant and appropriate for a transit easement, the Metropolitan Transportation Authority may request the City Planning Commission to certify that a portion of such #zoning lot# is necessary for a transit easement.

As a condition for securing a transit easement on such #zoning lot#, the Commission shall make the following findings:

(a) that such transit easement is required by the Metropolitan Transportation Authority to provide public access to a subway mezzanine or to a public passageway leading to a subway mezzanine or platform;

(b) that such transit easement is located on a vacant portion of a #zoning lot#;

(c) that the use of the transit easement will not reduce development potential on the #zoning lot# under the applicable district regulations; and

(d) that the Metropolitan Transportation Authority and the owner agree that the construction within the easement volume will be integrated with the total development.

At such time as an existing vacant #zoning lot# on which a transit easement volume provided pursuant to the provisions of this Section, is #developed#, it shall be subject to all regulations of this Chapter.

95-05 - Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

LAST AMENDED
11/30/2017

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, elevators or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#, , except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section 95-053, shall be considered permitted obstructions within required #yards#, #open space# or in a #public plaza# area.

95-051 - Development of transit access facilities

LAST AMENDED
11/30/2017

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

The subway entrance within the transit easement volume and any adjoining #public plaza# shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such entrance is not located at the #street line#, it shall be visually prominent and directly accessible from a #street# by a paved pedestrian walk at least 20 feet in width and at the same elevation as the adjoining sidewalk. Such privately owned pedestrian walk shall be maintained by the owner. In order to provide natural light to the subway mezzanine level, at least 10 percent of the transit easement area at #curb level# shall be provided with light wells and skylights.

95-052 - Special access facilities for persons with disabilities at certain stations

LAST AMENDED
2/2/2011

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

Such special elevators shall be designed by the Metropolitan Transportation Authority in consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #buildings# on the #zoning lot# and with adjoining #public plaza# area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

95-053 - Weather protection

LAST AMENDED
2/2/2011

The stairs or escalators providing pedestrian access to the subway mezzanine, which are not covered at the entrance level, shall be weather protected by the #building# or portion thereof including an overhang, or by a roofed area provided by the owner of the #zoning lot# in accordance with the Metropolitan Transportation Authority requirements. Such overhang or roofed area shall cover either or both the stairway and the escalator which are uncovered at the ground level. Any overhang or roofed area shall be sufficient to cover the access facilities within the easement volume and may not otherwise obstruct the #public plaza#.

When the subway entrance is within an open #public plaza# area, a roof area shall be provided with either a glazed or translucent material for at least 50 percent of its surface area. The roofed area shall be no more than 15 feet above #curb level# and shall blend harmoniously with the #buildings# on the #zoning lot# and any adjoining #public plaza# or open area.

95-054 - Permitted uses and other constructions

LAST AMENDED
2/2/2011

Areas within the easement volume not used for circulation purposes may be developed only with newsstands, cigar stands, flower stands or similar stands, in accordance with the

Metropolitan Transportation Authority specifications, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted #uses# be located within 10 feet of a pedestrian entrance to the subway at #curb level#.

In addition, any portion of the transit easement volume at #curb level# not to be covered for weather protection, may contain trees, benches or any obstructions permitted in a #public plaza# area. However, such elements shall not interfere with the pedestrian movement.

The Metropolitan Transportation Authority and the City Planning Commission may permit penetration of the transit easement volume above #curb level# by a #building# lobby, including #building# columns, where such lobby space serves as a part of the pedestrian circulation system and provides from it direct public access to the subway entrance within the easement volume.

Where construction within a transit easement volume is more than five feet in height above #curb level#, such construction proposal shall be submitted to the Commission for a review and certification to ensure that such construction relates harmoniously to the total development. When a transit easement volume is located within a #building#, it shall be open to the general public for the same hours of operation as the subway station.

#Building# columns or footings are permitted inside the transit easement volume, provided that the minimum clear distance between any columns is 12 feet and between the columns and any bounding walls of the transit easement volume is 10 feet. Where the width of an easement is greater than 20 feet, location of columns within the easement volume shall be established in consultation with the Metropolitan Transportation Authority. In all cases, the depth of columns or footings within the easement area or adjoining area shall be established in consultation with the Metropolitan Transportation Authority. Furthermore, vertical space between such columns shall be open and unobstructed from its base except for any construction permitted under the provisions of this Chapter.

95-055 - Knockout panel

LAST AMENDED
2/2/2011

Any underground walls constructed along the #front lot line# of a #zoning lot# in which transit easement volume is required by the Metropolitan Transportation Authority shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be indicated by the Metropolitan Transportation Authority.

95-06 - Temporary Use of the Easement Area

LAST AMENDED
2/2/2011

Any easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes.

Temporary #use# of the transit easement volume above #curb level# in a #public plaza# or #open space# area shall be limited to #use# as a landscaped open area that may contain obstructions permitted in a #public plaza#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

95-07 - Special Provisions for an Increase in Zoning Tower Coverage on Zoning Lots Containing Transit Easements

LAST AMENDED
2/2/2011

For any #zoning lot# on which a transit easement volume is required pursuant to Section 95-04, the #lot coverage# of a tower permitted by the underlying district regulations may be increased by an amount equal to 10 percent of the #lot area# of the #zoning lot#.

In no event shall the permitted increase in tower coverage on a #zoning lot# affect the maximum allowable #floor area ratio# under the applicable district regulations.

95-08 - Special Use Regulations

LAST AMENDED
2/2/2011

In order to promote the continued development of retail and related #uses# which are most appropriate for pedestrians using transit facilities, the only #commercial# #uses# permitted in the subway mezzanine level, along with the bounding walls of the transit easement volume below the second #story#, and at the ground #story# of any #development# or #enlargement# within the Special District, shall be those #uses# listed in Use Group T in Section 95-081.

Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approved and certified plans.

In all underlying districts within the Special District, below the lowest #story# occupied by #residential uses#, Use Group T #uses# are permitted to occupy no more than two #stories# above #curb level#. However, #uses# listed in paragraphs A, C or E of Section 95-081 are permitted within the Special District only where allowed by the underlying district regulations. Location of #commercial# #uses# within a #building# shall be governed by the provisions of Section 32-42.

In the subway mezzanine, at ground #story#, and along the bounding walls of the transit easement volume below the second #story#, the frontage occupied by any #uses# shall not exceed 25 linear feet per establishment within a distance of 75 feet from the edge of the easement volume.

95-081 - Use Group T

LAST AMENDED
2/8/1990

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

A. Amusements

Billiard parlors or pool halls

Model car hobby centers, including racing

Theaters

B. Convenience Retail or Service Establishments

Bakeries, provided that no floor space is used for production

Barber shops

Beauty parlors

Drug stores

*Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

*Food stores, including grocery stores or delicatessen stores

*Fruit stands, including supermarkets or meat markets

Hardware stores

*Laundry establishments, hand or automatic self-service

*Package liquor stores

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

C. Offices

*Offices, business, professional or governmental

D. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artists' supply stores

Banks

Bicycle sales

*Blueprinting or photostatting establishments

Book stores

*Business schools or colleges

Candy stores or nut stores

*Carpet, rug, linoleum or other floor covering stores

Cigar or tobacco stores

Clothing or accessory stores

Clothing or costume rental establishments

Dry goods or fabric stores

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Furniture stores

Furrier shops, custom

Gift shops

#Health and fitness establishments#

*Ice cream stores

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

*Medical or orthopedic appliance stores

*Meeting halls

Millinery shops

Music stores

Musical instrument repair shops

Newsstands, open or enclosed

Optician or optometrist establishments

*Paint stores

*Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Studios, art, music, dancing or theatrical

Telegraph offices

Television, radio, phonograph or household appliance repair stores

Television, radio, phonograph or household appliance shops

Toy stores

Travel bureaus

Typewriter or other small business machine repair shops

Typewriter stores

Umbrella repair shops

Wallpaper stores

Watch or clock stores or repair shops

E. Other Retail or Wholesale Establishments

Department stores

*Hair products for headwear, wholesaling, including styling

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

Plumbing, heating or ventilating equipment showrooms, without repair facilities

F. Clubs

All types of clubs, without restrictions on activities or facilities

G. #Accessory# #uses#

95-09 - Special Regulations for Accessory Off-street Parking and Curb Cuts

LAST AMENDED
5/8/2013

Within the portion of the #Special Transit Land Use District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Transit Land Use District#, the provisions of this Section shall apply.

On any #zoning lot# on which a transit easement volume is provided, the required #accessory# off-street parking requirements for #residential uses# of the applicable underlying districts shall be reduced to a maximum of 20 percent.

In no case within the Special District shall curb cuts for vehicular access be located on a #street# containing transit lines or on a #street# within 50 feet of its intersection with the #street lines# of such a #street#.

The #accessory# parking requirements shall not apply to any #development# or #enlargement# for which the Commissioner of Buildings has certified that there is no way to

provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

95-10 - MISCELLANEOUS PROVISIONS

LAST AMENDED
4/30/2008

The pavement on a public sidewalk fronting a #development# within the #Special Transit Land Use District# shall be consistent in color and material with all pavements located within the transit easement volume and in any adjoining #public plaza#.

95-11 - Recordation

LAST AMENDED
4/30/2008

The instrument creating a transit easement volume shall be recorded in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the City Planning Commission.

95-12 - Termination of Transit Easement Volume

LAST AMENDED
2/2/2011

In the event that the Metropolitan Transportation Authority and the City Planning Commission jointly notify the Department of Buildings and the owner in writing that a transit easement volume is not required on a #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Chapter shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Metropolitan Transportation Authority to the extinguishment of the easement volume. On any #zoning lot# which has been #developed# or upon which a #building# is #enlarged# in accordance with the provisions of Section 95-07 and on which termination of transit easement has been certified, pursuant to this Section, any open, enclosed or arcaded area reserved for transit easement at #curb level# shall be provided for public use with lighting, landscaping, trees, substantial artwork and sitting facilities.

95-13 - Previous Transit Easement Agreements

LAST AMENDED
2/2/2011

Whenever, under prior zoning regulations, the owner of a #development# or #enlargement# has agreed to provide a transit easement volume on a #zoning lot#, the existence of such agreement shall be certified by the Chairperson of the City Planning Commission to the Department of Buildings. Such agreement shall be deemed to satisfy the provisions of this Chapter.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special Clinton District (CL)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 6 - Special Clinton District (CL)

96-00 - GENERAL PURPOSES

LAST AMENDED
1/19/2005

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and citywide goals.

These goals include, among others, the following:

(a) to preserve and strengthen the residential character of the community;

(b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups currently residing in the area;

(c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;

(d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;

(e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;

(f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;

(g) to provide amenities, such as street trees, to improve the physical environment;

(h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and

(i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

96-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

Certification of no harassment

“Certification of no harassment” shall mean a certification by the Department of Housing Preservation and Development pursuant to Section 96-110 that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#, as defined in Section 96-110.

Harassment

“Harassment” shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

(a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(b) the interruption or discontinuance of essential services which:

(1) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#; and

(2) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;

(c) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or

(d) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy including, but not limited to, removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section 96-110.

Material alteration

“Material alteration” shall mean any alteration to a #multiple dwelling# including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

(a) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#; or

(b) a repair or replacement of existing elements of such #multiple dwelling# without materially modifying such elements.

For purposes of this definition, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

Mixed building

For the purposes of this Chapter, a "mixed building" is a #building# in a #Commercial District# used partly for #residential use#

and partly for #community facility# or #commercial# #use#, or a #building# in a #Residence District# used partly for #residential use# and partly for #community facility use#.

Multiple dwelling

“Multiple dwelling” shall have the meaning set forth in the Multiple Dwelling Law.

96-02 - General Provisions

LAST AMENDED
5/12/2021

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

96-03 - District Map

LAST AMENDED
8/16/1990

The District Map for the #Special Clinton District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Clinton District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A - PRESERVATION AREA, Section 96-10

Area B - PERIMETER AREA, Section 96-20

Area C - OTHER AREAS, Section 96-30

96-10 - PRESERVATION AREA

LAST AMENDED
2/2/2011

The provision of this Section shall apply to all #developments#, #enlargements#, #extensions# or alterations. All existing #buildings# within the Preservation Area shall be considered complying #buildings# for all purposes including, but not limited to, alterations, #enlargements#, #extensions# or #conversions# to #residential uses#. Any existing #building# which is damaged or destroyed by any means may be reconstructed to its #bulk# prior to such damage or destruction. All existing legal #uses# in

enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed, subject to the applicable underlying district regulations, pursuant to the change of #non-conforming# #use# provisions of Sections 52-31, 52-33, 52-34, 52-35 and 52-36.

96-101 - Floor area regulations

LAST AMENDED
2/2/2011

For any #zoning lot# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

#Uses#	#Floor Area Ratio#
#Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility# #uses# in the following Districts:	
R8 C1-5 C2-5 C6-2	4.2
#Commercial buildings# or #commercial# portion of #mixed buildings# in the following Districts:	
C1-5 C2-5	2.0
C6-2*	4.2

* In C6-2 Districts, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742 of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building# or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

96-102 - Lot coverage regulations

LAST AMENDED
2/2/2011

Within the Preservation Area, the #open space# requirement of Article II, Chapter 3, and the #lot coverage# provisions of Section 24-11, are not applicable. The #lot coverage# provisions of this Section apply in lieu thereof. In C6-2 Districts, for the purposes of determining #lot coverage#, any part of a #building# that is listed as a permitted obstruction in #open space# or in a

#rear yard# shall not be included in #lot coverage#. For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent. For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 60 percent.

Any #development# containing #residential uses# shall provide a minimum of 20 percent of the #lot area# of a #zoning lot# as usable, landscaped open area for occupants of #dwelling units# in the #development#.

96-103 - Yard regulations

LAST AMENDED
2/2/2011

The #yard# regulations of this Section apply to any #development# or #enlargement#.

For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, no #rear yard# shall be required.

For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, a #rear yard# having a minimum depth of 30 feet shall be required.

On a #through lot#, or portion thereof, more than 100 feet from the #street line# of a #wide street#, the #rear yard equivalent# provisions of Section 23-532, paragraph (a), shall apply.

96-104 - Height and setback regulations

LAST AMENDED
12/10/2013

The underlying height and setback regulations shall not apply, except as set forth in Sections 23-62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section shall apply. All height shall be measured from #curb level#.

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, #street walls# shall be located on the #wide# #street line# and extend along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, #street walls# shall be located on and extend along the #narrow# #street line# within 50 feet of the #wide street#.

For #zoning lots# with #narrow street# frontage, #street walls# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# beyond 50 feet of a #wide street#. However, where the #street wall# of an adjacent #building# fronting on the same #narrow# #street line# is located within 10 feet of the #street line#, the #street wall# of the #building# may be aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such #building#. The portion of a #zoning lot# that is located between a #street wall# and the #street line#, pursuant to the optional #street wall# location provisions of this paragraph (a), shall be maintained at the same elevation as the adjoining sidewalk. In addition, such portion of a #zoning lot# shall be planted, except at the entrances to and exits from the #building#, or adjacent to #commercial# #uses# fronting on the #street#.

(b) Permitted recesses

Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances. Above a height of 12

feet, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no such recesses are within 30 feet of the intersection of two #street lines#.

(c) #Building# height

Within 100 feet of a #wide street#, the #street wall# of a #building or other structure# shall rise without setback to a minimum height of 50 feet or the height of the #building#, whichever is less, and a maximum height of 66 feet. A setback shall be provided for all portions of #buildings# that exceed a height of 66 feet. Such setbacks shall be provided at a height not lower than 50 feet and not higher than 66 feet, and shall have a minimum depth of 10 feet, measured from any #street wall# facing a #wide street#, and a minimum depth of 15 feet, measured from any #street wall# facing a #narrow street#. No #building or other structure# shall exceed a height of 85 feet. Beyond 100 feet of a #wide street#, no #building or other structure# shall exceed a height of seven #stories# or 66 feet, whichever is less.

However, the City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.

96-105 - Dwelling unit regulations

LAST AMENDED
2/2/2011

(a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, the density requirements of the underlying districts shall be inapplicable. In lieu thereof, the required #lot area# per #dwelling unit# of a #development#, #enlargement#, #extension# or #conversion# of an existing #building# to a #residential use# shall not be less than 168 square feet and the number of two-bedroom units on a #zoning lot# shall not be less than 20 percent.

In addition, the minimum density requirement and the 20 percent, two-bedroom unit requirement set forth in this Section shall apply to any alteration that creates additional #dwelling units# or additional zero-bedroom units. Alterations that reduce the percentage of apartments that contain two bedrooms are not permitted unless the resulting #building# meets the 20 percent, two-bedroom requirement.

However, notwithstanding any provision to the contrary contained in this Section, the minimum density requirement and the 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement and the density requirement of this Section for an #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

(1) that such #residences# are sponsored by a voluntary non-profit organization;

(2) that the location and size of such facility does not create an undue concentration of #dwelling units# of this type and #community facilities# with sleeping accommodations within the immediate area;

(3) that there are social service, health and related programs for the residents including a maintenance and security plan;

(4) that on-site recreation areas for the use of the residents are provided; and

(5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the residential character of the surrounding area.

(b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#,which #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.

96-106 - Special regulations for existing storefronts

LAST AMENDED
11/21/1974

Any vacant ground floor store in an underlying #Residence District# may change to a conforming #use# or to a #use# listed in Use Group 6 regardless of the two-year discontinuance provisions of Section 52-61.

96-107 - Special regulations for community facility uses

LAST AMENDED
2/2/2011

#Developments#, #enlargements# or #extensions# of #community facility# #uses# or #conversions# of an existing #building# to a #community facility# #use#, are permitted on #zoning lots# containing existing #buildings# with #residential uses# only pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility# #uses#, provided that the Commission makes the following findings:

(a) that the existing #building# is not eligible for rehabilitation under any active publicly aided program under which funds are available;

(b) that, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Department of Housing Preservation and Development of his or her intention to demolish the #building#; and

(c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

96-108 - Demolition of buildings

LAST AMENDED
2/2/2011

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential# #floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

(a) that the existing #building#:

(1) is not eligible for rehabilitation under any active publicly-aided program under which funds are available; or

(2) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.

(b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#.

(c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110; and

(d) that an acceptable program for #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least equal to the number of #dwelling units# to be demolished and that the #floor area# of the #development# containing #residences# is at least equal to the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #use# proposed on the site prior to any construction is in conformance with the purposes of this Special District.

96-109 - Alterations of buildings

LAST AMENDED
8/16/1990

Prior to the issuance of an alteration permit by the Department of Buildings for a #material alteration# of a #multiple dwelling# within the Preservation Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings that:

(a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and

(b) the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(1) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or

(2) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For the purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

96-110 - Harassment and cure

LAST AMENDED
2/2/2011

(a) Definitions

(1) Application date

"Application date" shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(2) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. Each #cure compliance lot# shall be located entirely within the corresponding #cure requirement lot#.

(3) Cure requirement

"Cure requirement" shall mean #floor area# in an amount not less than the greater of:

(i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

#Cure requirement# shall also mean any cure for harassment that was approved by the City Planning Commission or the Department of Housing Preservation and Development and was permitted by the provisions of this Section prior to December 21, 2005.

(4) Cure requirement lot

"Cure requirement lot" shall mean:

(i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or

(ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(5) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(6) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

(i) which is a #transient hotel# and was a #transient hotel# on the #referral date#; and

(ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and

(iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(7) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

(i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#; and

(ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(8) Inquiry period

"Inquiry period" shall mean a period which:

(i) commences 15 years prior to the #application date#; and

(ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

(a) set such commencement date upon any date which is on or after the #referral date#, and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section; and

(b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(9) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(10) Referral date

"Referral date" shall mean September 5, 1973.

(11) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;

(ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (c) of Section 23-96 (Requirements for Generating Sites or MIH Sites), shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable;

(iii) contains such other terms as the Department of Housing Preservation and Development shall determine;

(iv) has been approved by the Department of Housing Preservation and Development;

(v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors;

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors; and

(vii) is perpetual in duration.

(12) Rooming unit

#Rooming unit# shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

(1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, no permit may be issued by the Department of Buildings pursuant to Sections 96-109 or 96-24, and no special permit may be granted by the City Planning Commission pursuant to Sections 96-107 or 96-108.

(2) The following structures shall be exempt from the provisions of this Section:

(i) any city-owned #multiple dwelling#;

(ii) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;

(iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(3) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(2) There shall be a rebuttable presumption that #harassment# occurring within the #inquiry period# was committed by or on behalf of the owner of such #multiple dwelling# and that such #harassment#:

(i) was committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy; and

(ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

(3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:

(i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application;

(ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development including, but not limited to, costs for publication of any notices;

(iii) establish the duration for which a #certification of no harassment# will remain effective; and

(iv) authorize the recission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such recission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.

(4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:

(i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#;

(ii) such #multiple dwelling# has been altered either without proper permits from the Department of

Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or

(iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

(5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.

(6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(8) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged #harassment#.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been #harassment#, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.

(ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:

(a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and

(b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.

(iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to Section 96-21 (Special Regulations for 42nd Street Perimeter Area); Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Garment Center District#, #Special Hudson Yards District#, #Special West Chelsea District#; or Section 23-90; or

(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

96-111 - Off-street parking regulations

LAST AMENDED
5/8/2013

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

In addition, the Commission shall find that:

(a) the property has been or will be vacated pursuant to the provisions of Section 96-108; and

(b) the applicant has followed the relocation procedures set forth in Section 96-24.

96-20 - PERIMETER AREA

LAST AMENDED
2/2/2011

#Developments# or #enlargements# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area). Because of increased pressures for #development#, the relocation and demolition provisions of Section 96-24 (Relocation and Demolition of Buildings in the Perimeter Area) shall apply therein for all demolition, #development#, #enlargement# or #extensions# on lots containing #residential uses#. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed to another #non-conforming# #use# only in accordance with the provisions of Sections 52-31 (General Provisions), 52-33 (Manufacturing or Related Uses in Residence Districts), 52-34 (Commercial Uses in Residence Districts), 52-35 (Manufacturing or Related Uses in Commercial Districts) and 52-36 (Non-conforming Commercial Uses in Commercial Districts).

96-21 - Special Regulations for 42nd Street Perimeter Area

LAST AMENDED
5/29/2019

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

> Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

(a) Special #use# regulations

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the following special #use# regulations shall apply:

(1) Offices

Any #development# or #enlargement# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile showrooms or sales, with vehicle storage, preparation of automobiles for delivery, and automobile repairs may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, provided that:

(i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of

automobiles for delivery, and automobile repairs shall be located on West 43rd Street;

(ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory# parking for other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory# #group parking facility#; and

(iii) the portions of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-154 (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section 23-154 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0. However, the #floor area ratio# on a #zoning lot# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-154, except that any units for which a #floor area# increase has been earned pursuant to Section 23-154 shall be within the #Special Clinton District#. For #zoning lots# containing #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter.

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

Floor space within the volume governed by such transit easement or other agreement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the volume governed by such transit easement or other agreement for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the volume area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

(3) Additional regulations for Subareas 1 and 2

In Subareas 1 and 2, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

(i) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(ii) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

(c) Retail continuity requirements

For #buildings# #developed# or portions of #buildings# #enlarged# after August 17, 1990, where the ground floor level of such #development# or the #enlarged# portion of the #building# fronts upon West 42nd Street, between Ninth and Twelfth Avenues:

(1) at least 50 percent of the #street# frontage of #stories# that have a floor level within five feet of #curb level# shall be limited to Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B; and

(2) the length of the facade of such #street wall# fronting on West 42nd Street shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

(d) #Street wall# continuity requirements

(1) At least 80 percent of the #aggregate width of street walls# of a #building# fronting on West 42nd Street, up to a height of 45 feet, shall be located within 10 feet of the #street line# of such #street#.

(2) The minimum height of the #street wall# of a #building# above #curb level# shall be no less than 45 feet, or the height of the #building#, whichever is less, and no more than 85 feet. Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #building# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-50. In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

(f) Special curb cut and parking provisions

No curb cuts shall be permitted on 42nd Street. The parking provisions of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING

REGULATIONS), except that such parking provisions shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004, shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions of this paragraph (f).

96-22 - Special Regulations for Eighth Avenue Perimeter Area

LAST AMENDED
2/2/2011

For #zoning lots#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

96-23 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED
2/2/2011

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22, the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# or #enlargements# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

96-24 - Relocation and Demolition of Buildings in the Perimeter Area

LAST AMENDED12/21/2005

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any #development#, #enlargement# or #extension# on any #zoning lot# containing #residential uses# within the Perimeter Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings:

(a) that prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any #building#, the developer shall have notified the Department of Housing Preservation and Development of plans for the relocation of tenants which shall:

(1) to the extent possible provide for the relocation of tenants within the Clinton District; and

(2) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under applicable rent control and rent stabilization regulations of the State of New York; and

(b) that the developer has complied with the relocation plan submitted pursuant to paragraph (a) of this Section and that the Department of Housing Preservation and Development has issued a #certification of no harassment#, or that the owner has complied with paragraph (d) of Section 96-110.

96-25 - Floor Area Bonus for New Theater Use

LAST AMENDED
2/2/2011

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space," which, for the purposes of this Section, shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, after referral for review and receipt of recommendations from the applicable Community Board, that the following conditions have been met:

(a) all #floor area# for any performance space for which a bonus is received pursuant to this Section, shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, ticket offices, restrooms and circulation space. Any other use of the bonused performance space shall not comprise more than 25 percent of the total #floor area# of such performance space;

(b) such performance space shall be designed, arranged and used for live performances and rehearsals of drama, music or dance and shall have at least 100 and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section, shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;

(c) a letter from the Department of Cultural Affairs shall be submitted, certifying that:

(1) a signed lease has been provided from the prospective operator of the performance space, or a written commitment from the owner of the performance space if such owner is also the operator, for occupancy of the performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;

(3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural and mechanical systems, as necessary to ensure that such performance space will operate efficiently for its intended use;

(4) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and

(5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

(d) a legal commitment has been provided for inspection and ongoing maintenance of the performance space to ensure its continued availability for #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs and the applicable Community Board. Such report shall describe the condition of the performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment has been provided for continuance of the #use# of all #floor area# in the bonused performance space as legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraphs (c)(1), (c)(2) and (c)(3) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of paragraphs (c)(3) and (c)(4) of this Section have been met as to such substantial renovation. Any application or submission with respect to a change in operator made pursuant to the provisions of such legal commitment, shall be referred to the affected Community Board. The Commissioner of the Department of Cultural Affairs shall not issue a letter with respect to such application prior to 45 days after such referral. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development# or #enlargement#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the performance space is substantially complete, which shall, for this purpose, mean that such performance space is usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for the #development# or #enlargement#, until the performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions or in the case of a certification issued by the Chairperson prior to January 28, 2009, a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner, and that ownership of the performance space has been transferred to the prospective operator.

In the event of a transfer of ownership of the performance space, certification pursuant to paragraph (c)(1) of this Section, shall not require the provision of the signed lease or written commitment described therein, and the operating plan and program for the performance space shall be provided by the prospective owner.

Any application for certification of a #floor area# bonus for theater #use#, pursuant to this Section, shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification prior to 45 days after such referral.

96-30 - OTHER AREAS

LAST AMENDED
5/14/2014

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

96-31 - Special Regulations in R8 Districts

LAST AMENDED
6/25/2014

(a) In R8 Districts, other than R8A Districts, in Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, the following special regulations shall apply:

(1) the provisions of Sections 96-101 (Floor area regulations) and 96-104 (Height and setback regulations); and

(2) the provisions of Section 96-102 (Lot coverage regulations), except that for all portions of a #zoning lot# located in Other Areas and more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent of the portion of the #zoning lot# in Other Areas.

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

(1) Inclusionary Housing Program

(i) R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Sections 23-154 and 23-90. However, any units for which a #floor area# increase has been earned, pursuant to Section 23-154 shall be located within the #Special Clinton District#.

(ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section 23-154.

The #residential# #floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-154. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

For the purposes of this paragraph (b)(1)(ii), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(2) Special #use# and #bulk# regulations for existing electrical utility substations

Electrical utility substations, operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of Eleventh Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

96-32 - Special Regulations in R9 Districts

LAST AMENDED
4/16/2015

In R9 Districts in Western Subarea C2, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

(1) R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Sections 23-154 (Inclusionary Housing) and 23-90. However, any units for which a #floor area# increase has been earned pursuant to Section 23-154 shall be located within the #Special Clinton District#.

(2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section may modify the provisions of Section 23-154.

The #residential# #floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-154. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

For the purposes of this paragraph (a)(2), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(b) #Uses# in Western Subarea C2 located within a #large-scale general development#

(1) In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses#:

From Use Group 8:

Lumber stores, with no limitation on #floor area#

From Use Group 10:

Photographic or motion picture production studios

From Use Group 12:

Art galleries, commercial

From Use Group 13:

Theaters

From Use Group 16:

Automotive service establishments

From Use Group 17:

Scenery construction.

(2) #Uses# permitted pursuant to paragraph (b)(1) shall be subject to the #commercial# #bulk# regulations of Article III, that are applicable to a C2-5 District mapped within an R9 District.

(3) The supplemental #use# provisions of Section 32-421 shall not apply to #commercial# #uses# located in a #building# with frontage on West 52nd Street.

(c) Height and setback modification

For any #development# or #enlargement# subject to the provisions of Section 74-681 (Development within or over a railroad or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section 23-892 (In R6 through R10 Districts), and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section 23-44, provided that:

(1) such modification of height and setback regulations will:

(i) result in a #building# that has a maximum #building# height of 155 feet;

(ii) result in a better distribution of #bulk# on the #zoning lot#; and

(iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;

(2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and

(3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary

to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area.

96-33 - Special Regulations in M2-4 Districts

LAST AMENDED
6/14/2011

96-331 - Adult establishments

LAST AMENDED
6/14/2011

The provisions of Section 52-77 (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special Clinton District# after October 25, 1995, and prior to May 11, 2011, and which, as of May 11, 2011, and June 14, 2011, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M2-4 Districts.

96-332 - Height and setback

LAST AMENDED
6/14/2011

In M2-4 Districts in Western Subarea C2, the underlying height and setback regulations shall apply as modified by the following special #bulk# regulations.

For all #buildings or other structures#, the #street wall# of a #building# shall rise without setback to a minimum base height of 50 feet, or the height of the #building#, whichever is less, and a maximum base height of 95 feet. No portion of a #building# shall exceed a height of 135 feet and no #sky exposure plane# shall apply.

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height.

On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

96-34 - Special Regulations in Northern Subarea C1

LAST AMENDED
9/14/2016

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations set forth in this Section shall apply in Area C1-1.

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential# #floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-154 (Inclusionary Housing). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

In Special Use Regulations Areas C1-1 and C1-2, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

(1) automobile showrooms or sales with preparation of automobiles for delivery; and

(2) automobile repairs.

96-40 - MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

LAST AMENDED
2/2/2011

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) as part of a special permit, pursuant to Section 74-743 (Special provisions for bulk modification), provided the Commission finds that:

(a) the amount of #open space# provided is sufficient to meet the needs of the residents of the #general large-scale development#; and

(b) such modification results in improved site planning.

96-50 - REGULATIONS APPLICABLE TO ALL AREAS

LAST AMENDED
2/2/2011

The provisions of Sections 96-51 (Mandatory Tree Planting Provisions), 96-52 (Bulk Modifications for Public Parking Garages) and 96-53 (Conversions to Residential Use) shall apply to all areas within the Special District.

96-51 - Mandatory Tree Planting Provisions

LAST AMENDED
4/30/2008

In addition to the applicable underlying #street# tree planting requirements, tree planting provisions shall also apply to #extensions# or alterations, other than #incidental alterations#, involving 30 percent or more of the existing #floor area# of a #building#. Notwithstanding the provisions of Section 43-02 (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Clinton District# that include #uses# listed in Use Group 17 or 18 shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

96-52 - Bulk Modifications for Public Parking Garages

LAST AMENDED
1/19/2005

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area), in all other C6 Districts, the City Planning Commission, by special permit, may permit, for #public parking garages#, modification of the applicable #lot coverage#, #yard# and height and setback regulations. As a condition of permitting such modifications, the Commission shall make the following findings:

(a) that, because of site limitations, such modifications are necessary for the proper design and operation of the #public parking garage#; and

(b) that, such modifications will not unduly obstruct access to light and air in the #street# or on adjacent #zoning lots#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

96-53 - Conversions to Residential Use

LAST AMENDED
2/2/2011

For #conversions# to #residential use# of a #building#, predominantly occupied by #uses# listed in Use Groups 3, 4 or 5, that exceeds the #residential# #floor area# permitted by the applicable district regulations, the City Planning Commission by special permit, may permit such #building# to be #converted# to #residential use# in its entirety, provided that such #building# includes social or recreational space primarily for the use of occupants of #dwelling units# or #rooming units# in the #development# and which may also be made available to the community.

There shall be at least 30 square feet of social or recreational space for each #dwelling unit# or a total area of at least 5,000 square feet, whichever is greater. Such space may be located outdoors at grade level or at any floor level including roof areas. The maximum number of #dwelling units# shall be determined in accordance with the provisions of Section 15-111 (Number of permitted dwelling units). The Commission may prescribe conditions and safeguards to minimize possible adverse effects on

adjoining properties.

As a condition of approval, the Commission shall find:

(a) that because of site and building limitations, such modifications are necessary for the proper design and functioning of the #converted# #building#;

(b) that such modifications will result in adequate access of light and air to the newly created #dwelling units# and to surrounding development;

(c) that the social or recreational space contains adequate facilities to serve the needs of the residents and wherever possible the surrounding community;

(d) that there is suitable separation between #dwelling units# and floor space occupied by non-#residential# or #accessory# #uses#; and

(e) that such #conversion# will not unduly increase the density of population or intensity of #use# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#.

The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties and may require a program for operation and maintenance of recreational spaces.

96-60 - SPECIAL PERMIT PROCEDURE

LAST AMENDED
11/21/1974

96-601 - Requirements for applications

LAST AMENDED
8/6/1998

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter, shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

Notwithstanding the foregoing, in the Eighth Avenue Perimeter Area, all applications made pursuant to the #Special Midtown District# shall be subject to the guidelines and provisions of Article VIII, Chapter 1 (Special Midtown District), instead.

All applications relating to Section 96-111 (Off-street parking regulations) shall be referred by the Commission to the Department of Transportation for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location.

If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issues referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

96-602 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# or #enlargement# will interfere with a public improvement project, including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities, which is approved by, or pending before, the Board of Estimate or City Planning Commission, as determined from the Calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

96-70 - SPECIAL PERMITS PREVIOUSLY AUTHORIZED

LAST AMENDED
11/21/1974

Whenever, under the provisions of the Special Clinton Interim District or any prior zoning regulation, the City Planning Commission has authorized any special permit, the status of such special permit shall not be altered by the provisions of this Chapter.

96-80 - EXCLUDED AREAS

LAST AMENDED
11/27/2012

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

(a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-82 (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

(1) automobile showrooms with automobile sales and preparation of automobiles for delivery;

(2) automobile repairs; and

(3) New York City Police Department stables for horses, with #accessory# automobile parking.

For a #building# that, at the time of approval by the Department of Buildings, included space designed for stable use for New York City Police Department horses, and the ceiling height of such stable space, as measured from the #base plane#, exceeds 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above such stable space and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.

(b) the block bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue which was the site of the former Madison Square Garden;

(c) property bounded by West 45th Street, the easterly right-of-way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue, provided that in this area the provisions of Section 96-81 (R10 Districts) shall apply;

(d) the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue;

(e) property bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

96-81 - R10 Districts

LAST AMENDED
5/14/2014

R10 Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

96-82 - C6-3X Districts

LAST AMENDED
6/14/2011

(a) Inclusionary Housing Program

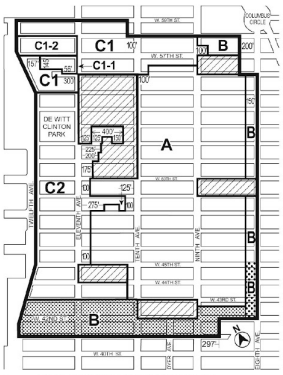
C6-3X Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 6.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 9.0, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

Appendix A - Special Clinton District Map - (96A)

LAST AMENDED9/14/2016



Special Clinton District Boundary

Area Boundary

A Preservation Area

B Perimeter Area

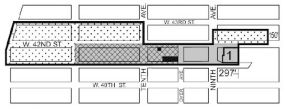
- **B** Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (**See map below**)
- **B** Portion of Perimeter Area B also subject to Article VIII, Chapter I (*Special Midtown District*)

C Other Areas

- C1 Northern Subarea
- C1-1 Special Use Regulations Area
- C1-2 Special Use Regulations Area
- C2 Western Subarea

Excluded Area

42nd Street Perimeter Area



Subarea 1 of 42nd Street Perimeter Area

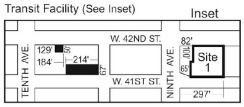
Subarea 2 of 42nd Street Perimeter Area

Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

Site 1 Where Special Parking Regulations apply (See Inset)

Transit Facility (See Inset)

Inset



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special 125th Street District (125)

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Chapter 7 - Special 125th Street District (125)

97-00 - GENERAL PURPOSES

LAST AMENDED
11/30/2017

The "Special 125th Street District" established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

(a) to preserve, protect and promote the special character of 125th Street as Harlem's "Main Street" and the role of 125th Street as Upper Manhattan's premier mixed use corridor;

(b) to guide development on the 125th Street corridor;

(c) to expand the retail and commercial character of 125th Street;

(d) to provide incentives for the creation of visual and performing arts space and enhance the area's role as a major arts, entertainment and cultural destination in the City;

(e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;

(f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;

(g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;

(h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and

(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

97-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

97-02 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

97-03 - District Plan and Maps

LAST AMENDED
11/30/2017

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

97-04 - Establishment of Subdistricts

LAST AMENDED
12/19/2017

In order to carry out the purposes and provisions of this Chapter, three subdistricts are established within the #Special 125th Street District#: the Core Subdistrict, the Park Avenue Hub Subdistrict and Subdistrict A. Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the subdistricts are shown on Map 1 in Appendix A of this Chapter.

97-05 - Establishment of Bonused Space Local Arts Advisory Council

LAST AMENDED
4/30/2008

A Bonused Space Local Arts Advisory Council shall be created for the purpose of reviewing and making recommendations concerning the Community Engagement Plans of proposed operators of visual or performing arts #uses# pursuant to paragraph (c)(7) of Section 97-423 (Certification for floor area bonus for visual or performing arts uses). The Bonused Space Local Arts Advisory Council shall consist of 11 members: two (2) members appointed by the Commissioner of the Department of Cultural Affairs, one of whom shall be designated by such Commissioner to serve as Chair, and three (3) members appointed by each of the Council Members for the Councilmanic Districts in which the Special District is located, who will rotate depending upon where the proposed visual or performing arts #use# is located, pursuant to Sections 97-422 and 97-423. Members of the Bonused Space Local Arts Advisory Council shall be members of the Harlem performing or visual arts, non-profit, or business communities and shall serve at the pleasure of the appointing official. The Department of Cultural Affairs shall provide staff assistance to the Bonused Space Local Arts Advisory Council and shall establish guidelines and procedures for the performance of its functions.

In making a recommendation concerning a Community Engagement Plan pursuant to paragraph (c)(7) of Section 97-423, the Bonused Space Local Arts Advisory Council shall consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs shall not submit a letter to the Chairperson of the City Planning Commission pursuant to paragraph (c)(7) of Section 97-423 without having first received and considered the written recommendation of the Bonused Space Local Arts Advisory Council, provided that the Bonused Space Local Arts

Advisory Council shall have provided the Department of Cultural Affairs with such written recommendation no later than 45 days following receipt of a request for review from the Department of Cultural Affairs.

97-06 - Applicability of District Regulations

LAST AMENDED
12/19/2017

97-061 - Applicability of Special Transit Land Use District Regulations

LAST AMENDED
12/19/2017

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (a)(5) and (a)(6) of Section 97-432 (Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict).

97-062 - Applicability of the Quality Housing Program

LAST AMENDED
12/19/2017

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

97-063 - Applicability of Inclusionary Housing Program

LAST AMENDED
12/19/2017

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), inclusive, #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street District# are shown on the maps in APPENDIX F of this Resolution.

97-10 - SPECIAL USE AND LOCATION REGULATIONS

LAST AMENDED
4/30/2008

97-11 - Special Arts and Entertainment Uses

LAST AMENDED
4/30/2008

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

(a) The following #uses# shall be designated as entertainment #uses#:

Auditoriums

Bookstores

Clubs, including music, dance or comedy clubs

Eating or drinking establishments, with table service only

Music stores

Studios, art, music, dancing or theatrical

Studios, radio, television or motion picture.

(b) The following #uses# shall be designated as visual or performing arts #uses#:

Art galleries

Historical exhibits

Literary arts spaces

Museums

Performance spaces

Primary rehearsal spaces

Theaters

Visual/Media arts spaces.

97-12 - Arts and Entertainment Use Requirement

LAST AMENDED
6/30/2011

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, or for that portion of a #zoning lot# located within the Core Subdistrict, for #buildings# or portions of #buildings#

#developed# or #enlarged# after April 30, 2008, that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, an amount of space equivalent to a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section 97-11 (Special Arts and Entertainment Uses).

97-13 - Permitted Small Sidewalk Cafe Locations

LAST AMENDED
6/30/2011

#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated on Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A of this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).

97-20 - LOCATION AND ACCESS REGULATIONS

LAST AMENDED
11/30/2017

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section 97-21, and the provisions of Section 97-22 (Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portions thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINITIONS) and 37-311 (Definitions).

97-21 - Supplemental Use and Streetscape Regulations Along 125th Street

LAST AMENDED
11/30/2017

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the requirements of this Section, inclusive. However, on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211 - Location of and Access to Arts and Entertainment Uses

LAST AMENDED
11/30/2017

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

The designated #uses# listed in Section 97-11 may be located anywhere throughout a #building# that fronts on 125th Street, subject to the following conditions:

(a) any such designated #uses# within the Core Subdistrict required pursuant to Section 97-12 shall be accessed from 125th Street; and

(b) any #residential use# shall be located on a floor wholly above any #commercial# #use#; or

(c) any #commercial# #use# may be permitted on the same #story# as a #residential use#, provided that:

(1) no access exists between #commercial# #uses# and #residential uses# at any level; and

(2) #commercial# #uses# are not located directly over any #residential uses#.

Such #commercial# #use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

97-212 - Uses not permitted on the ground floor of buildings

LAST AMENDED
11/30/2017

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings# #developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings# #enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-213 (Access to non-ground floor uses).

From Use Group 2:

All #uses#.

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:

All #uses#.

From Use Groups 6A, 6B, 6C and 6E:

Banks (except for automated teller machines, provided the width of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:

All #uses#.

From Use Group 7:

All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:

All #uses#.

From Use Groups 9A, 9B and 9C:

All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:

Depositories for storage, and wholesale offices or showrooms.

Use Group 11:

All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for such #developments# and #enlargements# that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.

97-213 - Access to non-ground floor uses

LAST AMENDED
11/30/2017

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

97-214 - Transparency requirements along 125th Street

LAST AMENDED
11/30/2017

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

97-22 - Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portions thereof, that are not subject to the provisions of Section 97-21 (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

97-221 - Modification of supplemental use location regulations

LAST AMENDED
11/30/2017

The supplementary #commercial# #use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial# #uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial# #uses# are not located directly over any #residential use#.

97-222 - Ground floor use and streetscape regulations

LAST AMENDED
11/30/2017

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level# #enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the provisions of Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), any portion of a #ground floor level# #street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with the provisions of Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

97-30 - SPECIAL SIGN REGULATIONS

LAST AMENDED
4/30/2008

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

97-31 - Definitions

LAST AMENDED
12/19/2017

Marquee

A “marquee” is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125th Street or Fifth Avenue, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Section 97-32.

All #marquees# shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code, or its successor, pertaining to projecting #signs#.

Marquee sign

A “marquee sign” is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

97-32 - Location, Height and Width of Marquees and Marquee Signs

LAST AMENDED12/19/2017

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to one of the following #uses# fronting upon 125th Street or Fifth Avenue:

Museums

Performance spaces

Theaters

#Marquees# shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

97-33 - Vertical Distance Above Sidewalk of Marquees and Marquee Signs

LAST AMENDED
4/30/2008

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #marquee# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

97-34 - Accessory Signs for Visual or Performing Arts Uses

LAST AMENDED
4/30/2008

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following visual or performing arts #uses# fronting on 125th Street or Fifth Avenue within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

Museums

Performance spaces

Theaters.

#Flashing signs# shall not be permitted as #accessory# #signs# for arts #uses#.

97-40 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/19/2017

Within the #Special 125th Street District#, for #developments# or #enlargements#, the applicable #bulk# regulations of the underlying districts shall apply, except as modified by the provisions this Section, inclusive.

97-41 - Special Floor Area Regulations

LAST AMENDED
11/30/2017

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411 - Maximum floor area ratio within the Core Subdistrict and areas outside of a subdistrict

LAST AMENDED
12/19/2017

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and in areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#, and may only be increased pursuant to Section 97-42 (Additional Floor Area and Lot Coverage Regulations), inclusive.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

	Outside the Core Subdistrict			Within the Core Subdistrict		
District	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#
C4-4D	5.4	4.0	6.0	5.4	4.0	6.0
C4-7	9.0	10.0	10.0	5.4	7.2	7.2
C6-3	6.0	6.0	6.0	5.4	6.0	6.0

97-412 - Maximum floor area ratio in the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential# #floor area#, such #zoning lot# shall satisfy the provisions of either:

(1) a minimum non-#residential# #floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#; or

(2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

(1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential# #floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;

(2) for #zoning lots#, subject to the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential# #floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and

(3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses). For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant to the provisions of Article VI, Chapter 3.

97-413 - Maximum floor area ratio in Subdistrict A

LAST AMENDED
12/19/2017

In Subdistrict A, the maximum #residential# #floor area ratio# shall be 9.0 and the maximum #floor area ratio# for non-#residential uses# shall be 10.0. Such maximum non-#residential# #floor area# may only be increased pursuant to paragraph (c) of Section 97-422 (Floor area bonus for visual or performing arts uses).

97-42 - Additional Floor Area and Lot Coverage Regulations

LAST AMENDED
12/19/2017

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section 97-421 (Inclusionary Housing) or paragraph (a) of Section 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections 66-51, 97-421 and 97-422 may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

97-421 - Inclusionary Housing

LAST AMENDED
12/19/2017

In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, the #residential# #floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).

97-422 - Floor area bonus for visual or performing arts uses

LAST AMENDED
12/19/2017

(a) In C4-4D, C4-7 or C6-3 Districts within the Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial# #uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL AND COMMERCIAL USES WITH FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

	Within areas outside a subdistrict				Within the Core Subdistrict			
	#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#		#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#	
	Base	Maximum	Base	Maximum	Base	Maximum	Base	Maximum
C4-4D	5.4	7.2	4.0	5.4	5.4	7.2	4.0	5.40
C4-7	9.0	12.0	10.0	12.0	5.4	7.2	7.2	8.65
C6-3	6.0	8.0	6.0	8.0	5.4	7.2	6.0	8.00

(b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

(c) In C4-7 Districts within Subdistrict A, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in Section 97-413 (Maximum floor area ratio in Subdistrict A) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by

the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

97-423 - Certification for floor area bonus for visual or performing arts uses

LAST AMENDED
12/19/2017

The minimum non-#residential# #floor area# or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

(a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412, or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section 97-422, including the location of such #floor area#.

(b) Drawings also have been provided that clearly designate all #floor area# or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

(1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory# #uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;

(2) all bonused #floor area# or below-grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422. However, all bonused #floor area# or below-grade floor space occupied by visual or performing arts #uses# within a #development# may be primarily accessed from Fifth Avenue, provided the following conditions are met:

(i) the #zoning lot# must have at least 150 feet of Fifth Avenue frontage where such primary entrance is provided; and

(ii) signage that identifies the visual or performing arts #uses# shall be provided at both the primary entrance on Fifth Avenue and on 125th Street;

(3) in the case of primary rehearsal space, where such space does not consist of #accessory# #uses# subject to the requirements of paragraph (b)(4), such space:

(i) can be adapted for rehearsals or performances open to the public;

(ii) is located on the first #story# of the #building# or on any higher #story# with a ceiling height not greater than 60 feet above grade;

(iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section. In addition, where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422 such #street wall# with 50 feet of frontage need not be along 125th Street,

(iv) has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than 9 feet, 6 inches; and

(v) complies with the following glazing requirements, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section: at least 70 percent of the total surface area of the #street wall# abutting the primary rehearsal space, measured from finished floor to ceiling shall be glazed. Furthermore, at least 90 percent of such area shall be transparent from within one foot of the finished floor level to at least eight feet above such level. For primary rehearsal spaces located at the corner of 125th Street and an intersecting #street#, the glazing requirements of this Section shall be applied separately for each #street wall#, and up to 100 feet along such intersecting #street#;

(4) for performance space which is exclusively designed and arranged for the presentation of live drama, music, dance and interactive or multidisciplinary performances open to the public, such space may be below grade provided it has a minimum area of 2,000 square feet of column-free space with a floor-to-ceiling height of not less than 16 feet;

(5) #Accessory# space

(i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses# #accessory# to such primary rehearsal spaces. #Accessory# #uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

(ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory# #use# occupies more than 25 percent of such total minimum required #floor area# or equivalent below-grade floor space, or bonused #floor area# or below grade floor space. #Accessory# #uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

(6) Signage

(i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422; and

(ii) For below grade performance space subject to the requirements of paragraph (b)(4) of this Section, such #sign#, not including any frame or surrounding element, shall be utilized for the additional purpose of informing the public regarding the program of scheduled performances in such facility, and shall be no less than two feet in width and four feet in height, and shall be installed a minimum of 2 feet, 6 inches above grade;

(c) A letter from the Department of Cultural Affairs has been submitted to the Chairperson of the City Planning Commission, certifying that:

(1) a signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space in a form acceptable to the City, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than 15 years, with two five-year renewal options, pursuant to an operating plan and program therefor;

(2) the proposed operator of the visual or performing arts space is a non-profit organization;

(3) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;

(4) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations or performances that are open to the public, provided that, in the case of a visual or performing arts space that is a primary rehearsal space, a program of regularly scheduled rehearsals or performances open to the public shall be required only where the proposed operator is the principal user of the primary rehearsal space. In the event that the proposed operator is not the principal user of the primary rehearsal space and such space is made available to multiple organizations or individuals on an hourly, weekly, monthly or similar basis, the proposed operator shall allow open rehearsals or performances open to the public to be sponsored by such organizations or individuals, upon request;

(5) preliminary design plans have been provided to the Department of Cultural Affairs for the visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use;

(6) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and

(7) the proposed operator of the visual or performing arts space has a Community Engagement Plan that will effectively encourage public access and use of the visual or performing arts space, provide educational opportunities to the local community, and address new, undeveloped and/or underserved audience or participant groups. The Department of Cultural Affairs shall make its determination concerning the sufficiency of the Community Engagement Plan based upon consideration of the written recommendation of the Bonused Space Local Arts Advisory Council with respect thereto.

(d) A legal commitment by the owner has been provided:

(1) for the operator of the visual or performing arts space to submit an annual program report, describing the use of the space during the previous year, to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs, the Manhattan Borough President, the applicable Community Board and the local Council Member; and

(2) for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report identifying the operator utilizing the space, describing the condition of the space and identifying any maintenance or repair work necessary to ensure the physical and operational soundness of such space, and establishing a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work, shall be submitted to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs;

(e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received pursuant to Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment# #use# shall be prohibited for the life of the #development# or #enlargement#.

(1) notwithstanding the provisions of this paragraph (e), an owner shall not be in violation of such legal commitment during a grace period consisting of:

(i) six (6) months from the date the visual or performing arts space is vacated by the operator, provided owner timely notifies the Departments of City Planning and Cultural Affairs of such vacancy in accordance with the requirements of the legal commitment;

(ii) the period of review by the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs with respect to a new operator and any associated change of design or #use# requirements pursuant to this Section, provided that application for certification pursuant to this Section is made no later than the expiration of the six month period set forth in paragraph (e)(1)(i) of this Section;

(iii) any period set forth in such certification as necessary to allow for the modification of design to accommodate a new operator; and

(iv) any event of force majeure;

(2) in the event that the Chairperson of the City Planning Commission determines that the requirements for certification pursuant to this Section with respect to a change of operator and associated change of design or #use# requirements are not satisfied, the grace period set forth in paragraph (e)(1) of this Section shall thereupon apply from the date of such determination;

(f) A legal commitment by the owner has been provided that all visual arts exhibitions or presentations of live drama, music, dance, interactive or multidisciplinary performances shall be open to the public in accordance with the terms of the letter issued by the Commissioner of Cultural Affairs, pursuant to paragraph (c) of this Section;

(g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner of the visual or performing arts space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

In granting the original certification, the Chairperson of the City Planning Commission may specify such changes in design or #use# that would not warrant further certification pursuant to this Section.

97-424 - Special Lot Coverage Regulations

LAST AMENDED
12/19/2017

The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125th Street District# shall be 70 percent for #interior# or #through lots# and 100 percent for #corner lots#.

97-43 - Special Height and Setback Regulations

LAST AMENDED
12/19/2017

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-431 - Permitted obstructions

LAST AMENDED
12/19/2017

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

97-432 - Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict

LAST AMENDED
12/19/2017

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.

(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

(3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.

(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.

(5) For any #development# or #enlargement# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.

(6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict:

(1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	195
C6-3	60	85	160

All portions of #buildings or other structures# that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of paragraph (a) of Section 97-432 (Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict).

(2) Special regulations for certain C4-7 Districts

(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

(3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

97-433 - Height and setback regulations in the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-651 shall be modified as follows:

(1) Along 125th Street

The minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

The provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

97-434 - Height and setback regulations in Subdistrict A

LAST AMENDED
12/19/2017

Within Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the underlying height and setback regulations for #Quality Housing buildings# shall apply, except that in C4-7 Districts, the minimum and maximum base heights and the overall maximum #building# height provisions of Section 35-65, inclusive, shall be modified in accordance with the following table: Maximum height of #buildings.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	245

Above the maximum base height, a setback shall be provided in accordance with the provisions of paragraph (c) of Section 23-662.

97-44 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for any #zoning lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on such #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio), subject to the applicable height and setback regulations.

97-50 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
4/30/2008

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Off-street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the #zoning lot#.

97-51 - Accessory Off-street Parking Within the Core Subdistrict and Areas Outside of a Subdistrict

LAST AMENDED
11/30/2017

97-511 - Required accessory off-street residential parking

LAST AMENDED
11/30/2017

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-512 - Required accessory off-street commercial parking

LAST AMENDED
11/30/2017

In #Commercial Districts# within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial# #uses# in C4-4D Districts.

97-52 - Required Accessory Off-street Parking Within the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

97-53 - Location of Access to the Street

LAST AMENDED
4/30/2008

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections 97-55 (Certification for Access to Required Uses) and 97-56 (Authorization for Access to Permitted Parking Facilities or Loading Berths).

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking Access Through Zoning Lots in Residence Districts).

97-54 - Parking Access Through Zoning Lots in Residence Districts

LAST AMENDED
2/2/2011

For a #zoning lot# within a #Residence District#, which #zoning lot# fronts upon either 124th or 126th Street and the #rear lot line# #abuts# a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since April 30, 2008, access for parking and loading purposes may be provided through such #zoning lot#.

97-55 - Certification for Access to Required Uses

LAST AMENDED
12/19/2017

If access to a required #accessory# #residential# parking facility or loading berth is not possible because of the requirements of Section 97-53 (Location of Access to the Street), or, for #developments# in Subarea A, the requirements of Section 36-683 (Restrictions on location of berths near Residence Districts), a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

(a) the only possible location for the facility or loading berth;

(b) not hazardous to traffic safety;

(c) located not less than 50 feet from the intersection of any two #street lines#; and

(d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

97-56 - Authorization for Access to Permitted Parking Facilities or Loading Berths

LAST AMENDED
4/30/2008

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

(a) If access to a permitted #accessory# #residential# or public parking facility is not possible due to the requirements of Section 97-53, the Commission may authorize curb cuts for such #uses#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of public transit facilities.

(b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the Commission may authorize curb cuts for such #use#, provided:

(1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;

(2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commission may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

97-57 - Public Parking Facilities

LAST AMENDED
4/30/2008

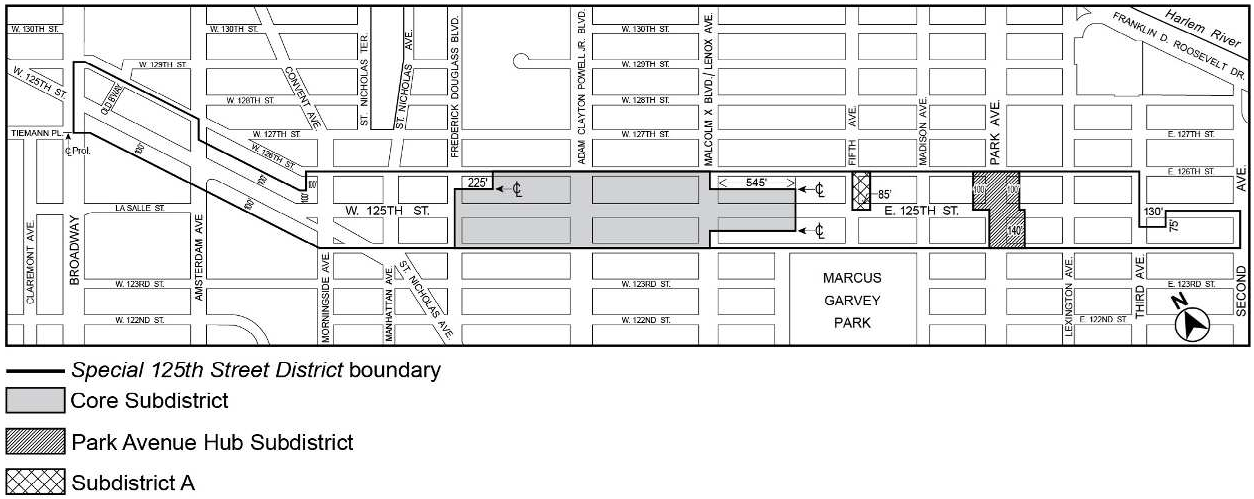
Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

Appendix A - Special 125th Street District Plan

LAST AMENDED
12/19/2017

Map 1: Special 125th Street District and Subdistricts (97A.1)



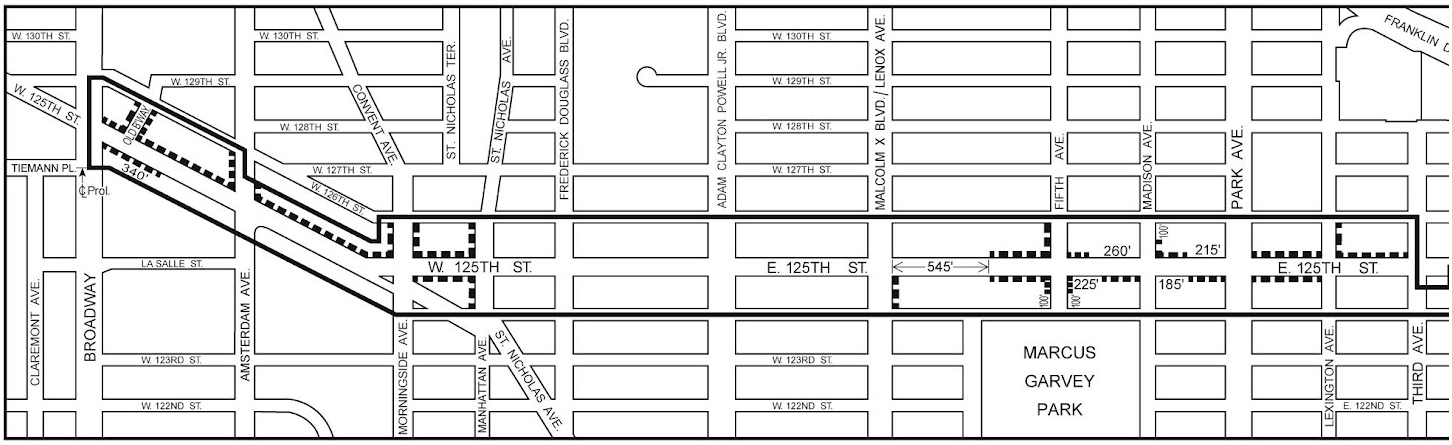
Special 125th Street District boundary

Core Subdistrict

Park Avenue Hub Subdistrict

Subdistrict A

Map 2: Permitted Small Sidewalk Cafe Locations (97A.2)



Special 125th Street District boundary

Locations where only *small sidewalk cafes* are permitted

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special West Chelsea District (WCh)

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Chapter 8 - Special West Chelsea District (WCh)

98-00 - GENERAL PURPOSES

LAST AMENDED
8/24/2017

The "Special West Chelsea District" established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others, the following specific purposes:

(a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;

(b) to encourage the development of residential uses along appropriate avenues and streets;

(c) to encourage and support the growth of arts-related uses in West Chelsea;

(d) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations, High Line improvement bonuses and the transfer of development rights from the High Line Transfer Corridor;

(e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the High Line open space;

(f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;

(g) to create and provide a transition to the Hudson Yards area to the north; and

(h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

98-01 - Definitions

LAST AMENDED
6/23/2005

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

High Line

The “High Line” shall, for the purposes of this Chapter, refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The “High Line bed” is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of June 23, 2005, as shown in Diagram 7 in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

“High Line frontage” is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The “High Line Transfer Corridor” is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-02 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-16 (Air Space Over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

The provisions regarding the transfer of #floor area# set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, F, G and I set forth in Section 98-25 shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, with respect to the #High Line#, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism that protects the interests of the city.

Upon transfer of the #High Line# to the City, pursuant to ULURP application C 050163 PCM, and in accordance with such CITU and trail use agreement, the following shall apply:

(a) the provisions regarding the issuance of building permits set forth in Section 98-11 shall be effective;

(b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of June 23, 2005, which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and

(c) underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on the #High Line# specifically in connection with its use as a public open space.

98-03 - District Plan and Maps

LAST AMENDED
11/13/2012

The regulations of this Chapter are designed to implement the #Special West Chelsea District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B and C and the special regulations in Appendices D, E and F:

Appendix A - Special West Chelsea District and Subareas

Appendix B - High Line Transfer Corridor Location

Appendix C - Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line

Diagram 1 - Street Wall and High Line Frontage Regulations in Subareas C, F and G

Diagram 2 - Street Wall and High Line Frontage Regulations in Subarea A

Diagram 3 - Subarea H Requirements

Diagram 4 - High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G

Diagram 5 - Subarea I Requirements between West 16th and West 17th Streets

Diagram 6 - High Line Access Easement Volume Parameters

Diagram 7 - High Line Bed and Frontages

Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J.

The maps and diagrams are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

98-04 - Subareas and High Line Transfer Corridor

LAST AMENDED
11/13/2012

In order to carry out the provisions of this Chapter, Subareas A through K and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply that do not apply within the remainder of the #Special West Chelsea District#. The locations of the Subareas are shown in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is shown in Appendix B of this Chapter.

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations, except as otherwise specified in this Chapter.

98-05 - Applicability of District Regulations

LAST AMENDED
6/23/2005

98-051 - Applicability of Article I, Chapter 1

LAST AMENDED
3/28/2012

Within the #Special West Chelsea District#, Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than June 23, 2006.

98-10 - SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

LAST AMENDED
3/22/2006

98-11 - Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

LAST AMENDED
6/23/2005

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line# and by determination by the Commissioner of Parks that such work would not adversely affect the City's ability to inspect and maintain as necessary to ensure the structural integrity of the #High Line#.

98-12 - Modification of Use Regulations

LAST AMENDED
6/23/2005

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

98-121 - In Subarea H

LAST AMENDED
6/23/2005

In Subarea H, the provisions of Section 32-25 (Use Group 16), paragraph D (Heavy Service, Wholesale or Storage Establishments) are modified to permit, in C6 Districts, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122 - In Subarea K

LAST AMENDED
2/2/2011

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

(a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:

(1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;

(2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;

(3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or

(4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 10 percent of the total #floor area# of the #building#.

98-123 - Adult establishments

LAST AMENDED
6/23/2005

The provisions of Section 52-77 (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special West Chelsea District# after October 25, 1995 and prior to May 25, 2005, and which, as of May 25, 2005 and June 22, 2005, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M1-5 Districts.

98-124 - Location within buildings

LAST AMENDED12/9/2021

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial# #uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial# #uses#:

(a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and

(b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:

(1) #residential# lobby space below or on the same #story# as #commercial# #uses#; or

(2) a #commercial# #use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

98-13 - Modification of Use Regulations in M1 Districts

LAST AMENDED
6/23/2005

In the #Special West Chelsea District#, the provisions of Sections 42-10 (USES PERMITTED AS-OF-RIGHT) and 42-30 (USES PERMITTED BY SPECIAL PERMIT) are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3.

98-14 - Ground Floor Use and Transparency Requirements on Tenth Avenue

LAST AMENDED
11/13/2012

Except in Subarea J, the special ground floor #use# and glazing regulations of this Section apply to that portion of a #building or other structure# fronting on Tenth Avenue in the #Special West Chelsea District#. Ground floor #uses# in Subarea J shall be governed by the underlying #use# regulations as modified by Section 98-13 (Modification of Use Regulations in M1 Districts).

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 25 feet of the #street line#, shall be limited to #commercial# #uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 50 percent of the #building's# total #street# frontage, whichever is less.

For any #building# or portion of a #building# #developed# or #enlarged# after June 23, 2005, each ground floor #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not less than 50 percent of such ground floor #street wall# surface shall be

glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

98-141 - Transparency requirements within Subareas H and I

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to all portions of #buildings# #developed# or #enlarged# after June 23, 2005, within the #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-142 - High Line level wall requirements within Subarea J

LAST AMENDED
11/13/2012

Any additions to the windows or other glazing located on the #building# wall separating the #High Line# from any #building# located on a #zoning lot# within Subarea J at the #High Line# level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the #building# shall not exceed 50 foot-candles of illumination within four feet of such window or glazing and shall not be pointed directly at the #High Line#.

98-15 - Signs

LAST AMENDED
2/2/2011

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory# #signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

(a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;

(b) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;

(c) be integrated with the design of the #High Line# open space; and

(d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

98-151 - Modification of sign regulations in Subarea K

LAST AMENDED12/9/2021

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

98-16 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
2/2/2011

For the purposes of this Resolution, the #High Line# shall not be considered a railroad or transit right-of-way and the provisions of Sections 32-44 (Air Space Over a Railroad or Transit Right-of-way or Yard) and 42-462 (Use of railroad or transit air space) shall not apply.

98-17 - Modification of Parking and Loading Regulations

LAST AMENDED
6/23/2005

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

98-171 - Parking regulations in Subarea H

LAST AMENDED12/9/2021

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

(a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;

(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and

(c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

98-172 - Waiver of accessory off-street loading berths in Subarea K

LAST AMENDED12/9/2021

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

98-19 - Lighting

LAST AMENDED
6/23/2005

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

98-20 - FLOOR AREA AND LOT COVERAGE REGULATIONS

LAST AMENDED
6/23/2005

The #floor area# provisions of this Section, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-21 - Maximum Floor Area Ratio Outside of Subareas

LAST AMENDED

11/13/2012

For all #zoning lots#, or portions thereof, located outside of Subareas A through J, the maximum #floor area ratios# of the applicable underlying district shall apply.

98-22 - Maximum Floor Area Ratio and Lot Coverage in Subareas

LAST AMENDED
4/25/2017

For all #zoning lots#, or portions thereof, located in Subareas A through K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential# #floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

MAXIMUM FLOOR AREA RATIO BY SUBAREA

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred[1] (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	___[2]	2.65	2.85	12.0
B	5.0	2.5	___[2]	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D[5]	5.0	2.5[3]	2.5[3]	1.25	1.25	7.5
E	5.0	1.0[3]	1.0[2,3]	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0[3]	1.0[3]	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0

I	5.0	2.5	NA	1.25	1.25	7.5
I[4]	5.0	NA	2.5	NA	NA	7.5
J[6]	5.0	NA	2.5	NA	NA	7.5
K	5.0	NA	NA	NA	NA	5.0

[1] Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized

[2] In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)

[3] For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)

[4] For #zoning lots# over which the #High Line# passes

[5] For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted

[6] Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

98-221 - Additional regulations for Subdistrict A

LAST AMENDED
5/29/2019

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

(a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

98-23 - Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

LAST AMENDED
11/13/2012

That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the level of the #High Line bed#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area ratio# of a #zoning lot# pursuant to Section 98-25 (High

Line Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F of this Chapter in connection with an increase in the basic maximum #floor area ratio# of a #zoning lot#, pursuant to Section 98-25, shall not be considered #floor area#.

98-24 - Special Floor Area Rules for Zoning Lots Divided by District Boundaries

LAST AMENDED
4/25/2017

98-241 - In Subareas D, E and G

LAST AMENDED
4/25/2017

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Sections 98-25 (High Line Improvement Bonus) or 98-30 (HIGH LINE TRANSFER CORRIDOR) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-242 - Located partially within Subarea C and partially within M1-5 Districts

LAST AMENDED
4/25/2017

For #zoning lots# existing prior to June 23, 2005, and located partially within an M1-5 District and partially within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

98-243 - Located partially within Subarea D and partially within C6-3A Districts

LAST AMENDED
4/25/2017

For a #zoning lot# fronting on West 23rd Street and Eleventh Avenue, located partially within Subarea D and partially within a C6-3A District, #floor area# may be transferred from the portion of the #zoning lot# in the C6-3A District to the portion in Subarea D.

98-25 - High Line Improvement Bonus

LAST AMENDED
8/24/2017

For #zoning lots# located between West 15th and West 19th Streets over which the #High Line# passes, the applicable basic maximum

#floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 9822 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

(a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 9822, or within Subarea J would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:

(1) a contribution has been deposited into an escrow account or similar fund established by the City (the #High Line# Improvement Fund), or such contribution is secured by a letter of credit or other cash equivalent instrument in a form acceptable to the City. For subareas other than Subarea J, such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. For #developments# or #enlargements# within Subarea J, such contribution shall be used for any use with respect to the improvement, maintenance and operation of the #High Line# or the #High Line# Support Easement Volumes provided for under Appendix F of this Chapter, at the Chairperson's direction, provided that, in lieu of a deposit to the #High Line# Improvement Fund, the contribution for the first 80,000 square feet of #floor area# shall be deposited to the Affordable Housing Fund established under Section 98-262 (Floor area increase), paragraph (c), for use in accordance with the provisions of that Section. Such contribution shall be made in accordance with the provisions of Appendix D, E or F of this Chapter, as applicable;

(2) a declaration of restrictions executed by all "parties in interest" to the #zoning lot#, as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and

(3) all additional requirements of Appendix D, E or F, as applicable with respect to issuance of a building permit, have been met. For #zoning lots# located between West 18th and West 19th Streets over which the #High Line# passes, in the event that a certification is initially made by the Chairperson on the basis that the requirements of paragraph (a)(1) of Appendix E with respect to Stairway and Elevator Access Work have been met, and the Commissioner of Parks and Recreation later elects to require #High Line# Service Facility Work in accordance with the provisions of paragraph (b)(4) of Appendix E, such initial certification shall no longer be effective. In lieu thereof, a certification by the Chairperson that the requirements of paragraph (a)(1) of Appendix E with respect to #High Line# Service Facility Work have been met shall be required. Notwithstanding the foregoing, the Department of Buildings may continue to issue a building permit pursuant to the initial certification made for Stairway and Elevator Access Work, all building permits issued pursuant to the initial certification made for Stairway and Elevator Access Work shall remain in effect, and construction may continue pursuant to such permits, provided that the provisions of paragraph (c)(4)(ii) of this Section shall apply with respect to the issuance of any temporary or permanent certificates of occupancy for the #development# or #enlargement# authorized by such permits under the provisions of paragraph (c)(4).

(b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 17th and West 18th Streets over which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 9822, the Department of Buildings shall be furnished a certification by the Chairperson of the City Planning Commission that:

(1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;

(2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;

(3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C of this Chapter, except as otherwise provided in agreements and other instruments that provide for City construction of some or

all of the At-Grade Plaza Work, in accordance with Appendix D;

(4) Stairway and Elevator Access Work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the Stairway and Elevator Access Work in the At-Grade Plaza, in accordance with Appendix D; and

(5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work required of owner shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work required of owner shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph (b), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D. In the event that the owner has executed agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and for some or all of the Stairway and Elevator Access Work, in accordance with Appendix D, certificates of occupancy shall be issued if owner has substantially or finally completed any aspects of the work required of owner pursuant to such agreements and other instruments, as the case may be, and is otherwise in full compliance with such agreements and instruments, including with respect to payment of all funds required pursuant to the terms thereof and Appendix D.

(c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 16th and 17th Streets or between West 18th and 19th Streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 9822, the Department of Buildings shall be furnished a certification by the Chairperson, that:

(1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;

(2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;

(3) for #zoning lots# located between West 16th and 17th Streets over which the #High Line# passes:

(i) Stairway and Elevator Access Work; and

(ii) #High Line# Service Facility Work applicable to such #zoning lot# has been performed on such #zoning lot#, in accordance with Appendix E;

(4) for #zoning lots# located between West 18th and 19th Streets over which the #High Line# passes, either:

(i) Stairway and Elevator Access Work; or

(ii) if elected by the Commissioner of Parks and Recreation, #High Line# Service Facility Work applicable to such #zoning lot#, has been performed on such #zoning lot#, in accordance with Appendix E; and

(5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph (c), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

(d) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located within

Subarea J over which the #High Line# passes that incorporates #floor area# that would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, the Department of Buildings shall be furnished a certification by the Chairperson, that:

(1) #High Line# Support Work has been performed on such #zoning lot#, in accordance with and to the extent required by Appendix F; and

(2) all other applicable requirements of Appendix F have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be final completion of the work, as determined by the Chairperson.

98-26 - Modifications of Inclusionary Housing Program

LAST AMENDED
7/29/2009

Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

98-261 - Definitions

LAST AMENDED
7/29/2009

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

98-262 - Floor area increase

LAST AMENDED
2/2/2011

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for #conversions# of non-#residential# #floor area# to #dwelling units# where the total #residential# #floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing Program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

(1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#;

(2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential# #floor area# on the #zoning lot#; or

(3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#.

(b) In C6-3 Districts:

(1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#;

(2) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential# #floor area# on the #zoning lot#; or

(3) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#.

For the purposes of this Section, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of a #zoning lot# containing the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) #Affordable Housing Fund#

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the development, acquisition or rehabilitation of #low#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

98-30 - HIGH LINE TRANSFER CORRIDOR

LAST AMENDED
6/23/2005

98-31 - Purposes

LAST AMENDED
6/23/2005

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High Line# and preserve and create view corridors from the #High Line bed#.

98-32 - General Provisions

LAST AMENDED
6/23/2005

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections 98-33 through 98-35, inclusive.

98-33 - Transfer of Development Rights From the High Line Transfer Corridor

LAST AMENDED
6/10/2015

In the #Special West Chelsea District#, a "granting site" shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A "receiving site" shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F, H and J. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

(1) #floor area# zoning calculations for the granting and receiving site;

(2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution; and

(3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section 98-63.

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the Register of the City of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial# or #residential use# on such granting site as of June 10, 2015, whichever is greater, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Area in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the table in Section 98-22.

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Sections 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and 98-63 (Recording of High Line Access Easement Volume).

(e) Restrictive declaration

As a condition for the transfer of #floor area#, and in order to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed by all "parties in interest" of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such purposes, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a precondition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to paragraph (a) of this Section.

98-34 - Screening and Landscaping Requirements for Vacant Sites

LAST AMENDED
6/23/2005

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), and is 50 percent or more vacant shall be screened from the #street# and/or landscaped in accordance with the provisions of this Section, except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the #street# by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line#, planting strips shall be prohibited.

98-35 - High Line Transfer Corridor

LAST AMENDED
2/2/2011

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that:

(a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section 98-33;

(b) that such granting site is vacant; and

(c) a contribution has been deposited into the #High Line# Improvement Fund established under Section 98-25, to be used at the direction of the Chairperson to assure that the #High Line# is restored and reused as a publicly accessible open space.

No building permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be $50.00 per square foot of #floor area# as of June 23, 2005, and shall be adjusted August 1 of each subsequent year, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial# #use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

98-40 - SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

LAST AMENDED
6/23/2005

98-41 - Special Rear Yard Regulations

LAST AMENDED
6/23/2005

The #yard# regulations of the underlying district shall apply, except as modified in this Section. In all districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#. Where a #rear yard equivalent# is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either Section, as applicable. However, in M1-5 Districts, a #building# existing prior to January 22, 2015, may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the #High Line#. Where a #rear yard equivalent# is required by Section 23-533 (Required rear yard equivalents for Quality Housing buildings), the alternatives for #through lots# with a depth of 180 feet or less shall not apply.

98-42 - Special Height and Setback Regulations

LAST AMENDED
6/23/2005

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section, inclusive. Furthermore, for any #zoning lot# located adjacent to the #High Line#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

98-421 - Obstruction over the High Line

LAST AMENDED
11/13/2012

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space, and except where the #High Line# passes through and is covered by a #building# existing on November 13, 2012.

98-422 - Special rooftop regulations

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of

Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas C, F and G where the maximum base height and maximum #building# height are the same.

All mechanical equipment located within 15 feet of the level of the #High Line bed# that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

98-423 - Street wall location, minimum and maximum base heights and maximum building heights

LAST AMENDED
4/25/2017

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (h) of this Section.

(a) For all #buildings#

(1) #Street wall# location provisions

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section. On #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

(i) over which the #High Line# passes;

(ii) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#; or

(iii) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

(2) Maximum #building# heights

(i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A Districts, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the residential equivalent of an R8A and R9A District, respectively. For #buildings# meeting the criteria set

forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section.

(b) Subareas A and D

(1) #Street wall# location

In Subarea D, on #corner lots# between the north side of West 18th Street and the south side of West 22nd Street, a #street wall# with a minimum height of 15 feet shall be located on the #narrow# #street line# between 50 and 150 feet of its intersection with Eleventh Avenue.

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall be located within 10 feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#, and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section, is hereinafter referred to as a "tower." Such towers are permitted provided they are set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

(i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454 (Towers on small lots).

(ii) Any #story# within the highest 40 feet of such tower (the "penthouse portion"), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion.

(iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever

is less.

(iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.

(v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.

(vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue, provided the #aggregate width of the street wall# for Eleventh Avenue does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow# #street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #building# are illustrated in Diagram 1 (Street Wall and High Line Frontage Regulations in Subareas C, F and G) in Appendix C of this Chapter.

In Subarea C, for #zoning lots# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum #building# height shall be 125 feet.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) of this Section shall not apply on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-241. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet, and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work, executed in accordance with Appendix D.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of

#buildings#, hereinafter referred to as "Tower East" and "Tower West." At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a #narrow# #street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow# #street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) of this Section shall not apply along Tenth Avenue, as shown in Diagram 5 of Appendix C of this Chapter, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

(1) Midblock Zone

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue #street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 110 feet, and shall have a maximum #building# height of 130 feet.

(2) Ninth Avenue Zone

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 135 feet. Any #building# located above a height of 130 feet shall be set back at least five feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15th Street and West 16th Street #street walls#.

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	____ [1]
	between 50 and 100 feet of a #wide street#	15	85	____ [1]
	for #zoning lots# with only #narrow street# frontage	40	60	____ [1]
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105[2]	125[2]	125[2]
	for #zoning lots# with Eleventh Avenue frontage	125[2]	145[2]	145[2]
Subarea D		60	90	250[1]
Subarea E		60	105[3]	120[3]
Subarea F		60[2]	80[2]	80[2]
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95

	for #zoning lots# with #wide street# frontage	105[2]	120[2]	120[2]
Subarea H		60[4]	85[4]	____ [4]
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120[5]
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110[6]	130[6]
	Ninth Avenue Zone	NA	130[6]	135[6]
	Tenth Avenue Zone	NA	185[6]	230[6]
Subarea K		NA[7]	NA[7]	NA[7]

1 see Section 98-423, paragraph (b)

2 see Section 98-423, paragraph (c)

3 see Section 98-423, paragraph (d)

4 see Section 98-423, paragraph (e)

5 see Section 98-423, paragraph (f)

6 see Section 98-423, paragraph (g)

7 see Section 98-423, paragraph (h)

98-424 - Authorization to modify certain bulk regulations

LAST AMENDED
3/22/2006

For #zoning lots# located entirely within 75 feet of the west side of the #High Line#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Sections 98-40 and 98-50, inclusive, the transparency requirements set forth in Sections 98-141 and 98-54, and the underlying #rear yard# and minimum distance between #legally required windows# and walls or #lot lines# regulations. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

98-43 - Special Distance Between Buildings Regulations

LAST AMENDED
6/23/2005

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

98-50 - SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS ADJACENT TO THE HIGH LINE

LAST AMENDED
6/23/2005

98-51 - Height and Setback Regulations on the East Side of the High Line

LAST AMENDED
8/24/2017

(a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as illustrated in Diagram 2 (Street Wall and High Line Frontage Regulations in Subarea A) in Appendix C of this Chapter.

(b) In C6-3A Districts and in Subareas C, F and G

For #zoning lots# extending less than 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of a #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of the #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line frontage# may rise without setback above a height of 3 feet, 6 inches above the level of the #High Line bed# provided such portion of the #building# is not located directly between the #High Line# and any #street wall# of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (c) (Subareas C, F and G) of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights).

The portions of #buildings# in which #High Line# Service Facilities are provided in accordance with paragraph (b)(4) of Appendix E shall be considered permitted obstructions to the height and setback regulations of this paragraph (b).

However, the provisions of this paragraph (b) shall not apply to any #zoning lot# existing on June 23, 2005 where the greatest distance between the eastern side of the #High Line# and a #lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow# #street line#.

98-52 - Height and Setback Regulations on West Side of High Line

LAST AMENDED
6/23/2005

In C6-2A, C6-3A and M1-5 Districts and in Subareas A, B and E, no portion of the western #High Line frontage# of a #building#, including parapets, shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For any #zoning lot#, or portion thereof, with more than 60 feet of width measured perpendicular to the west side of the #High Line#, the following rules shall apply to any #building# containing #residences#:

(a) At least 60 percent of the aggregate length of that portion of the #building# located above a height of 3 feet, 6 inches above the level of the #High Line bed# and facing the #High Line# shall be located between 15 and 20 feet of the west side of the #High Line# and extend up to at least the applicable minimum base height specified in the table in Section 98-423; and

(b) No #building#, or portion thereof, that exceeds the applicable maximum base height specified in the table in Section 98-423 shall be located within 30 feet of the #High Line#.

Chain link fences and razor wire shall not be permitted within the western #High Line frontage#.

98-53 - Required Open Areas on the East Side of the High Line

LAST AMENDED
8/24/2017

For any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or on a #zoning lot# adjacent to a #zoning lot# over which the #High Line# passes, a landscaped open area shall be provided in an amount equal to at least 20 percent of the #lot area# of the portion of the #zoning lot# that is within C6-3A Districts or within Subareas A, C, F or G, pursuant to the requirements of paragraphs (a) and (b) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of 3 feet, 6 inches above the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

(a) Open area requirements

All required open areas shall:

(1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;

(2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;

(3) be maintained by the #building# owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of all amenities, litter control and the care and replacement of vegetation within the #zoning lot#;

(4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area; and

(5) for open area screening, required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than eight feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines and other plantings, may be opaque if completely covered by vegetation, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section 98-15.

(b) Permitted obstructions

Only the following shall be permitted to obstruct a required open area:

(1) any #High Line# access structure providing pedestrian access to the #High Line# by stairway or elevator;

(2) the portions of #buildings# in which #High Line# Service Facilities are provided in accordance with paragraph (b)(4) of Appendix E;

(3) those items listed in paragraph (a) of Section 37-726 (Permitted obstructions); and

(4) open air cafes and kiosks, provided that open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

98-54 - Transparency Requirements on the East Side of the High Line

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #buildings# #developed# or #enlarged# after June 23, 2005, and located in C6-3A Districts and within Subareas A, C, F and G, except for such portions that contain #dwelling units#. At least 50 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed#, shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-55 - Requirements for Non-transparent Surfaces on the East Side of the High Line

LAST AMENDED
11/13/2012

Except in Subarea J, any portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the #High Line bed# and an elevation of 12 feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

98-60 - SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS

LAST AMENDED
10/27/2010

98-61 - High Line Access or Support Easement Volumes Requirement

LAST AMENDED
11/13/2012

For all #developments# or #enlargements# within the #Special West Chelsea District#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as “primary access”), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after December 20, 2004, has more than 5,000 square feet of #lot area#. For all #developments# or #enlargements# within Subareas H, I and J that are developed pursuant to Section 98-25 (High Line Improvement Bonus), this provision does not apply.

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as “secondary access”), shall be provided on any #zoning lot# from which #floor area# has been transferred pursuant to Section 98-33 unless a primary access easement has been provided pursuant to this Section.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

(a) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section 98-62 cannot be accommodated within 33 feet, 6 inches of a #street line# for primary access easements and 40 feet of a #street line# for secondary access easements; or

(b) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size, or has been enlarged to be sufficient in size, to accommodate the provisions for primary access easements as specified in Section 98-62; or

(c) for primary or secondary easements, access has already been constructed, or an access volume has been dedicated, on the same #block# or on the same #street# frontage, and that such access or access volume meets the location and access requirements for primary or secondary access easements, as specified in Section 98-62, paragraphs (a) and (b), and meets all standards, as applicable, for persons with disabilities; or

(d) for primary or secondary easements, construction documents for the #High Line# open space have been developed by the City that specify the same #street# frontage as an access location; or

(e) such #development# or #enlargement# is located wholly within an M1-5 District and no portion of such #development# or #enlargement# has more than 10,000 square feet of #floor area# and is located within five feet of the #High Line#; or

(f) such #development# or #enlargement# is located on a #zoning lot# that fronts on West 23rd Street.

98-62 - High Line Access Easement Regulations

LAST AMENDED
11/13/2012

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume, other than a #zoning lot# developed pursuant to Section 98-25 (High Line Improvement Bonus), as follows:

(a) Location and Minimum Dimensions

(1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section 98-53 (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow# #street line#. The minimum length of such volume shall be 18 feet, 6 inches, and the minimum width shall be 10 feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least 10 feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section 98-64. Such minimum dimensions are illustrated in Diagram 6 (High Line Access Easement Volume Parameters) of Appendix C of this Chapter.

(2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow# #street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of 10 feet. The height of such volume shall extend from #curb level# to a point at least 10 feet above the level of the #High Line bed#.

(b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

(1) The required width of the publicly traversable way shall be a minimum of eight feet.

(2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.

(3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.

(4) The publicly traversable way shall be maintained by the property owner in good repair.

(5) The publicly traversable way shall be fully accessible to persons with disabilities.

(6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, #accessory# to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted #use# shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of Sections 37-726 (Permitted obstructions) and 37-73 (Kiosks and Open Air Cafes), except that in the case of open air cafes and kiosks, a certification shall not be required.

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning lot# prior to the time at which public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) #Legally required windows#

The minimum distance between any #legally required window# in a portion of a #building# used for #residential use# and an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

98-63 - Recording of High Line Access Easement Volume

LAST AMENDED
6/23/2005

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register, a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section 98-60 for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section 98-33, paragraph (a).

98-64 - Termination of High Line Access Easement Volume

LAST AMENDED
11/13/2012

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a #zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such #zoning lot# by the provisions of Section 98-61 (High Line Access or Support Easement Volumes Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the

right to record an instrument reciting the consent of the Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section 98-53 (Required Open Areas on the East Side of the High Line).

98-65 - Transit Facilities

LAST AMENDED
10/27/2010

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #use# on a #zoning lot# that includes the volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of this Chapter.

98-70 - SUPPLEMENTAL REGULATIONS

LAST AMENDED
10/27/2010

(a) In the #Special West Chelsea District#, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.

(b) In the #Special West Chelsea District#, the provisions of Section 93-91 (Demolition) shall apply.

For the purposes of this Section, the following definitions in Section 93-90 shall be modified:

Anti-harassment area

"Anti-harassment area" shall mean the #Special West Chelsea District#.

Referral date

"Referral date" shall mean December 20, 2004.

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

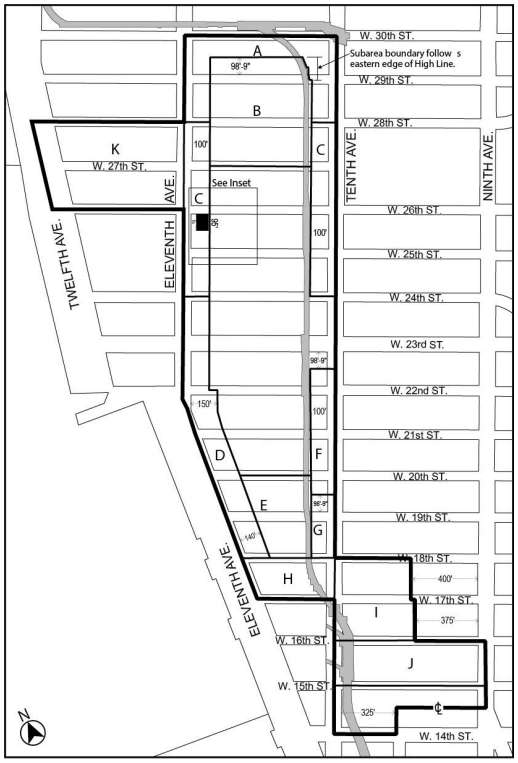
(a) increase the #floor area ratio# pursuant to the provisions of the #Special West Chelsea District#, #Special Hudson Yards District#, #Special Garment Center District#, #Special Clinton District# or Section 23-154; or

(b) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

Appendix A - Special West Chelsea District and Subareas

LAST AMENDED

11/13/2012



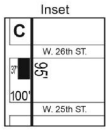
Special W est Chelsea Distric t boundary

Subarea boundary

High Line

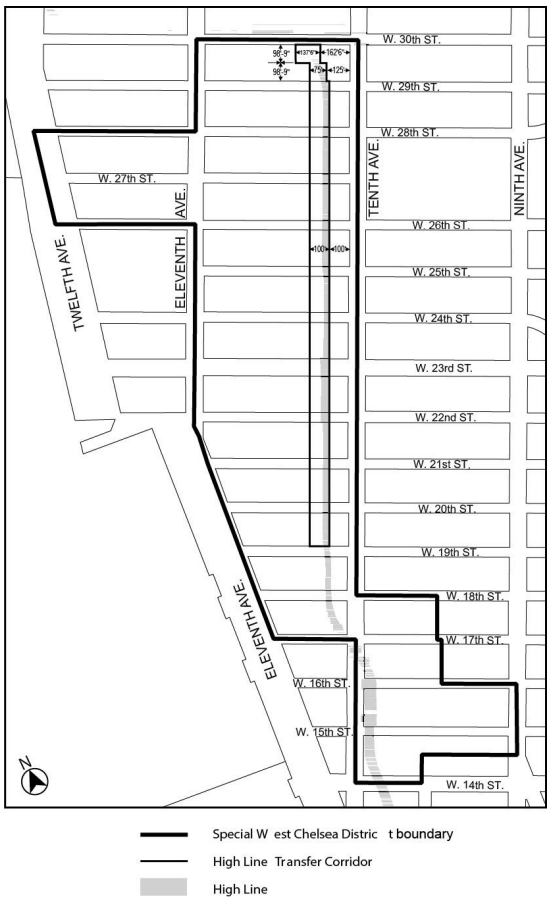
Transit Facility

Inset



Appendix B - High Line Transfer Corridor Location

LAST AMENDED
11/13/2012

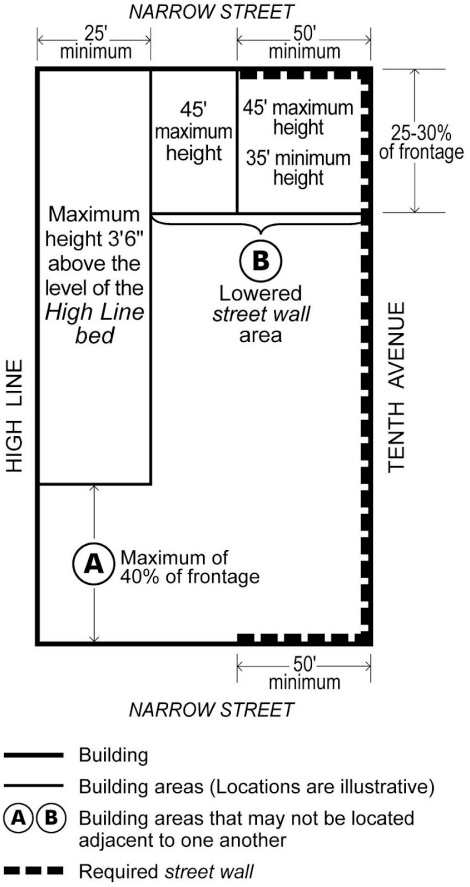


Appendix C -

LAST AMENDED
10/17/2007

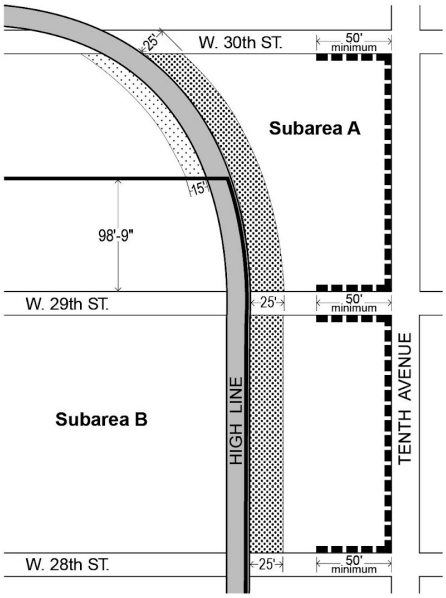
(3/22/06)

Diagram 1 – Street Wall and High Line Frontage Regulations in Subareas C, F and G


NARROW STREET
25' minimum
50' minimum
45' maximum height
45' maximum height
35' minimum height
25-30% of frontage
Maximum height 3'6" above the level of the High Line bed
B
Lowered street wall area
HIGH LINE
TENTH AVENUE
A
Maximum of 40% of frontage
50' minimum
NARROW STREET
Building
Building areas (Locations are illustrative)
A B
Building areas that may not be located adjacent to one another
Required street wall

(6/23/05)

Diagram 2 – Street Wall and High Line Frontage Regulations in Subarea A (98C.2)



Maximum height 3'6" above the level of the *High Line bed*

Maximum of 40% of frontage may exceed the level of the *High Line bed* to a maximum height of 20' above the *High Line bed*

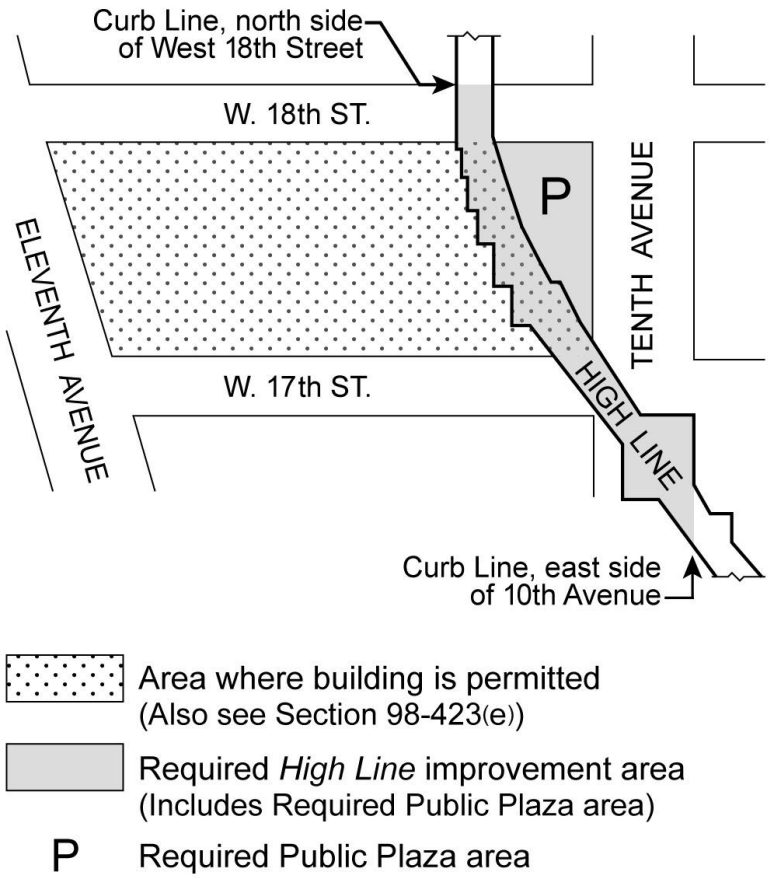
High Line

Required *street wall* with minimum base height of 60 feet. See Section 98-423 (a) for additional *street wall* regulations

Subarea boundary

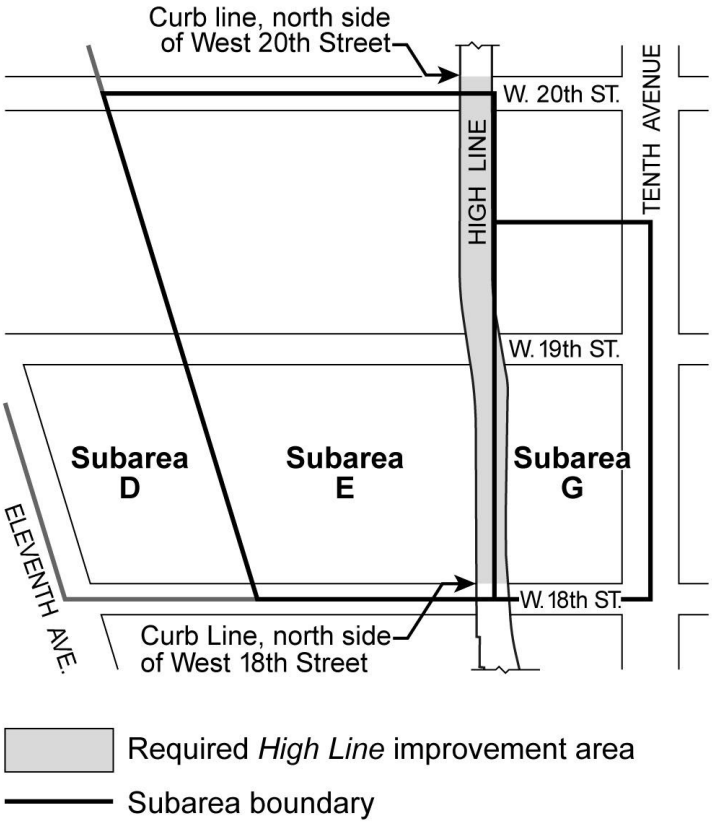
(10/17/07)

Diagram 3 – Subarea H Requirements (98C.3)



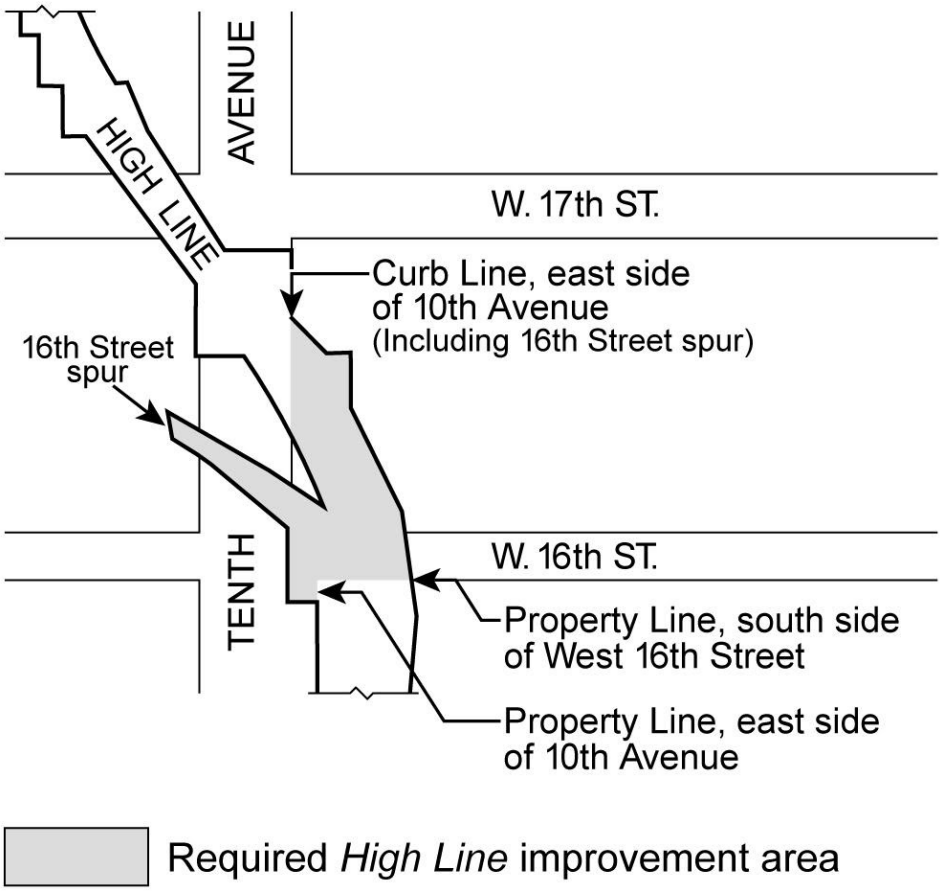
(6/23/05)

Diagram 4 – High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G (98C.4)



(3/22/06)

Diagram 5 – Subarea I Requirements Between West 16th and West 17th Streets (98C.5)



(6/23/05)

Diagram 6a – High Line Access Easement Volume Parameters: Primary Access Easement Volume (98C.6a)

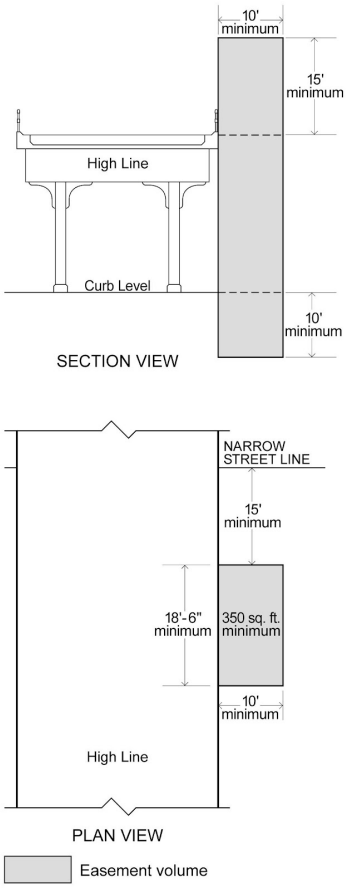
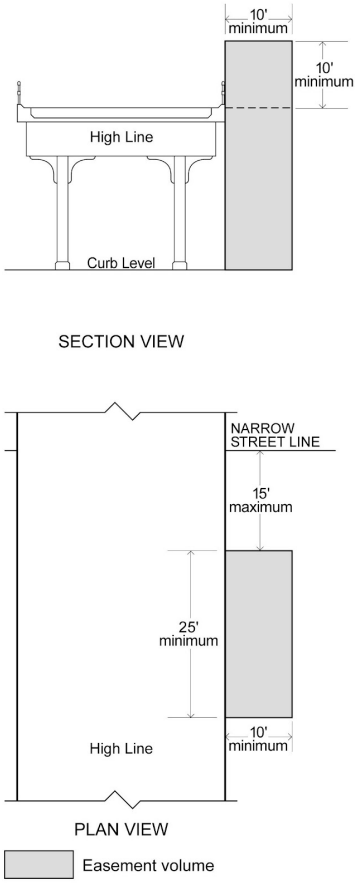
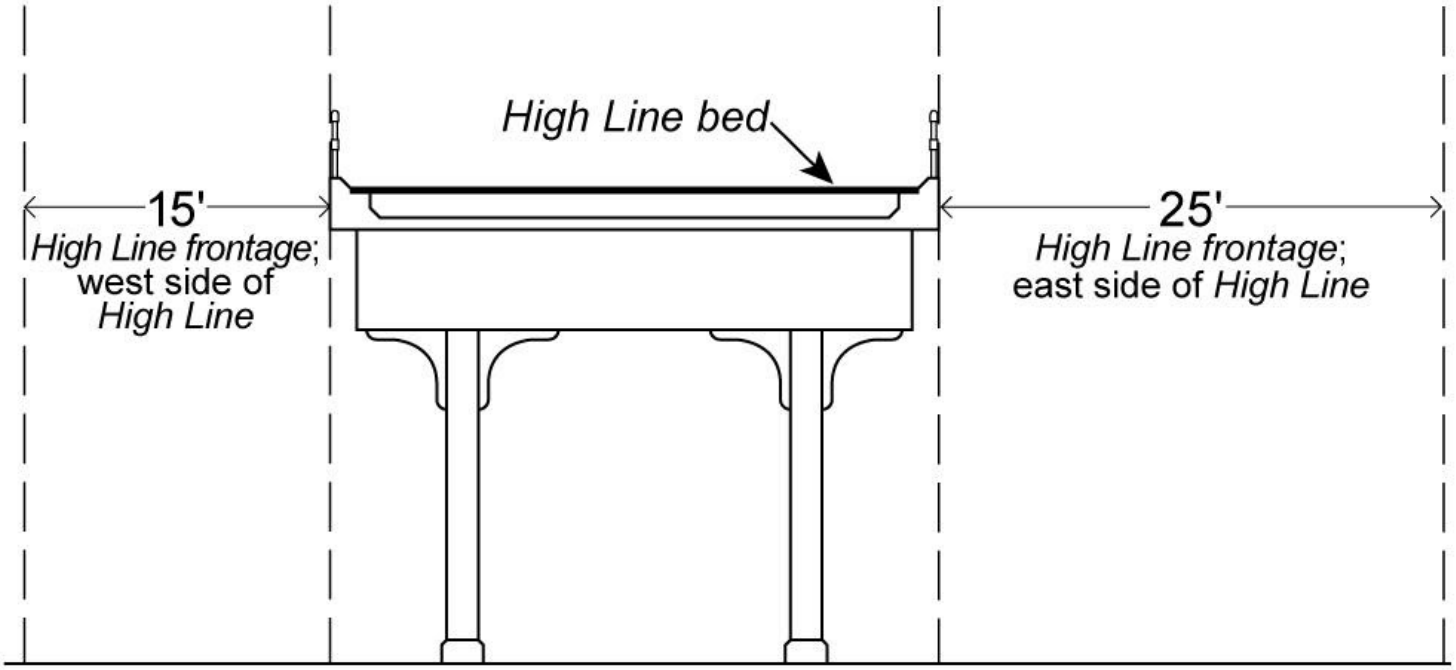


Diagram 6b – High Line Access Easement Volume Parameters: Secondary Access Easement Volume (98C.6b)



(6/23/05)

Diagram 7 – High Line Bed and Frontages (98C.7)



Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

LAST AMENDED
2/2/2011

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th Streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 9822 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 9825 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy, pursuant to paragraph (b) of Section 9825, for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10.

(a) Requirements for issuance of building permit under paragraph (a) of Section 9825

(1) As a condition of issuance of a building permit under paragraph (a) of Section 9825:

(i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of $50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22, provided, that in the event the Owner has previously entered into agreements for construction of At-Grade Plaza Work and Stairway and Elevator Access Work by the City, pursuant to paragraph (a)(2) of this Appendix D, and has made a contribution pursuant thereto, the amount of contribution to the #High Line# Improvement Fund under this subparagraph for purposes of Section 98-25, paragraph (a) shall be reduced by such amount at the time it is made;

(ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator. Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (a)(1)(iii) of this Appendix D, provided that, in the event the Owner enters into agreements for construction of some or all of the At-Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) of this Appendix D, the provisions of such restrictive declaration shall be modified as deemed necessary by the City to effectuate such agreements; and

(iii) the Owner shall execute a maintenance and operating agreement for the At-Grade Plaza.

The easements and agreements described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

(2) Upon the request of the Owner or the City, the City in its sole discretion, may enter into agreements with the Owner, in a form acceptable to the City, providing for construction by the City of some or all of the At-Grade Plaza Work described in paragraph (b)(2)(ii)(b) of this Appendix D, and some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) by the City, including provisions with regard to the viability of retail space fronting the At-Grade Plaza. Pursuant to such agreements, the Owner shall make a contribution of $2,300,000 to a sub-account of the #High Line# Improvement Fund to fund such construction, which amount may be reduced in accordance with provisions of such agreements by an amount reflecting expenditures that the owner has reasonably incurred or shall reasonably incur with respect to remediation work for the At-Grade Plaza and any other work which is the responsibility of the Owner

pursuant thereto. All parties in interest shall execute a Restrictive Declaration pursuant to paragraph (a)(1)(ii) of this Appendix D, with such modifications as deemed necessary by the City to effectuate such agreements.

(3) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

(4) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 9825, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for issuance of certificates of occupancy under paragraph (b) of Section 9825

(1) Structural Remediation Work under paragraph (b)(2) of Section 9825:

(i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph (b). Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (b)(1)(iv) and (b)(1)(v) in this Section (unless such dates are extended by mutual agreement of the City and Owner), but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next 24 months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by $21.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (b)(2), with respect to the Structural Remediation Work, shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate of occupancy.

(ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to public view versus those that will not be so exposed) and shall include, but not be limited to, the following:

(a) Removal and disposal of all leadbased products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

(b) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;

(c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;

(d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the

City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

(e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and

(f) Any work required to be performed belowgrade for the anticipated improvements of the #High Line# for reuse as open space.

(iii) Subject to the Not-To-Exceed Limit set forth in paragraph (c) of this Appendix D, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone).

(iv) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.

(v) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004.

(vi) In the event that the City does not provide the specifications for the Structural Remediation Work, within the timeframe set forth in paragraph (iv) of this Section, Owner may exercise the option to perform such work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays as described in paragraph (b)(1)(v), but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.

(2) At-Grade Plaza Work under paragraph (b)(3) of Section 9825:

The following shall apply, except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D, that provide for construction of some or all of the At-Grade Plaza Work set forth in paragraphs (b)(2)(ii)(b) and (b)(2)(ii)(c), by the City:

(i) Owner shall perform AtGrade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the public). For any permanent certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.

(ii) At-Grade Plaza Work shall include, but not be limited to:

(a) remediation work; and

(b) all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and

(c) infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza.

(iii) The At-Grade Plaza Work shall be performed by the Owner pursuant to construction documents provided by the City by January 31, 2008. The AtGrade Plaza Work shall be completed within one year following January 31, 2008, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and the Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon October 17, 2007, or for any time needed to perform any necessary remediation work on the #zoning lot#.

(iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C), are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 9825, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.

(v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph, (b)(3) of this Section) shall not exceed $2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision (a) of section (1) of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth paragraph (c) of this Appendix D. Owner shall be required to reimburse the City for:

(a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and

(b) the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

(vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the AtGrade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary belowgrade work (including related infrastructure work necessary to support the #High Line#), and atgrade improvements pursuant to the standards set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743 and 37-76 of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section 37-726, for the Alternate At-Grade Plaza Work, shall not count towards #lot coverage#.

(vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed $1,400,000. In addition, Owner shall, subject to the Not-To-Exceed Limit of paragraph (c) of this Appendix D, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

(viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4), Owner shall provide the City with the declarations,

easements and maintenance and operating agreement described in subsection (a) of section (1) of this Appendix, if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.

(3) Stairway and Elevator Access Work under paragraph (b)(4) of Section 98-25:

The following shall apply except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for the construction of some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) of this Appendix D by the City:

(i) Except as provided in paragraph (b)(3)(iii) of this Section, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the AtGrade Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification pursuant to such Section shall be of final completion of the work.

(ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the AtGrade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in paragraph (c) of this Section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.

(iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this Section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):

(a) Owner shall deposit into the #High Line# Improvement Fund, a contribution of $900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning lot#; and

(b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (a)(1) of this Appendix D, if not previously provided in connection with issuance of a building permit.

(4) City performance of work in the event of failure to perform:

(i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a) of this Appendix D, Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix), the AtGrade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under paragraphs (b)(2) and (b)(3) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) has passed, subject to the provisions of such sections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

(ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:

(a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and

Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and

(b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004, or for any time during which remediation work is in progress on the #zoning lot#.

(iii) In the event Owner does not comply with the requirements of paragraph (b)(4)(ii):

(a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of section (a) of this Appendix;

(b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

(c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(c) Reimbursement Not-To-Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of $450,000.00.

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

LAST AMENDED
8/24/2017

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and G or within Subarea I between West 16th and 17th Streets over which the #High Line# passes, with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy, pursuant to paragraph (c) of Section 9825, for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix E, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of $50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22; and

(ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and from a stairway and elevator on the #zoning lot# that will provide access to the #High Line# and for maintenance and repair by the City of such stairway and elevator; and the potential performance by the City of work under the provisions set forth below. In the case of #zoning lots# between West 16th and 17th Streets, Owner shall also provide the City with easements providing for City access to and from and

for public use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities. For #zoning lots# between West 18th and 19th Streets, in the event that the Commissioner of Parks and Recreation requires #High Line# Service Facility Work pursuant to paragraph (b)(4) of this Appendix, no easements shall be required relating to the location of and public access to a #zoning lot# nor from a stairway and elevator on the #zoning lot#. In such event, Owner shall instead provide the City with easements providing for City access to and from and for use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities, as specified in paragraph (b)(4)(ii) of this Appendix, and any restrictive declaration previously executed under this paragraph (a)(1)(ii) in connection with an initial certification pursuant to paragraph (a) of Section 98-25 shall be amended to provide for such easements. All easements described herein shall be in a form acceptable to the City and shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (c); and

(iii) submit plans for Stairway and Elevator Access Facilities and, where applicable, #High Line# Service Facilities that demonstrate compliance with the provisions of this Appendix E, and are consistent with New York City Department of Parks and Recreation standards and best practices governing materials life cycle and maintenance for review and approval by the Chairperson of the City Planning Commission.

(2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot # and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the #High Line# Improvement Fund contribution to reflect the cost of such improvements. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

(3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 9825, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for issuance of certificates of occupancy pursuant to paragraph (c) of Section 9825:

(1) Structural Remediation Work pursuant to paragraph (c)(2) of Section 9825

(i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (b)(1)(iv) and (b)(1)(v), (unless such dates are extended by mutual agreement of the City and Owner), but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next 24 months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by $21.00 for each square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (c)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of temporary certificates of occupancy, and of final completion with respect to issuance of final certificates of occupancy.

(ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life, and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be

different standards for portions of the #High Line# that will be exposed to the public versus those that will not be so exposed) and shall include, but not be limited to, the following:

(a) Removal and disposal of all leadbased products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

(b) Repair of all damaged portions of the entire steel structure, including, but not limited to, railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;

(c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;

(d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

(e) Removal of any or all portions of the ballast material on the #High Line#, including, but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and

(f) Any work required to be performed below grade for the anticipated improvements of the #High Line# for reuse as open space.

(iii) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to such delays as are outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.

(iv) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control.

(v) In the event that the City does not provide the specifications for the Structural Remediation Work within the timeframe set forth in paragraph (b)(1)(iii) of this Appendix, Owner may exercise the option to perform such work and proceed with the Structural Remediation Work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.

(vi) If Owner exercises the option to perform the Structural Remediation Work, Owner shall reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone), such reimbursement not to exceed $115,000.

(2) Stairway and Elevator Access Work pursuant to paragraph (c)(3) and, except where the provisions of paragraph (b)(4) of this Appendix E apply, paragraph (c)(4) of Section 98-25:

(i) Owner shall perform Stairway and Elevator Access Work subject to the provisions of this paragraph (b)(2). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (a)(1)(iii) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed. When such access facilities are enclosed and located at the #street line#, any wall or facade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or facade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than six feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section 98-15.

(iii) The Stairway and Elevator Access Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the provisions of paragraph (b)(2)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.

(iv) In no event however shall Owner be required to complete the Stairway and Elevator Access Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification, pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(3) #High Line# Service Facility Work pursuant to paragraph (c)(3) of Section 98-25:

(i) For #zoning lots# located between West 16th and 17th Streets, Owner shall perform #High Line# Service Facility Work subject to the provisions of this Appendix. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) #High Line# Service Facilities shall consist of satellite maintenance and operations space for the #High Line# open space as well as public restrooms, in accordance with the following standards:

(a) Location

Such facilities shall have a component located at the level of the #High Line bed#, or within five feet of such level (hereinafter referred to as the "upper service facility"). Such facilities shall also have a component located no higher than #curb level# (hereinafter referred to as the "lower service facility"). The upper facility must be located directly above the lower facility to enable placement of a trash chute connecting the upper and lower facilities. Where the upper facility is not located exactly at the level of the #High Line bed#, a fully accessible ramp must connect such level with the level of the upper facility. Where the lower facility is not located exactly at #curb level#, a means acceptable to the City of connecting the lower service facility to a #street# frontage shall be provided.

(b) Program and dimensions

(1) Lower service facilities

Lower service facilities shall contain a room which is accessible from #street# level and is no less than 50 square feet in area. Such facility shall contain the outlet of a trash chute from the upper service facility and shall also have a minimum of one electrical outlet furnishing a wattage consistent with its intended use within a maintenance and operations facility.

(2) Upper service facilities

Upper service facilities shall be no less than 350 square feet in area and shall contain, at a minimum, one public restroom not less than 250 square feet in area with separate restroom spaces for each gender, one storage room not less than 70 square feet in area, and one waste disposal room not less than 30 square feet in area and containing a trash chute to the lower service facility

Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing wattage consistent with its intended use within a maintenance and operations facility.

(iii) The #High Line# Facility Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(3)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.

(iv) In no event, however, shall Owner be required to complete the #High Line# Facility Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(v) The cost to Owner of the #High Line# Facilities Work shall not exceed $1,150,000. The amount of contribution to the #High Line# Improvement Fund under paragraph (a)(1) of this Appendix E, made for purposes of Section 98-25, paragraph (a), shall be reduced by such at the time it is made.

(4) #High Line# Service Facility Work pursuant to paragraph (c)(4) of Section 98-25:

(i) For #zoning lots# located between West 18th and 19th Streets, in the event the Commissioner of Parks and Recreation elects to require improvements under this paragraph by providing Owner written notice thereof no later than 30 days following August 24, 2017, Owner shall perform #High Line# Service Facility Work subject to the provisions of this paragraph (b)(4). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) #High Line# Service Facilities under this paragraph (b)(4) shall consist of facilities that the Commissioner of Parks and Recreation determines will provide significant support services to the #High Line# in accordance with the following minimum standards:

(a) Components, Size and Location

The #High Line# Service Facilities shall consist of a space on one or more levels, with no less than 1,900 square feet of such space at a floor level at, or within three vertical feet of, the level of the #High Line bed#; a walkway connecting such space to the #High Line# of sufficient width and with sufficient load-bearing capacity to accommodate the movement of service equipment to and from the #High Line# and which satisfies the additional obligations of the Americans with Disabilities Act of 1990; and a stairway with a clear path of not less than 44 inches in width providing access from the #street# to the portion of the

#High Line# Service Facilities located above.

(b) Other Features

The #High Line# Service Facilities shall include plumbing, electrical and utility infrastructure, including HVAC, as reasonably necessary to perform the service functions identified by the Commissioner of Parks and Recreation. Portions of any wall separating the #High Line# Service Facilities from the #High Line# and extending from the level of the #High Line bed# to the full height of the #High Line# Service Facilities shall comply with the transparency requirements of Section 98-54.

(iii) The #High Line# Service Facility Work shall be completed within one year following the later of August 24, 2017, or the review and acceptance by the Chairperson of the City Planning Commission of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(4)(ii) of this Appendix, subject to reasonable extensions for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner. Notwithstanding the foregoing, in the event that, prior to an election by the Commissioner of Parks and Recreation under paragraph (b)(4)(i) of this Appendix, the City and Owner have agreed to an extension pursuant to paragraph (b)(2)(iii) of this Appendix, in connection with Stairway and Elevator Access Work, the #High Line# Facility Work shall be completed by such date, unless further extended by mutual agreement pursuant to this paragraph (b)(4)(iii).

(c) City performance in the event of failure to perform

(1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a)(1) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix) and the Stairway and Elevator Access Work (under paragraph (b)(3)), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) of this Appendix, as applicable, has passed, subject to the provisions of such paragraphs relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

(2) The City may proceed with performance and/or completion of the work following such notice unless Owner:

(i) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total) for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City, unless such date is extended by mutual agreement between the City and Owner; and

(ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner’s reasonable control.

(3) In the event Owner does not comply with the requirements of paragraph (c)(2) of this Appendix:

(i) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (a)(1) of this Appendix;

(ii) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

(iii) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and

Located Within Subarea J

LAST AMENDED
11/13/2012

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea J over which the #High Line# passes for any #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas). The additional requirements are set forth in this Appendix F, in paragraph (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); in paragraph (b), the performance of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and in paragraph (c), the option of the owner to offer to the City an additional #High Line# Support Easement Volume. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of a building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) For each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, up to the amount specified in Section 98-22, the owner shall:

(a) for the first 80,000 square feet of such #floor area#, deposit such contribution to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that Section; and

(b) for all such #floor area# which exceeds 80,000 square feet, subject to a deduction pursuant to other provisions of this Appendix F, deposit such contribution to the #High Line# Improvement Fund, or secure such contribution by letter of credit or other cash equivalent instrument in a form acceptable to the City.

Such contribution, in each case, shall be $59.07 per square foot of #floor area# as of November 13, 2012, which contribution rate shall be adjusted July 1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics;

(ii) All parties-in-interest shall execute that restrictive declaration, dated October 25, 2012, and on file at the Office of the Counsel, Department of City Planning, required in connection with environmental assessment (CEQR No. 11DCP120M) for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing #buildings# and structures and related matters;

(iii) All parties-in-interest shall execute a restrictive declaration in a form acceptable to the City addressing the terms described in this paragraph (a)(1)(iii):

(a) Hotel #use#

No #development# or #enlargement# that utilizes the provisions of Section 98-25 shall include a #transient hotel#;

(b) Retail concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, the owner shall provide a pedestrian passageway within any #building# located on the #zoning lot# connecting the Ninth Avenue sidewalk with the Tenth Avenue sidewalk, which passageway shall be open to the public during business hours. Not less than 60 percent of the length of the frontages of such passageway shall be occupied primarily by retail uses, and in addition may be occupied by service, wholesale, production and event space identified in Use Groups 6A, 6C, 7B, 7C, 8A, 9A, 9B, 10B, 11A, 12A, 12B, 16A, 17A and such spaces shall have access to the passageway;

(c) Locations and dimensions of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings# located within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(3):

(1) exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the public restrooms;

(2) exclusive easements for #High Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;

(3) exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);

(4) exclusive use of a dedicated freight elevator that shall provide access to the cellar level, to a shared loading facility at #street# level, to the level of the #High Line bed# and to the level of the #High Line# support space described in paragraph (a)(1)(iii)(c)(2) of this Appendix F; and

(5) non-exclusive easements for:

(i) access between the dedicated freight elevator and the shared loading facility at grade level and the #High Line# support space located in the cellar level; and

(ii) use of the shared loading facility as more particularly set forth in paragraph (a)(1)(iii)(d) of this Appendix F;

(d) Use of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement of the #High Line# Support Easement Volumes), except that:

(1) the public may use the public restrooms;

(2) up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public; and

(3) if dedicated to the City in accordance with paragraph (d) of this Appendix F, the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#.

The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J.

The #High Line# support spaces described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix F, shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its designee shall be provided with a non-exclusive easement to enable reasonable and customary access;

(e) Effective date of the #High Line# Support Easement Volumes

The City's or its designee's rights to utilize the #High Line# Support Easement Volumes shall commence on the date that the #High Line# Support Work has been completed in accordance with paragraph (b)(1) of this Appendix F, or in the event of default of the owner in accordance with paragraph (c) of this Appendix F, the date that the City has notified the owner that it intends to perform such #High Line# Support Work in accordance with paragraph (c); and

(f) Notice by the Department of City Planning of its receipt of certified copies of the recorded restrictive declarations required pursuant to paragraph (a) (1) (ii) and (iii) of this Appendix F, shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# or #enlargement# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012;

(iv) The owner shall submit plans for the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing material life cycle and maintenance, for review and approval by the Chairperson of the City Planning Commission;

(v) Solely in the event the initial certification made pursuant to Section 98-25, paragraph (a), is with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the owner shall enter into agreements with the City or its designee, in a form reasonably acceptable to the City, to provide interim access, in accordance with such agreements, to the #High Line# through a non-exclusive loading facility and an existing freight elevator. Such agreements shall provide that any space within the existing #building# may be used by the City or its designee at no cost, except that the City or its designee shall be obligated to pay for the proportionate costs of utilities, maintenance and other building expenses associated with the use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(iii)(d) of this Appendix F;

(2) The location of #floor area# which would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, and be subject to the provisions of Section 98-25, shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), the owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson, an alternate location.

(b) Requirements for issuance of certificates of occupancy pursuant to paragraph (d) of Section 98-25

(1) #High Line# Support Work pursuant to paragraph (d) of Section 98-25

(i) The owner shall perform #High Line# Support Work subject to the provisions of this paragraph (b)(1), inclusive. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) The #High Line# Support Work shall consist of the following:

(a) the construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(iii)(c)(1) of this Appendix F, furnished with restroom fixtures, including six toilet stalls for women, an aggregate of six toilet stalls and/or urinals for men and three sinks in each restroom, and provided with utility connections.

(b) the construction of the core and shell of the #High Line# support space described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix F including the provision of and access to separately metered gas, ventilation, water, sewer, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within

the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) of this Appendix F. The owner will not be responsible for distributing any utility services within the #High Line# support space or for providing any ancillary equipment for the kitchen exhaust duct; and

(c) the construction of the dedicated freight elevator described in paragraph (a)(1)(iii)(c)(4) of this Appendix F, with a minimum capacity of 3,000 pounds;

(iii) Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii) of this Appendix F, all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the owner, provided that the owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof;

(iv) The cost to the owner of the #High Line# Support Work pursuant to the plans approved pursuant to this paragraph, (a)(1)(iv), shall be estimated at the time of such approval by a licensed engineer selected by the owner, such estimate to be in a form reasonably acceptable to the City, at an amount not to exceed $2,544,000, as adjusted at the time of such approval by changes in the construction cost index published by the Engineering News Record (ENR) for New York City commencing as of December 1, 2012. In the event that the City requests the owner to perform any additional work in conjunction with the #High Line# Support Work and the owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

(v) Except as set forth in paragraph (b)(1)(v) of this Appendix F no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F has been substantially completed or finally completed, as applicable;

(vi) Notwithstanding anything to the contrary in this paragraph (b)(1), inclusive, if certification is initially made pursuant to Section 98-25, paragraph (a), with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(iii), then the conditions for certification pursuant to Section 98-25, paragraph (d), for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and the following conditions shall apply:

(a) the owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix F which letter of credit or other security may be drawn or exercised by the City in the event of a default by the owner in accordance with paragraph (c)(ii) of this Appendix F; and

(b) the owner shall enter into an agreement with the City in a form reasonably acceptable to the City requiring the owner to commence the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion, pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.

(c) In the event the owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix F:

(1) The City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(vi)(a) of this Appendix F and to take possession of the #High Line# Support Easement Volumes following delivery of notice to the owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(iii) of this Appendix F;

(2) The City shall return to the owner any contribution made to the #High Line# Improvement Fund with respect to additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(3);

(3) No additional building permit may be issued pursuant to Section 98-25, paragraph (a), with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012.

(d) Option to offer an additional #High Line# Support Easement Volume:

(1) The owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High Line bed# as an additional #High Line# Support Easement Volume by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the owner's first request for certification by the Chairperson, described in paragraph (a) of Section 98-25, that relates to a #building# or portion of a #building# within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(3);

(2) If the owner elects to exercise such option, the owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term "fair market value" shall mean the price at which such additional #High Line# Support Easement Volume would change hands between a willing buyer and a willing seller, both acting rationally, at arm's length, in an open and unrestricted market. The appraisal shall determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best as-of-right #uses#, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the #building# wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right #uses# of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.

(3) If such option is exercised by the owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) of this Appendix F to irrevocably accept or decline the exercise of the option by written notice to the owner. If the City does not so accept or decline the option within said 60-day period, then the option shall be deemed declined and neither the City nor the owner shall have any further rights or obligations under this paragraph, (d), inclusive;

(4) If such option is exercised by the owner and accepted by the City, the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix F shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

(5) In the event that the City requests the owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F. All costs of fitting-out, operating, maintaining, repairing and replacing the additional #High Line# Support Easement Volume shall be exclusively the

responsibility of the City and not the owner.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 9 - Special Madison Avenue Preservation District (MP)

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Chapter 9 - Special Madison Avenue Preservation District (MP)

99-00 - GENERAL PURPOSES

LAST AMENDED
12/20/1973

The "Special Madison Avenue Preservation District" as established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others, the following specific purposes:

(a) to preserve and protect the unique character and architectural quality of Madison Avenue and its surrounding area;

(b) to preserve and enhance street life by promoting specialty shops at street level;

(c) to introduce amenities relating to the residential character of the area; and

(d) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

99-01 - Definitions

LAST AMENDED
2/2/2011

Development

For purposes of this Chapter, a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement#.

Landmark building

A "landmark building" is any #building# designated as a landmark by the Landmarks Preservation Commission, pursuant to procedures set forth in Section 3020 of the New York City Charter and other applicable laws.

Style building

A "style building" is a #building# possessing an architectural style, as described in the Upper East Side Historic District Designation Report prepared by the New York City Landmarks Preservation Commission in 1981.

99-02 - General Provisions

LAST AMENDED
12/20/1973

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

99-03 - Special Use Regulations

LAST AMENDED
2/2/2011

In order to retain the existing #residential# and retail character of the area, #commercial# #uses# shall occupy at least the first #story# that has a floor level within five feet of #curb level#. Such #commercial# #uses# shall be limited to #uses# listed in Section 99-031 (Use Group MP). Notwithstanding the provisions of Article V, Chapter 2, #non-conforming# #uses# may only be changed to #uses# listed in Section 99-031. Such #commercial# #uses# shall occupy a minimum linear frontage of 75 percent of the frontage of a #zoning lot# on Madison Avenue, except that lots with a frontage of 100 feet or less on Madison Avenue may have a #commercial# frontage of less than 75 percent in order to provide a maximum 25 foot wide entrance to the #residential# portion of the #building#.

The mandatory #use# regulations of this Section may be modified for a #community facility#, pursuant to the certification provisions of Section 99-032 (Modifications of use regulations for a community facility).

99-031 - Use Group MP

LAST AMENDED
2/2/2011

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial# #uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial# #uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

A. Transient Accommodations

#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

B. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artist's supply stores

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Banks (limited to 40 linear feet of #street# frontage)

Barber shops

Beauty shops

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar and tobacco stores

Clothing or clothing accessory stores

Clothing rental establishments

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no charge and no specified showtime

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Loan offices (limited to 40 linear feet of #street# frontage)

Locksmith shops

Medical or orthopedic appliance stores

Meeting halls

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Post offices

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

Tailor or dressmaking shops, custom

Telegraph offices

Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Variety stores, limited to 10,000 square feet of #floor area# per establishment

Wallpaper stores

Watch or clock stores or repair shops

C. Offices

*Offices, businesses, professional or governmental

D. Public Service Establishments|

*Court houses

*Clubs, non-commercial, without restrictions on activities or facilities

Table B

A. Retail or Service Establishments

*Blueprinting or photostatting establishments

*Business schools or colleges

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

*Catering

*Clothing or costume rental establishments

Department stores

*Depositories for storage of office records, microfilm, or computer tapes, or for data processing

Dry goods or fabric stores, with no limitation on #floor area# per establishment

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

Furniture stores, with no limitation on #floor area# per establishment

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

*Radio or television studios

Studios, art, music, dancing or theatrical

Television, radio, phonograph, or household appliance stores, with no limitation on #floor area# per establishment

*Trade, or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare, or other objectionable effects

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

Variety stores, with no limitation on #floor area# per establishment

*Wedding chapels or banquet halls

B. Wholesale Establishments

*Hair products for headwear, wholesaling including styling

*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

*Ship chandlers

*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment

*Wholesale offices or showrooms, with storage restricted to samples

C. Manufacturing Establishments

*Art needle work, hand weaving, or tapestries

*Books, hand binding or tooling

*Ceramic products, custom manufacturing

*Clothing, custom manufacturing or altering for retail

*Hair products, custom manufacturing

*Jewelry manufacturing from precious metals

*Medical, dental, drafting instruments, optical goods, or similar precision instruments

*Musical instruments, except pianos and organs

*Orthopedic or medical appliances, custom manufacturing

*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production

*Watch making

D. #Accessory# #uses#

#Uses# marked with an asterisk (*) shall not be located within #stories# that have a floor level within five feet of #curb level# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, and with no #show window# facing on the #street#

99-032 - Modifications of use regulations for a community facility

LAST AMENDED
2/2/2011

The mandatory #use# regulations of Section 99-03 (Special Use Regulations) may be modified for a #community facility# provided the City Planning Commission certifies that the treatment of the facade preserves and enhances street life on Madison Avenue compatible with the character of the surrounding area.

99-04 - Special Bulk Provisions

LAST AMENDED
5/12/1994

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

99-05 - Special Height and Setback Regulations

LAST AMENDED
5/12/1994

The height and setback regulations of Sections 23-63, 23-64, 23-65, 24-52, 24-53, 24-54, 33-43, 33-44 and 33-45 shall not apply. In lieu thereof, the height and setback regulations set forth in Sections 99-051 through 99-054, inclusive, shall apply.

99-051 - Location, height and setback of street wall

LAST AMENDED
2/2/2011

(a) #Street walls# along Madison Avenue

For #developments# or #enlarged# portions of #buildings# with frontage on Madison Avenue or on a side #street# within 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting# #building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base may be aligned with the #street wall# of the #abutting# #building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting building#. However, such setback distance shall not exceed 15 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) not less than 110 feet but not more than 120 feet above #curb level# ; or

(ii) the full height of the #building# ;

whichever is less.

(2) Above the base, a setback is required for all portions of a #building# which exceed a height of 120 feet above #curb level#. Such setback shall be provided at a height not lower than 110 feet above #curb level#, and shall have a minimum depth of 10 feet from a #wide# #street line# and a minimum depth of 15 feet from a #narrow# #street line#.

(3) No portion of a #building# may exceed the height limitations of Section 99-054 (Maximum building height).

(b) #Street walls# along side #streets#

For #developments# or #enlarged# portions of #buildings# with frontage on a side #street# beyond 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting# #building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base shall be aligned with the #street wall# of the #abutting# #building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting# #building#. However, such setback distance need not exceed 10 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) a height of 60 feet above #curb level# ; or

(ii) the height of a #street wall# before setback, if applicable, of that portion of an existing #building# nearest the #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot# ;

whichever is higher.

(2) Alternatively, the #street wall# location provisions of paragraph (a) of this Section may apply to the base of a #building# along a side #street# beyond 50 feet of its intersection with Madison Avenue, up to a distance of 70 feet from its intersection with Madison Avenue.

(3) Above the base, a setback is required for all portions of a #building#. Such setback shall have a minimum depth of 10 feet from a #wide# #street line# and a minimum depth of 15 feet from a #narrow# #street line#.

(4) No portion of a #building# may exceed the height limitations of Section 99-054 (Maximum building height).

(c) #Street walls# in Historic Districts

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section shall be modified as follows:

(1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

(2) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

99-052 - Recesses, balconies and dormers

LAST AMENDED
2/2/2011

(a) Recesses

Recesses are permitted to provide #outer courts#, balconies or articulation of #street walls# at the intersection of two #street lines#. In addition, recesses may be required or prohibited due to the width of the #zoning lot# or the location of the #street wall# of an adjacent #building#. For the purposes of this Section, the provisions of Section 23-842 (Wide outer courts) shall not apply. In lieu thereof, the width of any such #court# shall be at least one and one-third times its depth. All recesses shall be provided in accordance with the following provisions:

(1) Above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, up to 30 percent of the #street wall# of a base may be recessed from the #street line#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#, unless such recesses are provided within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

(2) Where the #development# or #enlarged# portion of a #building# is adjacent to an existing #building# located on a #zoning lot# having frontage on the same #street line#, no recesses shall be provided in the #street wall# of the #development# or #enlargement# for a distance of 10 feet from the adjacent corner of the existing #building# to a height equal to the height of the existing #building#.

(3) Except for a #zoning lot# with less than 50 feet of frontage, or a #zoning lot# with less than 100 feet of frontage and located entirely in a Historic District designated by the Landmarks Preservation Commission, recesses are required on the #street walls# of #buildings# facing Madison Avenue, in accordance with the following provisions:

(i) above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, at least 25 percent of the length of the #street wall# of a base at the level of every #story# shall be recessed from the #street line# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky; and

(ii) above the base, the #street wall# shall be articulated with recesses that occupy at least 20 percent of the length of the #street wall# at the level of every #story# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky.

(b) Balconies

Balconies shall comply with the following provisions:

(1) No balconies shall be permitted to extend beyond the #street wall# of the base built in accordance with the height and setback regulations of Section 99-051 (Location, height and setback of street wall), paragraph (a).

(2) Balconies shall be permitted in recesses that are not required to be unobstructed from their lowest level to the sky.

(c) Dormers

For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as a

permitted obstruction within a required setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#. However, a dormer shall not be located within 10 feet of a #side lot line# unless it fully abuts an adjoining #building#.

On any #street# frontage, the aggregate width of all dormers at the required setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base.

99-053 - Special provisions for narrow buildings

LAST AMENDED
2/2/2011

If the width of a #street wall#, built pursuant to Section 99-051 or 99-052, is 45 feet or less, then the #building# shall comply with the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements).

99-054 - Maximum building height

LAST AMENDED
2/2/2011

The height of all #buildings or other structures# shall comply with the following provisions:

(a) Except as otherwise provided in paragraph (b) of this Section, the height of all #buildings or other structures# shall not exceed 170 feet above #curb level#. However, such #buildings or other structures# may exceed 170 feet, to a height of 19 #stories# or 210 feet, whichever is less, provided that the gross area of each #story# located above 170 feet does not exceed 80 percent of the gross area of the #story# directly below it.

(b) For the purposes of this Section, the Midblock Transition Portion shall be that portion of a #zoning lot# located within the area between 70 feet and 100 feet from the Madison Avenue #street line#, except for a #zoning lot# which has frontage on a #wide street# not located in a historic district. Within the Midblock Transition Portion, a #building or other structure# shall not penetrate an imaginary plane that begins above a line 100 feet from the Madison Avenue #street line# at a height of 20 feet above the height of a #street wall# built pursuant to Section 99-051, paragraph (b), and rises over the Midblock Transition Portion to a height of 120 feet above #curb level# at a distance of 70 feet from the Madison Avenue #street line#.

99-06 - Off-street Parking Regulations

LAST AMENDED
5/8/2013

Within the portion of the #Special Madison Avenue District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Madison Avenue District#, the provisions of this Section shall apply.

Where #accessory# off-street parking is provided, in no case shall curb cuts for vehicular access be located on Madison Avenue or on a #street# within 50 feet of its intersection with the #street line# of Madison Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District.

99-07 - Authorization to Waive Midblock Transition Portion Height Limitation

LAST AMENDED
2/2/2011

For a #zoning lot# in the Upper East Side Historic District, which #zoning lot# also contains a #landmark building# or #style building# to be preserved or, where a #zoning lot# is not located in the Upper East Side Historic District and the #zoning lot# contains a #building# to be preserved which the Landmarks Preservation Commission has designated as a landmark or certifies in a report by the staff or the Commission to be comparable to a #style building#, the City Planning Commission may authorize the waiver of the requirements of Section 99-054 (Maximum building height), paragraph (b), provided the City Planning Commission finds that:

(a) the #development# or #enlargement# complies with the goals and purposes of the #Special Madison Avenue Preservation District#, as specified in Section 99-00 (GENERAL PURPOSES);

(b) the #development# or #enlargement# will not alter either the character of the neighborhood or the character sought to be achieved by the Special District;

(c) the #development# or #enlargement# will have a harmonious relationship with the #building# to be preserved; and

(d) the Landmarks Preservation Commission reports that a program for continued maintenance of the #building# to be preserved has been established.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article X - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Downtown Brooklyn District (DB)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Downtown Brooklyn District (DB)

101-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Downtown Brooklyn District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to strengthen the business core of Downtown Brooklyn by improving the working and living environments;

(b) to foster development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate;

(c) to create and provide a transition between the Downtown commercial core and the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights;

(d) to encourage the design of new buildings that are in character with the area;

(e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the vitality of Downtown Brooklyn;

(f) to improve the quality of development in Downtown Brooklyn by fostering the provision of specified public amenities in appropriate locations;

(g) to improve visual amenity by establishing special sign regulations within the Fulton Mall and Atlantic Avenue Subdistricts; and

(h) to promote the most desirable use of land and building development for Downtown Brooklyn and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

101-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-702 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Automated parking facility

An “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.

Development or to develop

For purposes of this Chapter, "development" includes a #development#, an #enlargement# or an #extension#.

To "develop" is to create a #development#.

101-02 - General Provisions

LAST AMENDED
2/2/2011

The provisions of this Chapter shall apply within the #Special Downtown Brooklyn District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for

#transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Whenever a #zoning lot# is divided by the boundary of the #Special Downtown Brooklyn District#, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the #Special Downtown Brooklyn District#.

101-021 - Applicability of Inclusionary Housing Program

LAST AMENDED
9/7/2017

In #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING), shall apply, except as superseded, supplemented or modified by the provisions of this Chapter.

101-03 - District Plan and Maps

LAST AMENDED
4/30/2008

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following seven maps:

Map 1	Special Downtown Brooklyn District and Subdistricts
Map 2	Ground Floor Retail Frontage
Map 3	Ground Floor Transparency Requirements
Map 4	Street Wall Continuity and Mandatory Sidewalk Widenings
Map 5	Curb Cut Restrictions
Map 6	Height Limitation Areas
Map 7	Subway Station Improvement Areas

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

101-04 - Subdistricts

LAST AMENDED
6/28/2004

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply that do not apply within the remainder of the #Special Downtown Brooklyn District#. The subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E of this Chapter. Special regulations set forth in Sections 101-60 through 101-632, inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections 101-70 through 101-75 and Appendices A, B, C and D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

101-05 - Applicability of Special Permits by the Board of Standards and Appeals

LAST AMENDED
5/29/1974

Within the #Special Downtown Brooklyn District#, Section 73-68 (Height and Setback and Yard Modifications) shall not be applicable.

101-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/28/2004

101-11 - Special Ground Floor Use Regulations

LAST AMENDED
5/12/2021

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line#, shall be limited to #commercial# #uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. Libraries, museums and non-commercial art galleries shall be permitted. In addition, all non-residential #uses# permitted by the underlying district shall be permitted for buildings fronting on Myrtle Avenue between Ashland Place and the continuation of Prince Street. However, this minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate a vertical circulation core, or structural columns associated with upper #stories# of the #building#.

A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter.

The regulations of this Section are modified as follows:

(a) Fulton Mall Subdistrict

For #buildings# in the Fulton Mall Subdistrict, Use Group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use Group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use Groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off-track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #building# along the #street line# of Fulton Street. Any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(b) Atlantic Avenue Subdistrict

Automotive service stations are not permitted. No bank, loan office, business or professional office or individual #use# in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any #buildings# #developed# after June 28, 2004, or portions of #buildings# #enlarged# on the ground floor level after June 28, 2004, on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial# #uses# in Use Groups 6, 7 or 9, except that this requirement shall not apply to any #development# occupied entirely by #community facility use#.

In any #building# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first

#story# ceiling in any #building# occupied on one of its upper #stories# by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.

101-12 - Transparency Requirements

LAST AMENDED
2/2/2011

Map 3 (Ground Floor Transparency Requirements) in Appendix E of this Chapter specifies locations where the following transparency requirements apply.

For any #buildings# #developed# after June 28, 2004, or portions of #buildings# #enlarged# on the ground floor level after June 28, 2004, each ground floor #street wall# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

101-13 - Sign Regulations

LAST AMENDED
6/28/2004

In the #Special Downtown Brooklyn District#, except as modified by the provisions of Section 101-131 (Permitted projection), the regulations of Section 32-60, et seq., pertaining to #signs#, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set forth in Section 101-60, inclusive, and Section 101-70, inclusive.

101-131 - Permitted projection

LAST AMENDED
6/28/2004

The provisions of Section 32-652 (Permitted projection in all other Commercial Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

No permitted #sign# shall project across a #street line# more than 12 inches, except as otherwise provided in this Section.

Banners for theaters may project across a #street line# for a maximum distance of four feet, provided such banners are separated at least 25 feet apart, and further provided that such banners are located between 12 feet and 40 feet above #curb level#.

For each establishment located on the ground floor, non-#illuminated# double-faced #signs# may project perpendicularly across a #street line# for a maximum distance of 40 inches, provided that no more than two such #signs#, separated at least 25 feet apart, are permitted along each #street# on which such establishment fronts, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches, and shall not be located above the sill level of the second #story# windows.

101-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
6/28/2004

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

101-21 - Special Floor Area and Lot Coverage Regulations

LAST AMENDED
3/13/2019

R7-1 C6-1 C6-4.5 C6-6 C6-9

(a) In R7-1 Districts

In R7-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent.

(b) In C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section 23-151 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent. For #Quality Housing buildings#, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential# #floor area ratio# shall be 9.0. However, in #Mandatory Inclusionary Housing areas# mapped after October 21, 2021, the maximum #residential floor area ratio# shall be 12.0. No #floor area# bonuses shall be permitted, except in accordance with the provisions of Section 66-51, where applicable.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0. In addition, #residential# #floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing).

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential# #floor area ratio# shall be 9.0. On a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area# #ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and

the total maximum #floor area ratio# of the #zoning lot#. In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

No #floor area# bonuses shall be permitted except as authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

101-22 - Special Height and Setback Regulations

LAST AMENDED
2/2/2011

The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Section 101-221 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#.

In R7-1, C5-4, C6-1, C6-4 and C6-9 Districts, except C6-1A Districts, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the provisions of Section 101-222 (Standard height and setback regulations) or, as an option where applicable, Section 101-223 (Tower regulations). #Buildings or other structures# within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas shall comply with the provisions of Section 101-30 (SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS). However, the underlying height and setback regulations shall apply to any #Quality Housing building#, except that Quality Housing height and setback regulations shall not be applicable within any R7-1 District mapped within a C2-4 District.

101-221 - Permitted Obstructions

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

101-222 - Standard height and setback regulations

LAST AMENDED
11/16/2016

C2-4/R7-1 C6-1 C6-4.5 C6-6 C6-9

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS IN C2-4/R7-1, C6-1, C6-4.5, C6-6 AND C6-9 DISTRICTS

	Maximum Base Height		Maximum #building# Height	
District	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#
C2-4/R7-1	85	85	160	160

C6-1	125	150	185	210
C6-4.5 C6-6 C6-9	125	150	250	250

C5-4 C6-4

In the districts indicated, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for an R10 District. For #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for an R10 District. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

101-223 - Tower regulations

LAST AMENDED
11/16/2016

C5-4 C6-1 C6-4 C6-6 C6-9

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provisions of Section 101-222 (Standard height and setback regulations).

(a) Setback requirements for #residential# towers

For #buildings# that contain #residential# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. Such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, or for any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential# #floor area#.

(c) #Lot coverage# requirements for towers

All #buildings#, or portions thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above a height of 150 feet, up to a height of 300 feet. Above a height of 300 feet, all #buildings#, or portions thereof, shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#. However, any portion of a #building# containing #residential# #floor area# above a height of 150 feet shall have a maximum #lot coverage# of 40 percent of the #lot area# of the #zoning lot# or, for

#zoning lots# less than 20,000 square feet, the percentage set forth in the table in this Section:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in sq. ft.)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

(d) Maximum #building# height

In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4, C6-4, C6-6 or C6-9 District.

101-30 - SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

LAST AMENDED
2/2/2011

The provisions of this Section shall apply within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas, as shown on Map 6 in Appendix E of this Chapter.

(a) Flatbush Avenue Extension Height Limitation Area

Within the Flatbush Avenue Extension Height Limitation Area, no #building or other structure# shall exceed a height of 400 feet.

(b) Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:

(1) #Public plaza# prohibition

No #public plazas# shall be permitted within Area B of Map 6.

(2) Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 shall apply within Area A of Map 6, and are modified to limit maximum #building# height to 140 feet within Area B, and to permit a maximum #building# height of 250 feet within Area C of Map 6. For #Quality Housing buildings#, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 6 or as specified pursuant to the Quality Housing Program, whichever is less.

(3) #Rear yard# modification

The provisions of Sections 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable, shall not apply to any #through lot#. In lieu thereof, an open area with a minimum depth of 60 feet, midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided. Such #rear yard# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

101-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
6/28/2004

101-41 - Special Street Wall Location Regulations

LAST AMENDED
11/16/2016

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

(a) Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, the #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #street line# for that portion of the #building# within the Subdistrict, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Sections 101-222 (Standard height and setback regulations) or 101-223 (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict, the underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height of 16 feet above #curb level# and, in a C2-4 District mapped within an R6A District, a maximum height of 50 feet above #curb level# or, in a C2-4 District mapped within an R7A District, a maximum height of 60 feet above #curb level#.

(c) Willoughby Square

For #buildings# fronting upon Willoughby Square, at least 70 percent of the #street wall# of that portion of the #building# fronting upon Willoughby Square shall be located on the #street line# and extend to a minimum height of 80 feet and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-223 shall apply.

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

101-42 - Mandatory Sidewalk Widenings

LAST AMENDED
2/2/2011

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the sidewalk widening regulations of this Section apply. Such regulations shall apply to all #developments# and to those horizontal #enlargements# where the #enlarged# portion of the #building# contains a #floor area ratio# of 3.0 or more.

All #buildings# that front upon the southerly #street line# of Willoughby Street between Adams Street and the Flatbush Avenue Extension shall provide a five foot deep sidewalk widening along the full frontage of the #zoning lot# along Willoughby Street. Such sidewalk widening shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. For the purposes of applying the height and setback regulations of Section 101-22, inclusive, and the #street wall# location requirements of Section 101-41, the sidewalk widening line shall be considered to be the #street line#.

101-43 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. For the purposes of this Section, a #development# shall not include an #extension#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E of this Chapter.

Station	Line
Court Street-Borough Hall	Eastern Parkway/Montague Street Tunnel
DeKalb Avenue	4th Avenue/Brighton
Hoyt Street	Eastern Parkway
Hoyt-Schermerhorn Street	Crosstown/Fulton Street
Jay Street-MetroTech	Culver/Fulton Street
Lawrence Street	Montague Street Tunnel

Nevins Street	Eastern Parkway
Atlantic Avenue-Pacific Street	4th Avenue

101-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/10/2012

The provisions of Article II, Chapter 5, and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except that the #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 20 percent of the total number of new #dwelling units#. However, such modification shall not apply in R6B Districts.

101-51 - Curb Cut Restrictions

LAST AMENDED
12/10/2012

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a #street# specified on Map 5, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

101-52 - Reservoir Spaces

LAST AMENDED
6/28/2004

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

(a) Attended parking facilities

Attended #accessory# parking facilities, #public parking garages# or #public parking lots# with more than 25 parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

(1) for parking facilities with more than 25 parking spaces and up to 50 parking spaces: five percent of the total number of parking spaces;

(2) for parking facilities with more than 50 parking spaces and up to 100 parking spaces: 10 percent of the total number of parking spaces;

(3) for parking facilities with more than 100 parking spaces and up to 200 parking spaces: 10 parking spaces; and

(4) for parking facilities with more than 200 parking spaces: five percent of the total number of parking spaces. However, such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of

this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Self-parking facilities

For self-parking #accessory# parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop at a mechanically operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

101-53 - Garages

LAST AMENDED
12/10/2012

101-531 - Public parking garages

LAST AMENDED3/22/2016

#Public parking garages# with 225 or fewer spaces shall be permitted as-of-right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

101-532 - Off-site accessory parking spaces in public garages

LAST AMENDED3/22/2016

Section 36-57 (Accessory Off-street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage# #developed# after December 10, 2012, provided such off-site spaces comply with the provisions of Section 101-55 (Location of Off-site Parking Spaces).

101-533 - Pedestrian safety

LAST AMENDED3/22/2016

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

(a) a ‘stop’ sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and

(b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:

(1) span the entire width of such exit lane;

(2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and

(3) be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

101-534 - Stackers in garages

LAST AMENDED3/22/2016

Within an enclosed attended parking facility with parking lift systems, for individual lifted trays upon which a vehicle is stored, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-535 - Automated parking facilities

LAST AMENDED3/22/2016

For an #automated parking facility#, the minimum size of spaces regulated in Sections 25-62 (Size and Location of Spaces) and 36-521 (Size of spaces) shall not apply.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are needed to routinely store and retrieve vehicles for the efficient operation of such #automated parking facility#.

Within an #automated parking facility#, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-536 - Special permit for public parking garages

LAST AMENDED3/22/2016

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall not apply to #public parking garages#. In lieu thereof, the City Planning Commission may permit:

(a) a #public parking garage# that does not comply with the provisions of Section 101-531 (Public parking garages), provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and

(b) floor space on one or more #stories#, up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10.

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find that:

(1) such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by #commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen, at least six feet high, within three years. Where such screening is not desirable, a total of at

least 50 percent of the exterior #building# wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;

(4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(5) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(6) such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and

(7) if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

101-54 - Restrictions on Use of Accessory Off-street Parking Spaces

LAST AMENDED
12/10/2012

The provisions of Section 36-46 (Restrictions on Use of Accessory Off-street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

101-55 - Location of Off-site Parking Spaces

LAST AMENDED
12/10/2012

Sections 25-50 and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-421 (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are #accessory#.

101-60 - FULTON MALL SUBDISTRICT

LAST AMENDED
6/28/2004

101-601 - General purposes of the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

The general goals of the Fulton Mall Subdistrict include, among others, the following purposes:

(a) to foster and promote the orderly expansion of retail development so that Downtown Brooklyn will enhance its position as a major regional shopping center, provide an increasing number of employment opportunities and encourage the development of a desirable shopping and working environment;

(b) to complement public improvements in the area implemented either directly or indirectly by the City of New York by encouraging

private investment in signs, facades and new development that will enhance the visual appearance and character of structures in the vicinity of Fulton Mall;

(c) to create an attractive shopping environment in the vicinity of the Fulton Mall, the construction of which will implement a plan for improved pedestrian and vehicular circulation; and

(d) to encourage a desirable urban design relationship between each building and the Fulton Mall.

101-602 - General provisions for the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section 101-10, the special #sign# regulations of Section 101-61, inclusive, and the special transparency provisions of Section 101-12.

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections 101-61, inclusive, and 101-12 and 101-62, inclusive, governing #signs#, transparency and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

101-61 - Special Sign Regulations for the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

Any erection of a new #sign#, or alteration (including a change in graphic representation on an existing #sign#), reconstruction or replacement of an existing #sign#, shall be subject to the special #sign# regulations of this Section, inclusive.

101-611 - Area of permitted signs

LAST AMENDED
6/28/2004

Except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), all permitted #signs# in the Fulton Mall Subdistrict shall be subject to the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions), Section 101-612 (Sign band) and this Section.

101-612 - Sign band

LAST AMENDED
2/2/2011

(a) #Sign# located within the #sign# band

A #commercial# establishment located on the ground floor of a #building# may have one #sign# located on each #street# frontage within a #sign# band as defined in this Section.

The #sign# band shall have a lower limit of 10 feet above #curb level# and an upper limit coincident with the bottom of the lowest window sill on the second floor of a #building#, but in no event more than 15 feet above #curb level#. A #sign# located within the #sign# band may be applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be entirely within the #sign# band, shall be mounted horizontally, shall have a uniform color over its entire surface excluding perimeter frame or trim and shall extend the full length of the #street wall# of the establishment to which it is #accessory#, except that such #sign# board may be interrupted by vertical architectural elements such as

columns, pilasters or other integral architectural elements. Any background material shall be considered as a #sign# board, unless it extends the full length of the #street wall# of a #building# (or that portion of a #building# occupied by the establishment) and the full height of the #building# up to the topmost cornice. On #corner lots#, a #sign# or #sign# boards shall be the same vertical dimension and shall be mounted at the same height above the #curb level# on both #street# frontages.

If more than one #commercial# establishment is located on the ground floor of a #building#, the #signs# located within the #sign# band #accessory# to each such establishment shall consist of letters and symbols of approximately the same size for each establishment, either applied directly to the surface of the #building# or to a common #sign# board affixed to the surface of a #building#.

As of March 16, 1978, the owner or lessee of a #building# with more than one ground floor establishment shall be responsible (unless the #sign# is applied directly to the surface of the #building#) for specifying the requirements of a common #sign# board, which shall include, but are not limited to, vertical dimension, mounting height, background color, material, whether illuminated and method of illumination (if applicable) which shall be the same for each establishment and shall be adhered to by each establishment employing a #sign# board.

A #sign# #accessory# to #uses# on the upper floors of a #building# may be located within the #sign# band when it directs attention to a ground floor entrance of an establishment located on the upper floors of a #building#.

(b) #Signs# located below the #sign# band

#Signs# #accessory# to #commercial# establishments located on the ground floor of a #building# may be located between #curb level# and 10 feet above #curb level#. #Signs# in #show windows#, on doors, or on transoms above doors, shall not occupy more than 20 percent of the total area of such #show windows#, doors or transoms above doors in which they are displayed, and are limited to writing (including letter, word or numeral) not more than eight inches high. Such #sign# shall be applied directly to #show windows#, doors or transoms above doors, without background, or to a transparent panel hung behind the plane of the #show window# surface, door or transom above a door. Non-flashing #illuminated signs# (such as neon, etc.) shall be permitted providing that such #signs# are essentially transparent, i.e., without background or enclosure.

Incidental #signs#, identifying store name, address and hours of operation shall not exceed 10 square feet (including background) for an individual #sign# and shall not exceed, in aggregate (square feet), one-fifth the #street# frontage of the establishment but in no event more than 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

An establishment located above the ground floor of a #building# that has an entrance on the ground floor may have one #sign# directing attention to the entrance.

(c) #Signs# located above the #sign# band

#Signs# #accessory# to #commercial# establishments which occupy space above the ground floor of a #building# may be located between 20 feet and 40 feet above #curb level#. Such establishments may have #signs# in windows provided that such #sign# does not occupy more than 30 percent of the window to which it is applied, that the remainder of the window is transparent, and that all such #signs# for an establishment have similar size and style of writing, pictorial representation, emblem or any other figure of similar character. #Commercial# establishments which occupy space above the ground floor may have one #sign# located above the #sign# band which is applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be mounted horizontally, shall have a uniform color over its entire surface, excluding perimeter frame and trim, and shall not be located between windows. The total #surface area# of all #signs# located above the #sign# band shall not exceed three times the #street# frontage of the #zoning lot# (in feet) but in no event more than 200 square feet on each frontage.

No #sign# or #sign# board shall extend above the parapet wall or shall obscure any cornice or window.

101-613 - Special sign content regulations

LAST AMENDED
6/28/2004

Except as further defined by the regulations of the #Special Downtown Brooklyn District#, permitted #signs# are limited to the following message:

store name;

symbol or logo;

address;

date of establishment; and

description of product or service offered.

101-614 - Sign illuminations

LAST AMENDED
6/28/2004

#Signs# may be illuminated by either:

(a) internal illumination; or

(b) an external source that shall be so arranged that it projects no more than 12 inches from the #sign# it illuminates, and so that no direct rays of light are projected into adjoining #buildings# or the #street#. No #flashing signs# are permitted nor are flashing or rotating light sources except #illuminated signs# that indicate the time, temperature, weather or other similar information, pursuant to the definition of #flashing sign# in Section 12-10.

101-615 - Temporary signs

LAST AMENDED
6/28/2004

Temporary #signs# relating to sales or events of limited duration not to exceed 45 days may be displayed in a #show window# of a #building#. Such #signs# must be removed after the last day of the sale or event to which they pertain. Temporary #signs# shall not occupy more than 20 percent of the surface area of the window in which they are displayed.

101-616 - Removal of existing signs with change of use

LAST AMENDED
6/28/2004

When a change of #use# or occupancy occurs within the Fulton Mall Subdistrict, all #signs# pertaining to the previous #use# or occupancy shall be removed within 45 days of the date such change takes place.

101-617 - "For sale" or "for rent" signs

LAST AMENDED
6/28/2004

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted.

101-618 - Termination of certain non-conforming signs

LAST AMENDED
6/28/2004

In the Fulton Mall Subdistrict, Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS) shall not apply. In lieu

thereof, certain #non-conforming# #signs# may be continued until June 30, 1980, providing that after that date such #non-conforming# #signs# shall terminate and shall be removed in their entirety, including any supporting structure, frame or device. Such #signs# shall include:

#advertising signs#;

#flashing signs#;

#signs# located more than 40 feet above #curb level#;

roof #signs#;

#signs# extending above a parapet;

#signs# obscuring cornices and windows;

double or multi-faced #signs#; and

#signs# that project across a #street line# more than 12 inches.

Any #sign#, as of January 1, 1978, that forms an integral part of the surface of a #building or other structure# (such as a #sign# carved in stone, cast in metal or molded in terra cotta on a #building# whose facade is of such material) shall not be subject to the provisions of this Section.

101-62 - Special Bulk Regulations

LAST AMENDED
6/28/2004

101-621 - Special regulations concerning building facades

LAST AMENDED
6/28/2004

Any alteration to, or reconstruction of, the facade of an existing #building# shall be subject to the regulations of this Section, inclusive, but only to the extent of such work.

101-622 - Special provisions for building facades above the ground floor

LAST AMENDED
6/28/2004

Any alteration, #incidental alteration# or minor work done to the #street wall# of any #building# or portion of any #building# shall be accomplished in such matter that:

(a) such #street wall# is treated with consistent materials, color and texture from the top of any ground floor windows or #sign# board to the top or the parapet, or to the bottom of a cornice if a cornice exists (access doors or panels, grilles or similar features shall be as inconspicuous as possible); and

(b) where such #street wall# treatment covers any window opening, it shall completely cover all window openings in the #street wall#; or

(c) where window openings remain uncovered, all windows shall be treated in a similar manner or, if sealed, all windows shall be covered by a panel set at least two inches behind the plane of the wall. Except where the material used to seal window openings is the same as the wall of the #building#, the window panel shall have a single color over its entire surface. All such window panels shall have the same color.

101-63 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The parking regulations of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply, except as set forth in this Section, inclusive.

101-631 - Restricted access and prohibition on curb cuts

LAST AMENDED
6/28/2004

In no case shall vehicular access and egress for #accessory# off-street parking, public parking facilities, permitted or required #accessory# off-street loading berths or the service entrance to a #building#, be located within 50 feet of Fulton Street or DeKalb Avenue within the Fulton Mall Subdistrict. No curb cuts are permitted within the Fulton Mall Subdistrict within 50 feet of Fulton Street or DeKalb Avenue.

101-632 - Waiver of off-street parking and loading requirements

LAST AMENDED
6/28/2004

The Commissioner of Buildings may waive any requirement in this Chapter that #accessory# off-street parking or loading berths be provided where the Commissioner finds that the required parking or loading cannot be provided consistent with Section 101-631 (Restricted access and prohibition on curb cuts).

101-70 - ATLANTIC AVENUE SUBDISTRICT

LAST AMENDED
6/28/2004

101-701 - General purposes

LAST AMENDED
6/28/2004

The general goals of the Atlantic Avenue Subdistrict include, among others, the following purposes:

(a) to protect the existing scale and form of development on Atlantic Avenue, characterized by three- and four-story attached buildings with shops, built in the 19th century;

(b) to preserve and enhance street life by maintaining a mix of residential and commercial uses, encouraging a variety of retail and service uses while limiting automotive service uses; and

(c) to protect desirable architectural features of certain buildings by establishing design guidelines for renovation or alteration.

101-702 - Definitions specific to the Atlantic Avenue Subdistrict

LAST AMENDED
6/28/2004

For purposes of Sections 101-70 through 101-75, inclusive, concerning the Atlantic Avenue Subdistrict, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-01 or in this Section.

Specified building type

Any #building# within the Atlantic Avenue Subdistrict erected prior to 1900, that has:

(a) a front wall for the full width of the #zoning lot# for a height of from two to five #stories#;

(b) a front wall of brick or stone, erected coincident with, or within five feet of, the #street line#, with windows at each #story# and a cornice at the parapet level; and

(c) a storefront at the #basement# or ground floor.

A list of the #buildings# within the Atlantic Avenue Subdistrict that conform to the definition of #specified building type# appears in Appendix A of this Chapter.

Specified storefront type

Any storefront which is part of a #building# of the #specified building type# that has:

(a) #show windows# projecting beyond the front wall of the #building#, occupying a total area of at least 35 square feet and a sill height of not more than three feet and a total height of not less than eight feet, measured from #curb level#; and

(b) a projecting cornice above the storefront for its full width.

A list of #buildings# within the Atlantic Avenue Subdistrict having storefronts that conform to the definition of #specified storefront type# appears in Appendix B of this Chapter.

101-71 - Sign Regulations

LAST AMENDED
6/28/2004

In order to enhance the visual quality of the Atlantic Avenue Subdistrict, the following additional regulations shall apply to all #signs# within the Subdistrict.

101-711 - Total surface area of signs

LAST AMENDED
6/28/2004

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section 101-712 (Area of non-illuminated signs).

101-712 - Area of non-illuminated signs

LAST AMENDED
2/2/2011

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each #commercial# establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed three feet. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection).

101-713 - Area of illuminated signs

LAST AMENDED
6/28/2004

The total #surface area# (in square feet) of #illuminated signs# on a #zoning lot# shall not exceed two times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#. The vertical dimension on any #illuminated sign# shall not exceed 2 feet, 6 inches, nor shall #illuminated signs# project more than 10 inches from the surface to which they are affixed.

101-714 - Permanent window graphics

LAST AMENDED
6/28/2004

Permanent window graphics may not occupy more than 20 percent of the total area of the window in which they are displayed. If such a permanent window graphic has letters more than three inches high, it shall count as a #sign#.

101-715 - Location of signs

LAST AMENDED
6/28/2004

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs# #accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

(a) if #accessory# to #uses# on the ground floor of a #building#, the #sign# or common #sign# board shall be located within a band extending the full length of the #street wall#, which band shall have a lower limit of eight feet above the ground floor and an upper limit coincident with the bottom of the lowest window sill on the second floor, but in no event more than 16 feet above #curb level#;

(b) if #accessory# to #uses# on the upper floor of a #building#, the #sign# or common #sign# board shall be located between the highest window lintel of the floor on which the #use# is located and the lowest window sill of the floor above, but in no case more than 25 feet above #curb level#;

(c) no #sign# may be located so as to obscure any cornice, except that a non-#illuminated sign# may be attached to a cornice if such #sign# consists of individual letters, emblems or figures mounted on open metal mesh attached to the cornice and finished to match the cornice, provided that the cornice remains visible; and

(d) no #sign# or common #sign# board shall extend above the parapet wall or roof of the #building# on which it is displayed.

101-716 - Sign materials and colors

LAST AMENDED
6/28/2004

#Signs# may be fabricated of any opaque material that does not have a glossy or reflective surface, except that glossy translucent material may be used:

(a) in areas where the intent is to imitate or replace glass, as in transoms; or

(b) for individual letters in internally lit #illuminated signs#.

Background colors for #signs# or common #sign# boards shall be limited to black, navy blue, dark green, maroon or bronze.

101-72 - Modification of Bulk Regulations

LAST AMENDED
6/28/2004

101-721 - Height and setback

LAST AMENDED
2/2/2011

The underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height above #curb level# of 16 feet and, in a C2-4 District mapped within an R6A District, a maximum height above

#curb level# of 50 feet or, in a C2-4 District mapped within an R7A District, a maximum height above #curb level# of 60 feet.

101-73 - Special Provisions

LAST AMENDED
6/28/2004

101-731 - Special provisions for certain existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work (including any change in, addition to, or removal from, the parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

(a) Alteration or reconstruction of storefronts shall comply with the provisions of Section 101-734.

(b) Front walls which are replaced shall be erected to the same height and at the same location as the original walls. Replacement or repair of front walls shall be done with the same material as the original walls, except that stone may be replaced by another material finished in such a manner as to match the appearance of the original walls. Finishes and colors of front walls shall be of an approved type, as indicated in Appendix C of this Chapter.

(c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section 101-733 (Special provisions for development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section 101-733 are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.

(d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice that must be removed shall be replaced by a new cornice having the same height, length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

101-732 - Special provisions for other existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work done to the front wall of any #building# not of the #specified building type#, shall comply with the following standards:

(a) alteration or replacement of storefronts shall comply with the provisions of Section 101-734; and

(b) alteration or replacement of front walls shall comply with the provisions of Sections 101-721 (Height and setback) and 101-733 (Special provisions for development and enlargement).

101-733 - Special provisions for development and enlargement

LAST AMENDED
2/2/2011

The front wall of any #development# or #enlargement#, or the front wall of any #building# where the height or width of a #street wall# is proposed to be increased, shall be built to comply with the following standards:

(a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces permitted pursuant to Section 101-744 (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two #street lines# forming an angle of 100 degrees or less.

(b) Windows shall occupy at least 35 percent of the wall area at the level of any #story# above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#.)

(c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D of this Chapter.

101-734 - Special provisions for storefronts

LAST AMENDED
2/2/2011

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

New storefronts installed in any existing or new #building# shall comply with Section 101-12 (Transparency Requirements) and the following standards:

(a) A storefront installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.

(b) Storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#. A minimum of 50 percent of the door area shall be transparent glazed.

(c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of two feet.

(d) All framing elements, trim elements, doors, etc., of the storefront shall be finished in an approved manner, as indicated in Appendix D.

(e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

101-74 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

101-741 - Accessory off-street parking

LAST AMENDED

2/2/2011

No #accessory# off-street parking facilities are required for any #residential# or #commercial# #development#, or portion thereof, within the Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#. All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of private passenger motor vehicles used by the occupants of such #residences#.

In no case shall curb cuts for vehicular access be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Atlantic Avenue Subdistrict.

The parking requirements set forth in Sections 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

101-742 - Screening

LAST AMENDED
6/28/2004

Any permitted #accessory# off-street parking area, regardless of size or location, shall be screened from all adjoining #zoning lots# and #streets# by screening that complies with the provisions of Section 36-56 (Screening) and which, in the case of a wall or barrier or uniformly painted fence, is finished in an approved color as indicated in Appendix D of this Chapter.

101-743 - Accessory off-street loading

LAST AMENDED
2/2/2011

Curb cuts for vehicular access to #accessory# off-street loading berths shall not be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. However, the City Planning Commission may, by authorization, permit a curb cut on Atlantic Avenue, provided that:

(a) such curb cut is a relocation of an existing curb cut on the #zoning lot#; and

(b) such curb cut will not unduly inhibit surface traffic and pedestrian flow along Atlantic Avenue.

The loading berth requirements of Section 25-72 or 36-62 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required loading berths with access to a #street# in conformity with the provisions of this Section.

All #accessory# off-street loading berths shall be enclosed within a #building#.

101-744 - Special permit for public parking garages or public parking lots

LAST AMENDED
2/2/2011

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the

spaces so provided, whichever amount is less; and

(c) where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

101-75 - Special Provisions for Demolition of Buildings

LAST AMENDED
2/2/2011

Except in the case of #buildings# that are unsafe and the demolition of which is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code, no demolition permit shall be issued by the Department of Buildings for any #development# within the Subdistrict until:

(a) the owner of the property has obtained a building application approval for the new #development# or #enlargement#; and

(b) the owner shall have presented evidence of having a commitment from a domestic bank, insurance company or real estate investment company, for construction financing, which shall be in the form of a letter trust.

101-80 - SPECIAL PERMITS

LAST AMENDED
6/17/2013

101-81 - Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

LAST AMENDED
3/13/2019

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility# #floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section 23-641 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

For the purposes of this Section, “cultural use” shall be defined as public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable #uses# and space occupied by such cultural #use# shall qualify as #community facility# #floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) of this Section shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

(1) A letter from the Office of the Mayor shall be submitted certifying that:

(i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural #uses# and for the construction of the core and shell of such cultural facility by the applicant; and

(ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural #uses#; and

(2) A legal commitment in the form of a declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural #uses# to cultural #use# for the life of the related #development#, provided that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not-for-profit corporation under contract with the City to provide economic development services at the time

of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.

(b) In order to grant such permit, the Commission shall find that:

(1) the #building#, including such cultural #uses#, is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural #uses# from surrounding #streets#;

(2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;

(3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;

(4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and

(5) any modifications to #sign# regulations will result in greater visibility for the cultural #uses# provided on the #zoning lot#.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural #uses# minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that a deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:

(1) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;

(2) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and

(3) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

101-82 - Modification of Bulk Regulations for Certain Buildings on Irregular Sites

LAST AMENDED10/21/2021

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped after October 21, 2021, for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications are limited to the minimum needed to relieve such difficulties;

(d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and

(e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

Appendix A - Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type

LAST AMENDED
6/28/2004

The following is a list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that conform to the definition of #specified building type# contained in Section 101-702.

Block 176

Atlantic Avenue (NS): 305, 311, 313, 315, 317, 321, 323, 325, 327, 329

Block 177

Atlantic Avenue (NS): 347, 349, 351, 355, 365-7, 369, 371, 373, 375, 377, 377A, 385, 387, 389, 395

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 455, 457, 477, 479, 481, 483, 485, 487, 491, 495, 497, 499, 501

Third Avenue (ES): 31-31A

Block 180

Atlantic Avenue (NS): 565, 567, 569, 571, 573

Times Plaza: 2, 6, 8, 10, 12

Flatbush Avenue: 112, 114, 116, 118, 122

Block 181

Atlantic Avenue (SS): 214, 220, 228, 232, 234

Block 182

Atlantic Avenue (SS): 294, 296, 298, 300, 302, 304-6, 308, 320, 322, 324, 326, 334, 336, 338, 340

Block 183

Atlantic Avenue (SS): 348, 352, 356, 358, 360, 362, 364-64A, 370, 372, 374, 376, 378, 380, 394, 396, 398, 400, 402

Block 184

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 414, 416, 418, 420, 426, 442, 444, 446, 448, 450

Block 185

Atlantic Avenue (SS): 490, 492, 514

Block 186

Atlantic Avenue (SS): 558, 560

Block 278

Atlantic Avenue (SS): 278, 290

Court Street (ES): 141, 143, 145

(SS) - south side

(NS) - north side

(ES) - east side

Appendix B - Atlantic Avenue Subdistrict: Storefronts Conforming to the Specified Storefront Type

LAST AMENDED
6/28/2004

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that contain storefronts conforming to the definition of #specified storefront type# contained in Section 101-702.

Block 177

Atlantic Avenue (NS): 371, 375, 377, 377A

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 483, 501, (easterly of 2 storefronts)

Block 181

Atlantic Avenue (SS): 232

Block 182

Atlantic Avenue (SS): 302 (westerly of 2 storefronts), 322, 340

Block 183

Atlantic Avenue (SS): 358, 360, 362, 364-364A, 370, 372, 394, 396, 398, 402

Block 189

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 416, 420, 426

Block 185

Atlantic Avenue (SS): 492

Block 278

Atlantic Avenue (SS): 278

(SS) - south side

(NS) - north side

(ES) - east side

Appendix C - Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls

LAST AMENDED
2/2/2011

Brick: New brick shall be red or dark brown, unglazed, with normal variation in color permitted. Existing brick shall either be cleaned and left unfinished or painted one of the colors listed below.

Stucco: Stucco shall have a smooth troweled finish and shall be painted one of the colors listed below.

Stone: Stone shall be left natural or painted one of the colors listed below.

Paint Colors: Paints shall be limited to the colors listed.

White Limestone

Red Brick

Green

Blue

Light Yellow

Dark Yellow

Appendix D - Atlantic Avenue Subdistrict: Permitted Trim Finishes (for storefronts, cornices, window sash, shutters or trim)

LAST AMENDED
2/2/2011

Wood: All wood should be painted one or more of the colors listed below.

Metal: All metal should be painted one or more of the colors listed below, except that aluminum may have a dark bronze or black duranodic finish.

Paint Colors: Paints shall be limited to the colors listed, and should be of the semi-gloss low luster variety.

White Cream

Dark Red

Ochre

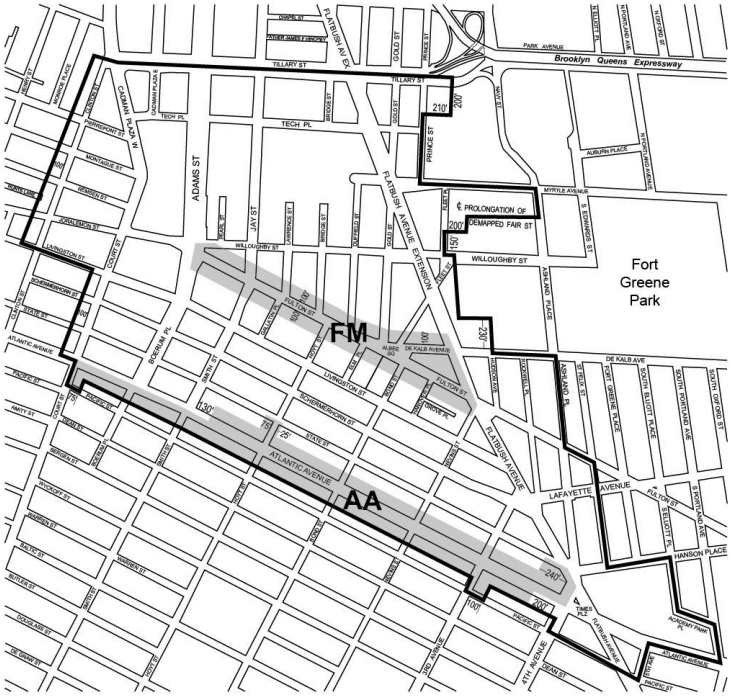
Dark Blue

Dark Brown

Appendix E - Special Downtown Brooklyn District Maps

LAST AMENDED
2/2/2011

Map 1 — Special Downtown Brooklyn District and Subdistricts (12/10/19)



Special Downtown Brooklyn District

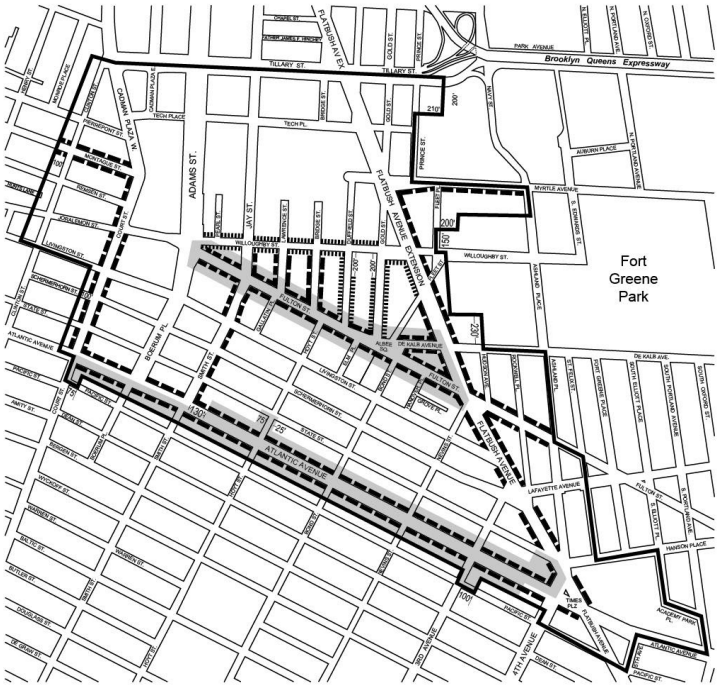
AA Atlantic Avenue Subdistrict

FM Fulton Mall Subdistrict

Map 2 — Ground Floor Retail Frontage (5/12/21)

Special Downtown Brooklyn District
Retail Continuity Required
Non-Residential Requirement
Subdistricts

Map 3 — Ground Floor Transparency Requirements (12/10/19)



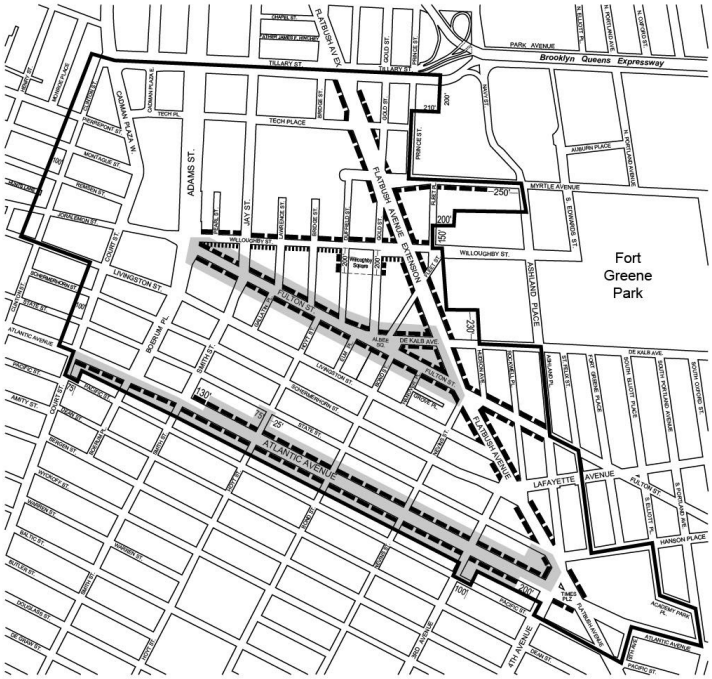
Special Downtown Brooklyn District

50% of the Area of the Ground Floor Street Wall to be Glazed

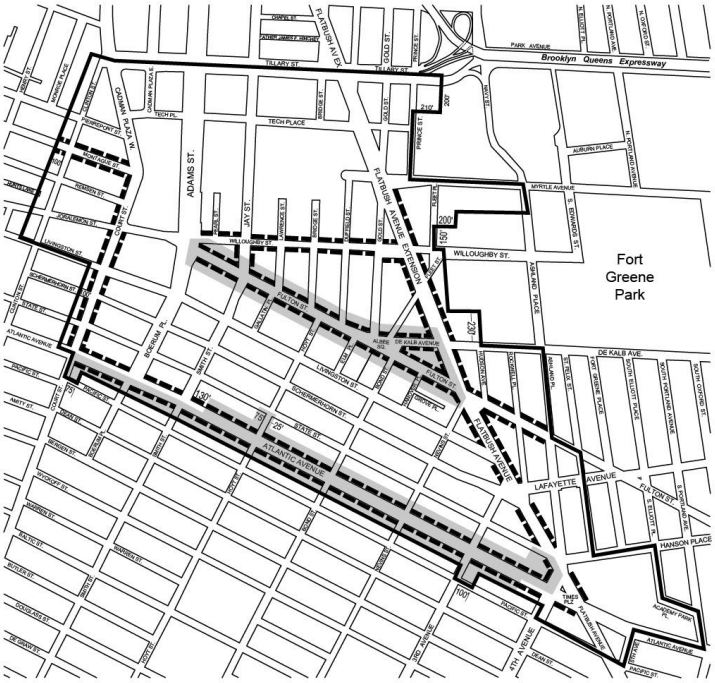
70% of the Area of the Ground Floor Street Wall to be Glazed

Subdistricts

Map 4 — Street Wall Continuity and Mandatory Sidewalk Widenings (12/10/19)


Brooklyn Queens Expressway
PARK AVENUE
TILLARY ST.
TECH PLACE
ADAMS ST.
JAY ST.
FLATBUSH AVENUE EXTENSION
WILLOUGHBY ST.
MYRTLE AVENUE
ASHLAND PLACE
Fort Greene Park
LIVINGSTON ST.
ATLANTIC AVENUE
DE KALB AVE.
LAFAYETTE AVENUE
HANSON PLACE
PACIFIC ST.
7TH AVENUE
ST. JAMES PL.
ST. MARK'S AVENUE
ST. JOHN'S PLACE
ST. EDWARDS ST.
ST. LOUIS PL.
ST. PAUL'S PL.
ST. JAMES PL.
ST. MARK'S PL.
ST. PAUL'S PLACE
ST. JOHN'S PLACE
ST. LOUIS PL.
ST. EDWARDS ST

Map 5 — Curb Cut Restrictions (12/10/19)



Special Downtown Brooklyn District

Curb Cut Prohibition

Curb Cut Prohibitions, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict

Map 6 — Height Limitation Areas (12/10/19)

Special Downtown Brooklyn District

Ⓐ Schermerhorn Street Height Limitation Area: Height Restriction of 210 Feet

Ⓑ Schermerhorn Street Height Limitation Area: Height Restriction of 140 Feet

Ⓒ Schermerhorn Street Height Limitation Area: Height Restriction of 250 Feet

Flatbush Avenue Extension Height Limitation Area: Height Restriction of 400 Feet

Map 7 — Subway Station Improvement Areas (12/10/19)

- *Special Downtown Brooklyn District*
- Subway Station
- ● Subway Entrance
- ① Court St.-Borough Hall Station
- ② DeKalb Ave. Station
- ③ Hoyt St. Station
- ④ Hoyt-Schermerhorn Streets Station
- ⑤ Jay St.-Metro Tech Station
- ⑥ Nevins St. Station
- ⑦ Atlantic Ave.-Pacific St. Station

- 6th Ave. Line
- Broadway–60th St. Line
- 4th Ave. Line
- Brighton Line
- Crosstown Line
- Culver Line
- Fulton St. Line
- Montague St. Tunnel Line
- Eastern Parkway Line

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Scenic View District (SV-1)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Special Scenic View District (SV-1)

102-00 - GENERAL PURPOSES

LAST AMENDED
10/24/1974

The "Special Scenic View District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

(a) to preserve, protect and prevent obstruction of outstanding scenic views as seen from a mapped public park or an esplanade or a mapped public place directly accessible to the public; and

(b) to promote the most desirable use of land and direction of building development, to assure the maintenance and enhancement of the aesthetic aspects of scenic views, to conserve the value of land and buildings and to protect the City's tax revenues.

102-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

Scenic view

A "scenic view" is an outstanding or unique view from a mapped #public park# or an esplanade or a mapped public place which is protected by the regulations of this Chapter. #Scenic views# shall be limited to:

(a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;

(b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or

(c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

The minimum horizontal distance between the #scenic view# and a #view reference line# shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this #Special Scenic View District# shall be described and made part of this Chapter.

View framing line

The "view framing line" is a line or lines which establish the outer edge of the #scenic view# to be protected. For each #scenic view#, the #view framing line# or #lines# and their elevation are to be located and identified and made part of this Chapter.

View plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a #Special Scenic View District# unless authorized by the City Planning Commission. Position of the #view plane# may be conical surfaces. Such #view plane# or #planes# are established by joining the #view reference line# with the #view framing lines# as illustrated below:

#View planes# and their elevation, length and slopes applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

View reference line

The "view reference line" is a line within a mapped #public park# or an esplanade or a mapped public place from which at any point an outstanding #scenic view# may be observed. A #view reference line#

and its elevation applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

The mapped #public park# or an esplanade or a mapped public place in which such #view reference line# is located shall be directly accessible from a #street#.

102-02 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Scenic View District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as so modified, all the

applicable regulations of the underlying districts shall be in effect.

#Special Scenic View Districts# may be mapped only in areas where the control of the height of a #building or other structure#, including #signs#, is necessary to preserve outstanding #scenic views# from a mapped #public park# or an esplanade or a mapped public place.

102-021 - Requirement for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for a special permit pursuant to Section 102-30, shall include maps, plans or other documents showing topography, elevations, and site plans showing arrangement and spacing of #buildings or other structures#, and other information necessary to determine the impact of the proposal on the #scenic view# to be protected.

102-023 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the proposal will interfere with a public improvement project (including highways, public #buildings# and facilities), redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate, the City Planning Commission, or the Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

102-10 - HEIGHT REGULATIONS FOR BUILDINGS, SIGNS OR STRUCTURES

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, no portion of any #building or other structure# hereafter

constructed, or of any #sign# hereafter erected, or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed, shall penetrate a #view plane# unless authorized by the City Planning Commission, pursuant to Section 102-30 (SPECIAL PERMIT PROVISIONS).

102-11 - Damage, Destruction or Demolition

LAST AMENDED
10/24/1974

If an existing #building or other structure# which penetrates the #view plane# of a #Special Scenic View District# is damaged, destroyed or demolished by any means, such #building or other structure# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance#.

102-20 - MANDATORY LANDSCAPING PLAN

LAST AMENDED
10/24/1974

The requirements of this Section shall apply to #zoning lots#, any portion of whose finished ground elevation is within 30 feet of the elevation of the #view plane# located above the #zoning lot#. At the time of filing with the Department of Buildings, for any application for an excavation permit or a building permit for a #development# or #enlargement# or site improvement on such

#zoning lots# within a #Special Scenic View District#, a landscaping plan shall be submitted to the City Planning Commission indicating that future landscaping on the site will not impair #scenic views# from the #view reference line#. Such plan shall indicate existing topography, trees, shrubs, #buildings or other structures# and proposed landscaping. All future landscaping on the site shall be in accordance with the approved landscaping plan on file with the Commission. The Commission shall submit a copy of the approved landscaping plan to the Department of Buildings or other appropriate city agency having jurisdiction.

102-30 - SPECIAL PERMIT PROVISIONS

LAST AMENDED
2/2/2011

On all #zoning lots# located entirely or partially within a

#Special Scenic View District#, the City Planning Commission, by special permit, may allow penetration by a #sign# or #building or other structure# of a #view plane# and grant minor modifications of #open space#, #lot coverage#, #yards# and height and setback regulations of the underlying district. As a condition for such modifications, the Commission shall find:

(a) that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter;

(b) that any penetration of a #view plane# will cause the minimal obstruction consistent with reasonable development and #bulk# distribution on the #zoning lot#; and

(c) that any #bulk# modifications on a #zoning lot# will not affect adversely any other #zoning lots# outside the development, by restricting access of light and air.

In reaching a determination for such modifications, the Commission shall be guided by the description of the #scenic view# to be made part of this Chapter at the time of the designation of a #Special Scenic View District#.

The Commission may prescribe appropriate conditions and safeguards to protect the #scenic view# and to minimize the adverse effects on the character of the surrounding areas.

102-40 - SPECIAL DISTRICT DESIGNATION ON PUBLIC PARKS

LAST AMENDED
10/24/1974

When a #Special Scenic View District# is designated on a #public park# or portion thereof, any future landscaping, erection of new #signs# or #buildings or other structures#, thereon, shall not penetrate a #view plane# unless authorized by the City Planning Commission. As a condition for such authorization, the Commission shall find that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter.

102-50 - SPECIAL PROVISIONS FOR CITY-OWNED LANDS

LAST AMENDED
10/24/1974

For any #development# or site improvement on a city-owned #zoning lot# located within a #Special Scenic View District#, the provisions of this Chapter shall apply except that modifications permitted under Section 102-30 (SPECIAL PERMIT PROVISIONS) may be approved by authorization of the City Planning Commission.

102-60 - SPECIAL SCENIC VIEW DISTRICTS SPECIFIED

LAST AMENDED
10/24/1974

102-61 - SV-1 Brooklyn Heights Scenic View District

LAST AMENDED
10/24/1974

The SV-1 "Brooklyn Heights Scenic View District" is hereby established. The regulations of Sections 102-00 to 102-50, inclusive, as well as the regulations of this Section, inclusive, shall be applicable in this Special District.

102-611 - District boundary description

LAST AMENDED
10/24/1974

The boundaries of the SV-1 District as shown on the #zoning maps# shall be interpreted in accordance with the following description.

The SV-1 District is bounded by:

(a) the #view reference line# located along the westerly face of the Brooklyn Heights Promenade;

(b) the northwesterly edge of the #view plane# which forms an angle of 160 degrees measured in a horizontal plane with respect to the #view reference line# at point A;

(c) the southwesterly edge of the #view plane# which forms an angle of 145 degrees, measured in a horizontal plane, with respect to the #view reference line# at point A1; and

(d) the pierhead line which is located between the intersection of the northwesterly and southwesterly #view framing lines# and the pierhead line.

102-612 - View reference line

LAST AMENDED
10/24/1974

The #view reference line# of the SV-1 Special District is a line at an elevation of 66 feet located along the westerly vertical face of the Brooklyn Heights Promenade and which is approximately four feet above the Promenade. The #view reference line# is formed by joining two end points, A and A1, as shown in Diagram 1.

Point A is located at the intersection of the westerly face of the Promenade and the prolongation of the north side of Orange Street.

Point A1 is located 50 feet north of the intersection of the westerly face of the Promenade and the prolongation of the north side of Remsen Street.

102-613 - View framing line

LAST AMENDED
10/24/1974

The #view framing line# of the SV-1 Special District is a line which establishes the outer edge of the #scenic view# to be protected. The two extreme ends of the #view framing line# are points B1 and B4 (Diagram 1).

The elevation of the #view framing line# at all points between B1 and B4 is 2.5 feet as shown in Diagram 2.

102-614 - View plane

LAST AMENDED
10/24/1974

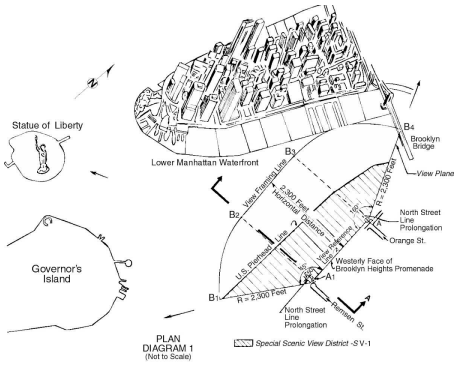
The #view plane# of the SV-1 Special District is an imaginary plane formed by joining the elevation of the #view reference line# with the elevation of the #view framing line# as shown in Diagram 2. The horizontal distance between the #view reference line# and the #view framing line# is 2,300 feet. Those portions of the plane formed by points A, B3, B4 and A1, B1, B2 are conical surfaces.

102-615 - Description of scenic view

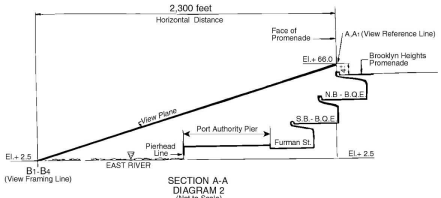
LAST AMENDED

10/24/1974

The #scenic view# to be protected pursuant to the provisions of this Section includes: the panoramic view of the lower Manhattan skyline which includes such landmarks as the Brooklyn Bridge archway, the South Street Seaport, the Whitehall Ferry Terminal, and the vistas of the Statue of Liberty and Governors Island.



PLAN
DIAGRAM 1
(Not to Scale)



SECTION A-A
DIAGRAM 2
(Not to Scale)

SV-1 BROOKLYN HEIGHTS SCENIC VIEW DISTRICT

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Planned Community Preservation District (PC)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Special Planned Community Preservation District (PC)

103-00 - GENERAL PURPOSES

LAST AMENDED
6/10/2009

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;

(b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;

(c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;

(d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and

(e) to guide development within each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-01 - Establishment of Special Planned Community Preservation District

LAST AMENDED
2/2/2011

The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:

(a) have a land area of at least 1.5 acres;

(b) contain a minimum of three #buildings#;

(c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and

(d) include considerable clustered #open space# and related #commercial# #uses# available to all residents of the District.

The Commission has found that existing site plans resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned residential community.

103-02 - Special Planned Community Preservation District Areas

LAST AMENDED
7/18/1974

The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the

#zoning maps#:

Fresh Meadows in the Borough of Queens

The Harlem River Houses in the Borough of Manhattan

Parkchester in the Borough of the Bronx

Sunnyside Gardens in the Borough of Queens.

103-10 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections 103-11 and 103-12.

In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

103-11 - Special Permits for Bulk and Parking Modifications

LAST AMENDED
2/2/2011

(a) For any #development# or #enlargement#, either of which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:

(1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(3) minor variations in the #yard# regulations required by the applicable district regulations;

(4) minor variations in the height and setback regulations required by the applicable district regulations;

(5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-

71 (Minimum Distance Between Buildings on a Single Lot); or

(6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the development, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).

(b) In order to grant such special permits, the City Planning Commission shall make the following findings:

(1) that the #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the community;

(2) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that currently exists, consistent with the scale and design of the existing development, the landscaping surrounding the new landscaping arrangement, and conditions of the community;

(3) that the #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and

(4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.

(c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the Commission shall authorize waiver of all or part of the required parking.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform to the intentions of the #Special Planned Community Preservation District#.

103-12 - Special Permit for Landscaping and Topography Modifications

LAST AMENDED
6/10/2009

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

103-13 - Requirements for Application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial modification of landscaping or topography to be made within the Special District, shall include the

existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14 - Recordation

LAST AMENDED
2/2/2011

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further development of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

103-20 - SPECIAL REGULATIONS FOR SUNNYSIDE GARDENS

LAST AMENDED
6/10/2009

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable.

The special permit provisions of Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

103-21 - Special Bulk Regulations

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residence# and #Commercial Districts#, or modified within the Special District, are hereby further modified to the extent set forth in this Section, inclusive.

103-211 - Special floor area regulations

LAST AMENDED
2/2/2011

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#,

#commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of 0.9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

103-212 - Special density regulations

LAST AMENDED
2/2/2011

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the density factor for #dwelling units# shall be 900.

103-213 - Special height regulations

LAST AMENDED
2/2/2011

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residence# and #Commercial Districts#.

103-214 - Special yard regulations

LAST AMENDED
2/2/2011

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residential# and #Commercial Districts#

103-22 - Special Parking Regulations

LAST AMENDED
6/10/2009

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

103-23 - Curb Cuts

LAST AMENDED
6/10/2009

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Manhattanville Mixed Use District (MMU)

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Chapter 4 - Special Manhattanville Mixed Use District (MMU)

104-00 - GENERAL PURPOSES

LAST AMENDED
7/26/2001

The "Special Manhattanville Mixed Use District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;

(b) to support a variety of community facility, commercial and manufacturing uses;

(c) to provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;

(d) to strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th Avenue;

(e) to facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;

(f) to improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;

(g) to strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;

(h) to expand local employment opportunities;

(i) to recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;

(j) to promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

104-01 - Definitions

LAST AMENDED
12/19/2007

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Lower street wall

"Lower street wall" is that portion of the #street wall# of a #building# that extends from grade to the height set forth in Section 104-33, paragraph (a).

Mandatory widened sidewalk

A "mandatory widened sidewalk" is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. #Mandatory widened sidewalks# are shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter.

Mandatory widened sidewalk line

A "mandatory widened sidewalk line" is the line shown on Map 3 in Appendix A of this Chapter.

Upper street wall

"Upper street wall" is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

104-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

104-03 - District Plan and Maps

LAST AMENDED
12/19/2007

The regulations of this Chapter are designed to implement the #Special Manhattanville Mixed Use District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendix A of this Chapter:

Map 1 Special Manhattanville Mixed Use District and Subdistricts

Map 2 Subdistrict A Block Plan

Map 3 Widened Sidewalk Lines

Map 4 Street Wall Types and Locations

Map 5 Parcel Designation and Maximum Building Heights

Map 6 Ground Floor Use and Frontage

Map 7 Mandatory Open Areas

The District Plan includes the following table in Appendix B of this Chapter:

Base Plane and Building Height Table

These maps, diagrams and table are hereby incorporated and made part of this Resolution for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

104-04 - Subdistricts

LAST AMENDED
12/19/2007

In order to carry out the provisions of this Chapter, three subdistricts are established, as follows:

Subdistrict A – Academic Mixed Use Area

Subdistrict B – Waterfront Area

Subdistrict C – Mixed Use Development Area

The location of the subdistricts of the #Special Manhattanville Mixed Use District# is specified on Map 1 in Appendix A of this Chapter.

104-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/19/2007

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive.

104-11 - Residential Use Modifications

LAST AMENDED
2/2/2011

The #residential use# regulations of the underlying C6-1 District are modified, as follows.

In Subdistrict A, a #residential use# may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14.

104-12 - Community Facility Use Modifications

LAST AMENDED
2/2/2011

The #community facility use# regulations of the underlying C6-1 and M1-2 Districts are modified, as follows:

(a) in Subdistrict A, a #community facility use# with sleeping accommodations, as listed in this Section, may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14:

College or school student dormitories or fraternity or sorority student houses

#Long-term care facilities#

Monasteries, convents or novitiates

Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#

Non-profit or voluntary hospitals and related facilities

Philanthropic or non-profit institutions with sleeping accommodations;

(b) in Subdistrict B, #uses# listed in Use Groups 3 and 4 permitted in the underlying M1-2 District, pursuant to Sections 42-10 (USES PERMITTED AS-OF-RIGHT) and 74-921 (Use Groups 3A and 4A community facilities), shall be limited to 5,000 square feet of #floor area# per establishment.

104-13 - Commercial and Manufacturing Use Modifications

LAST AMENDED
12/19/2007

In Subdistricts A and C, the #commercial# and #manufacturing use# regulations of the underlying C6 Districts are modified as set forth in Section 104-132 (Use Groups 16, 17 and 18).

In Subdistrict B, the #commercial# #use# regulations of the underlying M1 District are modified as set forth in Section 104-131 (Use Group 6A).

104-131 - Use Group 6A

LAST AMENDED
12/19/2007

In Subdistrict B, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16), shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

104-132 - Use Groups 16, 17 and 18

LAST AMENDED
2/2/2011

In Subdistricts A and C, the following #uses# in Use Groups 16, 17 and 18 are permitted, subject to the performance standards for an M1 District set forth in Section 42-20.

Such #uses# may locate in the same #building#, or in an #abutting# #building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14.

From Use Group 16A:

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales, enclosed only

Carpentry, custom woodworking or custom furniture making shops

Motorcycle or motor scooter rental establishments, enclosed only

Trade schools for adults

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than 10 automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps

Public transit yards, open or enclosed, including #accessory# motor fuel pumps

From Use Group 16D:

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A:

Produce or meat markets

From Use Group 17B:

Advertising displays

Apparel or other textile products, from textiles or other materials, including hat bodies or similar products

Ceramic products, including pottery, small glazed tile or similar products

Food products, except slaughtering of meat or preparation of fish for packing

Leather products, including shoes, machine belting or similar products

Luggage

Musical instruments, including pianos or organs

Optical equipment, clocks or similar precision instruments

Perfumes or perfumed soaps, compounding only

Printing or publishing, with no limitation on #floor area# per establishment

Scenery construction

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Toys

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works or similar products

From Use Group 17C:

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

From Use Group 18A:

Manufacturing of beverages, alcoholic or breweries

104-14 - Certification Requirements

LAST AMENDED
2/2/2011

In Subdistrict A, a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) and a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications) may locate in the same #building#, or in an #abutting# #building#, only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the #commercial# or #manufacturing use#:

(a) does not have a New York City or New York State environmental rating of “A,” “B” or “C” under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and

(b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

104-15 - Ground Floor Use and Frontage Regulations

LAST AMENDED
12/19/2007

For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the finished level of the adjacent sidewalk, or the adjacent #mandatory widened sidewalk#, as applicable. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and frontage regulations of this Section shall apply to any #development# or change of #use# located on the ground floor level of a #building or other structure#, or any #enlargement# that increases the #floor area# of the ground floor level of a #building# by more than 25 percent.

A minimum of 75 percent of the length of a #street wall# on the ground floor level shall be limited to #uses# listed in Section 104-16 (Use Group

MMU) and shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). Such #uses# shall be located at the #street wall#. In no event shall the length of #street# frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

All such #developments#, #enlargements# and changes of #use# on the ground floor of a #building or other structure# (other than a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A) shall comply with the transparency requirements of Section 104-41.

104-16 - Use Group MMU

LAST AMENDED
12/19/2007

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

From Use Group 3:

Libraries, museums or non-commercial art galleries

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities

Community centers or settlement houses

Non-commercial recreation centers

From Use Group 6A:

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Hardware stores

Laundry establishments, hand or automatic self-service

Liquor stores, package

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

From Use Group 6B:

Veterinary medicine for small animals, provided all activities are conducted within a #completely enclosed building#

From Use Group 6C:

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile supply stores, with no installation or repair services

Banks

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment

Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

Medical or orthopedic appliance stores

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist establishments

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Telegraph offices

Television, radio, phonograph or household appliance

stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Wallpaper stores

Watch or clock stores or repair shops

From Use Group 7B:

Bicycle rental or repair shops

Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment

Refreshment stands

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment

Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment

From Use Group 8A:

All #uses#

From Use Group 8B:

Lumber stores, limited to 5,000 square feet of #floor area# per establishment, exclusive of that #floor area# used for office and display areas, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size

Television, radio, phonograph or household appliance repair shops

Upholstering shops dealing directly with consumers

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms, without repair facilities

Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

Studios, art, music, dancing or theatrical

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

From Use Group 10A:

Clothing or clothing accessory stores, limited to 20,000 square feet of #floor area# per establishment

Office or business machine stores, sales or rental

Variety stores, limited to 20,000 square feet of #floor area# per establishment

From Use Group 12B:

Antique stores

Art gallery, commercial

Book stores

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Gift shops

Jewelry or art metal craft shops

Music stores

Newsstands

Photographic equipment stores

Record stores

Stationery stores

Toy stores

From Use Group 17A:

Produce or meat markets, wholesale

From Use Group 17B:

Ceramic products, including pottery, small glazed tile, or similar products

#Accessory# #uses# to all the above #uses# are permitted.

104-17 - Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)

LAST AMENDED
12/19/2007

The provisions of Section 74-48 (Scientific Research and Development Facility) shall not apply in the #Special Manhattanville Mixed Use District#.

104-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
2/2/2011

In Subdistricts A, B and C, the #bulk# regulations of the underlying C6 and M1 Districts, as modified in this Chapter, shall apply.

The #floor area ratio#, #open space ratio# and #lot coverage# regulations applicable in the underlying C6 Districts are modified as set forth in Sections 104-21 through 104-25.

The #floor area ratio# regulations applicable in the underlying M1 District are modified as set forth in Section 104-22. No #floor area# bonuses shall be permitted.

Special provisions regulating change of #use# in #non-complying# #buildings# are set forth in Section 104-26.

The height and setback regulations of the underlying C6 Districts are superseded as set forth in Sections 104-30 through 104-34, inclusive.

The special maximum #building# height regulations for the M1-2 District are set forth in Section 104-31.

Notwithstanding the special #bulk# regulations of this Chapter, any #development# containing #dwelling units#, or college or school student dormitories as listed in Use Group 3, on Parcel H, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, shall comply with the height and setback regulations for an R8A District as set forth in Article II of this Resolution.

104-21 - Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses

LAST AMENDED
12/19/2007

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply.

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02.

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall be 100 percent.

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

104-22 - Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses

LAST AMENDED
12/19/2007

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0. #Lot coverage# requirements for #community facility uses# shall not apply.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

104-23 - Maximum Floor Area Ratio for Commercial Uses

LAST AMENDED
12/19/2007

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial# #uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# in Use Group 16 listed in Section 104-132 (Use Groups 16, 17 and 18) shall be 2.0.

104-24 - Maximum Floor Area Ratio for Manufacturing Uses

LAST AMENDED
12/19/2007

In Subdistricts A and C, the maximum #floor area ratio# permitted for #manufacturing uses# shall be 2.0.

104-25 - Maximum Floor Area Ratio for Multiple Uses on a Zoning Lot

LAST AMENDED
2/2/2011

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on such #zoning lot# shall not exceed the maximum permitted for such #use#, as set forth in Sections 104-21 through 104-24, inclusive, provided that the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

104-26 - Change of Use

LAST AMENDED
2/2/2011

(a) Change to #residential use#

Notwithstanding the provisions set forth in Section 34-222 (Change of use) and in the last paragraph of Section 35-31 (Maximum Floor Area Ratio) regarding the applicability of #floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such #conversions# of non-#residential buildings# shall be permitted only if such #buildings# comply with all of the #bulk# regulations for #residential# or #mixed buildings#.

(b) Change to non-#residential use#

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed in Use Groups 16, 17 or 18 located in a #non-complying# #building or other structure# may be changed to:

(1) a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), subject to the performance standards for an M1 District set forth in Section 42-20, and subject to Section 104-14 (Certification Requirements), if applicable; or

(2) a #community facility use#, or an office #use# listed in Use Group 6B.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in paragraph (b) of this Section.

The provisions of paragraph (b) of this Section shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of paragraph (b) of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40, shall apply to the changes of #use# set forth in paragraph (b) of this Section.

104-30 - SPECIAL HEIGHT AND SETBACK REQUIREMENTS

LAST AMENDED
5/12/2021

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, et seq.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, such line shall be used instead of the #street line# for all purposes of Section 104-30, et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

104-31 - Maximum Building Height

LAST AMENDED
2/2/2011

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter and specified in Appendix B of this Chapter. In Subdistricts B, C and the Other Area east of Broadway, the maximum #building# heights are shown on Map 5. No #building# shall exceed the maximum #building# height set forth in such Map or Appendix B of this Chapter.

104-32 - Rooftop Regulations

LAST AMENDED
12/19/2007

The special rooftop regulations of Section 104-32, inclusive, shall apply in Subdistricts A and C.

104-321 - Mechanical equipment

LAST AMENDED
2/2/2011

Mechanical equipment, open or enclosed, may be located on the roof of a #building# in accordance with the following provisions:

(a) Mechanical equipment shall not exceed the maximum height of mechanical equipment specified for each Parcel as set forth in Appendix B of this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such mechanical equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.

(b) Such mechanical equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104-322. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory

widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.

(c) Such mechanical equipment shall not overhang any recess in the #building# wall that is open to the sky.

104-322 - Permitted Obstructions

LAST AMENDED
4/30/2012

The following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for mechanical equipment set forth in Appendix B of this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-321 (Mechanical equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of mechanical equipment as set forth in Section 104-321. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

(a) Antennae and structural support thereto;

(b) Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet;

(c) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(d) Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment;

(e) Flagpoles or aerials;

(f) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;

(g) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(h) Pipes and supporting structures;

(i) Railings;

(j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(m) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a

#lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) a height of 15 feet; and

(ii) when located on a bulkhead or other obstruction, pursuant to paragraph (d) of this Section, a height of six feet;

(3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(n) Spires or belfries;

(o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(q) Window washing equipment mounted on the roof;

(r) Wire, chain link or other transparent fences.

104-33 - Mandatory Street Walls

LAST AMENDED
2/2/2011

Six types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections 104-331 through 104-336. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Heights), in Appendix A of this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet, such #street wall# may in its entirety comply with the rules for an #upper street wall#.

(a) #Lower street wall#

(1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;

(2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;

(3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130th Street.

(b) #Upper street wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B or the height of the #building#, whichever is less.

(c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.

(d) Where a #building# is located on more than one Parcel, the requirements of Sections 104-331 through 104-336, with respect to the locations of the #upper street wall# and the #lower street wall#, may apply to the entire #street frontage# of the Parcels.

(e) On Parcels C3 and C4, the applicable #lower street wall# provision may be applied to the entire #building#.

(f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street wall# requirements shall be those provisions applicable to Parcel D2.

104-331 - Type 1 street wall location

LAST AMENDED
12/19/2007

Type 1 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.

(b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.

(c) No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

(d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.

(e) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-332 - Type 2 street wall location

LAST AMENDED12/19/2007

Type 2 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of either paragraph (a) or (b) of this Section.

(a) The #street wall# shall be located within two to five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable, and shall rise without setback to a minimum height of 45 feet. A #street wall# fronting on West 125th Street shall extend along at least 70 percent of the length of the #street line# of the Parcel; a #street wall# fronting on West 130th Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line#. No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of the Parcel on West 125th Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130th Street; or

(b) Where the #lower street wall# is set back from the #upper street wall#:

(1) the provisions of Section 104-334 (Type 4 street wall location) shall apply to #street walls# facing West 130th Street;

(2) the provisions of Section 104-331 (Type 1 street wall location) shall apply to #street walls# facing West 125th Street; and

(3) for #street walls# facing 12th Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

104-333 - Type 3 street wall location

LAST AMENDED
12/19/2007

Type 3 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located within two feet of the 12th Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12th Avenue #widened sidewalk line# by a minimum distance of either:

(1) 20 feet, if such setback area faces both 12th Avenue and a #narrow street#; or

(2) 10 feet, if such setback area faces only 12th Avenue.

(b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to the remaining portion of the #lower street wall# frontage of a Parcel.

(c) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-334 - Type 4 street wall location

LAST AMENDED
12/19/2007

Type 4 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable, and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.

(b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.

(c) No #street wall# location regulation shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

104-335 - Type 5 street wall location

LAST AMENDED
12/19/2007

Type 5 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of paragraph (a) or (b) of this Section:

(a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building#, whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or

(b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 street wall location) shall apply.

No #street wall# location regulations shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

104-336 - Type 6 street wall location

LAST AMENDED
12/19/2007

Type 6 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

104-34 - Street Wall Recesses

LAST AMENDED
12/19/2007

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section.

For portions of the #lower street wall# required pursuant to the provisions of Section 104-33, the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section 104-33, and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet, set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.

104-40 - SPECIAL URBAN DESIGN REGULATIONS

LAST AMENDED
12/19/2007

The special urban design regulations of this Chapter include ground floor transparency requirements, and requirements for six different types of open areas that are accessible to the public, as described in Sections 104-42 and 104-43, inclusive, and shown on Maps 3 (Widened Sidewalk Lines) and 7 (Mandatory Open Areas) in Appendix A of this Chapter.

104-41 - Street Wall Transparency Requirements

LAST AMENDED
12/19/2007

Within Subdistrict A, the transparency requirements of paragraph (a) of this Section, subject to the modifications of paragraph (b) of this Section, as applicable, shall apply to #developments#, changes of #use# on the ground floor of a #building or other structure#, and #enlargements# that increase the #floor area# of the ground floor by more than 25 percent, but shall not apply to a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter.

(a) On all #streets#, at least 70 percent of the surface of the #street wall# shall be glazed, and at least 50 percent of the area of each such #street wall# shall be transparent to a minimum height of the ceiling of the ground floor, or not less than 15 feet above the finished level of the adjacent sidewalk, whichever is lower. The glazing material shall be highly transparent, with low reflectivity. Above this height, and to the top of the #lower street wall#, the #street wall# surface shall be at least 50 percent glazed and at least 30 percent transparent. Door or window openings within such walls shall be considered as transparent. Each such opening shall have a minimum width of two feet.

(b) For #street walls# where the provisions of Section 104-332 (Type 2 street wall location) apply, the required glazing at the ground floor shall apply to the minimum height of the ceiling of the ground floor, or not less than 20 feet above the finished level of the adjacent sidewalk, whichever is lower.

104-42 - Open Areas

LAST AMENDED
12/19/2007

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section 104-33 (Mandatory Street Walls) shall comply with the urban design regulations of Sections 104-42 through 104-43, inclusive, and shall be open and unobstructed except as specified.

104-421 - Mandatory widened sidewalks and adjacent areas

LAST AMENDED
12/19/2007

(a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks# shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the

#street line#. #Mandatory widened sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.

(b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. #Mandatory widened sidewalks# shall be considered #streets# for the purposes of applying the provisions of the New York City Building Code governing cornices, eaves, sills and other architectural elements that project over #streets#. However, no fences shall be permitted, no planters shall be higher than two feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.

(c) Adjacent area at grade between #lower street wall# and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

(d) Additional regulations shall apply to the following areas and conditions:

(1) #Narrow streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

(2) 12th Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7 in Appendix A of this Chapter, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

(i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.

(ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of the market area per #zoning lot#, such as carts, kiosks or pavilions, open or enclosed; market umbrellas; retail structures, open; and seating and other street furniture.

104-422 - Midblock Open Areas

LAST AMENDED
2/2/2011

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of 20 percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than two feet above the finished level of the nearest adjoining sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area. However, up to 10 feet of the width of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, #building# walls fronting on such Midblock Open Areas shall be transparent for at least 50 percent of the area of each such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second

#story#.

104-423 - East/West Open Area

LAST AMENDED
2/2/2011

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East/West Open Area shall have:

(a) a minimum width of 60 feet and shall be open to the sky;

(b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a non-skid material, whether wet or dry; and

(c) a minimum of 20 percent of its area improved with landscape treatment, including planting and other amenities. No walls or planters shall be higher than two feet above the finished level of the adjacent sidewalk.

Air intake grilles, flush to grade, shall be permitted, provided such intake grilles do not exceed 10 percent of the area of the East/West Open Area, and are concealed from public view by planting or other design features.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area.

104-424 - The Square

LAST AMENDED
2/2/2011

Area of the Square

If Block D is developed as a single #zoning lot#, an open area known as "the Square," with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130th and 131st Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

#Building# transparency

The bounding #building# wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

Circulation and access

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed element, within 15 feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

Elevation of the Square

The elevation of the Square shall generally follow the adjacent topography. Within 15 feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond 15 feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the nearest sidewalk or natural topography. Paved areas shall not be higher than two feet above the level of the nearest sidewalk.

Permitted obstructions

No walls or planters shall be higher than 2 feet, 6 inches above the finished level of the nearest adjoining sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

Seating

A minimum of one linear foot of seating shall be provided for each 50 square feet of the Square. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every two and one-half linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

(a) fixed seating may be provided in the form of double-sided benches, which shall be a minimum of 36 inches deep;

(b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;

(c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth of 18 inches measured from the edge to the back; and

(d) all seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least one inch radius.

However, other types of seating, such as the edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets# and the adjacent Midblock Open Area, and arranged to encourage a variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square may be exempt from this requirement.

General requirements for trees and planting

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

Trees

A minimum of 38 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade. The requirements of this paragraph, (a), shall be in addition to the requirements of Section 104-422 (Midblock Open Areas).

Planting

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

Other required amenities

Racks shall be provided for a minimum of 16 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 25 gallons each. There shall be 10 containers, at least three of which shall be for used for recycling paper, plastic and metal waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Permitted amenities

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

Public space signage

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution. Information about the Square may be provided on the entry plaques.

Vents facing the square

On any #building# wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

Vents and stairs in the Square

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

(a) the top of the exhaust or intake vent shall be a minimum of 20 feet above the finished level of the adjacent grade;

(b) no single element shall be more than 200 square feet; and

(c) the aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

In order to grant such authorization, the Commission shall find that:

(1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and

(2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the Square.

104-425 - The Small Square

LAST AMENDED
2/2/2011

If Block C is developed as a single #zoning lot#, an open area known as the “Small Square,” with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129th and West 130th Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding #building# walls on all #buildings# #abutting# the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

104-426 - The Grove

LAST AMENDED
2/2/2011

If Block A is developed as a single #zoning lot#, an open area known as “the Grove,” with a minimum area of 400 square feet, shall be provided as a passive open space connecting West 125th and West 129th Streets. It shall contain seating at the western portion of the Block and a grove of trees with a minimum of four trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls or planters are permitted in the Grove.

104-43 - Open Area Standards

LAST AMENDED
12/19/2007

104-431 - Access and hours of public accessibility

LAST AMENDED
12/19/2007

All open areas shall be accessible directly from an adjoining public sidewalk, except as otherwise provided in this Chapter. No fences or gates shall be permitted anywhere within the open areas, except as permitted in Section 104-42 (Open Areas).

All open areas except the Square and the East/West Open Area shall be accessible to the public 24 hours per day, seven days a week.

The Square and the East/West Open Area shall be accessible to the public seven days per week, from the hours of 7:00 a.m. to 8:00 p.m., from November 1 through April 14, and from 7:00 a.m. to 11:00 p.m. from April 15 through October 31.

All open areas may be closed not more than one day each year, on a non-holiday weekend day in January, to preserve the private ownership of such areas, except the Square and the East/West Open Area may each be closed by its respective owner for private events and activities for a maximum of 12 days in each calendar year, which days shall not include public holidays. Advance notice of such closing shall be posted at the perimeter of the Square and the East/West Open Area and shall be provided to the Chairperson of the City Planning Commission not less than 24 hours prior to each such closing.

104-432 - Lighting

LAST AMENDED
12/19/2007

All paved areas shall be illuminated with a minimum level of illumination not less than two horizontal foot candles (lumens per foot) throughout. All other areas shall have a minimum level of illumination not less than 0.5 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of the open space.

104-433 - Maintenance and operation

LAST AMENDED
12/19/2007

The owner of each open area within Subdistrict A shall be responsible for its maintenance and operation. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner of an open area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent Parcels. The owner may establish and enforce rules of conduct for the use of the open areas and standards for permits for events and activities in an open area. Rules and regulations for the open areas will be subject to review and approval by the Chairperson of the City Planning Commission.

No vehicles shall be stored on any of the open areas.

104-44 - Street Trees on Narrow Streets and Broadway

LAST AMENDED
12/19/2007

On #narrow streets# and Broadway, #street# trees with a minimum caliper of four inches shall be provided for the entire length of the #street# frontage of the #zoning lot#, except adjacent to the Midblock Open Areas and the Grove. Such trees shall be planted at maximum intervals of 25 feet on center. The location and/or spacing of trees may be waived by the Commissioner of Parks and Recreation to the extent that these requirements are determined to be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreations, and shall be located within a soft surface, landscaped strip at least five feet wide adjacent to the curb, which landscaped strips need not be continuous. Other planted landscape treatment and amenities may be permitted within such landscaped strip. Such trees shall be maintained by the owner of the adjacent #development# or #enlargement#.

104-50 - PERMITTED TRANSFER OF FLOOR AREA

LAST AMENDED
2/2/2011

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a “granting site” shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, or the portion of the #block# identified as Block H on Map 2, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a “receiving site” shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

(a) by notice, in accordance with the provisions of Section 104-52 (Transfer of Floor Area by Notice);

(b) by authorization, in accordance with the provisions of Section 104-53 (Transfer of Floor Area by Authorization); or

(c) by special permit, in accordance with the provisions of Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), where the proposed #development# or #enlargement# on the receiving site requires modification of the #bulk# regulations of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

104-51 - General Requirements for Transfer

LAST AMENDED
12/19/2007

For any transfer of #floor area# by notice or by authorization pursuant to Section 104-50, inclusive, the requirements of this Section shall apply.

(a) Notification

Prior to any transfer of #floor area#, pursuant to Sections 104-52 (Transfer of Floor Area by Notice) or 104-53 (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

(b) Notices of restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

(c) #Floor area#

The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for #community facility uses#, pursuant to Section 104-12 (Community Facility Use Modifications), less the total floor area of all existing #buildings# on such #block#. The transfer of #floor area#, once completed, shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.

(d) #Use#

#Floor area# transferred pursuant to the provisions of Section 104-50 through 104-53, inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

104-52 - Transfer of Floor Area by Notice

LAST AMENDED
12/19/2007

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections 104-50 and 104-51 shall apply as well as the following:

(a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section 104-51 shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;

(b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS); and

(c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to the provisions of Sections 104-424 (The Square), 104-425 (The Small Square) or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

104-53 - Transfer of Floor Area by Authorization

LAST AMENDED
12/19/2007

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections 104-50 and 104-51, provided the Commission finds that such transfer:

(a) will permit better site planning; and

(b) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

104-60 - MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT

LAST AMENDED
12/19/2007

The City Planning Commission may, by special permit:

(a) modify the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds that such modifications are necessary to:

(1) meet programmatic and mechanical requirements;

(2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets#, #buildings# and properties;

(3) provide flexibility of architectural design and encourage more attractive #building# forms; and

(4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.

(b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section 104-30, inclusive, provided the Commission finds:

(1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section 104-51;

(2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and

(3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

104-70 - PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

LAST AMENDED
12/19/2007

In the #Special Manhattanville Mixed Use District#, the #accessory# off-street parking and loading regulations of the underlying zoning districts shall apply, except as set forth in this Section, inclusive.

104-71 - Accessory Off-street Parking

LAST AMENDED
12/19/2007

In Subdistrict B, the regulations regarding required #accessory# off-street parking spaces set forth in Section 44-20, shall not apply.

In Subdistrict A, the #accessory# off-street parking and loading regulations in Article III, Chapter 6, pertaining to the underlying C6 District shall be modified, as follows:

(a) #accessory# parking spaces at or above grade shall be completely enclosed;

(b) #accessory# parking garages at or above grade shall not be located:

(1) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;

(2) on Parcels E2 or G2; or

(3) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within 10 feet of any such Mandatory Open Area, except that access to and egress from #accessory# parking garages shall be permitted in such areas; and

(c) parking spaces provided below grade shall not be subject to the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities).

104-711 - Accessory parking below grade

LAST AMENDED
12/19/2007

Required and permitted #accessory# off-street parking spaces may be located below grade, without regard to #zoning# #lot lines#.

(a) Such #accessory# group parking facilities shall not exceed the following maximum number of spaces:

Blocks C, D and E combined: up to 1,800 spaces in total

Block F: up to 1,000 spaces in total

Blocks G and H combined: up to 600 spaces in total

(b) Such #accessory# group parking facilities are subject to the following requirements:

(1) the location of the curb cuts shall be subject to the provisions of Section 104-73;

(2) such #accessory# off-street parking spaces shall not be located further than 1,000 feet from the nearest boundary of the #zoning lot# to which they are #accessory#; and

(3) such #accessory# off-street parking facilities shall provide adequate reservoir spaces at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir spaces be required for more than 50 automobiles at each entrance.

104-72 - Public Parking Garages

LAST AMENDED
12/19/2007

In Subdistrict A, #public parking garages# shall not be located:

(a) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;

(b) on Parcels E2 or G2; or

(c) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter, or within 10 feet of any such Mandatory Open Area.

104-73 - Permitted Curb Cut Locations

LAST AMENDED
12/19/2007

The following curb cut regulations shall apply to any #development# or #enlargement#:

(a) existing curb cuts on #wide streets# may remain until such time as a #community facility use# is located on that portion of the #zoning lot#;

(b) no new curb cuts are permitted on #wide streets# or within 50 feet of the intersection of any two #street lines#. Furthermore, no curb cuts are permitted on Block B. However, curb cuts may be permitted in such areas where the Commissioner of Buildings determines there is no alternative means of access to off-street parking spaces or required loading berths from other #streets# bounding the #block# or #zoning lot#;

(c) new curb cuts shall not be greater than 30 feet in width;

(d) there shall be no more than two new curb cuts per #street# frontage on a #zoning lot#, except on Block F where three curb cuts per #street# frontage are permitted, and except as provided in paragraph (f) of this Section;

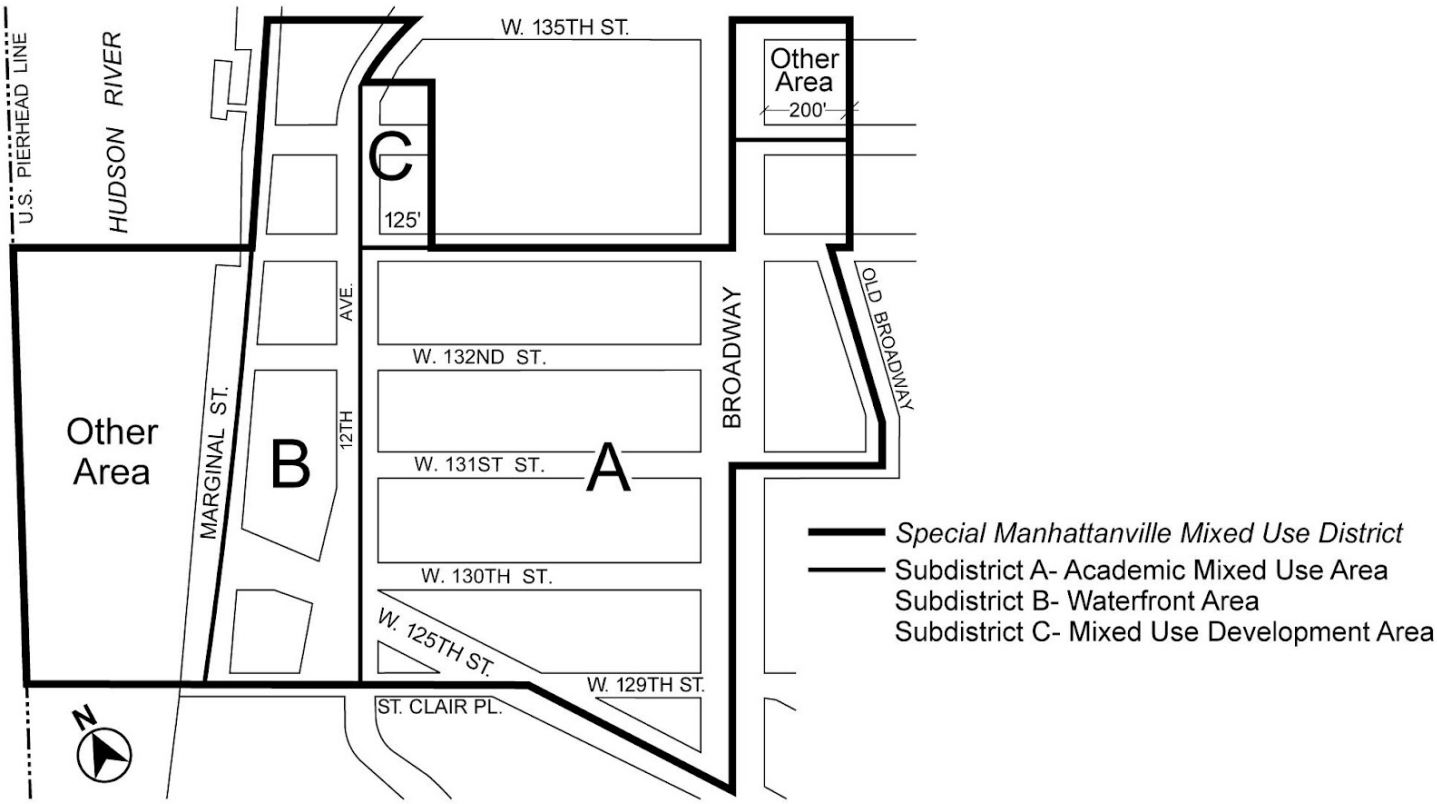
(e) there shall be a minimum distance of 30 feet between curb cuts on a #street# frontage of a #zoning lot#; and

(f) in order to access the Square, as described in Section 104-424, one curb cut, not to exceed 15 feet in width, shall be permitted along each #street# frontage of the sidewalk adjacent to the Square. Such curb cuts shall be in addition to the two curb cuts permitted on Block D, pursuant to paragraph (d) of this Section.

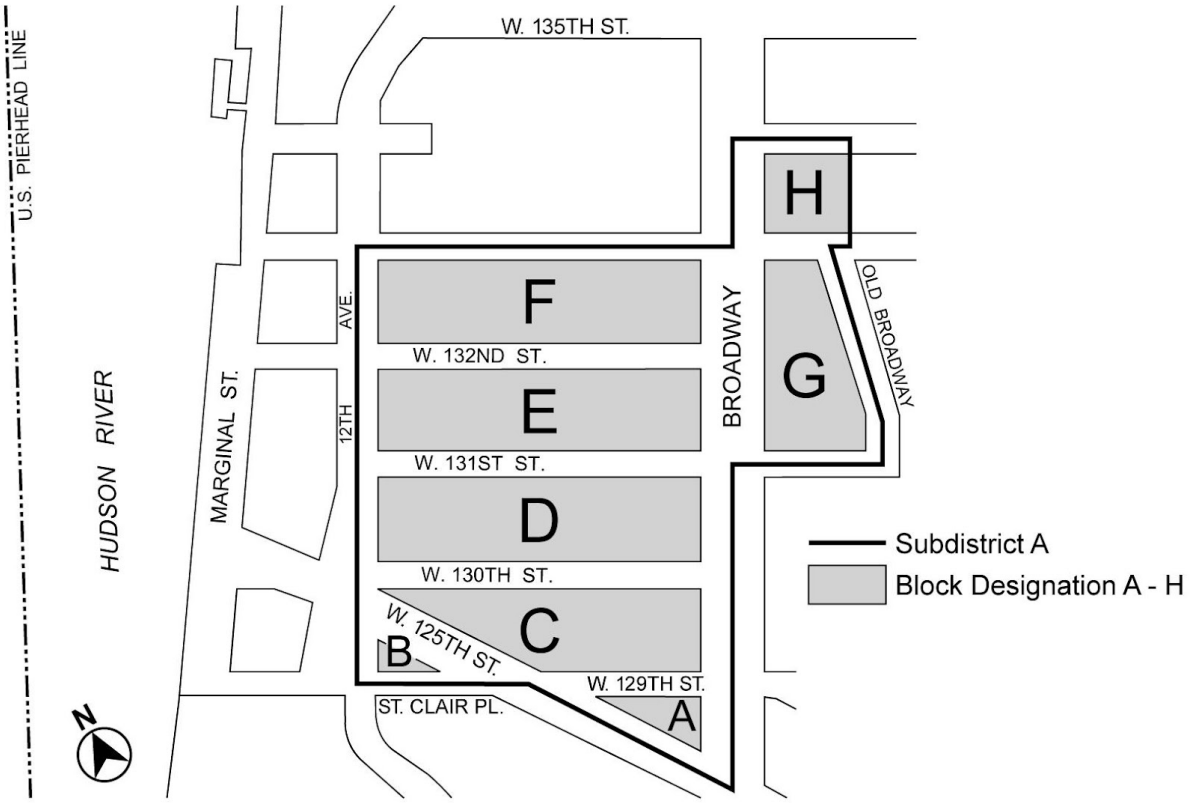
Appendix A - Special Manhattanville Mixed Use District Plan

LAST AMENDED
12/19/2007

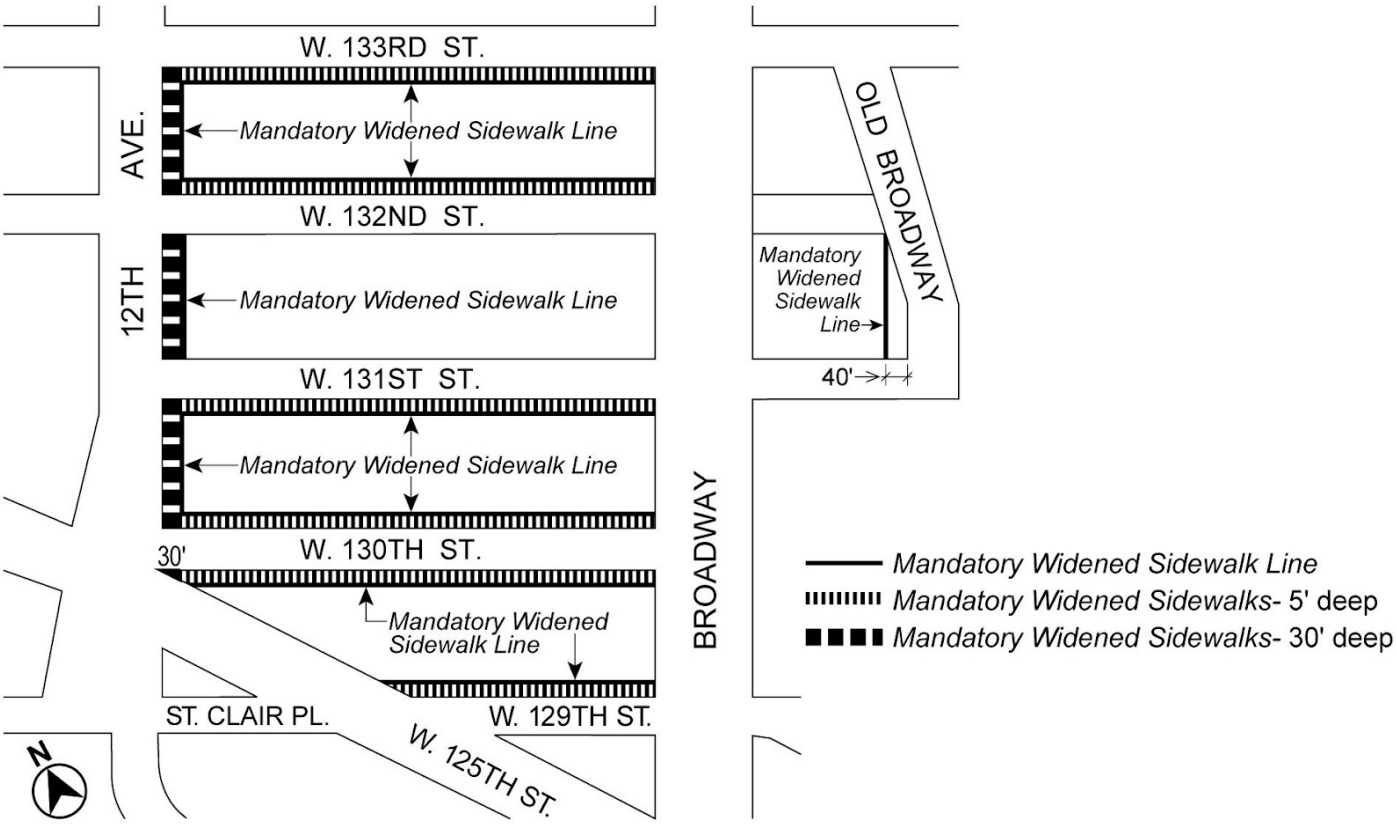
Map 1 - Special Manhattanville Mixed Use District and Subdistricts (12/19/07)



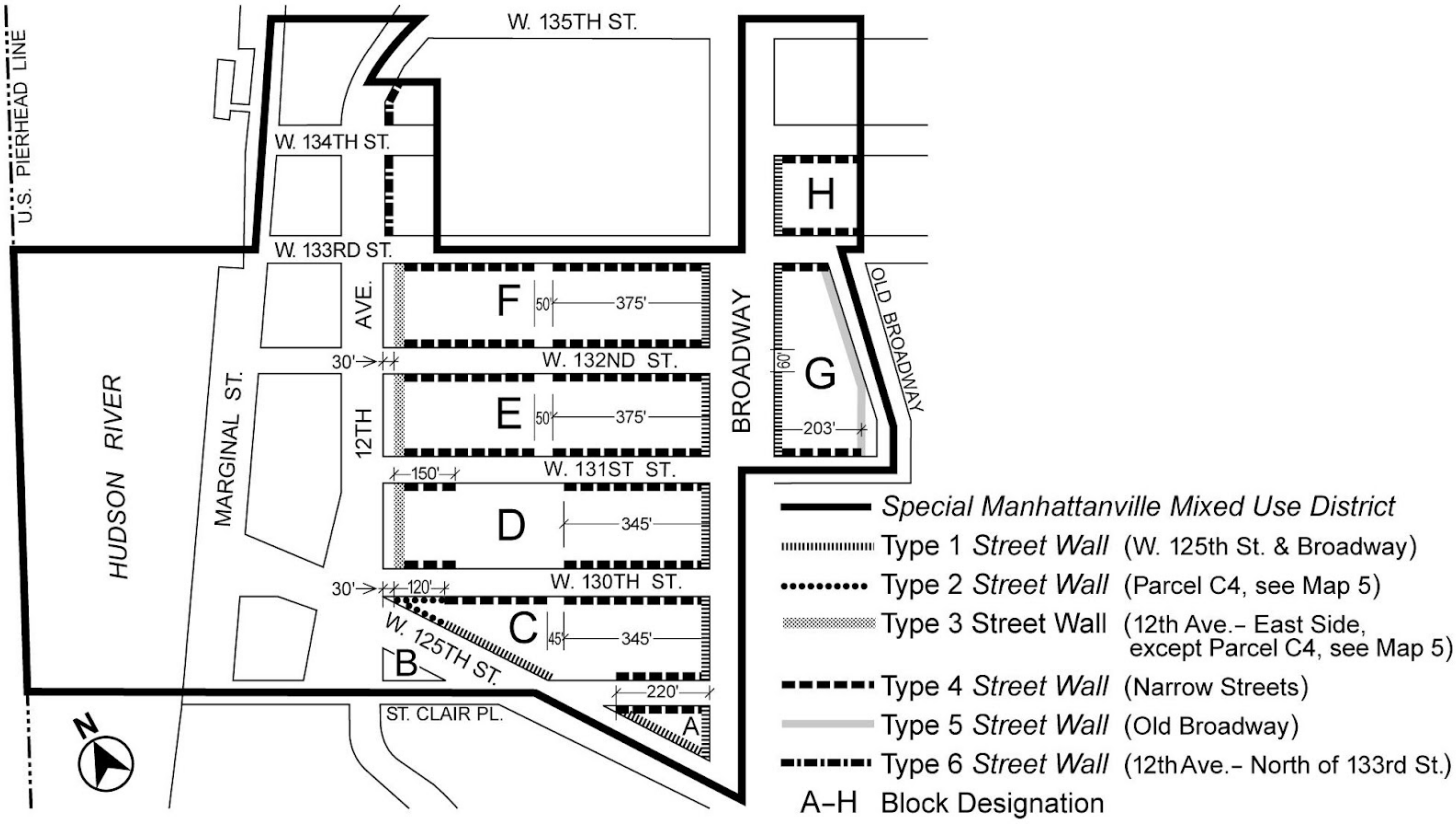
Map 2 - Subdistrict A Block Plan (12/19/07)



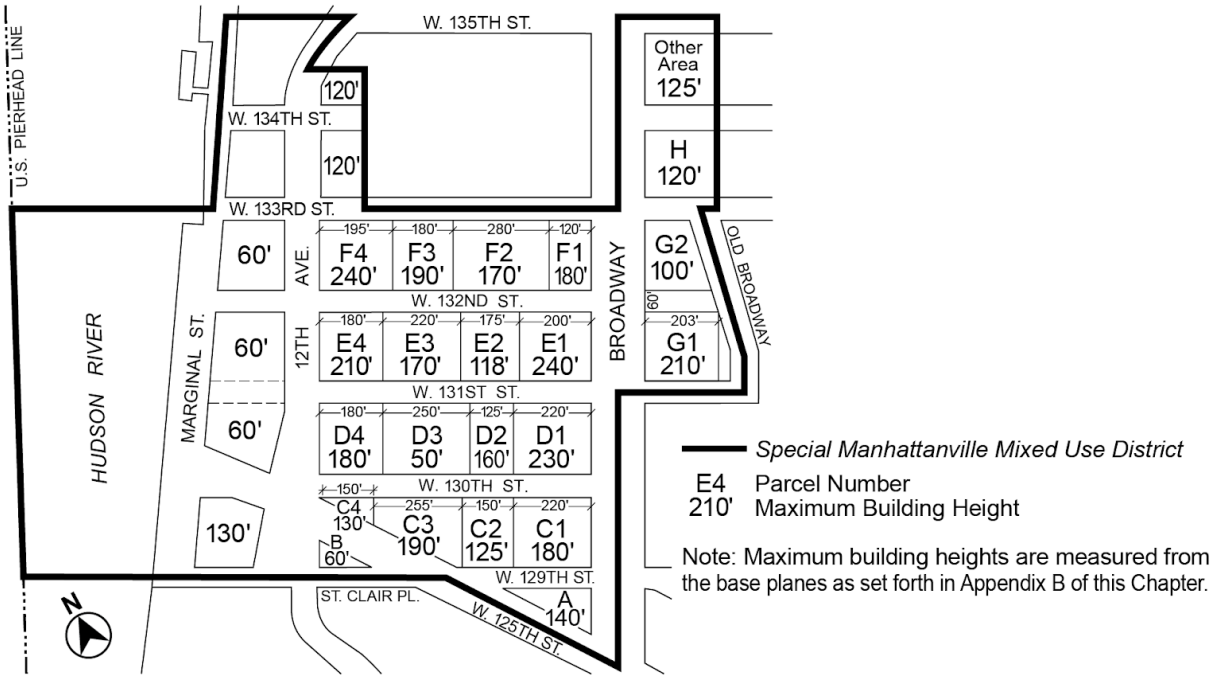
Map 3 - Widened Sidewalk Lines (12/19/07)



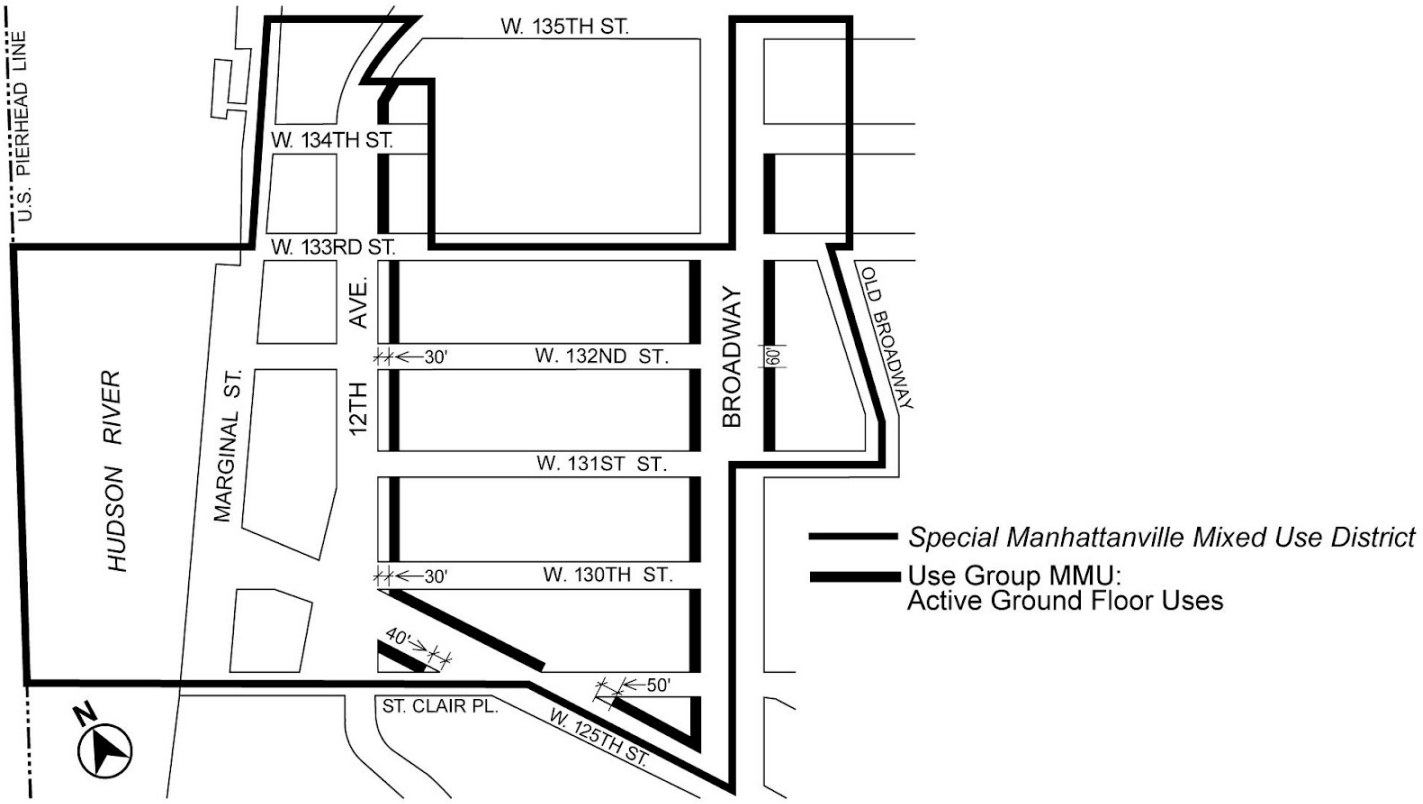
Map 4 - Street Wall Types and Locations (12/19/07)



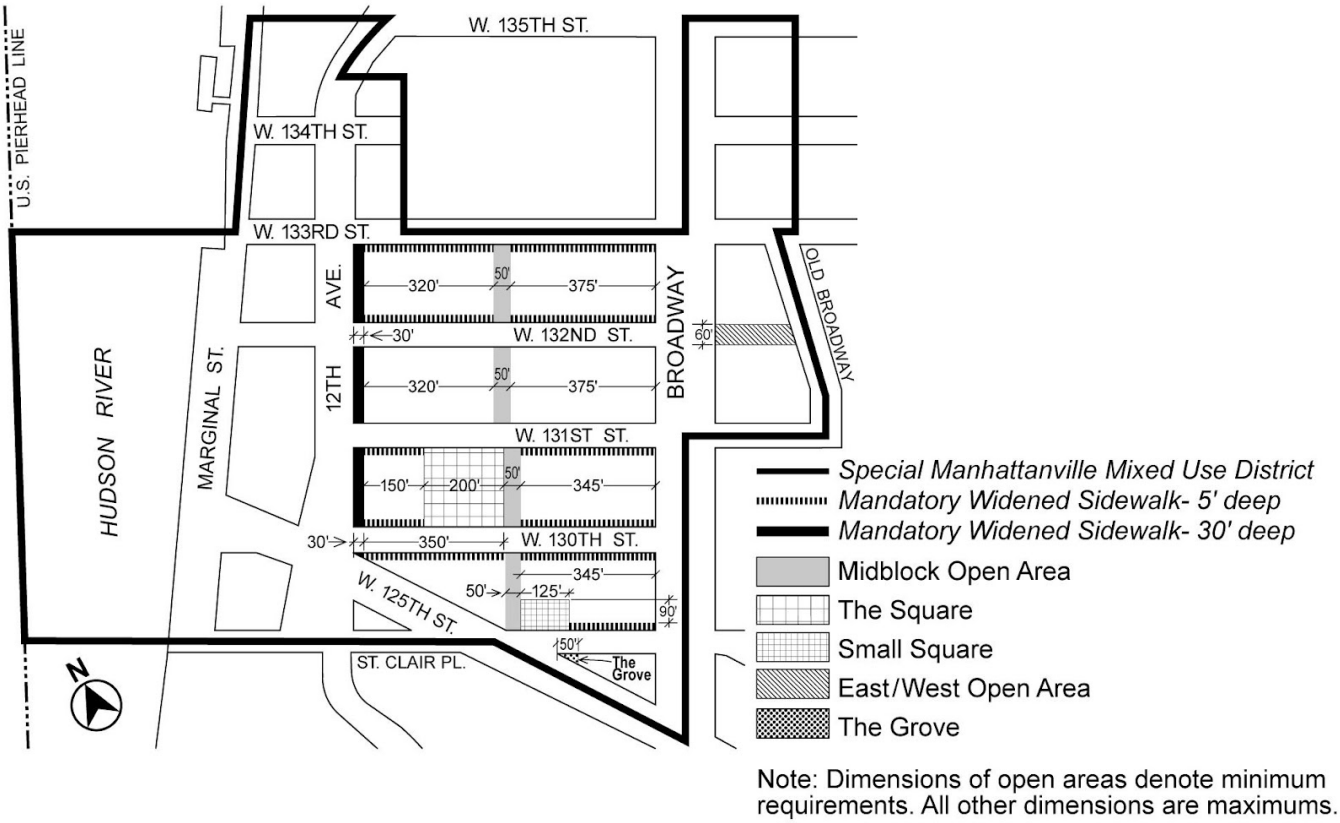
Map 5 - Parcel Designation and Maximum Building Heights (3/22/16)



Map 6 - Ground Floor Use and Frontage (12/19/07)



Map 7 - Mandatory Open Areas (12/19/07)



Note: Dimensions of open areas denote minimum requirements. All other dimensions are maximums.

Appendix B - Base Plane and Building Height Table

LAST AMENDED
12/19/2007

Parcel*	#Base Plane#** (in feet)	Maximum #Building# Height** Above #Base Plane# (in feet)	Maximum Height of Mechanical Equipment (in feet)
A	21.6	140	40
B	10.37	60	20
C1	20.74	180	60
C2	19.29	125	40
C3	15.19	190	40
C4	9.36	130	40
D1	26.68	230	60
D2	23.25	160	60
D3	15.85	50	N/A
D4	9.05	180	40
E1	32.42	240	60
E2	23.38	118	40
E3	14.82	170	60
E4	10.11	210	60
F1	46.0	180	40
F2	34.92	170	60
F3	25.63	190	60
F4	11.97	240	60
G1	44.92	210	60

G2	55.62	100	40
H	66.61	120	20

* Parcels are shown on Map 5 in Appendix A

** These numbers reflect measurement in feet above Manhattan Datum, which is 2.75 feet above Sea Level

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special Natural Area District (NA)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 5 - Special Natural Area District (NA)

105-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2005

The "Special Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;

(b) to preserve land having qualities of exceptional recreational or educational value to the public;

(c) to protect aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;

(d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;

(e) to preserve hillsides having unique aesthetic value to the public; and

(f) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

105-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where: S - #average percent of slope#

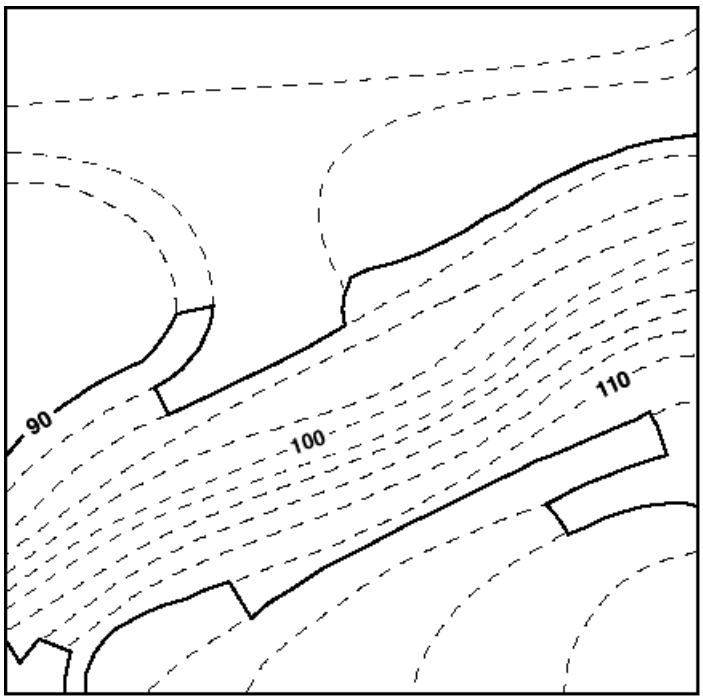
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (ILLUSTRATIVE EXAMPLE)



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour

intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch. Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a #Special Natural Area District#.

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures# which includes land contour work, topographic modifications, removal of #topsoil#, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other #natural features#, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

Staging area

A "staging area" is any area on a #zoning lot# used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# with an incline of 25 percent or greater. However, a portion of a #zoning lot# with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more that is counted towards a tree preservation requirement or a credit for a newly planted tree of three-inch #caliper# or more that is counted towards a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arborculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch #caliper# or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

105-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

(a) any #development#, #enlargement# or #site alteration#;

(b) any subdivision of a #zoning lot# existing on the effective date of the Special District designation into two or more #zoning lots#; and

(c) any public improvement projects located within the #Special Natural Area District#, which shall be subject to the provisions of Sections 105-92 (Special Provisions for City-owned Land) and 105-93 (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings or other City or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings or other City or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section 105-40, as specified in Section 105-021 (Actions not requiring special review).

Any authorization or special permit granted by the City Planning Commission after July 18, 1995, pursuant to the provisions of this Chapter, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an application shall be submitted to the Commission for review and approval pursuant to Section 105-90 (FUTURE SUBDIVISION).

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

105-021 - Actions not requiring special review

LAST AMENDED
2/2/2005

The special review requirements of Section 105-40 (SPECIAL REVIEW PROVISIONS) of this Chapter shall not apply to the following:

(a) a #site alteration# on a #zoning lot# containing #buildings or other structures#, or a #development# or #enlargement# on any #zoning lot#, provided that such #zoning lots# shall have:

(1) not more than 10,000 square feet of #lot area#;

(2) an #average percent of slope# of less than 10 percent;

(3) no significant #natural features#, and the resulting #development#, #enlargement# or #site alteration# can satisfy the requirements of Section 105-30 (PRESERVATION OF NATURAL FEATURES), inclusive;

(4) the resulting #development#, #enlargement# or #site alteration# not exceed 2,500 square feet of #lot coverage#; and

(5) no Notice of Restriction or Restrictive Declaration recorded against the title of such property;

(b) any #site alteration#, on a #zoning lot# containing a #residential building# in existence on the effective date of the Special District designation, involving a structure that does not require a permit from the Department of Buildings, including, but not limited to swimming pools, garden sheds and fences, provided that:

(1) any modification of topography for the footprint, foundation or grading around the footprint of such structure shall not exceed two feet of cut or fill; and

(2) no tree of six-inch #caliper# or greater shall be removed and the #critical root zone# of such tree shall be an #area of no disturbance# on any #zoning lot#.

105-022 - Requirements for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within any #Special Natural Area District#, shall include the following:

(a) a survey map prepared by a registered surveyor showing topography at two-foot contour intervals and indicating the #average percent of slope#, the existing slope of the land, as it occurs, in categories of 10-14 percent, 15-19 percent, 20-24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#, location of geologic features, aquatic features and botanic environments, as enumerated in Section 105-11 (Description of Natural Features);

(b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for each #Special Natural Area District#;

(c) a site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed

patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone# and in addition, for #Tier II sites#, the location of any other #area of no disturbance#;

(d) a drainage plan and soil report prepared by a professional engineer, when necessary to assess whether or not there will be major impact on #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989;

(e) a grading plan showing all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;

(f) a landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings;

(g) any other information necessary to evaluate the request; and

(h) for #developments#, #enlargements# and #site alterations# on #Tier II sites#, the application shall also include:

(1) an alignment and paving plan for any #private road# with a typical cross-section; and

(2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation.

For a #site alteration#, #enlargement# or #development# within any #Special Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through (h) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in identifying the #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a permit is required for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

105-023 - Relationship to public improvement projects

LAST AMENDED
2/2/2005

In all cases, the City Planning Commission shall deny an application, whenever the #development#, #enlargement# or #site alteration# will interfere with a public improvement project (including highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) that has been approved by the City Council or the City Planning Commission.

105-03 - District Plan

LAST AMENDED
1/19/2016

The regulations of this Chapter are designed to implement the #Special Natural Area District# Plan. The District Plan includes the following:

Appendix A - Special Natural Area District Plan Maps

Appendix B – Glossary

Appendix C - Selection List for Ground Covers and Shrubs

Appendix D - Tree Selection List for On-site Trees

Appendix E - Tree Selection List for Street Trees

These maps and lists are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

105-10 - NATURAL FEATURES

LAST AMENDED
12/19/1974

105-11 - Description of Natural Features

LAST AMENDED
2/2/2005

All #natural features# shall be significant in terms of age, size, composition, function, structure, history, association, location, ecological value or educational interest.

The protection of one #natural feature# may require the protection of another which is closely linked to it. The preservation of #natural features# may also be necessary to avoid such adverse conditions as flooding, erosion or hazards to private property. All vegetation is part of a botanic environment or part of an aquatic feature and shall be considered as a #natural feature# protected by the regulations of this District. For the purposes of this Chapter, vegetation includes all forms of plant material, including, but not limited to, trees, shrubs, vines, ferns, grasses, herbs and other plant life.

All #natural features# defined in this Section and further described in Appendix B of this Chapter shall be protected by the provisions of this Chapter.

(a) Geologic features

(1) Rock outcrop

A rock outcrop is the portion of a rock formation which appears at the surface of the earth.

(2) Geologic deposit

A geologic deposit is a mass of material which has been placed, shaped or created by the actions of wind, water, ice, gravity, vulcanism, pressure or temperature, either alone or in combination. Such deposits are to include erratic boulders, glacial formations, mineral deposits or semi-precious stones.

(b) Topographic features

(1) #Steep slope#

(2) Existing natural topography

Existing natural topography is the ground elevation of land.

(3) #Topsoil#

#Topsoil# is generally the top six inches of soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth.

(c) Aquatic features

Wetlands, including, but not limited to State and Federal, mapped or designated, freshwater or tidal wetlands:

(1) Laminarian zone

A laminarian zone is that land under the surface of salt water from the mean low tide mark to the depth of 15 fathoms. The portion of laminarian zone to be protected by the provisions of this Special District extends to the pierhead line or to the shore line where no pierhead line has been established.

(2) Beach

A beach is a tract of relatively flat, sandy or gravelly land, without visible vegetation, forming the shore of a large body of water.

(3) Tidal wetland and saltwater littoral zone

A tidal wetland or saltwater littoral zone is that land which is regularly covered by tidal waters and its spray.

(4) Swamp

A swamp is a wet woodland, the soil of which is typically waterlogged or often covered with water.

(5) Marsh

A marsh is a wet prairie that has waterlogged soil during the growing season (from last spring frost to first fall frost) and is often covered with shallow water.

(6) Bog

A bog is a tract of waterlogged land without natural drainage.

(7) Meadow

A meadow is a tract of land that is waterlogged to within a few inches of the surface and may have temporary ponds during the non-growing season (between the first fall frost and first spring frost).

(8) Creek, stream or brook

A creek, stream or brook is a free flowing fresh watercourse on soil, gravel or rock that drains a watershed.

(9) Lake or pond

A lake or pond is a body of fresh or salt water standing year round.

(10) Natural spring

A natural spring is a point source of water exiting from the surface of the earth or rock.

(d) Botanic environments

(1) Primary succession community area

A primary succession community area is a tract of land characterized by species that can tolerate extreme environmental conditions and provide initial protection for less tolerant forms of life. These species are usually annuals and herbaceous.

(2) Secondary succession community area

A secondary succession community area is a tract of land characterized by short-lived trees and shrubs as well as grasses and herbaceous material. These species are less tolerant than primary succession community species but provide a greater diversity and range of protection from the sun, wind and rain.

(3) Climax community area

A climax community area is a stable association of plants and animals that will perpetuate itself indefinitely with minor variation in the group of associated plants. The climax community area in New York City is the glaciated oak-chestnut association, which is part of the eastern hardwood deciduous forest.

(4) Dune or heathland

A dune or heathland is a tract of windblown and wind- or water-shaped sandy land with such characteristic species as beach grass and beach heather.

(5) Wild grassland

A wild grassland is an area whose vegetation is primarily of wild grass species.

The #natural features# defined in this Section are described in Appendix B of this Chapter.

105-20 - PROTECTION OF NATURAL FEATURES

LAST AMENDED
2/2/2005

All #natural features# within a #Special Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections 105-02 (General Provisions), 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

Except for any existing #natural feature# that is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #natural features# described in Section 105-11 (Description of Natural Features) shall be removed, destroyed or altered unless permitted by certification, authorization or special permit of the City Planning Commission, pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), or allowed pursuant to Section 105-021 (Actions not requiring special review).

105-30 - PRESERVATION OF NATURAL FEATURES

LAST AMENDED
2/2/2005

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Natural Area District#, pursuant to Section 105-02 (General Provisions). When pursuant to Sections 105-41 (Certification) or 105-021 (Actions not requiring special review), it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the #natural feature# preservation requirements of this Section, inclusive.

105-31 - Botanic Environment and Tree Preservation Requirements

LAST AMENDED
2/2/2005

To the maximum extent possible, existing trees and vegetation shall be retained. Trees of six-inch #caliper# or more and vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

(a) such trees or vegetation are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;

(b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;

(c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more, designated for preservation and belonging to a species listed in Appendix D (Tree Selection List for On-site Trees) of this Chapter; or

(d) an authorization pursuant to Section 105-425 (Modification of botanic environment and tree preservation and planting requirements) has been granted by the City Planning Commission approving the removal of such trees or vegetation.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section 105-32 (Botanic Environment and Tree Planting

Requirements).

105-32 - Botanic Environment and Tree Planting Requirements

LAST AMENDED
2/2/2005

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternative vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

(a) Tree planting

For the purposes of this Section, the following minimum standard shall apply for tree planting:

(1) For any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, trees of at least three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

(2) For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. Trees newly planted to meet this requirement shall be of a species selected from Appendix D of this Chapter, and acceptable from the standpoint of hardiness, appearance and habit of growth suitable to the site.

The Commission may grant a waiver of the tree planting requirements by certification to the Department of Buildings, where the Commission finds that the ecology of the site is such that the substitution of other plant material would be more appropriate than the tree planting requirements and a detailed plan for planting has been filed with the Commission for its approval.

(b) Botanic Environment Planting

For the purposes of this Section, the following minimum standard shall apply for the planting of vegetation.

Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed pursuant to the regulations of Sections 105-31 (Botanic Environment and Tree Preservation Requirements) or 105-425 (Modification of botanic environment and tree preservation and planting requirements), shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, plantings shall be provided of the size and number indicated in paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and

shrubs shall be selected from Appendix C (Selection List for Ground Covers and Shrubs) of this Chapter. Species of on-site trees shall be selected from Appendix D (Tree Selection List for On-site Trees) of this Chapter.

(1) Ground cover shall be planted one at one-foot-on-center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and

(2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or

(3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or

(4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

The planting of species shall not be limited to woody plant materials, but shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses and other associated vegetation. All vegetation to be planted shall be either of the species which characterized the area's biological community prior to #site alteration#, #enlargement# or #development#, or of an alternative biologic community found in the area. Species selection shall give particular attention to the relationship of the species to each other and to the surrounding plant community and to the quality of the soil and the vertebrate and invertebrate populations associated with and dependent upon the proposed plants.

105-33 - Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422

LAST AMENDED
2/2/2005

The maximum permitted percentage of #lot coverage# for #residences# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A TIER II ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

	#Residence District#*					
						R6

#Average Percent of Slope#	R1	R2	R3	R4	R5	1-2 Family	Other
10–14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15–19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20–24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 105-422, the maximum permitted percentage of #lot coverage# for such #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT OR PORTION OF ANY ZONING LOT WITH A STEEP SLOPE GRANTED AN AUTHORIZATION PURSUANT TO SECTION 105-422

#Residence District#*						
					R6	
R1	R2	R3	R4	R5	1-2 Family	Other

12.5	12.5	12.5	20.0	25.0	27.0	18.0

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

105-34 - Grading Controls for Tier II Sites

LAST AMENDED
2/2/2011

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

(a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.

(b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.

(c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.

(d) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T99 or ASTM D698.

(e) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.

(f) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on February 2, 2005, should be rounded in a vertical arc with a radius of not less than five feet.

(g) Tops and toes of cut and fill slopes and retaining walls shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures for a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet.

105-35 - Tier II Site Requirements for Driveways and Private Roads

LAST AMENDED
2/2/2011

The provisions set forth in this Section and Section 105-34 (Grading Controls for Tier II Sites) shall apply to driveways and to #private roads# that provide access to #buildings# #developed# after February 2, 2005. The provisions for #private roads# set forth in Article II, Chapter 6, shall not apply.

(a) Driveways

(1) The maximum grade of a driveway shall not exceed 10 percent.

(2) The paved width of a driveway shall not exceed 18 feet.

(3) The maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

(1) The maximum grade of a #private road# shall not exceed 10 percent.

(2) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back.

(3) The paved width of a #private road# shall not exceed 34 feet.

(4) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb.

(5) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#.

(6) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays.

(7) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.

(8) Along the entire length of a #private road#, trees shall be provided and maintained at the rate of one tree for every 25 feet of #private road# frontage and shall comply with the requirements set forth in Section 105-32 (Botanic Environment and Tree Planting Requirements).

(9) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section.

The City Planning Commission may by authorization pursuant to Section 105-434 (Modification of requirements for private roads and driveways), allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

105-36 - Controls During Construction

LAST AMENDED
2/2/2005

The following requirements must be met during construction and identified on the construction plan:

(a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.

(b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.

(c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.

(d) The #staging area# shall be located in an area that would most minimize destruction of the #natural features# of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

(e) #Topsoil# shall be used in the area to be replanted as soon as construction is complete.

(f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

105-37 - Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites

LAST AMENDED
2/2/2011

Any #development#, #enlargement# or #site alteration# that is on a #Tier II site# and requires an authorization shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS) that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of this Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer or landscape architect and submitted to the City Planning Commission.

(a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

105-38 - Special Submission Requirements for Authorizations on Tier II Sites

LAST AMENDED
2/2/2011

When a #development#, #enlargement# or #site alteration# is on a #Tier II site#, an application to the City Planning Commission for an authorization shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS).

(a) A drainage plan and soil report prepared by a professional engineer to protect #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

(b) An erosion and sedimentation plan as described in Section 105-37 (Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites).

(c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.

(d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

105-40 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a #Special Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or #site alteration# is approved pursuant to Sections 105-41, 105-42, 105-43 or 105-44, inclusive.

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments), shall apply to a #large-scale residential development#, as modified by the provisions of Section 105-701 (Applicability of large-scale residential

development regulations).

105-41 - Certification

LAST AMENDED
2/2/2005

When it is not necessary for the applicant for a #development#, #enlargement# or #site alteration# to apply for an authorization or special permit, the City Planning Commission shall certify to the Department of Buildings that such #development#, #enlargement# or #site alteration# complies with the regulations of this Chapter, and that no authorization or special permit is required pursuant to this Chapter.

Where #natural features# are to be protected and maintained under Section 105-60 (MAINTENANCE OF NATURAL FEATURES), the Commission shall indicate in the certification specific conditions and safeguards appropriate to the designated area.

105-42 - Authorizations to Alter Natural Features

LAST AMENDED
2/2/2005

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

(a) modification of topographic features including existing natural topography and #topsoil# pursuant to Section 105-421 (Modification of topographic features on Tier I sites) and modification of #steep slopes# pursuant to Section 105-422 (Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer);

(b) modification of geologic features including the relocation of erratic boulders, and the alteration of rock outcrops pursuant to Sections 105-423 and 105-424;

(c) modification of botanic environment, pursuant to Section 105-425;

(d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

105-421 - Modification of topographic features on Tier I sites

LAST AMENDED
2/2/2005

The topographic features, including natural topography and #topsoil#, existing at the time of designation of a #Special Natural Area District# may be modified by the City Planning Commission, provided that the Commission finds that:

(a) #development#, #enlargement# and #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification, including any removal of #topsoil#, will not disturb the drainage pattern and soil conditions in the area;

(c) such modification of topography has minimal impact on the existing topographic features of the surrounding area and blends harmoniously with it;

(d) such modification is the least modification required to achieve the purpose for which it is granted; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Where permits are required from a City agency, the Commission shall request a report from such agency, and the provisions of Section 105-93 (Inter-agency Coordination) shall apply.

105-422 - Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer

LAST AMENDED
2/2/2011

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #Tier II site# or on portions of a #zoning lot# having a #steep slope# or #steep slope buffer#.

In order to grant such authorizations, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the modification will not disturb the drainage patterns and soil conditions of the area; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

The #lot coverage# regulations of Table II of Section 105-33 (Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422) shall apply to any #residential# #development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of this Chapter for which an authorization or special permit has not been obtained.

105-423 - Relocation of erratic boulders

LAST AMENDED
2/2/2005

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a #Special Natural Area District# to another location within the Special District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

(a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;

(b) where the boulder's continued existence in its present location would create hazards or dangers; or

(c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

105-424 - Alteration of rock outcrops

LAST AMENDED
2/2/2005

The City Planning Commission may authorize the alteration of a rock outcrop, provided that:

(a) the #development# or #enlargement# is not feasible without such alteration, or that the requested alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or

(b) such alteration is necessary to protect the health and safety of the site occupants; and

(c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

105-425 - Modification of botanic environment and tree preservation and planting requirements

LAST AMENDED
2/2/2005

The City Planning Commission may authorize modifications to the provisions of Sections 105-31 (Botanic Environment and Tree Preservation Requirements), 105-32 (Botanic Environment and Tree Planting Requirements) and paragraph (b)(8) of Section 105-35 (Tier II Requirements for Driveways and Private Roads).

In order to grant such authorizations, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the botanic preservation or planting requirements being modified; and

(d) in order to modify requirements relating to tree preservation, planting or removal, the Commission shall also find that:

(1) such tree is located in areas which require excessive cut or fill of land deemed inimical to plant survival; or

(2) the continued presence of such tree would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning.

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

105-426 - Alteration of aquatic features

LAST AMENDED

No portion of an aquatic feature shall be altered or land operations affecting aquatic features undertaken by or on behalf of present or future applicants for permits except in compliance with the provisions of this Section. The City Planning Commission may permit the alteration of aquatic features, provided that:

(a) the #development# or #enlargement# is not feasible without such alteration or where such alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or

(b) such alteration is necessary to protect the health and safety of the site occupants; and

(c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district; and

(d) such modification shall not disturb the drainage patterns in the area.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a City agency for any work affecting #natural features#, the Commission shall request a report from such agency and the provisions of Section 105-93 (Inter-agency Coordination) shall apply.

In the event alteration of an aquatic feature is found inappropriate, the Commission may treat an application under this Section as an application for modification of #yard# and height and setback regulations under Section 105-432.

105-43 - Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

LAST AMENDED
1/19/2016

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

(a) modification of #lot coverage# controls in accordance with the provisions of Section 105-431;

(b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of

Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations);

(c) modification of grading controls in accordance with the provisions of Section 105-433; and

(d) modification of requirements for driveways and private roads on #Tier I sites# and #Tier II sites# in accordance with the provisions of Section 105-434.

105-431 - Modification of lot coverage controls

LAST AMENDED
2/2/2011

For any #development# or #enlargement# on a #Tier II site# or within a #steep slope# or a #steep slope buffer# on a #Tier I site#, the City Planning Commission may authorize variations in the #lot coverage# controls set forth in Section 105-33.

In order to grant such authorization, the Commission shall find that:

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(e) the modification will not disturb the drainage pattern and soil conditions of the area; and

(f) the modification does not impair the essential character of the surrounding area.

105-432 - Modification of yard, height and setback regulations, and parking location regulations

LAST AMENDED
2/2/2011

For any #development# or #enlargement# that does not qualify under provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, parking lot landscaping or maneuverability requirements, location of parking, driveways or curb cuts and required space between #buildings# on the same #zoning lot#, and may modify height and setback regulations for the purpose of preserving #natural features#, provided the Commission finds that:

(a) the proposed placement of #buildings# and arrangement of #open space# will not have significant adverse effects upon the light, air and privacy for existing #buildings# in adjacent areas or the opportunities therefore in future #development#; and

(b) will preserve significant #natural features#.

The Commission may condition such authorizations upon the joint submission of acceptable plans for #development# or #enlargement# of two or more adjacent #zoning lots# by the owners thereof.

105-433 - Modification of grading controls

LAST AMENDED
2/2/2011

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 105-34.

In order to grant such authorization, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the modification will not disturb the drainage pattern and soil conditions of the area;

(e) the modification does not impair the essential character of the surrounding area; and

(f) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area.

105-434 - Modification of requirements for private roads and driveways

LAST AMENDED
1/19/2016

For any #development#, #enlargement# or #site alteration#:

(a) the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Site Requirements for Driveways and Private Roads), as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts) provided that:

(1) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(2) such modification is the least modification required to achieve the purpose for which it is granted;

(3) the modification will not disturb the drainage pattern and soil conditions of the area;

(4) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and

(5) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; or

(b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter,

the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-35 (Screening), inclusive, provided that such modification or waiver:

(1) results in greater environmental conservation or preservation of existing natural features;

(2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;

(3) results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;

(4) enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;

(5) will not impair the essential character of the Historic District and the surrounding area;

(6) is the least required to achieve the purpose for which it is granted; and

(7) will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.

105-44 - Special Permit

LAST AMENDED
2/2/2005

For any #development#, #enlargement# or #site alteration# within the #Special Natural Area District#, the City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Sections 105-441 and 105-442.

105-441 - Modification of use regulations

LAST AMENDED
2/2/2011

In addition to any #use# modifications which may be granted under the provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may permit #semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts.

Furthermore, except in the #Special Natural Area District#-1 (NA-1), the Commission may permit #semi-detached# or #attached# #single-family residences# in R1-2 Districts provided that the #development# or #enlargement# is on a tract of land of at least four acres, and provided the Commission finds that:

(a) the preservation of #natural features# requires the permitted #development# to be concentrated to the extent feasible in the remaining portion of the tract;

(b) for such concentration of #development#, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #residential building# types;

(c) the change of housing type constitutes the most effective method of preserving #natural features#;

(d) the #aggregate width of street walls# of a number of #residential buildings# separated by party walls shall not exceed 100 feet;

(e) the proposed #street# system for the tract of land to be #developed# is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area; and

(f) the existing topography, vegetation and proposed planting effectively screen all #attached# #single-family residences# from the #lot lines# along the perimeter of the tract of land to be #developed#.

105-442 - Natural area dedicated for public use

LAST AMENDED
2/2/2005

Where commonly or separately owned areas containing #natural features# of exceptional recreational, cultural or educational value to the public are dedicated to the City, without any cost to the City, pursuant to Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may by special permit allow, where appropriate, such portion of the #zoning lot# to be included in the zoning computation for #floor area#, #open space#, #lot coverage# and density regulations and other #bulk# computations.

105-45 - Certification of Restoration Plans

LAST AMENDED
2/2/2005

On any #zoning lot# to which the provisions of Section 105-02 (General Provisions) apply, no #natural features# as described in Section 105-11 (Description of Natural Features) or any other vegetation shall be removed, altered, relocated or replaced without prior approval by the City Planning Commission, as set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS).

In the event that any such features are removed, altered, relocated or replaced from a #zoning lot# without prior approval by the Commission, the Commission may specify the manner of their replacement or restoration. If trees are to be planted, the Commission may require that they be three inches in #caliper#.

A copy of the restoration plan certified by the Commission specifying requirements for the replacement or restoration of the #natural features# shall be issued to the owner of the #zoning lot# containing such violations and to the Department of Buildings.

Upon receipt of the Commission's certified restoration requirements, the Department of Buildings shall require the owner of the #zoning lot# to remove the violations in accordance with the requirements set forth by the Commission. If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to terminate the violations. For compliance with new planting requirements to remove violations, the Department of Buildings may allow an additional 90 days.

No building permit or certificate of occupancy shall be issued by the Department of Buildings for any #development#, #enlargement#, #site alteration# or #use# on such #zoning lot# until the violations are removed from the #zoning lot# in accordance with the restoration plan certified by the Commission.

105-50 - REGULATIONS FOR PROTECTION OF NATURAL FEATURES

LAST AMENDED
2/2/2011

The provisions of this Section establish regulations for City Planning Commission review of #development#, #enlargement# or #site alteration# plans from the standpoint of the adequacy of protection for #natural features# within a #Special Natural Area District#. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

These regulations are to be used by the Commission in reaching a determination whether to approve #development#, #enlargement# or #site alteration# plans filed pursuant to Sections 105-41 (Certification), 105-42 (Authorizations to Alter Natural Features), 105-43 (Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations) or 105-44 (Special Permits).

The Commission, where appropriate, shall be guided by the reports from other city agencies involved in land contour work, storm water drainage systems and similar operations affecting #natural features#.

In determining the necessary alteration of #natural features# or extent of modifications involved in a #development#, #enlargement# or #site alteration#, the Commission shall be guided by the effect of any alteration of a #natural feature# on the total ecological process of the surrounding natural environment including the following: the effect of such alteration on the existing topography, soil conditions, erosion, natural flow of water and drainage, water quality, and animal, plant and marine life.

Further guidelines for the protection of #natural features# are:

(a) No #natural feature# shall be moved, removed, covered, diminished, broken or disfigured, unless permitted pursuant to the provisions of Sections 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-40 (SPECIAL REVIEW PROVISIONS). Furthermore, #topsoil# shall neither be removed from the surface of any #zoning lot# nor covered with inferior material unless permitted pursuant to Section 105-40. Where existing topography is altered without prior authorization of the Commission, the Commission may require new grading or other topographical modifications or surface improvement to reestablish the viability and function of the soil as a growing medium, and as a drainage surface, in order to permit the site to blend harmoniously with the surrounding area of the Special District.

(b) Filling, excavating, draining, dredging, grading and contouring shall be staged and controlled so as to minimally impair the function, composition, vitality and existence of #natural features#. When and where possible, such operations shall be done in a manner so as to maintain or improve the biological system and individual features on the site.

(c) All filling, excavating, draining, dredging, grading and contouring shall avoid creation of #steep slopes# or conditions causing erosion, loss of fertility of soil, health or safety hazards, and shall be done in conformance with the limits and nature of the soil involved.

(d) All land operations including filling, excavating, draining, dredging, grading and contouring shall be limited to those operations which maintain or restore natural drainage, cause a minimum disturbance of the #natural features# and their setting while providing for the #development#, #enlargement# or #site alteration# or permitted #uses#.

(e) No #development#, #enlargement# or #site alteration# shall be such as to impede or change the quality, turbidity, temperature or chemical composition of natural drainage or aquatic features.

(f) A #development#, #enlargement# or #site alteration# shall be permitted only in areas sufficiently removed from the #natural features# to avoid impairment of their existence, functions or beauty.

(g) There shall be maximum preservation of all natural vegetation in and adjacent to the #natural features# found on the site. Plant communities which have been substantially reduced in area or composition as a result of a #development#,

#enlargement# or #site alteration# shall be restored, extended or replaced by alternative plant materials with an adequate maintenance program. In no case shall the site be allowed to be denuded and without vegetational cover upon completion of the #development#, #enlargement# or #site alteration#.

(h) Replacement of any #natural feature# and planting of new vegetation on a site in the Special District shall be such as to extend, reinforce, increase the diversity, function and vitality of an association or community in the area. Special attention shall be given to symbiotic relationships between plants and the relationship between vegetation to be planted and animal populations which are dependent upon or related to the proposed vegetation. Where appropriate, planting shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, and other associated vegetation.

(i) Adequate provision shall be made for proper management and maintenance of #natural features# and their immediate surroundings to avoid pollution, loss of vigor, reduction in composition or function or other ecological damage.

(j) Where appropriate, when a portion of a #natural feature# or its function must be altered, such alteration shall not only reinforce the function, vitality and existence of the remaining portion of the #natural feature# but also improve conditions for other #natural features#. This shall apply particularly but not exclusively to the removal and replanting of plant materials.

(k) Where appropriate, a #development#, #enlargement# or #site alteration# shall be such as to leave #natural features# intact in their natural setting and, where feasible, visible from public #streets# or places.

(l) For a #steep slope#, these additional requirements apply:

(1) In all #Residence Districts#, for #residential# #developments# on individual #zoning lots# substantially within a #steep slope# area, the #lot area per dwelling unit# requirement shall not be less than 12,500 square feet. Except in R1 Districts located in #Special Natural Area District#-1 (NA-1), the Commission may, for a tract of land of at least four acres substantially within the #steep slope# area, modify, by authorization, the #lot area per dwelling unit# requirement set forth in this paragraph, (l)(1), for the #steep slope# area, and may allow #development# to be concentrated in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new #steep slopes#.

(2) In no event shall the #lot area per dwelling unit# requirement be less than the amount required by the underlying district regulations.

(3) Existing vegetational cover in steep areas shall not be removed, destroyed or damaged except pursuant to development and grading plans approved by the Commission. An objective of such plans shall be to fit #street# layouts and #building# designs to the natural terrain, limit grading to a practical minimum and provide for maximum preservation of the natural terrain and vegetational cover.

105-60 - MAINTENANCE OF NATURAL FEATURES

LAST AMENDED
2/2/2005

For any #development#, #enlargement# or #site alteration# on a tract of land within a #Special Natural Area District#, the City Planning Commission may require a maintenance plan for a #natural feature#. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorization or special permit shall be conditioned upon the Commission's approval of the maintenance plan.

The maintenance plan shall specify what the maintenance is to consist of and whose responsibility it will be, and shall provide assurance that maintenance will be satisfactorily executed. The Commission, in considering the maintenance needs of a particular #natural feature# and the content of an acceptable maintenance plan shall, where appropriate, refer all relevant plans to the Landmarks Preservation Commission, Department of Parks or other City agency with primary responsibilities in natural areas conservation, for its report thereon. The Commission shall, in its determination, give due consideration to any such report submitted within one month from the date of referral. If such City agency does not report within one month, the Commission may make a final determination without reference thereto.

For #natural features# for which the Commission determines that specialized maintenance and regulated public #use# are appropriate, the maintenance plan may provide for dedication of the #natural feature# to the City or an approved private conservation organization for responsible maintenance in the public interest.

105-70 - SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

LAST AMENDED
2/2/2011

In order to carry out the purposes of this Chapter, all #zoning lots# #developed# predominantly for #residential use# may be subject to the provisions of this Section.

105-701 - Applicability of large-scale residential development regulations

LAST AMENDED
2/2/2011

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply except as modified by the provisions of this Section.

Any #zoning lots# #developed#, used predominantly for #residential uses#, may be treated as a #large-scale residential development# and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section 105-80 (JOINT APPLICATIONS), regardless of whether such #zoning lot# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development#, as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be allowed for any #development# pursuant to paragraph (c) of Section 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #zoning lot#, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permits by the City Planning Commission), shall apply. Modification of #side yards# of all #zoning lots#, including #zoning lots# in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations).

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section 78-32 through Section 78-35 (Special Bonus Provisions), may not be granted for #zoning lots# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

Commonly or separately owned areas containing #natural features# may qualify as common #open space# for purposes of satisfying #open space# requirements.

Approval by the Commission of a development plan incorporating #natural features# as common #open space# shall be conditioned upon the findings required in Sections 78-313 (Findings) and 78-52 (Common Open Space) with respect to the

qualification of areas as common #open space# and upon additional findings that appropriate safeguards are provided for the protection and preservation of such #natural features#. In the case of #natural features# that are determined to have qualities of exceptional recreational, cultural or educational value to the public and that are directly accessible to the public from a public right-of-way, the applicant may request the City to take title or a less than fee interest in the property occupied by such a #natural feature# without any cost to the City or its designee for #use# and enjoyment by the public subject to the provisions of Section 105-60 (MAINTENANCE OF NATURAL FEATURES).

105-702 - Applicability of lower density growth management area regulations

LAST AMENDED
2/2/2011

The regulations for #developments# or #enlargements# within #lower density growth management areas# are modified as follows:

(a) Parking location regulations

#Accessory# parking spaces shall be permitted within a #front yard#.

(b) Private road regulations

The provisions of paragraph (b) of Section 105-35 (Tier II Requirements for Driveways and Private Roads) shall apply to #Tier II sites# accessed by #private roads#.

105-80 - JOINT APPLICATIONS

LAST AMENDED
12/19/1974

Notwithstanding the provisions of Section 78-06 (Ownership), a tract of land which is the subject of an application for authorizations or special permits under the provisions of this Chapter may include adjacent property in more than one ownership, provided that the application is filed jointly by the owners of all property included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

105-90 - FUTURE SUBDIVISION

LAST AMENDED
2/2/2011

Within a #Special Natural Area District#, any #zoning lot# existing on the effective date of the Special District designation may be subdivided into two or more #zoning lots#, provided that #natural features# are preserved to the greatest extent possible under future development options.

A plan for such subdivision shall be filed with the City Planning Commission and the Commission shall certify that such subdivision complies with this objective. The subdivision plan shall include a survey map indicating existing topography and other #natural features# within this area. When a #zoning lot#, existing on the effective date of the Special District designation, is more than 10 acres and is intended to be subdivided, an area plan of the entire #zoning lot# shall be filed with the Commission. The area plan shall include the proposed #street# system within the area, #block# layouts and any other information required by the Commission.

When any #zoning lot# is subdivided into two or more #zoning lots#, all resulting #zoning lots# that lie substantially within a #steep slope# area existing as of December 19, 1974, shall be subject to the #steep slope# provisions of Section 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES) and all other provisions of this Chapter, as applicable.

In the event that #natural features# on any #zoning lot# subject to the provisions of Section 105-02 (General Provisions) proposed for subdivision have been removed, altered, relocated or replaced from the #zoning lot# without prior approval by the Commission, as set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS), the Commission shall not approve the subdivision until violations are removed from the #zoning lot# in accordance with the Commission's requirements under Section 105-45 (Certification of Restoration Plans).

105-91 - Special District Designation on Public Parks

LAST AMENDED
2/2/2005

When a #Special Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974, within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Natural Area District#.

105-92 - Special Provisions for City-owned Land

LAST AMENDED
2/2/2011

The provisions of Section 105-40 (SPECIAL REVIEW PROVISIONS) shall apply on City-owned land, except that modifications permitted under Section 105-44 (Special Permits) may be approved by the City Planning Commission.

Furthermore, provisions of Section 105-93 (Inter-agency Coordination) shall apply on City-owned land. However, the provisions of this Chapter shall not apply to any public improvement project approved by the Board of Estimate prior to the effective date of the Special District designation.

105-93 - Inter-agency Coordination

LAST AMENDED
2/2/2005

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within a #Special Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit.

105-94 - Special Natural Area Districts Specified

LAST AMENDED
5/21/1975

105-941 - Special Natural Area District-1:

LAST AMENDED
6/23/1977

Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the Central Wetlands Area of Staten Island

The central, serpentine, hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak-Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

105-942 - Special Natural Area District-2:

LAST AMENDED
5/21/1975

Riverdale, Spuyten Duyvil and Fieldston, The Bronx

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

105-943 - Special Natural Area District-3:

LAST AMENDED
12/1/1977

Shore Acres Area of Staten Island

The Shore Acres area of Staten Island owes its unique character to Shore Acres Pond, which is fed predominantly by springs percolating from an underground aquifer through Pleistocene strata of sand and gravel.

The Pond is a resting place for migratory and local fowl as well as a watering hole for opossums which are abundant along the wooded cliffs of the Narrows. The Pond has shaped its built environment, including the street layout, landscaping and orientation of neighboring homes. The surrounding area is distinguished by rolling topography with orientation of the northeastern edge toward Lower New York Bay and the Narrows.

The natural drainage area is in need of protection to ensure survival and maintenance of the Pond which in turn is essential to the preservation of this special area.

105-944 - Special Fort Totten Natural Area District-4

LAST AMENDED
2/2/2011

(a) General purposes

The "Special Fort Totten Natural Area District"-4 (hereinafter referred to as the Special District), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following general purposes:

(1) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;

(2) to protect aquatic, biologic, geologic, topographic and other natural features having ecological and conservation values and functions;

(3) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and

(4) to promote the desirable use of land improvements in accordance with the District Plan and in conformance with the character of the Fort Totten area and thus conserve the value of land and buildings and thereby protect the City's tax revenue.

(b) Definitions

(1) Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

(2) Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District#-4 as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

(c) General requirements

(1) Requirements for applications

An application to the Commission for any #development# within the Special District shall be subject to the requirements of Section 105-021 (Actions not requiring special review). In addition, an application for #development# within Area B shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(2) Pier #development#

The Commission may permit, by special permit, pier #development#, only upon finding that the proposed #development# shall have no significant adverse impact on the Special District or surrounding environment. The Commission may prescribe appropriate conditions and safeguards to minimize possible adverse effects on the surrounding area.

(d) Special regulations

(1) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may affect the character or design of the facade of a #building or other structure# shall be issued by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit shall notify the Landmarks Preservation Commission of the application.

The Commission, by special permit, may allow:

(i) the alteration of such #building or other structure#, provided that such alteration treatment of the facade relates harmoniously to the character and materials of the original facade and to the adjoining #buildings or other structures#; or

(ii) the demolition of such #buildings or other structures#, other than those deemed unsafe as defined by the Department of Buildings, provided that the Commission finds that the existing #building or other structures# are not suitable for rehabilitation.

Where a #building or other structure# has been demolished pursuant to this Section, the Commission may, by special permit, allow the replacement of the demolished structure provided that the design of the new structure in terms of scale, #lot coverage#, #building# height and exterior treatment of the facade shall replicate as nearly as possible the design and site plan of the original #building#.

(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-631 (General provisions) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three #stories#, whichever is less.

(3) Location of zoning district boundaries at the shore line

Zoning district boundary lines shall coincide with the shore line lawfully existing on April 28, 1983, or any natural or lawful alteration thereof.

A zoning district boundary line which intersects the shore line lawfully existing on April 28, 1983 shall be prolongated, in a straight line, to such naturally or lawfully altered shore line. Lawfully approved piers or other

lawfully approved structural extensions of the shore line, as may be so altered, shall not generate development rights.

(4) Designated open space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan, shall require certification by the Commission that such #designated open space# shall not be reduced in size or altered in shape and shall be preserved in its natural state by the owner of the #zoning lot#.

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

#Designated open space# may be used for active recreational facilities provided that the Commission certifies that such #uses# have minimal impact on tree removal, topographic alteration or drainage conditions.

All #designated open spaces# shall be directly accessible to the public from public rights-of-way between dawn and dusk. A prominent plaque or other permanent #sign# shall be displayed on all #designated open spaces# in a prominent location, designated by the Commission, visible from the adjacent public right-of-way. Such plaque or permanent #sign# shall have a #surface area# of not less than three nor more than six square feet, and shall contain the following statement:

"This area is open to the public between sunrise and sunset."

(5) District plan

The District Map for the #Special Fort Totten Natural Area District#-4 identifies specific areas comprising the District Plan in which special zoning regulations carry out the general purposes of the #Special Fort Totten Natural Area District#-4. The District Plan is set forth in Appendix A and is made an integral part hereof. These areas and the specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

Area A - Historic Fort Area, paragraph (d)(6)

Area B - Planned Community Area, paragraph (d)(7)

Area C – Water Related Area, paragraph (d)(8)

Area D - Bay Area, paragraph (d)(9)

Area E - Development Area, paragraph (d)(10)

(6) Historic Fort Area (Area A)

Within Area A (Fort Area) there shall be no #development# nor #enlargement# of existing #buildings or other structures# except that the Commission may authorize necessary renovation to protect existing structures. In all cases the Commission shall refer all applications to the Landmarks Preservation Commission and Department of Parks and Recreation or other City agencies with primary responsibilities in the conservation area, for its report thereon.

(7) Planned Community Area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted, except as set forth herein and as provided by paragraph (d)(1) of this Section.

(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning# #lot lines#;

(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning# #lot lines#;

(c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;

(d) minor variations in the height and setback regulations required by the applicable district regulations;

(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot);

(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning# #lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

(ii) Findings

As a condition precedent to the granting of a special permit under the provisions of paragraph (d)(7)(i) of this Section, the Commission shall make the following findings:

(a) that the #development#, #enlargement# or said alteration is related to the existing #buildings or other structures# in the Planned Community Area (Area B) in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the area;

(b) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #buildings# and the landscaping surrounding the new landscaping arrangement and conditions of the community;

(c) that the #development# or #enlargement# is sited such that it will not require at the same time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community;

(d) that minimal landscaping is to be removed during construction and such areas will be fully restored upon completion of construction.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community.

(iii) Parade ground

Unless ownership is retained in a governmental agency, the parade ground #designated open space# shall be commonly owned with a #zoning lot# within Area B or Area E and the maintenance of the parade ground shall be the collective responsibility of said owner or owners. The parade ground shall be used for open recreational #uses# and may contain minor #accessory# structures to said #use#. The parade ground shall be directly accessible from the adjoining #streets# along its entire perimeter. There shall be no fences nor walls around or within the parade ground.

(8) Water Related Area (Area C)

In order to protect the unique aquatic and botanic characteristics of the area, there shall be no #development# in Area C except as provided by paragraph (d)(1) of this Section.

(9) Bay area (Area D)

In order to promote waterfront related activities, only the following #uses# of the C3 District shall be permitted in Area D:

(i) #residential uses#, which #uses# are permitted only above the ground floor of those #buildings# existing prior to April 28, 1983;

(ii) all #uses# of Use Group 14, except for boat showrooms or sales, and the storage, repair, or painting of boats other than crew sculls used for intercollegiate competition;

(iii) all retail or service establishment #uses# of Use Group 6, except automobile supply stores.

(10) Development area (Area E)

Any #zoning lot# #developed# predominantly for #residential uses# may be considered a #large-scale residential development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, except that the #accessory# #uses# of Section 78-22 (Accessory Uses in Large-Scale Residential Developments) shall not apply.

Any #zoning lot# #developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

In Area E, the Commission may authorize clustering of #single-family# and #two-family residences# and a modification of housing types in order to maximize the preservation of existing #natural features# in the area, and to provide adequate view protection, and to relate these new structures with the existing structures in the general vicinity. Clustering shall be limited to a maximum #street wall# of 100 feet.

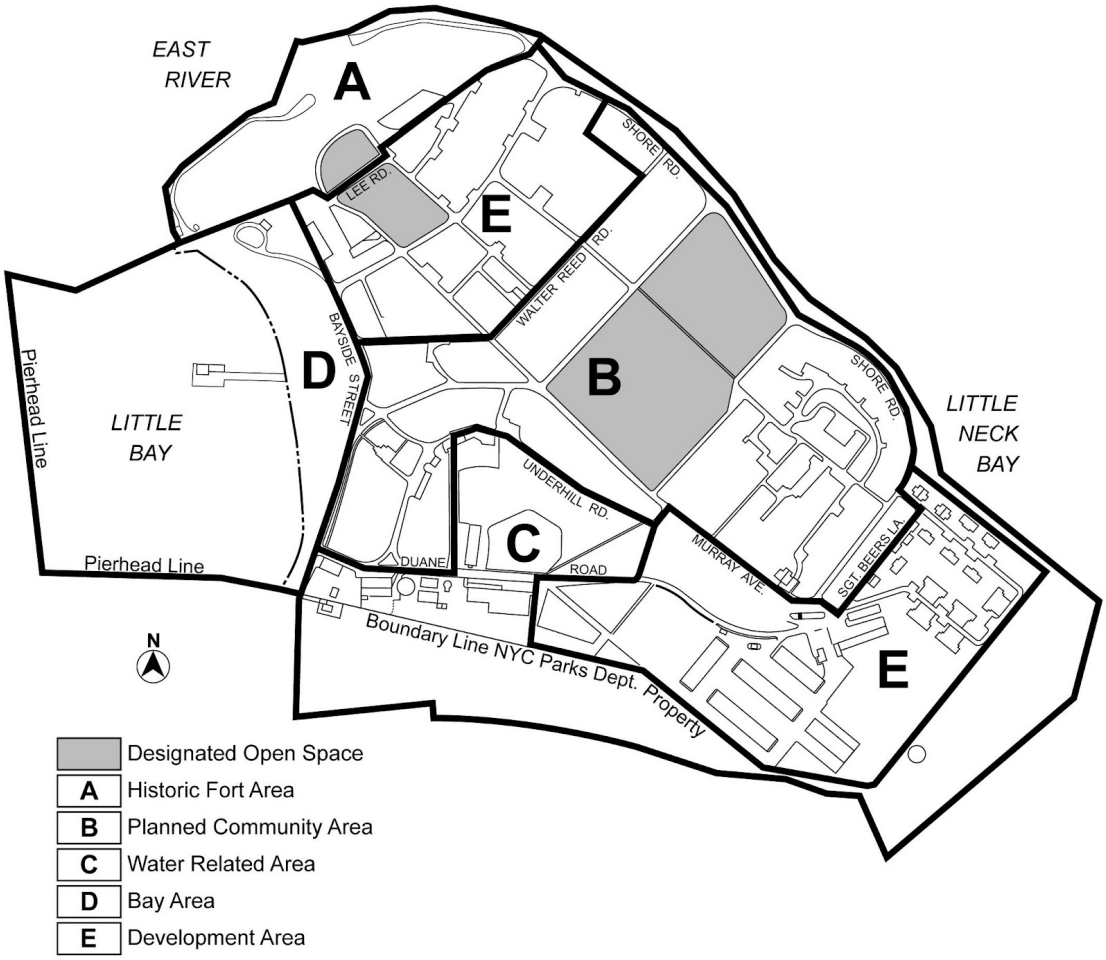
Any and all bonuses permitted in Sections 78-32 through 78-353, inclusive, shall not apply to #development# in Area E.

Appendix A - Special Natural Area District Plan Maps

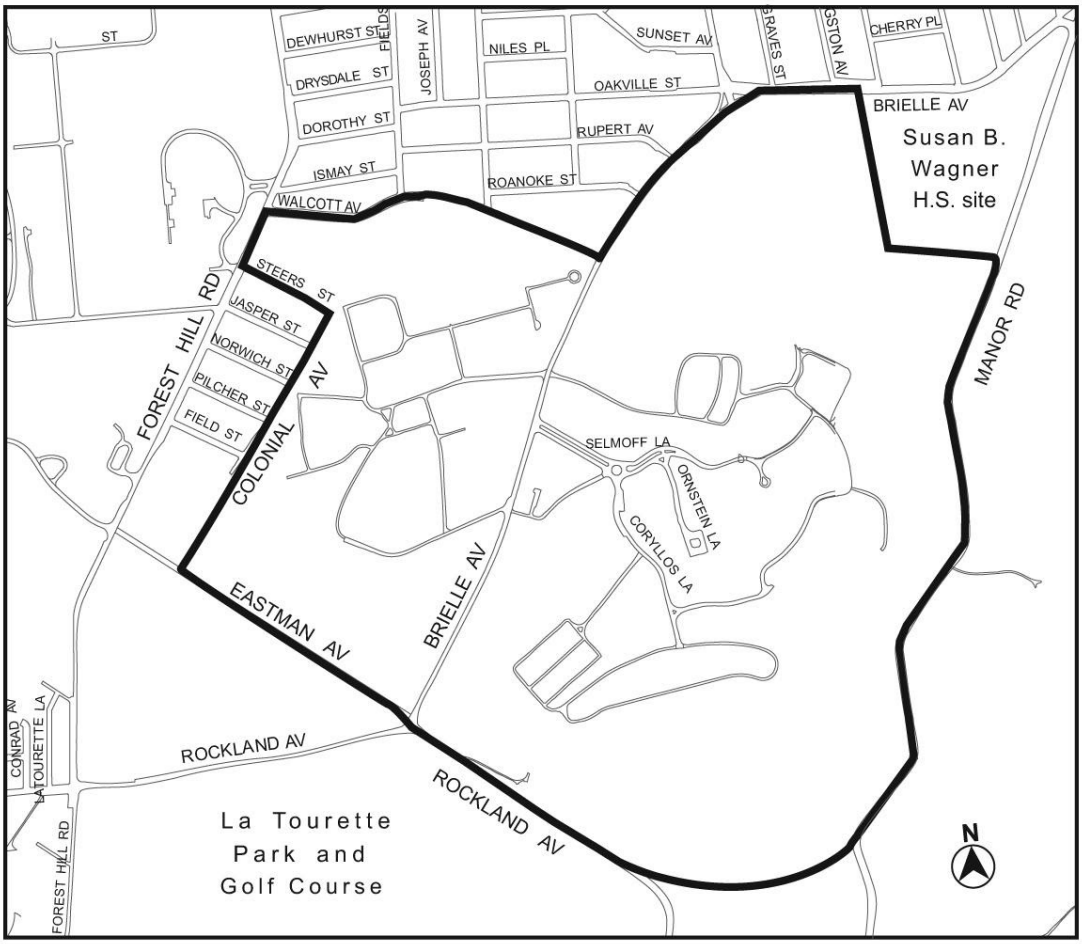
LAST AMENDED
1/19/2016

Map 1. Special Fort Totten Natural Area District-4 Plan Map,

Borough of Queens



Map 2. New York City Farm Colony-Seaview Hospital Historic District, Borough of Staten Island



Appendix B - Glossary

LAST AMENDED
6/23/1977

Part I:

Certain botanic terms referred to in the text and Part II of this Appendix are explained below:

A "tree" is any woody plant with one trunk rising out of the earth and root system, from which branches then spring, usually at some distance from the earth. A tree may be deciduous or coniferous.

A "shrub" is a woody plant that has one or more trunks rising from the same root system instead of a single trunk. These trunks or stems may or may not branch at some distance from the earth. A shrub may be deciduous or coniferous.

A "herb" is a non-woody plant with a fleshy stem which dies back to the earth level at the end of the growing season. It may be annual, biennial, or perennial.

A "vine" is a woody plant whose trunk or stem must be supported by the general environment or other plants. It is unable to stand on its own.

A "grass" is a family of herbaceous plants, rarely woody, with hollow round stems.

An "annual" is a plant which completes its life cycle in the space of one growing season, that is, it goes from seed to full plant and flower and sets seed in a single season.

A "biannual" is a plant which requires two years to grow from seed to mature plant capable of producing seed and then dies.

A "perennial" is a plant which lives more than one or two years and usually produces seeds for more than a few years.

A "fern" is a perennial, flowerless plant which reproduces by spores.

An "association" is a grouping of many plant species over a wide area sharing a common habitat and similar geographic conditions.

A "community" is a series of plants, animals, algae, fungi, grasses, trees, shrubs, herbs and other life forms which characteristically grow and live together in harmony, creating a balanced biological environment.

Part II:

Description of Natural Features defined in Section 105-10 (NATURAL FEATURES):

(a) Geologic features

(1) Rock outcrop

A rock outcrop shows the type of rock underlying the area, the results of surface abrasion by glacier, waterborne or windborne matter, or the results of chemical or temperature weathering.

(2) Geologic deposits

Geologic deposits include:

Soils of different origins such as loess and mineral deposits such as artinite, garnets, zircon, topaz, beryl, tourmaline, algite, tremolite, serpentine, muscovite, amethyst, peridot, jadeite, geodes and other elements of the Precambrian, Odovician, Triassic, Cretaceous, Pleistocene and Holocene geology found in New York City.

An erratic boulder is a relatively large mass of rock which has been moved significant distances from its parent rock to be left amidst a geologic area which has a different history and origin than the parent.

(b) Topographic features

(1) #Steep slope#

A #steep slope# includes ground formation with sharp inclines such as hills and palisades.

(2) Existing natural topography

Existing natural topography includes terrain other than #steep slope# areas.

(3) #Topsoil#

#Topsoil# includes all of the A horizon, specifically, from top to bottom: the A1 litter layer where organic material, such as leaves and animal matter accumulate; the A2 fermentation layer where organic material is decomposed by fermentation, fungi, bacteria and soil organisms; the A3 humic layer where humus, resulting from the decomposition process, lies; and the B1 mixing layer where the humic substances become mixed with mineral matter.

(c) Aquatic features

(1) Laminarian zone

(i) Rock bottom

Characteristic plants:

Green algae:

Chaetomorphia melagonium

Cladaphora gracilis

Codium fragile

Brown algae:

Asophyllum nodosum

Sargassum filipendula

Agarum cribrosum

Red algae:

Rhodymenia palmata (Dulse)

Ceramium robrum

Ahnfeltia plicata

Polysiphonia lanosa

Seirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Diadumene leucolena - Pallid sea anemone

Ceriantheopsis americanus - Worm sea anemone

Astrangia danae - Star coral

Crisia denticulata - Fringed moss animal

Bugula turrita - Turreted moss animal

Membranipora monostachys - Sea mat

Lepas fasticularis - Northern sea barnacle

Balanus balanoides - Rock barnacle

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina irrorata - Salt marsh periwinkle

Crepidula fornicata - Common boatshell

Polinices dublicatus - Shark eye

Urosalpinx cinera - Oyster drill

Mytilus edulus - Blue mussel

Modiolus demissus - Ribbed mussel

Crassostrea virginica - Virginia oyster

Petricola pholadiformis - False angelwing

(ii) Mud or sand bottom

Characteristic plants:

Green algae:

Chaetomorphia melagonium

Cladophroa gracillis

Brown algae:

Sargassum filipendula

Laminaria agardhi

Agarum cribosum

Red algae:

Rhodymenia palmata (Dulse)

Cystoclonium purpureum

Ahnefeltia plicata

Polysiphonia lanosa

Seirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina irrorata - Salt march periwinkle

Crepidula fornicata - Common boatshell

Polinices dublicatus - Shark eye

Lunatia heros - Common moonshell

Mytilus edulus - Blue mussel

Modiolus demissus - Ribbed mussel

Nucula proxima - Atlantic nut clam

Aequipecten irradians - Bay scallop

Mercenaria mercenaria - Northern quahog

Macome baltica - Baltic macoma

Tagelus plebius - Stout razor

Mya arenaria - Soft shell clam

Corbulua contracta - Common basket clam

(2) Beach

Characteristic saltwater beach animals:

Beach flea:

Orchestia agilis

Talitrus longicornis

Sandworms or Bristleworms:

Nereis virens

Nereis limbata

Nephthys picata

Arabella opalina

Lumbriconereis tenuis

Glycera americana

Nerine agilis

Cirratulus grandis

Cistenides gouldii

Clymenella torquata

Maldane elongate

Ghost shrimp:

Penaeus brasiliensis

Laldemonetes vulgaris

Crangon vulgaris

Ghost crab, Horseshoe crab, Green crab:

Ocypoda arenaria

Limulus polyphemus

Carcindes moenas

Blue crab:

Callinectes sapidus

Callinectes hastatus

Lady crab,Sand crab,Rock crab:

Ovalipes ocellatus

Platyonichus ocellatus

Cancer irroratus

Fiddler crabs:

UCA minax

Gelasimus minax

UCA pubnax

Gelasimus pugnax

UCA pugilator

Gelasimus pugilator

Pinnotheres maculatum - Oyster crab

Venus mercenenia - Hardshell clam

Mya arenaria - Softshell clam

Enis directus - Razor clam

Tagelus gibbus - Clam

Psilaster florae - Starfish

Amphiura squamata - Brittlestars

Echinarachncus parma - Sand dollar

Snails:

Haminae solitaria

Scala lineata

Scala multistriata

Polynices heros

Polynices triseriata

Polynices duplicata

Crepidula fornicata

Crepidula plana

Littorina littorea (Periwinkle)

Urosalpinx linera (Oyster drill)

Eupleura caudata

Columbella avara

Columbella similis

Columbella anachis

Columbella astyris

Columbella lunata

Nassa trivittata

Nassa obsoleta

(3) Tidal wetland or saltwater littoral zone

(i) Rock bottom

Characteristic plants:

Blue-green algae:

Callothrix spp.

Rivularia atra

Green algae:

Ulothrix flacca

Enteromorpha intestinalis

Ulva lactuca (Sea lettuce)

Monostroma oxyspermum

Codium fragile

Brown algae:

Fucus vesiculosus

Fucus vesiculosus var spiralis

Fucus spiralis

Ascophyllum nodosum

Red algae:

Hildenbrandia prototypus

Agardhiella tenera

Chrondrus crispus (Irish moss)

Bangia fuscopurpurea

Porhyra umbilicalis

Ceratium rubrum

Ahnfeltia plicata

Polysiphonis lanosa

Scirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Lepas fascicularis - Northern sea barnacle

Balanus balanoides - Rock barnacle

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina saxatilis - Rough periwinkle

Littorina irrorata - Salt marsh periwinkle

Crepidula fornicata - Common boatshell

(ii) Mud or sand bottom

Characteric plants:

Blue-green algae:

Callothrix spp.

Lyngbya majuscula

Rivularia atra (Mermaids hair)

Rhizoslonium fragile

Green algae:

Enteromorpha linza

Ulva lactuca (Sea lettuce)

Monostroma oxyspermum

Codium fragile

Red Algae:

Chrondrus crispis (Irish moss)

Bangia fuscopurpurea

Porhyra umbilicalis

Ceramium rubrum

Ahnfeltia plicata

Polysiphonia lanosa

Scirospora griffithsiana

Callithamnion corymbosum

Bacchairs halmilifolio - Groundseltree

Distichlis spicata - Alkali grass

Hybiscus palustris - Marsh mallow

Iva fructescens - Marsh elder

Juncus gerardi - Black grass

Limonium carolinianum - Sea lavender

Phragmites communis - Reed

Ruppia maritima - Wigdeon grass

Salicornia spp. - Perennial saltwart

Spartina alternifolia - Smooth cordgrass

Spartina cynosuroides - Salt reedgrass

Spartina patens - Salt hay

Spartina pectinata - Freshwater cordgrass

Zostera pectinata – Eelgrass

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone

Littorina littorea - Common periwinkle

Littorina saxatilis - Rough periwinkle

Littorina littorea - Salt marsh periwinkle

(4) Swamp

Characteristic plants:

Acer rubrum - Red maple

Acer - Silver maple

Alnus spp. - Alder

Arisaema triphyllum - Jack in the pulpit

Cephalanthus occidentalis - Buttonbush

Cornus florida - Dogwood

Epilobium hirsutum - Willowherb

Hibiscus moscheutus - Rosemallow

Salix spp. - Willow

Smilax glauca - Catbrier

Smilax rotundifolia - Bulbrier

Quercus palustris - Pin oak

(5) Marsh

Characteristic plants:

Acnida - Waterhemp

Acorus calamus - Sweetflag

Cyperus spp. - Chufa

Echinochola - Wild millets

Eleocharis - Spikerushes

Impatiens pallida - Jewelweed

Leersia orysoides - Rise cutgrass

Phragmites communis - Reeds

Pontederia cordata - Pickerelweed

Polygonum - Smartweed

Sagittaria - Arrowhead

Scirpus cyperinus - Sedge bullrush

Typha latifolia - Cattails

Zizania aquatica - Wild rice

(6) Bog

Characteristic plants:

Andromeda folifolia - Bog rosemary

Arethusa bulbosa - Swamp pink

Caldopogon pulcherlus - Grass pink

Chamaedaphne calyculata - Leatherleaf,

marsh cinquefoil

Drosera rotundifolia - Sundew plant

Eriophorum virginidum - Cottongrass

Iris versicolor - Blue flag, wild iris

Ledum groenlandicum - Labrador tea

Menyanthes trifoliata - Bogbean

Myrica gale - Sweetgale

Peltandra virginica - Snakes-mouth orchid

Rhododendron viscosum - Swamp azalea

Sarracenia purpurea - Pitcher plant

Solidago uliginosa - Bog goldenrod

Sphagnum - Sphagnum moss

Urtricularia conuta - Horned bladderword

Vaccinium macrocarpon - American cranberry

Vaccinium oxycoccus - Dwarf cranberry

(7) Meadow

Characteristic plants:

Amelanchier canadensis - Shadbush

Apios americana - Groundnut

Lilium supurbum - Turks cap lily

Impatiens pallida - Jewelreed

Lysmachia terrestris - Swamp-candles

Lythrum calicaria - Spiked loosetrife

Sambucus canadensis - Elderberry

Spirea tomentosa - Steeplebush

(8) Creek, stream or brook

Creeks, streams and brooks are often classified by the rate at which the water flows, a fast stream being a water flow of about two feet per second. Creeks, streams and brooks are valuable for their drainage function, the fish they contain both as a source of sport and for the other forms of life which relate to the animal and plant life dependent upon the stream.

(i) Fast creek, stream or brook

Characteristic plants:

Fontalis - Water moss

Ulothrix - Algae

Diatoma - Diatoms

Gomphonema

Characteristic animals:

Caddisflies:

Trichoptera

Phyganea

Rhyacophila

Philopotamidae

Hydropsychidae

Hydropsyche

Pharyganeidae

Limnephilidae

Leptocerus

Leptocella

Anthrpsodes

Oecetis

Brachyecentridae

Helicopsychidae

Simulium - Blackfly

Ple coptera - Stonefly

Tipulidae - Cranefly

Neuroptera - Dobsonfly

Ephemeroptera - Mayfly

Osonychia

Percina caprodes - Log perch

Salvelinus fortinalis - Brook trout

Salmo gairdneri - Steelhead trout

Salmo trutta - Brown trout

Salmo salar - Atlantic salmon

(ii) Slow creek, stream or brook

Characteristic plants are the same as those in a lake or pond.

Characteristic animals:

Dragon Fly:

Anisoptera

Iodonata

Water striders:

Gerridae

Hempitera

Odonata

Zygoptera - Damselflies

Orixidae - Waterboatmen

Hexagenia - Mayfly

Sphaerium - Fingernail clam

Semotilus atromaculatus - Creek chub

Ictalurus punctatus - Channel catfish

Ictalurus catus - White catfish

Ictalurus melas - Black catfish

Cyprinus carpio - Carp

Esox lucius - Northern pike

Esox americanus - Little pickerel

Esox niger - Chain pickerel

Roccus americana - White perch

Roccus saxatilis - Striped bass

(9) Lake or pond

Characteristic plants:

Ceratophyllum demersum - Coontail

Duckweeds:

Lemna

Spirodella

Wolffia

Wolfflella

Myriophyllum - Watermillfois

Najas - Naiads

Nuphar - Cowlilies

Nymphaea - Waterlilies

Potamogeton - Pondweeds

Vallisneria spiralis - Wild celery

(10) Spring

Characteristic plants and animals are the same as those found in a swamp, marsh, bog, meadow, creek, stream, brook, lake or pond.

(d) Botanic environment

(1) Primary succession community area

Characteristic plants:

Achillea millefolium - Yarrow

Anagallis areensis - Scarlet pimpernel

Anaphalis margaritacea - Pearly everlasting

Antennaria plantaginifolia - Pussy's toes

Artemisia caudata - Tall wormwood

Asclepias syriaca - Common milkweed

Asclepias tuberosa - Orange milkwood

Asparagus officinalis - Garden asparagus

Aster ericoides - Heath aster

Aster linariifolius - Stiff-leaved aster

Brassica nigra - Black mustard

Chrysanthemum leucanthemum - Ox-eye daisy

Cichorium intybus - Chicory

Cirsium arvense - Canada thistle

Cirsium discolor - Field thistle

Convolulus sepium - Wild morning glory

Coreopsis lanceolata - Coreopsis

Cytisus scoparius - Scotch broom

Datura stramonium - Jimsonwee

Daucus carota - Queen Anne's lace

Dianthus armeria - Deptford jink

Dianthus plumarius - Garden pink

Epilobium angustifolium - Fireweed

Erodium circutarium - Stork's bill

Eupatorium hyssopifolium - Hyssop-leaved boneset

Euphorbia cyparissia - Cypress spurge

Frageria virginiana - Wild strawberries

Gnaphalium obtusifolium - Sweet everlasting

Holcus lanatus - Velvetgrass

Hypericum gentianoides - Pineweed

Hypericum perforatum - Common St. Johnswort

Hypochoeris radicata - Cat's ear

Linaria canadensis - Old-field-toadflax

Linaria vulgaris - Butter-and-eggs

Lonicera japonica - Japanese honeysuckle

Lychnis alba - White campion

Matericaria matricariodes - Pineappleweed

Ooenothera biennis - Evening primrose

Opuntia humifusa - Prickly pear cactus

Oaxalis stricta - Yellow wordsorrel

Phytolacca americana - Pokeweed

Plantago lanceolata - English plantain

Polygonum persicaria - Lady's thumb

Polygonum pennsylvanicum - Pinkweed

Potentilla canadensis - Old-field cinquefoil

Potentilla recta - Sulphur cinquefoil

Rana unculus repens - Creeping buttercup

Rosa virginiana - Virginia rose

Rudebeckia hirta - Black-eyed-susan

Saponaria officinalis - Bouncing-bet

Sedum acre - Stone crop

Solanum americanum - Black nightshade

Solanum dulcamara - Bitter nightshade

Solidago nemoralis - Grey goldenrod

Solidago puberula - Purple-stemmed goldenrod

Solidago tenuifolia - Grass-leaved goldenrod

Spergularia rubra - Pink sand-spurry

Tanacetum vulgare - Tansy

Taraxicum officinale - Dandelion

Trichostemma dichotomum - Blue curls

Trifolium arvense - Rabbitfood clover

Verbascum thapsus - Mullein

Yucca fllamentosa - Yucca

(2) Secondary succession community area

Characteristic plants of a secondary succession community area include the species found in a primary succession community area, a swamp, a meadow and the following species:

Acer rubrum - Red maple

Amelanchier canadensis - Shadbush

Amelanchier obovalis - Serviceberry

Betula lenta -Black birch

Betula lutea - Yellow birch

Betula populifolia - Gray birch

Cornus florida - Flowering dogwood

Larix laricina - American larch

Lindera benzoin - Spice bush

Picea mariana - Black spruce

Pinus rigida - Pitch pine

Pinus strobus - White pine

Prunus serotina - Black cherry

Prunus virginiana - Choke cherry

Rhus copallina - Dwarf sumac

Rhus glasbra - Smooth sumac

Rhus typhina - Staghorn sumac

Rubus spp. - Blackberries

Salix spp. - Willow

Sambucus canadensis - Elderberry

Smilax rotunoifolia - Bull brier

Tilia americana - American basswood

Vaccinium - Blueberry

(3) Climax community area

Characteristic plants:

Acer rubru - Red maple

Acer saccharum - Sugar maple

Amelanchier obovalis - Serviceberry

Azalea spp. - Azalea

Betula lenta - Sweet birch

Betula lutea - Yellow birch

Betula pupulifolia - Grey birch

Carpinus caroliniana - Ironwood

Carya laciniosa - Shelbark hickory

Carya glasbra - Pignut hickory

Carya ovata - Shagbark hickory

Carya tomentosa - Mockernut hickory

Castanea dentata - American chestnut

Celtis occidentalis - American hackberry

Chamaecyparis thyoides - Atlantic white cedar

Cornus florida - Flowering dogwood

Diospyros virginiana - Persimmon

Fagus grandifolia - American beech

Fraxinus americana - White ash

Gaylussacia - Huckleberry

Hamamelis virginiana - Witch hazel

Ilex opaca - Holly

Juglans cinera - Butternut

Juglans nigra - Black walnut

Juniperus virginiana - Red cedar

Kalmia latifolia - Laurel

Larix laricina - Larch

Liquidamber styraciflua - Sweet gum

Liriodendron tulipifera - Tulip-tree, Yellow poplar

Nyssa sylvatica - Sour gum

Ostrya virginiana - Hop hornbean

Picea mariana - Black spruce

Pinus rigida - Pitch pine

Pinus strobus - White pine

Prunus serotina - Black cherry

Prunus virginiana - Choke cherry

Quercus prinus - Chestnut oak

Quercus alba - White oak

Quercus bicolor - Swamp oak

Quercus coccinea - Scarlet oak

Quercus pallustris - Pin oak

Quercus rubra - Red oak

Quercus velutina - Black oak

Sambucus canadensis - Elderberry

Sassafras variifolium - Sassafras

Tilia americana - American basswood, linden

Tsuga canadensis - Hemlock

Ulmus americana - American elm

Vaccinium spp. - Blueberry

(4) Dune and heathland

Characteristic plants:

Aster undulatus - Skydrop aster

Ammophilia Breviligulata - Beachgrass

Baptisia tinctoria - Wild indigo, rattle box

Corema couradii - Broom crowberry

Comptonia peregrina - Sweetfern

Deschampaia flexuosa - Wavyhair grass

Gaylussacia baccata - Black huckleberry

Helianthum canadense - Frostweed

Hieracium venosum - Rattlesnake weed

Hudsonia ericoides - Golden beachheather

Hudsonia tomentosa - Woolly beachheather

Hyrica pennsylvanica - Bayberry

Potentilla tridentata - Three toothed cinquefoil

Rubus spp. - Blackberries, raspberries

Vaccinium angustifolium - Low sweet blueberries

(5) Wild grassland

A wild grassland exists usually on poor soils and is composed of a mixture of native grasses, such as the following:

Dantonia spicata - Poverty oat grass

Andropogon virginicus - Broomsedge

Bromus spp. - Bromegrass

Appendix C - Selection List for Ground Covers and Shrubs

LAST AMENDED
2/2/2005

Ground Covers

BOTANICAL NAME	COMMON NAME
Adiantum pedatum	Maidenhair fern
Agrostis perennans (A. altissima)	Autumn bent-grass
Anaphalis margaritacea	Pearly everlasting
Andropogon gerardii	Big bluestem
Andropogon glomeratus	Bushy bluestem
Andropogon virginicus	Broom sedge
Anemone canadensis	Canada anemone
Antennaria plantaginifolia	Plantain-leaved pussytoes
Arctostaphylos uvaursi	Bearberry
Asarum canadense	Wild ginger
Aster cordifolius	Heart-leaved aster
Aster divericatus	White wood aster
Aster ericoides	Heath aster
Aster lanceolatus (A. simplex)	Lined aster
Aster macrophyllus	Large-leaved aster
Aster novaeangliae	New England aster
Athyrium felixfemina (A. asplenoides)	Lady fern

Athyrium thelypteroides	Silvery glade fern
Carex appalachica (C. radiata)	Sedge
Carex pensylvanica	Pennsylvania sedge
Chimaphila maculata	Spotted or stripped wintergreen/Pipsisswas
Chimaphila umbellata	Pipsisswas, Prince's pine, Bitter wintergreen
Chrysopsis mariana	Maryland golden aster
Danthonia compressa	Flattened oat grass
Danthonia spicata	Oatgrass, Poverty grass
Dennstaedtia punctilobula	Hay-scented fern
Deschampsia caespitosa	Tufted hair grass
Deschampsia flexuosa	Common hair grass, Crinkled hair grass
Dryopteris intermedia	Common wood fern
Dryopteris marginalis	Marginal wood fern, Leatherleaf wood fern
Erigeron philadelphicus	Daisy fleabane
Eupatorium maculatum	Spotted JoePye Weed
Eupatorium rugosum	White snakeroot
Eupatorium sessilifolium	Upland boneset
Fragaria virginiana	Wild strawberry, Virginia strawberry

Gaultheria hispidula	Creeping snowberry, Creeping pearl berry
Gaultheria procumbens	Wintergreen, Teaberry, Checkerberry
Geranium maculatum	Wild geranium, Spotted cranesbill
Geum canadense	White avens, Winter rosette
Heuchera americana	Hairy alum root, Rock geranium
Hypericum ellipticum	Pale St. John's Wort
Muhlenbergia schreberi	Nimblewill
Oenothera fruticosa	Sundrops, Wild beet, Suncups, Scabish
Onoclea sensibilis	Sensitive fern, Bead fern
Osmunda claytoniana	Interrupted fern
Panicum clandestinum	Deer tongue grass
Panicum virgatum	Switch grass, Wild red top, Thatch grass
Parthenocissus quinquefolia	Virginia creeper, Woodbine, American ivy
Phlox subulata	Mountain phlox, Moss pink, Moss phlox
Polygonatum biflorum	Smooth Solomon=s seal, True King Solomon=s seal
Polygonatum virginianum (Tovaria v.)	Jumpseed

Polypodium virginianum	P. vulgare, Rocky polypody, Am. wall fern
Polystichum acrostichoides	Christmas fern, Dagger fern, Canker break
Rudbeckia hirta var. hirta	Black-eyed Susan
Rudbeckia triloba	Thin-leaved cone flower
Thelypteris noveboracensis	New York fern
Tiarella cordifolia	Allegheny foamflower, False mitrewort
Tradescantia virginiana	Virginia Spiderwort, Common S., Widow's tears
Verbena hastata	Blue vervain
Vernonia noveboracensis	New York ironweed
Verbesina alternifolia (Actinomeria a.)	Wingstem
Viola sororia	Wooly blue violet sister violet, Dooryard violet

Shrubs

Amelanchier canadensis	Shadblow
Amelanchier laevis (A. arborea)	Serviceberry, Allegheny
Aronia arbutifolia	Red chokeberry
Aronia melanocarpa	Black chokeberry
Clethra alnifolia	Sweet pepperbush, Summersweet

Comptonia peregrina	Sweet fern, Meadow fern, Spleenwort bush
Cornus amomum	Silky dogwood
Cornus racemosa	Gray dogwood, Red-panicled dogwood
Cornus sericea (C. stolonifera)	Red osier dogwood
Corylus americana	American hazelnut
Corylus cornuta	Beaked hazelnut
Diervilla lonicera	Bush honeysuckle, Blue herb, Gravel weed
Hamamelis virginiana	Witch hazel
Ilex glabra	Inkberry, Gallberry
Ilex verticillata	Winterberry
Juniperus communis	Common juniper
Juniperus horizontalis	Creeping juniper, Creeping cedar/Savin
Kalmia angustifolia	Sheep laurel
Kalmia latifolia	Mountain laurel
Lindera benzoin	Spice bush
Myrica pensylvanica	Northern bayberry
Physocarpus opulifolius	Common ninebark
Potentilla fruticosa	Cinquefoil, Bush cinquefoil

Rhododendron maximum	Great laurel
Rhododendron periclymenoides	Pinkster azalea
Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose
Rubus alleganiensis	Common blackberry, Allegheny blackberry
Salix humilis	Prairie willow
Salix lucida	Shining willow
Sambucus canadensis	American elderberry
Spirea tomentosa	Hardhack spirea
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum acerifolium	Maple leaf viburnum
Viburnum alnifolium (V. Lantanoides)	Hobble bush
Viburnum dentatum	Arrowwood viburnum

Viburnum lentago	Nanny-berry
Viburnum prunifolium	Black-haw

Appendix D - Selection List for On-site Trees

LAST AMENDED
2/2/2005

Small Trees

BOTANICAL NAME	COMMON NAME
Amelanchier laevis	Serviceberry
Betula nigra	River birch
Betula populifolia	Grey birch
Carpinus caroliniana	Hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Hamamelis virginiana	Witch hazel
Ilex opaca	American holly
Juniperus virginiana	Eastern red cedar
Populus tremuloides	Quaking aspen

LARGE TREES

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Betula lenta	Black/Sweet birch
Betula papyrifera	Paper birch
Celtis occidentalis	Common hackberry
Chamaecyparis thyoides	Cedar, Atlantic white
Fagus grandifolia	American beech tree
Fraxinus americana	Ash, white
Fraxinus pennsylvanica	Ash, green
Larix laricina	Tamarack/American larch
Liquidambar styraciflua	Sweet gum
Liriodendron tulipifera	Tulip tree
Nyssa sylvatica	Black tupelo
Picea rubens	Spruce, red
Pinus resinosa	Pine, red
Pinus rigida	Pine, pitch
Pinus strobus	Pine, eastern white
Platanus occidentalis	American sycamore

Populus deltoides	Eastern cottonwood
Populus grandidentata	Aspen, big toothed
Quercus alba	White oak
Quercus borealis	Northern red oak
Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Red oak
Tilia americana	Basswood

Appendix E - Selection List for Street Trees

LAST AMENDED
2/2/2005

Street Trees

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Amelanchier canadensis	Shadbush, Serviceberry
Carpinus caroliniana	American hornbeam, Musclewood
Celtis occidentalis	Hackberry
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn

Fraxinus pennsylvanica	Green ash
Fraxinus americana	White ash
Gingko biloba (male trees only)	Gingko
Gleditsia triacanthos inermis	Honey locust, thornless
Liquidambar styraciflua	Sweet gum
Nyssa sylvatica	Tupelo, swamp
Ostyra virginiana	American hop hornbeam
Quercus palustris	Pin oak
Quercus stellata	Post oak
Quercus phellos	Willow oak
Quercus rubra	Northern red oak
Taxodium distichum	Bald cypress
Tilia americana	Basswood
Tilia cordata	Little leaf linden

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special Coney Island Mixed Use District (CO)

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Chapter 6 - Special Coney Island Mixed Use District (CO)

106-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Coney Island Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to stabilize the residential future of this mixed residential and industrial area by permitting expansion and development of residential and light manufacturing uses where adequate environmental standards are assured;

(b) to promote the opportunity for people to work in the vicinity of their residences;

(c) to provide a safe circulation system in this area of mixed residential and manufacturing use;

(d) to retain adequate wage, job-intensive, seasonally stable industries within New York City;

(e) to provide an opportunity for the improvement of Coney Island in a manner consistent with the objectives of the Comprehensive Plan of the City of New York; and

(f) to promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City tax revenues.

106-01 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

All #residences#, #community facilities# and Use Group 4B open #uses# shall be subject to all the provisions applicable in R5 Districts, except as otherwise specifically provided in this Chapter. The special regulations relating to #predominantly built-up areas#, as defined in Section 12-10 (DEFINITIONS), shall apply to all #buildings# containing #residences#, except that #front yards# shall not be required.

All #commercial# and #manufacturing uses# shall be subject to all the provisions applicable in M1-2 Districts, except as otherwise specifically provided in this Chapter.

The #use# of any #building# may be changed to another #use# listed within the same Use Group or as provided in Sections 106-12 (Special Permit Provisions for Residential Uses), 106-32 (Special Permit Provisions for Manufacturing and Commercial Uses) or 106-33 (Changes of Manufacturing or Commercial Use).

In the case of a #zoning lot# occupied partly by #residential uses# and partly by other #uses#, the maximum #floor area ratio# on the #zoning lot# shall not exceed 2.0. In no event shall the total #floor area# of #residential uses# on a #zoning lot# exceed 1.65.

In any #building# above the level of the first #story# ceiling, #residential uses# shall not be located on the same #story# as or

below #manufacturing# or #commercial# #uses#, and #manufacturing uses# shall not be located on the same #story# as or above #residential uses#.

#Zoning lots# adjacent to the #Special Coney Island Mixed Use District# shall not be subject to the provisions of Sections 42-214 (Special provisions applying along district boundaries), 42-412 (In M2 or M3 Districts), 42-42 (Enclosure or Screening of Storage), 42-44 (Limitations on Business Entrances, Show Windows or Signs), 42-56 (Special Provisions Applying Along District Boundaries), 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) or 44-583 (Restrictions on location of berths near Residence Districts).

Special regulations for #residential uses# are listed in Sections 106-11 and 106-12 of this Chapter.

Special regulations for #community facility uses# are listed in Section 106-21 of this Chapter.

Special regulations for #manufacturing# and #commercial# #uses# are listed in Sections 106-31, 106-32, 106-33 and 106-34 of this Chapter.

Special regulations for #buildings# containing both #residential# and #commercial# #uses# are listed in Sections 106-41 and 106-42 of this Chapter.

106-10 - SPECIAL REGULATIONS FOR RESIDENTIAL USES

LAST AMENDED
1/9/1975

106-11 - Special Provisions for As-of-Right Residences

LAST AMENDED
2/2/2011

#Developments# or #enlargements# containing #residences# are allowed as-of-right, provided that:

(a) the #zoning lot# shares a common #side lot line# on at least one side with a #residential# or #community facility use#;

(b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;

(c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# or #land with minor improvements# whose aggregate length exceeds 60 feet;

(d) the #zoning lot# is not located on Cropsey Avenue or on the east side of Stillwell Avenue; and

(e) no #manufacturing uses# or #uses# listed in Use Group 16 occupy the #zoning lot#.

106-12 - Special Permit Provisions for Residential Uses

LAST AMENDED
2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

(a) change of #commercial# or #manufacturing use# to #residential use#; and

(b) modification in #yard# and off-street parking regulations for #residential uses# in #developments# or #enlargements#;

provided that the following findings are made:

(1) that a change of #use# from #manufacturing# or #commercial# to #residential use# shall not displace any #building# or #use#, or preempt any #zoning lot# which is essential to the normal functioning and growth of existing #manufacturing# or #commercial# #uses# within the district; and

(2) that such #residential uses# shall not be exposed to inordinate noise, smoke, dust, noxious odor or other adverse influences from #manufacturing uses# and traffic.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

106-20 - SPECIAL REGULATIONS FOR COMMUNITY FACILITY USES

LAST AMENDED
1/9/1975

106-21 - Special Permit Provisions for Community Facility Uses

LAST AMENDED
2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

(a) #development# of #community facility buildings#; and

(b) change of #use# of a #residential#, #manufacturing# or #commercial building# to a #community facility use#;

provided that the following finding are made:

(1) that such #community facility# is necessary to the growth and functioning of #residential# or #manufacturing uses# in the #Special Coney Island Mixed Use District#; and

(2) that a more suitable location for such #use# cannot be found outside the #Special Coney Island Mixed Use District#.

106-30 - SPECIAL REGULATIONS FOR MANUFACTURING OR COMMERCIAL USES

LAST AMENDED
1/9/1975

106-31 - Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use

LAST AMENDED
1/9/1975

New #buildings# for #manufacturing uses# listed in Use Group M (Section 106-311) or #commercial# #uses# are allowed as-of-right, provided that:

(a) the #zoning lot# shares a common #side lot line# with a #manufacturing# or #commercial# #use#;

(b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;

(c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# whose aggregate length exceeds 60 feet;

(d) such #manufacturing use# is listed in Use Group M;

(e) such #commercial# #use# is listed in Use Groups 6, 7, 8, 9, 11 or 16 and is located on Neptune, Stillwell or Cropsey Avenues; and

(f) no #residential uses# occupy the #zoning lot#.

106-311 - Use Group M

LAST AMENDED
9/9/2004

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Bottling work, for non-alcoholic beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Cork products

Cosmetics or toiletries

Electrical appliances (small), including lighting fixtures, irons, fans, toasters, toys, or similar appliances

Electrical equipment assembly (small), including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries or similar supplies

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or leather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Laboratories, research, experimental or testing except those that involve dangerous or potentially explosive activities or animals

Leather products, including shoes, machine belting, or similar products

Luggage

Machine tools - small parts only

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Mattresses, including rebuilding or renovating

Musical instruments

Novelty products

Optical or precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Printing or publishing

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, rods, or similar products

Statuary, mannequins, figurines, or religious art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills or similar products

Toys

Umbrellas

Vehicles, children's (bicycles, etc.)

Venetian blinds, window shades or awnings

Wood products, cabinet-making, pencils, baskets and other small products

106-32 - Special Permit Provisions for Manufacturing and Commercial Uses

LAST AMENDED
2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

(a) #uses# listed in Section 106-311 (Use Group M) or #commercial# #uses# in #developments# not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use);

(b) change of #use# from a #residential use# to Use Group M or #commercial# #use#; and

(c) modifications in #yard# regulations for Use Group M or #commercial# #uses# in #developments# or #enlargements#;

provided that the following findings are made:

(1) that such #use# will comply with the regulations on performance standards of M1 Districts;

(2) that additional truck traffic generated by such #use# or the modification of #yard# regulations will not create harmful,

congested or dangerous conditions; and

(3) that a change of #use# from #residential# to Use Group M or #commercial# #use# shall not displace or preempt any #building# which is essential to the functioning and growth of existing residences within the district.

The City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effect on the character of the surrounding area.

106-33 - Changes of Manufacturing or Commercial Use

LAST AMENDED
1/9/1975

Within the #Special Coney Island Mixed Use District#, the #use# of any #building# may be changed to another #use# listed within the same Use Group, or as follows:

From Use Group	To Use Group
5, 6, 7, 8, 9, 10, 11, 12, 13, 15	6, 7, 8, 9, 11, 14
16, 17 or Use Group M	6, 7, 8, 9, 11, 14, 16, 17 or Use Group M
18	6, 7, 8 ,9, 11, 14, 16, 17, 18 or Use Group M

106-34 - Special Yard Regulations

LAST AMENDED
2/2/2011

Where a #side lot line# of a #zoning lot# containing #manufacturing# or #commercial# #uses# coincides with the #side# or #rear lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 15 feet wide.

Where the #rear lot line# of a #zoning lot# containing #manufacturing# or #commercial# #uses# coincides with a #side lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 20 feet in depth.

Where a #zoning lot# containing #manufacturing# or #commercial# #uses# shares a common #rear lot line# with a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 30 feet in depth. Such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

106-40 - SPECIAL REGULATIONS FOR BUILDINGS CONTAINING BOTH RESIDENTIAL AND COMMERCIAL USE

LAST AMENDED
1/9/1975

106-41 - Use Regulations

LAST AMENDED
2/2/2011

#Developments# containing both #residential# and #commercial# #uses# are allowed in the #Special Coney Island Mixed Use District#, provided that the regulations of this Chapter are met. No #buildings#, however, shall contain both #residential uses# and #uses# listed in Use Group 16.

106-42 - Modification of Yard Regulations

LAST AMENDED
1/9/1975

No #front# or #side yards# are required for #buildings# containing both #residential# and #commercial# #uses#. For the #residential# portion of such #buildings#, the #rear yard# may be provided at any level not higher than the floor level of the lowest #story# used for #residential use#.

106-50 - ADMINISTRATION

LAST AMENDED
1/9/1975

106-52 - Requirements for Applications

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits, and such other information as may be required by the Commission.

Special permit applications for #development# pursuant to Section 106-32 (Special Permit Provisions for Manufacturing and Commercial Uses) shall be referred to the Department of Transportation for its report, pursuant to Section 74-31, paragraph (d).

106-53 - Relationship to Public Improvement

LAST AMENDED
1/9/1975

In all cases, the City Planning Commission shall deny any application whenever the #development# will interfere with a public improvement which has been approved by the Board of Estimate, the City Planning Commission, or the Site Selection Board.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special South Richmond Development District (SRD)

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Chapter 7 - Special South Richmond Development District (SRD)

107-00 - GENERAL PURPOSES

LAST AMENDED
9/11/1975

The "Special South Richmond Development District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

(a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;

(b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;

(c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features; and

(d) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

107-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable in this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Arterial

An "arterial" is a #street# designated as an #arterial# in Section 107-25 (Special Regulations Along Certain Streets or Railroads) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply. All such #arterials# are shown on the District Plan, Map 2 in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

Development

For the purposes of this Chapter, a "development" includes a #development# as defined in Section 12-10 (DEFINITIONS), the #enlargement# of a non-#residential building#, or the #enlargement# of a #residential use# that involves the addition of one or more #dwelling units#.

To "develop" is to create a #development#.

Designated open space

"Designated open space" is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

Detached

For the purposes of this Chapter a "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building# #abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building# #abuts# the #street line#.

Drainage scheme

A "drainage scheme" is a plan for a system of storm sewers and/or sanitary sewers intended to serve a #development# which is submitted to the Department of Environmental Protection for review and approval.

Open space network

The "open space network" is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #park streets#, #designated open space# and the #waterfront esplanade#.

Park street

A "park street" is a #street# designated as such in Section 107-25 (Special Regulations Along Certain Streets or Railroads) and whose primary function is to provide connecting links for pedestrians and cyclists between portions of the #open space network# and to which special provisions of this Chapter apply. #Park streets# shall be designated to provide limited vehicular access.

Sewer acceptance

A "sewer acceptance" is the acceptance by the Department of Environmental Protection of a system of storm and/or sanitary sewers which were built in accordance with an approved #drainage scheme# intended to serve a #development#.

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes land contour work, topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, whether or not a permit is required from the Department of Buildings, the Department of Transportation or

other public agencies. A #site alteration# shall include any land operation within #designated open space#.

Waterfront esplanade

The "waterfront esplanade" is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

107-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

In addition to applicability as provided in Section 11-10 (ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS), the provisions of this Chapter shall apply to #site alterations# or subdivision of #zoning lots#, except:

(a) public improvement projects for which preliminary design contracts were approved by the Board of Estimate prior to January 2, 1975, or for which title was vested by the City prior to September 11, 1975; and

(b) any #large-scale development# for which an authorization or special permit was granted prior to September 11, 1975. For the purposes of this Chapter, the City Planning Commission may extend such authorization or special permit for a renewable term of one year provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed and that the adoption of this amendment shall not constitute a substantial change of fact.

For all #developments# located within areas D, F or K as shown on the District Plan (Map 4 in Appendix A), the applicant shall obtain from the Commission a certification indicating that the #development# complies with the approved South Richmond Development Plan. As a condition for such certification, the Commission shall find that:

(1) the minimum #lot area# for any #commercial# #development# is at least two acres;

(2) vehicular access and egress for the #development# is arranged so that it affords the best means of controlling the flow of traffic generated by such #development#; and

(3) due consideration has been given to relate the proposed #development# to the character of the surrounding area by providing suitable buffering, landscaping and #building# setbacks.

For such certification, the applicant shall submit to the Commission a site plan and drawings depicting the proposed #buildings# and location of off-street parking facilities, curb cuts and pedestrian walkways. For #residential uses# within Area K, the #bulk# and parking regulations of R3-2 Districts, as modified by this Chapter, shall apply.

107-03 - Requirements for Certification, Authorization or Special Permit Application

LAST AMENDED
9/11/1975

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development# or #site alteration# shall include a survey map prepared by a licensed land surveyor showing existing topography at two foot contour intervals, the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of individual existing trees of six inch caliper or more, the location of any elements of the #open space network# on or adjacent to the #zoning lot#, and such other information as may be required by the Commission for its determination as to whether or not the certification, authorization or special permit is warranted.

107-05 - Relationship to Public Improvement Projects

LAST AMENDED
9/11/1975

In all cases, the City Planning Commission shall deny a special permit, authorization or certification application whenever a #development# will interfere with a public improvement project (including, without limitation, housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board.

107-06 - District Plan (Appendix A)

LAST AMENDED
5/22/1986

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #park streets#, #waterfront esplanade#, and #building# setback lines. The elements of the District Plan are set forth in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

107-07 - Tree Selection (Appendix B)

LAST AMENDED
9/11/1975

Where planting of trees is required by the provisions of this Chapter, the selection of trees for their planting shall be in accordance with the Tree Selection Table set forth in Appendix B, which is hereby incorporated as an integral part of the provisions of this Chapter.

107-08 - Future Subdivision

LAST AMENDED
2/2/2011

Within the Special District, any #zoning lot# existing on September 11, 1975, may be subdivided into two or more #zoning lots# provided that the existing topography, all individual trees of six inch caliper or more and all land located within a #designated open space#, to the greatest extent possible, are preserved under future #development# options. Any subdivision that is proposed to take place within the Special District after September 11, 1975, shall be filed with the City Planning Commission, and the Commission shall certify that such subdivision complies with the approved South Richmond Plan and the above objective. In the case of a subdivision of a tract of land containing #designated open space#, a site plan indicating the

distribution of #bulk# for the individual #zoning lots# shall be submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#. The subdivision plan shall include a survey map indicating existing topography at two foot contour intervals, all individual trees of six inch caliper or more, and the location of #designated open space# within the area. When a #zoning lot# existing on September 11, 1975, is more than five acres and is intended to be subdivided, an area plan of the entire subdivision shall be filed with the Commission. The area plan shall include the proposed vehicular circulation system within the area, #block# and lot layouts and any other information required by the Commission.

107-09 - Applicability of Article VI

LAST AMENDED
5/12/2021

107-091 - Applicability of Article VI, Chapter 2

LAST AMENDED
5/12/2021

The Chairperson of the City Planning Commission may, by certification, modify or waive a required #visual corridor#, as defined in Section 62-11, with respect to #developments#, including minor modifications thereto, that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, provided that at least one required #visual corridor# continues to be provided pursuant to the restrictive declaration.

107-092 - Applicability of Article VI, Chapter 4

LAST AMENDED
5/12/2021

For #zoning lots# in #flood zones# with #single-# or #two-family# #detached# #residences# utilizing the provisions for #cottage envelope buildings#, as defined in Section 64-11 (Definitions), the provisions of this Chapter pertaining to minimum #lot area#, #lot width#, and minimum sizes of #front yards# and #side yards# shall not apply, and in lieu thereof, the underlying district regulations shall apply for the purposes of determining the applicability of the definition of #cottage envelope buildings#, and the particular amount of relief permitted pursuant to Section 64-33 (Cottage Envelope Buildings), inclusive.

107-10 - GENERAL REQUIREMENTS

LAST AMENDED
9/11/1975

107-11 - Special Requirements for Application

LAST AMENDED
9/11/1975

Prior to the approval of any application to the Department of Buildings for a #site alteration# or a #development#, the applicant shall file applications with the appropriate City agency requesting the certifications required in Section 107-12 (Public Facilities).

Any application to the Department of Buildings for a #site alteration# or #development# shall include a survey map or maps prepared by a licensed land surveyor showing, for the site, existing topography at two foot contour intervals and the locations, names and calipers of all existing trees of six inch caliper or more and; for any #development#, the application shall also include certifications from the appropriate City agencies as required by Section 107-12.

However, the requirements of a survey map at two foot contour intervals shall not apply to #zoning lots# 4,000 square feet or less owned separately and individually from all other adjoining #zoning lots# on September 11, 1975, and on the date of filing such application.

However, when a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975, is proposed to be #developed# with one #single-# or #two-family# #detached# #residence#, the certification reports of Section 107-12 shall not be required, but the provisions of local laws shall apply. When a permit for land contour work, storm water drainage systems or other #site alteration# work is required from the Department of Transportation or Department of Environmental Protection or when a public agency requires a #site alteration# on either privately or City-owned land, the public agency involved shall, prior to initiating or issuing a permit for such site work, notify the Department of Buildings.

The Department of Buildings and the public agency involved shall jointly determine that the proposed #site alteration# work is consistent with the provisions of Sections 107-31 (Topographic Regulations), 107-32 (Tree Regulations) and 107-25 (Special Regulations along Certain Streets and Railroads). In case of non-agreement, the provisions of Section 107-91 (Inter-agency Coordination) shall apply.

107-12 - Public Facilities

LAST AMENDED
9/11/1975

107-121 - Public schools

LAST AMENDED
2/2/2011

For any #development# containing #residential uses#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and intermediate public school children of the #development#. All applications for certification pursuant to this Section shall be referred by the Chairperson of the Commission to the Board of Education.

The Board of Education shall issue a report concerning the availability of #school# capacity within 60 days after receipt of the application. The Chairperson of the Commission shall respond within 90 days after receipt of an application. The report shall specify the following:

(a) whether or not #school# space is available;

(b) if #school# space is not available, the report shall include:

(1) the number of seats required;

(2) the grade organization;

(3) the location of the #school#;

(4) the size of #school# (sq. ft. per pupil); and

(5) the proposed financing mechanism.

For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:

(1) such capacity is available in existing #schools#; or

(2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the #development# upon its completion or within three years from the date of the Chairperson's certification; or

(3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson of the Commission and Board of Education.

After approval of the Chairperson of the Commission and Board of Education of the applicant's plan to provide the #school# #building#, the certification may be granted either upon approval of a financial agreement by the Board of Estimate or such guarantee of construction with provision for future #school# occupancy as may be accepted by the Board of Education and the Chairperson of the Commission.

However, the Chairperson of the Commission may grant such certification if capacity is not currently available and the Board of Education after consulting with the Community School Board determines that the impact from the #development# will have a minimal effect on the concerned #schools# and includes such statement in their report.

A certification by the Chairperson of the Commission that sufficient capacity will be available in the public #schools#, as set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# in accordance with approved plans has not been completed within one year from the date of such certification.

No certification concerning the availability of #school# capacity shall be required for any #development# within a predominantly built up area or within an area for which #drainage schemes# were approved prior to January 1, 1975. For the purposes of this Chapter, a "predominantly built up area" is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

107-20 - DISTRICT PLAN ELEMENTS

LAST AMENDED
8/18/1983

All land in the #open space network# as shown on the District Plan (Map 3 in Appendix A), except #public parks#, is subject to the provisions of this Section.

107-21 - Modification of Designated Open Space

LAST AMENDED
8/18/1983

The City Planning Commission may adjust the boundaries of a #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that:

(a) such adjustment shall:

(1) result in a substantial improvement in the quality and usefulness of the #designated open space#; and

(2) permit #development# which better satisfies the purpose of this Chapter and include new features in the #designated open space# which will be at least equal in quality to those which are displaced from it; and

(3) provide an equivalent area replacement for the area removed from the #designated open space#; or

(b) such adjustment shall:

(1) be permitted to exclude:

(i) a #zoning lot# which is contiguous to exempted #zoning lots# along at least two #lot lines#; or

(ii) a #zoning lot# which would otherwise be contiguous to exempted #zoning lots# along at least two #lot lines# but for the separation by a #street#; or

(iii) #streets# #abutting# exempted #zoning lots#; and

(2) not substantially alter the utility and quality of the #designated open space#; or

(c) such adjustment shall:

(1) be in conjunction with a public improvement project approved by the City prior to September 11, 1975, for funding to exclude in whole or in part the bed of a mapped #street# and/or adjacent #zoning lots# or portions thereof; and

(2) not substantially alter the utility and quality of the #open space network#; or

(d) such adjustment shall:

(1) exclude, in whole or in part, private property contiguous with a #public park# which has been mapped since September 11, 1975; and

(2) not preclude the continuity to the #designated open space# or the public pedestrian way or the #waterfront esplanade#; and

(3) not substantially alter the utility and quality of the #designated open space#.

107-22 - Designated Open Space

LAST AMENDED
9/11/1975

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan (Map 3 in Appendix A), shall require certification by the City Planning Commission that:

(a) such #designated open space# shall be preserved in its natural state by the owner of the #zoning lot#; and

(b) where required by the Commission, the applicant has complied with the provisions of Section 107-222 (Public pedestrian ways); and

(c) where required by the Commission, as indicated on the District Plan, that the applicant has complied with Section 107-23 (Waterfront Esplanade).

Within any #designated open space#, removal of trees, alteration of topography, #development# of active recreational facilities or utility easements may be undertaken only in accordance with the provisions of this Section and Section 107-30 (TOPOGRAPHIC AND TREE REGULATIONS).

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

107-221 - Active recreational facilities

LAST AMENDED
2/2/2011

#Designated open space# may be used for active recreational facilities provided that the City Planning Commission certifies that such #uses# are compatible with the purposes of the network #open space# and have minimal impact on tree removal, topographic alterations or drainage conditions.

Active recreational facilities may include swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district.

In the development of active recreational facilities, no individual trees of six-inch caliper or more shall be removed except by special authorization of the Commission in accordance with the provisions of Sections 107-64 (Removal of Trees) or 107-65 (Modification of Existing Topography). Active recreational facilities shall not be allowed within 60 feet of any watercourse in #designated open space# unless the Commission certifies that a location closer to such watercourse will not adversely affect the natural character of the watercourse or its drainage function. The Commission, where appropriate, shall be guided by the reports from other City agencies involved in land contour work, storm water drainage systems or similar operations.

If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-222 - Public pedestrian ways

LAST AMENDED
2/2/2011

For any #site alteration# or #development# on a #zoning lot# which contains #designated open space#, the City Planning Commission shall certify whether or not the applicant shall be required to provide a public pedestrian way through a portion of the #designated open space#.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. The public pedestrian way shall be improved at the time the #site alteration# or #development# takes place, except that for #site alterations# or #developments# on a tract of land less than 1.5 acres, the Commission may allow the applicant to delay the construction of the public pedestrian way if the applicant complies with Section 107-24 (Performance Bond).

The location and dimension of such pedestrian way shall be determined by the Commission. The owner of the #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the

provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-223 - Permitted obstruction in designated open space

LAST AMENDED
4/30/2012

The following shall not be considered as obstructions when located in #designated open space#:

(a) Awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions);

(b) Balconies, unenclosed, subject to the provisions of Section 23-13;

(c) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;

(d) Fences or walls, conditioned upon certification by the City Planning Commission that:

(1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and

(2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#;

(e) Exterior wall thickness, pursuant to Section 23-44;

(f) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section 107-221 (Active recreational facilities). Any existing #building or other structure# located within the #designated open space# on September 11, 1975, and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming# #use# or #non-complying# #building# subject to the applicable provisions of Article V (Non-conforming Uses and Non-complying Buildings) in accordance with the underlying district regulations.

107-224 - Qualification of designated open space as lot area for bulk computations

LAST AMENDED
2/2/2011

#Designated open space# on a #zoning lot# may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio#, #open space#, #lot coverage#, #lot area# or density, provided that the area of the #designated open space# claimed as #lot area# does not exceed the area of the #zoning lot# located outside the designated space. For a #single-family residence#, any portion of a #zoning lot# occupied by #designated open space# shall count as #lot area# for the purposes of satisfying minimum density requirements only pursuant to this Section.

Where the area of the #designated open space# claimed as #lot area# exceeds the above permitted amount, the provisions of Section 107-72 (Qualification of Designated Open Space as Lot Area) shall apply.

Any #designated open space#, or portion thereof, claimed as required #open space# or used to satisfy the #lot coverage#

restrictions for a #development# containing #residences# shall be accessible to and usable by all residents of the #zoning lot#.

In the case of a #large-scale residential development#, any #designated open space#, or portion thereof, that qualifies as #lot area# may be used as common space.

107-225 - Special bulk regulations for developments containing designated open space

LAST AMENDED
2/2/2011

This section shall apply to any tract of land containing #designated open space# that is #developed# as a unit in single ownership and where the area of the #designated open space# claimed as #lot area# for zoning computation does not exceed the area of that portion of the tract of land not located within #designated open space#. Such a tract of land may contain a single #zoning lot# or two or more #zoning lots# which are contiguous or would be contiguous except for their separation by a #street#.

In all #Residence Districts#, except R1-1 Districts, for all permitted #residential uses# on such tract of land, the total #floor area# or #dwelling units# generated by that portion of the #designated open space# claimed as #lot area# by the applicable district regulations may be distributed without regard for #zoning# #lot lines#, for all #zoning lots# wholly within such tract of land. The total #open space# required or #lot coverage# permitted for such tract of land may be located anywhere within the tract of land without regard for #zoning lot# #lines#.

No transfer of #floor area# or #dwelling units# shall be permitted from a #zoning lot# not containing any #designated open space#.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Furthermore, the minimum #lot area# and #lot width# regulations, #yards# and spacing between #buildings# regulations shall not apply along portions of #streets# or #lot lines# wholly within such tract of land, provided that:

(a) the maximum #lot coverage# on any #zoning lot# shall not exceed 50 percent of the #lot area#;

(b) the minimum distance between #buildings# on the same or adjacent #zoning lots# across a common #side lot line# is not less than 10 feet; and

(c) the minimum distance between #buildings# on adjacent #zoning lots# across a common #rear lot line# shall not be less than 40 feet.

107-226 - Zoning lots entirely or substantially within designated open space

LAST AMENDED
2/2/2011

When a #zoning lot# owned separately or individually from all adjoining #zoning lots# prior to January 2, 1975, is located entirely or substantially within #designated open space# and no reasonable development is possible on the #zoning lot#, the owner may request the City to provide, in exchange, a City-owned #zoning lot#.

The #zoning lots# may be exchanged only after an appraisal made by a body consisting of the following:

(a) one independent fee appraiser appointed by the City;

(b) one independent fee appraiser appointed by the private property owner, which appraiser may be the same as in paragraph

(a) of this Section; and

(c) if needed to resolve a disagreement between the two appraisers appointed in paragraphs (a) and (b), one independent fee appraiser chosen by mutual agreement between the two individually appointed appraisers.

Such requests for exchange shall be filed by the owner of the #zoning lot# with the City Planning Commission.

If such exchange of #zoning lots# is not feasible under this Section or Section 384-7.0 of the New York City Administrative Code, the City may either acquire such #zoning lot# or permit development to proceed thereon with the minimal modification of the #designated open space# necessary to permit #development# containing #residences#.

107-23 - Waterfront Esplanade

LAST AMENDED
2/2/2011

When a #zoning lot# containing a portion of the #waterfront esplanade#, as shown on the District Plan (Map 3 in Appendix A) is #developed#, the location and design of the #waterfront esplanade# shall be certified by the City Planning Commission and such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the owner of a #zoning lot# on which the esplanade is shown on the District Plan, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Commission may require the owner of the #zoning lot# to provide public access to such a #waterfront esplanade# from a public right-of-way through the #zoning lot#.

The #waterfront esplanade# shall be either built at the same time that the #zoning lot# is #developed# or the Commission may allow the owner to comply with Section 107-24 (Performance Bond).

The owner of a #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-24 - Performance Bond

LAST AMENDED
2/2/2011

When the provision of the required improvement is to be delayed for a period not to exceed five years from the date of the City Planning Commission certification, the owner of the #zoning lot# shall, prior to obtaining any certificate of occupancy, provide to the Comptroller of the City of New York a performance bond or City securities to ensure the future provision of either the #waterfront esplanade# or the public pedestrian way.

When the required improvement has been constructed, the Comptroller of the City of New York may release the bond or City securities posted to ensure such construction, provided an amount of the bond or City securities to ensure maintenance of the improvement, as set forth in the paragraph above, remains with the Comptroller.

The value of the bond or City securities tendered to ensure the future provision of the improvement shall be at the rate of $400

per 100 square feet of #waterfront esplanade# and at $200 per 100 square feet of public pedestrian way, if such bond or securities are tendered prior to January 1, 1980.

At five year intervals after January 1, 1980, the Commission, with the approval of the Board of Estimate, shall establish the new rates for the future provision (and maintenance) of the improvement.

107-25 - Special Regulations Along Certain Streets or Railroads

LAST AMENDED
9/11/1975

Along the following #streets# designated as either #arterials# or #park streets# and identified as such on the District Plan, or along a designated railroad, special regulations relating to restriction of access, setback of #buildings#, and landscaping apply as set forth in this Section and shown on the District Plan (Map 2 in Appendix A).

Arterials

Hylan Boulevard

Woodrow Road

Amboy Road

Frontage roads for Richmond Parkway

Huguenot Avenue

Page Avenue

Arthur Kill Road

Service roads for West Shore Expressway

Richmond Avenue

Park Streets

Marcy Avenue from Richmond Parkway to Woodrow Road

Albee Avenue from Richmond Parkway to Amboy Road

Grantwood Avenue from Richmond Parkway to Woodrow Road

Miles Avenue from Arthur Kill Road to Barlow Avenue

Barlow Avenue from Miles Avenue to Colon Avenue

Railroads

The Staten Island Rapid Transit right-of-way.

107-251 - Special provisions for arterials

LAST AMENDED
2/2/2011

Along those #streets# designated as #arterials#, the following regulations shall apply:

(a) Access restrictions

Curb cuts are not permitted along an #arterial street# on #zoning lots# with access to a non-#arterial street#. For #zoning lots# with access only to an #arterial street#, one curb cut is permitted along such #arterial street#. For purposes of this Section, adjoining #zoning lots# in the same ownership shall be treated as one #zoning lot#. Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

For #zoning lots# with access only to a #arterial street#, the City Planning Commission may, by certification, approve additional curb cuts for access to such #arterial street# when necessary to avoid adverse effects on the traffic flow of the #arterial#.

For #zoning lots# with access to both #arterial# and non-#arterial streets#, the Commission may authorize one or more curb cuts on the #arterial street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).

(b) #Building# setback

Along portions of the #arterials#, as indicated on the District Plan, a 20 foot #building# setback shall be provided for the full length of the #front lot line# #abutting# such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such front open area. The trees shall be selected in accordance with the table set forth in Appendix B.

107-252 - Special provisions for park streets

LAST AMENDED
2/2/2011

For those #streets# designated as #park streets#, the following regulations shall apply:

(a) Access restrictions

No curb cuts are permitted on such #streets# except that one curb cut is permitted for any #residential#, #community facility# or #commercial# #use# whose #zoning lot# has frontage only on a #park street#. For purposes of this Section, adjoining #zoning lots# in the same ownership shall be treated as one #zoning lot#.

For #zoning lots# with access to both #park streets# and non-#park streets#, the City Planning Commission may

authorize one or more curb cuts on the #park street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).

(b) Landscaping

One tree of at least three inch caliper, pre-existing or newly planted, shall be provided for each 400 square feet of area of the #street# sidewalk area. Trees shall be selected in accordance with the table set forth in Appendix B and shall be planted in the #street# sidewalk area.

(c) Development and maintenance responsibility

The owner of each #development# abutting a #park street# shall have responsibility for landscaping and maintenance of that portion of the #park street# located between the #front lot line# and the curb.

Alternatively, maintenance responsibility may be vested in a properly constituted Home Association or other organization established for this purpose. Those segments of a #park street# which are abutted by land #developed# prior to the effective date of the Special District designation shall be #developed#, landscaped and maintained by the City of New York.

107-253 - Building setbacks along railroad rights-of-way

LAST AMENDED
9/11/1975

For all #developments# on #zoning lots# immediately adjacent or directly opposite to the Staten Island Rapid Transit right-of-way, a #building# setback of at least 20 feet in depth, unobstructed from its lowest level to the sky, except as permitted herein, shall be provided along the #lot line# adjacent to or directly opposite the right-of-way of such railroad. Such #building# setback shall be measured perpendicular to such #lot line#, as indicated on the District Map. Within such #building# setback area, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such open area. The trees shall be selected in accordance with the table set forth in Appendix B.

107-30 - TOPOGRAPHIC AND TREE REGULATIONS

LAST AMENDED
9/11/1975

107-31 - Topographic Regulations

LAST AMENDED
9/11/1975

Except for any existing topographic feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no topographic modifications may take place except as provided in this Section or as authorized by Section 107-65.

107-311 - Areas within designated open space

LAST AMENDED
9/11/1975

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section 107-65 (Modifications of Existing Topography).

107-312 - Areas not within designated open space

LAST AMENDED
2/2/2011

On any portion of a #zoning lot# not within #designated open space#, alteration of topography shall be permitted only in accordance with the provisions of this Section.

The ground elevation of land existing on September 11, 1975, may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch caliper or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent is permitted:

(a) in an area designated for #building# foundations, driveways or utilities for a proposed #building or other structure# whose location is approved by the Department of Buildings in accordance with the provisions of this Chapter; and

(b) in order to meet the legal mapped grades of a #street#, the existing topography of that portion of the #zoning lot# abutting such #street# may be modified to create a slope on the #zoning lot# of not less than one foot vertical to each two feet horizontal provided the slope is landscaped to prevent erosion.

Topographic modifications not permitted by the provisions of this Section may be permitted only by authorization of the City Planning Commission, pursuant to the provisions of Section 107-65.

107-32 - Tree Regulations

LAST AMENDED
4/5/1979

The following regulations in Sections 107-321 through 107-323, inclusive, shall not apply to existing trees which are unsafe and the removal of which is required by the Department of Buildings.

107-321 - Tree preservation

LAST AMENDED
2/2/2011

No trees of six-inch caliper or more shall be removed, or land operations affecting their survival undertaken, in connection with any #site alteration# or #development#, except in compliance with the provisions of this Section.

Prior to any such removal or land operations, plans shall be filed with the Department of Buildings showing the locations of all trees of six-inch caliper or more on the #zoning lot# and in the public sidewalk area of the #street# or #streets# adjacent thereto, and identifying those which are proposed to be removed. Removal of live trees of six-inch caliper or more will be permitted only under the following circumstances:

(a) where such trees are located in areas to be occupied by #buildings#, driveways, areas for required #accessory# parking, or within a distance of eight feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;

(b) where the continued presence of such trees would create special hazards or dangers to persons or property, which it

would not be possible or practical to eliminate by pruning;

(c) where continued presence of the trees would interfere with another tree of six-inch caliper or more designated for preservation and belonging to a species listed in Appendix B (Tree Selection Tables); or

(d) where authorizations granted by the City Planning Commission under the provisions of this Chapter require or clearly contemplate the removal of such trees.

If an existing tree of six-inch caliper or more identified for preservation is removed without prior approval by the Department of Buildings or the City Planning Commission, any permit issued by the Department of Buildings for a #site alteration#, #development# or any #use# on the #zoning lot# shall be revoked.

In order to remove such violations, the owner of the #zoning lot# shall request the Commission to specify the tree restoration requirements and to certify such requirements to the Department of Buildings.

No building permit, reinstatement of such permit or issuance of a certificate of occupancy shall occur until the owner of the #zoning lot# either posts with the Comptroller of the City of New York a landscaping performance bond in an amount determined by the Commission or completes the replanting in accordance with the requirements set forth by the Commission in order to correct the planting violations.

Replacement trees to be planted shall be of a caliper no less than three inches and be of a species listed in Appendix B and the sum of whose calipers shall be at least equivalent to that of the trees removed.

In addition, the Commission may require a restrictive declaration specifying the terms of implementing the restoration plan.

Where on-site planting of such replacement trees would result in over crowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more replacement trees on adjoining public sidewalks or in a nearby public area or substituting other planting material pursuant to Section 107-323.

107-322 - Tree requirements

LAST AMENDED
2/2/2011

New trees shall be provided in accordance with the table set forth in Appendix B. For any existing tree of at least six-inch caliper which is preserved, credit for one tree shall be given for the first six inches of caliper and, for each additional four inches of caliper, credit for an additional tree shall be given.

(a) On site

In connection with any #development#, #site alteration# or #enlargement# involving the addition of at least 1,000 square feet of #floor area#, trees of at least three-inch caliper, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof.

(b) Planting for open parking areas

Any #development# with open off-street parking areas with 10 spaces or more shall be subject to the tree planting and screening requirements of Section 107-483.

107-323 - Substitution of other plant materials

LAST AMENDED
9/9/1999

For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section 107-322, the City Planning Commission may allow the substitution of other plant material for such required trees, provided a detailed landscaping plan is filed with the Commission for approval and certification. A copy of such approved landscaping plan shall be filed with the Department of Buildings by the Commission.

107-33 - Preservation of Natural Features

LAST AMENDED
8/12/2004

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications are necessary so as to avoid the destruction of existing topography and trees of six-inch caliper or more.

107-40 - SPECIAL USE, BULK AND PARKING REGULATIONS

LAST AMENDED
9/11/1975

107-41 - Type of Residence

LAST AMENDED
12/5/1990

#Semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section 107-74 (Modification of Permitted Use Regulations). Such #residences# shall comply with the minimum #lot area# and #lot width# requirements as set forth in the table in Section 107-42.

#Zero lot line buildings# are not permitted in the #Special South Richmond Development District#.

107-411 - Affordable independent residences for seniors in Area SH

LAST AMENDED
11/15/2006

In Area SH, as shown on the District Plan (Map 4 in Appendix A), any #development# or #enlargement# comprised of #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

(a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;

(b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and

(c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 107-672 (In Area SH).

107-412 - Special bulk regulations for certain community facility uses in lower density growth management areas

LAST AMENDED
1/18/2011

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

(a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or

(b) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

107-42 - Minimum Lot Area and Lot Width for Residences

LAST AMENDED
2/2/2011

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by #building# height. Where two or more #buildings# that are #single-# or #two-family# #detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

However, one #single-family# #detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

(a) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and

(b) was owned separately and individually from all other adjoining tracts of land, both on December 8, 2005, and on the date of application for a building permit.

In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached residences# in R3-1 and R3-2 Districts.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2 3 4	5,700 5,700 5,700	40 50 60
R2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2 3-4	3,800 3,800	40 45
R3-1 R3-2	#semi-detached#	1-2 3-4	2,375[3] 3,800	24[3] 40
R3-2	#detached# #attached#	1-2 3-4 1-2 1-2 3-4 3-4	3,800 4,275 1,700 2,375[1] 2,280 3,800[1]	40 45 18 24[1] 24 40[1]
R3A	#detached#	1-3	3,325	35
R3X[2]	#detached#	1-2 3 4	3,800 4,750 5,700	40 50 60

R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached# #detached#	1-3 1-3	2,375[3] 3,325	24[3] 35

[1] For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

[2] In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet. However, the minimum #lot area# and minimum #lot width# set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003.

[3] For #two-family# #semi-detached# #residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family# #semi-detached# #residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

BY SPECIAL PERMIT (PURSUANT TO SECTION 107-74)

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R2	#semi-detached#	1-4	3,800	30
	#attached#	1-4	3,800	22
R3-1	#attached#	1-2	1,700	20
		2-3	2,280	24

107-421 - Minimum lot area and lot width for zoning lots containing certain community facility uses

LAST AMENDED
1/18/2011

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts, the provisions of this Section shall apply to #zoning lots# containing #buildings# used for:

(a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and

(b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:

(1) such #zoning lot# contains #buildings# used for houses of worship; or

(2) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

107-43 - Maximum Height for Buildings or Structures

LAST AMENDED
9/28/2004

Subject to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52 or 33-43, no #building# shall exceed a height of four #stories# and no structures other than #buildings# shall exceed a height of 50 feet, unless modified by a special permit of the City Planning Commission, pursuant to Section 107-73 (Exceptions to Height Regulations).

107-44 - Maximum Floor Area Ratio for Community Facility Uses

LAST AMENDED
10/17/2007

The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

107-45 - Required Open Space for Residences

LAST AMENDED
2/2/2011

Any required #open space# on a #zoning lot# which includes #designated open space# is subject to the special regulations set forth in Section 107-22 (Designated Open Space).

For #buildings# containing #residences# on #zoning lots# that include #designated open space#, driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths may occupy not more than the area set forth for the following districts:

(a) in R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#; or

(b) in R3A, R3X, R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #buildings# containing #residences# and not within the #designated open space#.

However, in all districts, a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of permitted obstructions).

107-46 - Yard and Court Regulations

LAST AMENDED
6/29/1989

107-461 - Front yards

LAST AMENDED
2/2/2011

In all #Residence Districts#, the #front yard# requirements of the underlying districts shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a lesser depth as permitted by the underlying district regulations.

107-462 - Side yards

LAST AMENDED
11/15/2006

In all districts, except R1 Districts, for all #single-# or #two-family# #detached# and #semi-detached# #residences#, the #side yards# shall relate to the height of the #building# as set forth in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:

REQUIRED SIDE YARDS

District	Type of —— #Residence#	Height (in #stories#)	Number of #Side Yards# Required	Required Total Width	Required Minimum Width of any #Side Yard#
R2 R3-1	#detached#	1-2	2	15	5
R3-2	#detached#	3-4	2	20	5
	#semi-detached#	1-2	1	9	9
	#semi-detached#	3-4	1	15	15
R3A R4A	#detached#	1-4	2	15	5

R3X*	#detached# #detached# #detached#	1-2 3 4	2 2 2	15 20 25	5 8 10
R4-1	#detached# #semi-detached#	1-4 1-4	2 1	15 9	5 9

* In Area LL, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet. However, the minimum #side yard# widths set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply.

107-463 - Side yard regulations for other residential buildings

LAST AMENDED
2/2/2011

For all #residential buildings# other than #single-# or #two-family# #detached# or #semi-detached# #residences#, the provisions of Section 23-462 (Side yards for all other residential buildings) shall apply, except that no #side yard# shall have a width less than 10 feet.

Furthermore, for #attached# #residences# that #abut# an #attached# #building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story# #residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story# #residences#.

107-464 - Side yards for permitted non-residential use

LAST AMENDED
2/2/2011

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section 23-464 (Side yards for buildings used for permitted non-residential uses) shall apply to such other non-#residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections 23-464 or 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

107-465 - Modifications of special yard regulations for certain zoning lots

LAST AMENDED

8/12/2004

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and thereby allow #single-# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

(a) When a #building# is located on the #side lot line#, the entire required #side yard# equivalent shall be provided along the other #side lot line# of the same #zoning lot#. On the adjacent #zoning lot# there shall be a #side yard# of at least 10 feet, #abutting# the #building# wall which is located on the #side lot line#.

(b) When a #single-# or #two-family residence# is located on the #rear lot line#, the #zoning lots# #abutting# the entire #rear lot line# shall provide a #rear yard# of at least 40 feet. If the #building# on either #zoning lot# has a height greater than two #stories#, then such #building# shall have a 10-foot rear setback above the height of the second #story#.

(c) When #single-# or #two-family residences# share a party wall along the #rear lot line#, if at any level either #building# is set back from the #rear lot line#, each #building# shall have a setback at the same height and such rear setback shall be at least 20 feet in depth.

The Commission shall also find that:

(1) such modifications of #side# or #rear yards# or equivalents blend harmoniously with the entire development;

(2) there is no adverse effect with regard to adequate light and air to the #residences#;

(3) such modification results in the maximum preservation of trees;

(4) there is an agreement which provides access for maintenance of the #building# wall located on the #lot line#; and

(5) a condition to the grant of any certification shall be that the requirements of Section 107-92 (Recordation) have been satisfied.

107-466 - Court regulations

LAST AMENDED
2/2/2011

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family# #detached# #residences#.

107-467 - Modifications of yard and court regulations

LAST AMENDED
2/2/2011

The #yard# and #court# regulations as set forth in Section 107-46 may be modified by authorization of the City Planning Commission in accordance with the provisions of Section 107-62 (Yard, Court and Parking Regulations).

107-47 - Special Parking Regulations

LAST AMENDED
9/11/1975

107-471 - For the purposes of this Chapter, the waiver provision set forth in Section 36-231 shall not apply to any #development# in the Special District.

LAST AMENDED
9/11/1975

107-472 - Maximum size of group parking facility

LAST AMENDED
9/11/1975

For the purposes of this Chapter, no #accessory# #group parking facility# for non-#residential uses# shall contain more than 30 off-street parking spaces except as set forth in Section 107-68.

107-48 - Special Landscaping and Buffering Provisions

LAST AMENDED
9/11/1975

107-481 - Planting provisions along Residence District boundaries

LAST AMENDED
2/2/2011

For any #commercial# or #manufacturing# #development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be in the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and complying with the provisions applicable to screening for parking areas as set forth in Section 107-483 (Planting and screening for open parking areas).

107-482 - Landscaped buffer for manufacturing development adjacent to residences

LAST AMENDED
2/2/2011

Where an existing #residential use# is located adjacent to a proposed #manufacturing# or #commercial# #development#, the developer shall plant along that part of the #side# or #rear lot line# adjacent to a #residential use#, a row of evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or trees selected from Appendix B and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

107-483 - Planting and screening for open parking areas

LAST AMENDED

(a) Tree planting requirements

One tree, of three inch caliper or more, pre-existing or newly planted, shall be provided for each four parking spaces. Such trees may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section 37-922 (Interior landscaping) shall be superseded by the number of trees required pursuant to this Section.

(b) Screening requirements

The parking area shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of three feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

(c) Planting Waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

(1) unique geological conditions, such as excessive subsurface rock conditions or high water table;

(2) underground municipal infrastructure; or

(3) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residential Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of Section 107-322, paragraph (a). Furthermore, for #developments# in #Commercial# or #Manufacturing Districts# which provide trees in accordance with the provisions of this Section, the requirements of Section 107-322, paragraph (a), shall not apply.

107-49 - Special Regulations for Area M

LAST AMENDED
8/17/1995

In Area M, as shown on the District Plan (Map 4 in Appendix A) the regulations of the underlying districts and the Special District are supplemented or modified in accordance with the provisions of this Section. Except as modified by the express

provisions of this Section, the regulations of the underlying districts and the Special District remain in effect.

107-491 - Special use regulations for residential uses

LAST AMENDED
8/17/1995

(a) #Residential uses# existing prior to August 17, 1995 shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.

(b) #Residential# #extensions# shall be subject to all of the R3X District regulations and the applicable Special District regulations except that an existing #detached# #building# may contain non-#residential uses# in addition to not more than two #dwelling units#.

(c) Non-#residential uses# shall be located below the lowest #story# occupied in whole or in part by #residential uses#.

(d) #Floor area# in a #building# originally designed as one or more #dwelling units# that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for #residential use#.

(e) #Residential# #enlargements# not to exceed 500 square feet shall be permitted subject to all of the R3X District regulations and the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that there is no disturbance of the soil.

(f) #Residential# #developments#, and #residential# #enlargements# where there is a disturbance of the soil, shall be subject to the provisions of Section 107-69 (Residential Uses in Area M).

107-492 - Special bulk regulations

LAST AMENDED
8/17/1995

The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio# in Area M (Map 4 in Appendix A), provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use# in Area M.

107-50 - CERTIFICATIONS

LAST AMENDED
9/11/1975

Administrative certifications from the City Planning Commission are required, as set forth in various sections of this Chapter, in any one of the following circumstances:

(a) when a tract of land is subdivided, as set forth in Section 107-08 (Future Subdivision);

(b) when a #development# contains #residential uses#, as set forth in Section 107-121 (Public schools);

(c) when a #zoning lot# contains #designated open space#, as set forth in Section 107-22 (Designated Open Space);

(d) where required #yards# or equivalents are to be modified as set forth in Section 107-465 (Modifications of special yard regulations for certain zoning lots);

(e) where a #zoning lot# along an #arterial# requests more than one curb cut, as set forth in Section 107-251 (Special provisions for arterials);

(f) where plant material is substituted for required trees as set forth in Section 107-323 (Substitution of other plant materials);

(g) when #development# takes place within areas D, F, or K, as set forth in Section 107-02 (General Provisions); or

(h) when a #zoning lot# contains a portion of the proposed #waterfront esplanade#, as set forth in Section 107-23 (Waterfront Esplanade).

107-60 - AUTHORIZATIONS

LAST AMENDED
9/11/1975

107-61 - General Provisions

LAST AMENDED
11/15/2006

On application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-62 to 107-69, inclusive, relating to authorizations.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorizations.

107-62 - Yard, Court and Parking Regulations

LAST AMENDED
2/2/2011

For any #zoning lots#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46 or in the location of parking, driveway or curb cut regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas)and 25-631 (Location and width of curb cuts in certain districts) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of existing topography and individual trees of six-inch caliper or more. #Rear yard#, #side yard# or #side yard# equivalent variations shall not be authorized on the periphery of a #development# unless acceptable agreements are jointly submitted for #development# of two or more adjacent #zoning lots# by the owners thereof, incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots#.

107-63 - Minimum Distance Between Buildings

LAST AMENDED
2/2/2011

For any #development# containing #residences#, the City Planning Commission may authorize the location of #buildings#, on a

single #zoning lot# without regard for spacing between #buildings# regulations, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot).

107-64 - Removal of Trees

LAST AMENDED
9/11/1975

For any #development#, the City Planning Commission may authorize the removal of trees of six-inch caliper or more whose removal would otherwise be prohibited under the provisions of Section 107-32 (Tree Regulations), provided that the Commission makes one or more of the following findings:

(a) that the tree's retention would cause serious disadvantage in the arrangement of open areas on the lot, impairing the usefulness of such areas;

(b) that such tree is located in an area where more than two feet of cut or fill is required and measures for saving the tree would be extremely difficult and impractical; or

(c) that provision of a segment of the #waterfront esplanade# is not feasible without such tree's removal.

107-65 - Modifications of Existing Topography

LAST AMENDED
2/2/2011

For any #development# or #site alteration#, the City Planning Commission may authorize modifications of the natural topography existing on September 11, 1975, beyond the amount specified in Section 107-31 (Topographic Regulations), provided that the Commission finds that:

(a) #development# on the #zoning lot# is not feasible without such modifications;

(b) such modification of topography is necessary to accommodate public amenities, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;

(c) such modification will not cause unnecessary disturbance of the drainage pattern in the area; and

(d) such modified topography will have minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it.

Where a permit for land contour work or topographic modification is required from the Department of Transportation or the Department of Buildings, the City Planning Commission and other such agencies shall jointly determine the conditions under which such topographic modification may be permitted so as best to serve the purposes of the Special District, in accordance with the provisions of Section 107-91 (Inter-agency Coordination).

107-66 - Developments Partly Within Designated Open Space

LAST AMENDED
9/11/1975

107-661 - Modification of permitted obstructions

LAST AMENDED
2/2/2011

For #developments# containing #residences# on #zoning lots# partly within #designated open space#, the City Planning Commission, on application, may modify the requirements of Section 107-45 (Required Open Space for Residences) to permit more than 50 percent of the required #open space#, not within the #designated open space#, to be occupied by driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths, if the Commission finds that such facilities are so arranged and landscaped as to afford an acceptable standard of amenity for the #development# and its surroundings.

107-662 - Modification of required yards of building setbacks

LAST AMENDED
2/2/2011

On application, the City Planning Commission may grant an authorization modifying the #building# setback requirements of Section 107-251 (Special provisions for arterials), provided that the Commission finds that:

(a) the area of that portion of the #zoning lot# which is designated as #designated open space# on the District Plan in Appendix A of this Chapter, is at least equal to the area of the required #building# setback #front yard# or #yards#, or portion thereof, which is waived;

(b) along any #front lot line# abutting an #arterial#, a front setback shall be provided having a depth to be determined by the Commission and which shall be improved in accordance with a landscape plan approved by the Commission; and

(c) #building# placement leaves adequate spaces for the provision of #street# trees.

107-67 - Uses and Bulk Permitted in Certain Areas

LAST AMENDED
11/15/2006

107-671 - In Areas F and K

LAST AMENDED
2/2/2011

In Areas F and K, as shown in the District Plan (Map 4 in Appendix A), the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.

As a condition for such authorization, the Commission shall find that:

(a) such #uses# are so located as not to impair the essential character of the surrounding area for its future development;

(b) the minimum #lot area# of a #zoning lot# on which such #uses# are located is at least 20 acres;

(c) vehicular access and egress for such proposed #uses# are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and

(d) where vehicular access and egress are located on an #arterial#, such location affords the best means for controlling the flow of traffic generated by such proposed #uses# to and from such #arterial#.

In each case the Commission may prescribe additional conditions and safeguards, including requirements for adequate screening, planting or landscaping.

Areas (as designated on the District Map)	Permitted Use Groups
F	12
K	7A 7B 7D 7E

107-672 - In Area SH

LAST AMENDED
2/2/2011

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

In order to grant such authorization, the Commission shall find that:

(a) such #developments# are part of a superior site plan;

(b) such #residences# are compatible with the character of the surrounding area; and

(c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

107-68 - Modification of Group Parking Facility and Access Regulations

LAST AMENDED
2/2/2011

For a permitted #commercial#, #community facility# or #manufacturing use#, the City Planning Commission may authorize more than 30 #accessory# off-street parking spaces, and for any #use#, may modify access restrictions with regard to curb cuts as set forth in paragraph (a) of Section 107-251 (Special provisions for arterials) or paragraph (a) of Section 107-252 (Special provisions for park streets). In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

(a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) where vehicular access and egress are located on an #arterial# or #park street#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial# or #park street#, and does not unduly

interfere with pedestrian traffic; and

(c) the location of such vehicular access and egress permits better site planning.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve vegetation and natural topography.

107-69 - Residential Uses in Area M

LAST AMENDED
8/17/1995

(a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a disturbance of the soil, for the following:

(1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or

(2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.

(b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial# #uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations:

(c) In authorizing new #residential uses# and #residential# #enlargements#, the Commission shall find that:

(1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;

(2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;

(3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and

(4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

107-70 - SPECIAL PERMITS

LAST AMENDED
9/11/1975

107-71 - General Provisions

LAST AMENDED
9/11/1975

On application, the City Planning Commission, may grant special permits for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-72 to 107-78, inclusive, relating to Special Permits.

107-72 - Qualification of Designated Open Space as Lot Area

LAST AMENDED
2/2/2011

For any #development# containing #designated open space#, the City Planning Commission may allow the amount of #designated open space# to be counted as #lot area# for #bulk# computations to exceed the amount permitted under Section 107-224.

As a condition for granting a permit for such modifications, the Commission shall find that:

(a) that for the occupants of the site itself, the ill effects of concentration of #buildings# or #accessory# off-street parking are avoided or overcome by the manner in which the #buildings# are sited and #yards# and other open areas arranged; and

(b) that the concentration of #buildings# or activities will not adversely affect any other #zoning lot# outside the development by restricting access of light and air, impairing privacy or creating traffic congestion.

107-73 - Exceptions to Height Regulations

LAST AMENDED
6/29/1989

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-631, paragraphs (b), (c) and (d) and Section 107-43, provided that the Commission finds that:

(a) such #development# is so located as not to impair the essential character of the surrounding area;

(b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space, will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and

(c) that the #development's# design proposals take full advantage of all special characteristics of the site.

107-74 - Modification of Permitted Use Regulations

LAST AMENDED
2/2/2011

For any #development#, the City Planning Commission may grant special permits to allow #semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts. As a condition for granting such special permits, the Commission shall find that:

(a) only by modifying the #residential building# type, the preservation of trees over six-inch caliper and of existing topography can be assured;

(b) by inclusion of the proposed #residential building# types, better standards of privacy and usable #open space# can be achieved; and

(c) if the #zoning lot# is located in the #designated open space#, the prohibition of #development# on the #designated open space# requires the permitted #development# to be concentrated in the remaining portion of the tract.

107-75 - Modification of Underlying R1-1 District Regulations

LAST AMENDED
2/2/2011

For any #development#, the City Planning Commission may grant special permits for the modifications of underlying R1-1 District regulations on #yards# or #courts# where such modifications are appropriate in order to:

(a) permit siting of a #building# or driveway so as to avoid destruction of a valuable tree of six-inch caliper or more; or

(b) allow a #building# to be arranged on a #zoning lot# that includes #designated open space# without encroaching on such #designated open space#.

As a condition for granting such modifications, the Commission shall find that:

(1) the siting of the #building# will not adversely affect adjacent properties by impairing privacy or access of light and air;

(2) the benefits to the surrounding area from the proposed arrangement of #buildings# and #open spaces# outweigh any disadvantages which may be incurred thereby in the area; and

(3) such modification is the least modification required to achieve the purpose for which it is granted.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

107-76 - Boundary Adjustments in Designated Open Space

LAST AMENDED
9/11/1975

The City Planning Commission may grant special permits to allow adjustments in the boundaries of the #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that such adjustment will:

(a) result in a substantial improvement in the quality and usefulness of the #designated open space#; or

(b) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and

(c) provide an equivalent area replacement for the area removed from the #designated open space#.

107-77 - Community Facility Buildings or Treatment Plants Permitted in Designated Open Space

LAST AMENDED
2/2/2011

The City Planning Commission may grant special permits for the construction of sewage disposal plants or pumping stations or #community facility uses# listed in Section 78-352 (Bonus for community facility space) in #designated open space# where such

#uses# are permitted by the underlying district regulations provided the Commission finds that:

(a) an amount of open area outside the boundary of the #designated open space#, at least equal to the coverage of any #building or other structure# permitted under this Section, shall be added to the #designated open space#, and action shall be taken to change the boundary of the #designated open space# pursuant to Section 107-76 (Boundary Adjustments in Designated Open Space);

(b) such added open area forms a continuous part of the #open space network#, and does not interrupt or foreclose the continuity of a public pedestrian way;

(c) such added open area shall contain natural (aquatic, botanic, geologic or topographic) features that are equal or better in quality to those displaced by the #development#; and

(d) such sewage disposal plants and sewage pumping stations meet the requirements of Section 74-73, inclusive.

The City Planning Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

107-78 - Other Buildings Permitted in Designated Open Space

LAST AMENDED
9/11/1975

On any #zoning lot# located partially within the #designated open space#, the City Planning Commission may grant a special permit to allow a #building# to encroach on the #designated open space# where #development# is not feasible without encroachment on the #designated open space#. As a condition for permitting such construction, the Commission shall find that the #development#, as authorized, will result in the minimum interference with the #designated open space# that must be permitted in order to allow reasonable #development# and #bulk# distribution under the regulations of the underlying district or as such regulations are modified by the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

107-80 - LARGE-SCALE RESIDENTIAL DEVELOPMENT REGULATIONS

LAST AMENDED
9/11/1975

107-81 - Applicability of Large-scale Residential Development Regulations

LAST AMENDED
9/11/1975

All regulations of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Development), are applicable in the Special District.

107-82 - Applicability of Large-scale Residential Development Regulations to Parcels Containing Designated Open Space

LAST AMENDED
9/11/1975

Any #development# used predominantly for #residential use# on a #zoning lot# which includes #designated open space# may be treated as a #large-scale residential development#, and special authorizations or special permits for such #development# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings#, or number of #dwelling units# specified in the definition of #large-scale residential development# as set forth in Section 12-10 (DEFINITIONS), except as provided in Sections 107-821 to 107-823, inclusive.

107-821 - Bonus provisions

LAST AMENDED
9/11/1975

Bonuses which may be granted for #large-scale residential developments# under the provisions of Sections 78-32 (Bonus for Good Site Plan), 78-33 (Bonus for Common Open Space) or 78-35 (Special Bonus Provisions), may not be granted for #developments# which have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.

107-822 - Lot area restriction

LAST AMENDED
9/11/1975

Authorizations or special permits granted within the #Special South Richmond Development District# pursuant to this Resolution shall be consistent in all cases with the provisions of Section 107-224 (Qualification of designated open space as lot area for bulk computations).

107-823 - Common open space

LAST AMENDED
2/2/2011

Approval by the City Planning Commission of a development plan incorporating #designated open space# as common #open space# shall be conditioned upon the findings required in Section 78-52 (Common Open Space), except that the Commission may waive or modify any requirements of paragraph (g) of Section 78-52.

Notwithstanding any provision in Article VII, Chapter 8, or elsewhere in this Zoning Resolution, if the City of New York acquires title or a less than fee interest in any #designated open space# which serves as required #open space# for a #development# and the acquisition occurs while the #development# is under construction or after it is completed, it shall not affect the area's qualifications for satisfying #open space# requirements for #zoning lots# in the #development#.

107-83 - Modification of Minimum Required Lot Area for Residences

LAST AMENDED
9/11/1975

Modification of minimum required #lot area# for #residences# as set forth in Section 107-42 may be granted by the City Planning Commission, pursuant to Section 78-311, paragraph (c).

107-84 - Joint Applications

LAST AMENDED
9/11/1975

Notwithstanding the provisions of Section 78-06 (Ownership), a tract of land which includes #designated open space# and which is the subject of an application under the provisions of Section 107-81 (Applicability of Large-scale Residential Development Regulations), may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

107-90 - SPECIAL ADMINISTRATIVE PROVISIONS

LAST AMENDED
9/11/1975

107-91 - Inter-agency Coordination

LAST AMENDED
2/2/2011

Where an authorization or permit for a #site alteration# or #development# is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Department of Transportation or Department of Buildings for land contour work, or from the Department of Environmental Protection for a storm water drainage system for #buildings# or adjacent areas, or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development# or #site alteration# will best meet the purposes of the #Special South Richmond Development District#. Applications for any required permit or authorization shall be filed simultaneously with each agency from which the permit or authorization is required.

107-92 - Recordation

LAST AMENDED
9/11/1975

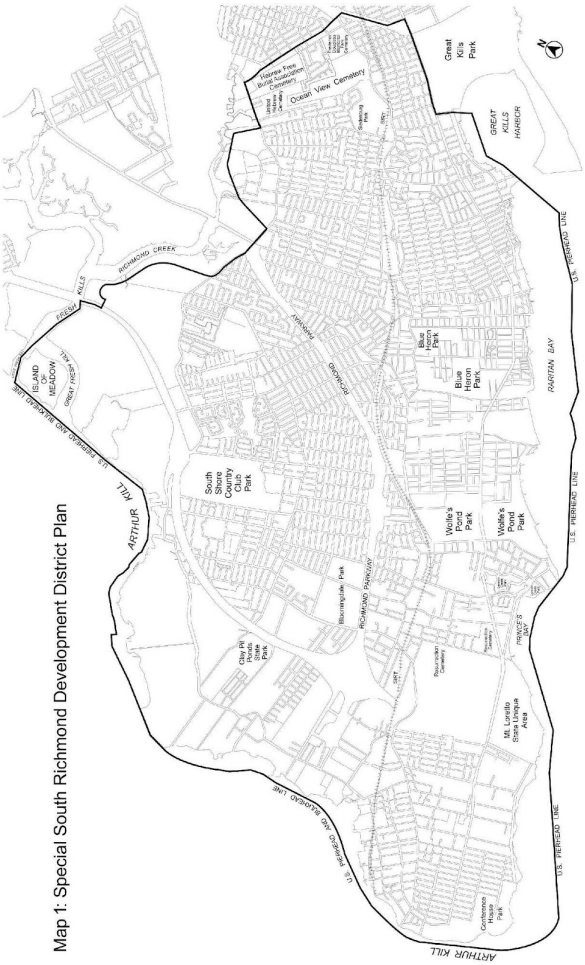
When any #yard# requirement of the applicable district regulations is modified by the City Planning Commission pursuant to Section 107-46 (Yard and Court Regulations), prior to the filing of an application for any permit with the Department of Buildings, there shall be recorded in the Office of the County Clerk, County of Richmond, and indexed against such #zoning lots# to be #developed# as a unit, an instrument describing all conditions and restrictions required by the Commission for the #development# and #use# of such #zoning lots#. Recordation of instruments may be required in connection with any other zoning application hereunder. A certified copy of such instrument shall be submitted to the City Planning Commission upon recordation thereof.

The #Special South Richmond Development District# Plan, individual District Plan Maps and Tree Selection Tables are incorporated as Appendices A and B of this Chapter.

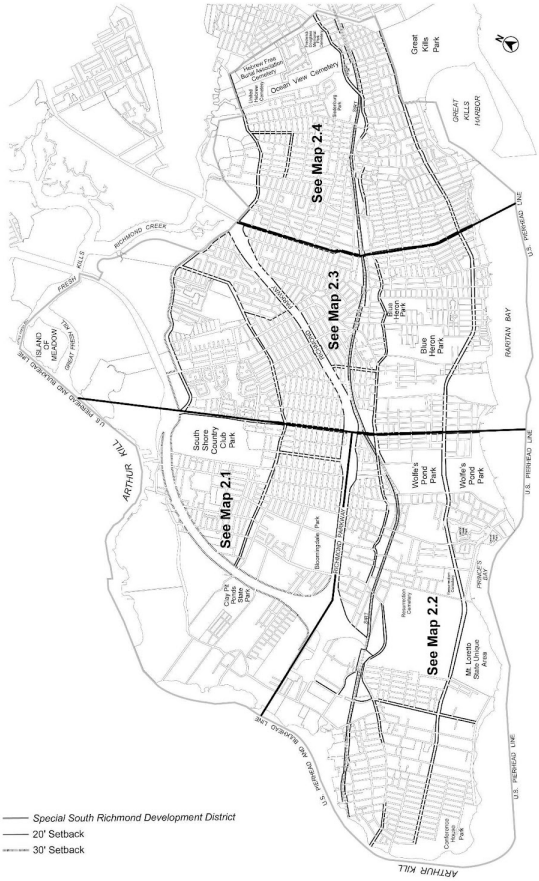
Appendix A - Special South Richmond Development District Plan

LAST AMENDED
1/19/2016

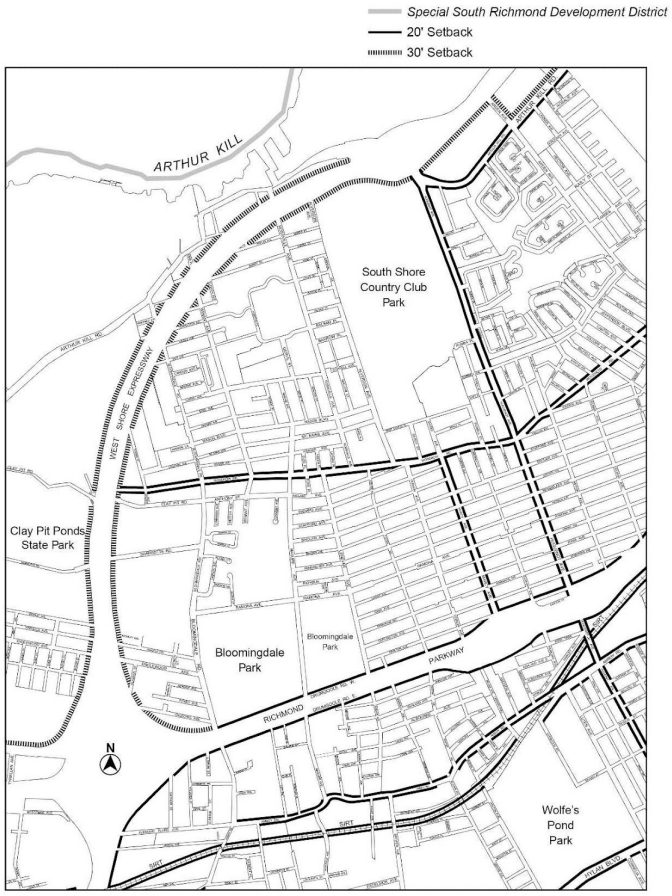
Map 1 — District Plan (9/11/75)



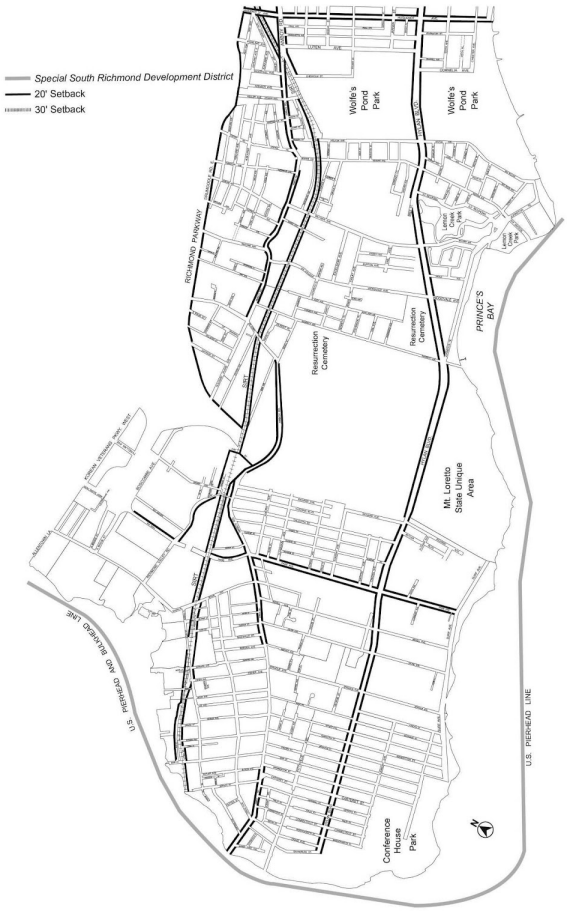
Map 2 — Arterial Setback Plan (2/3/10)



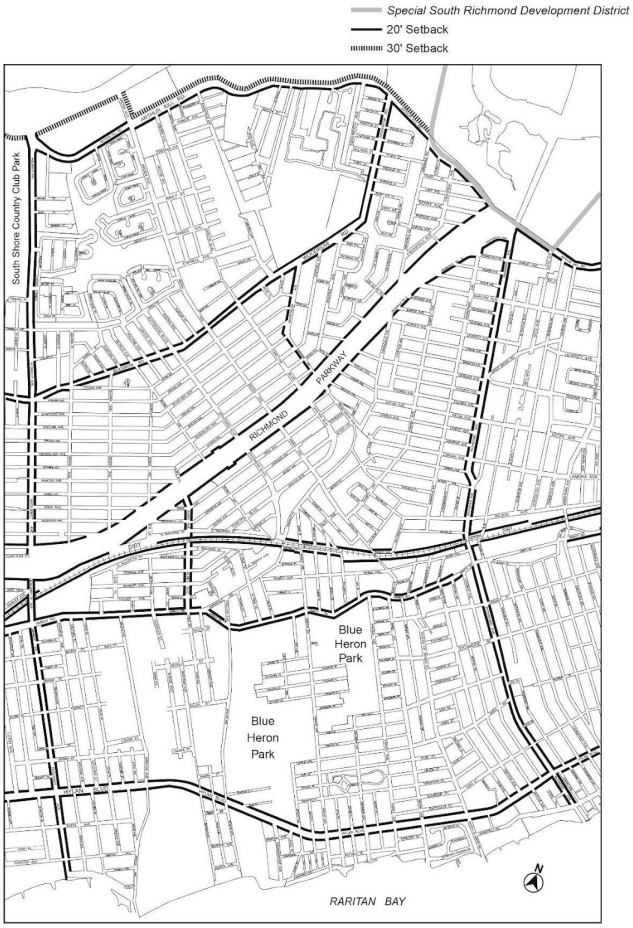
Map 2.1 — Arterial Setback Plan



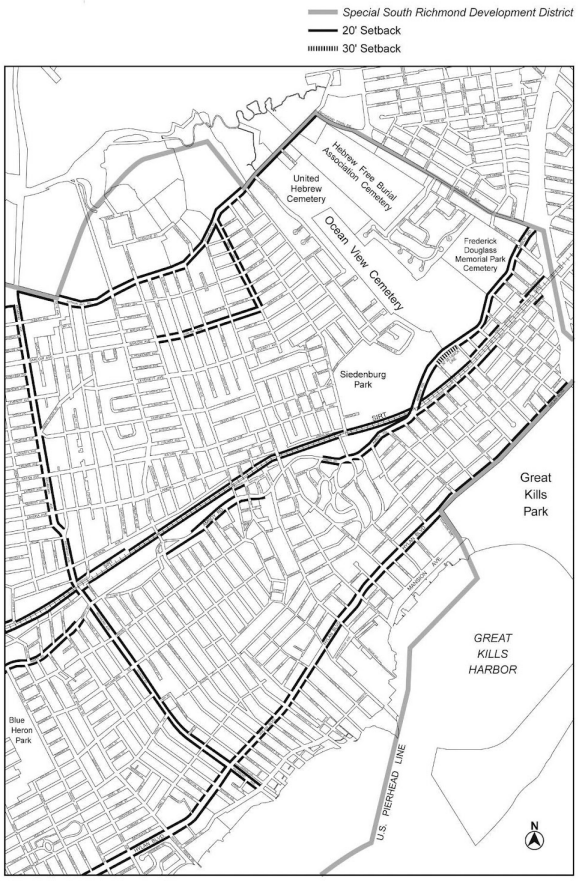
Map 2.2 — Arterial Setback Plan



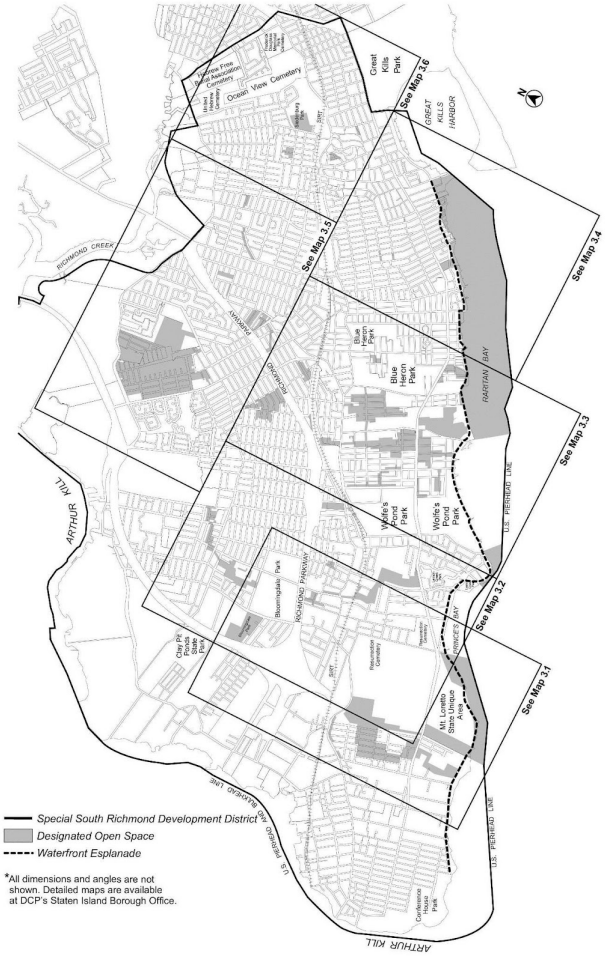
Map 2.3 — Arterial Setback Plan (2/3/10)



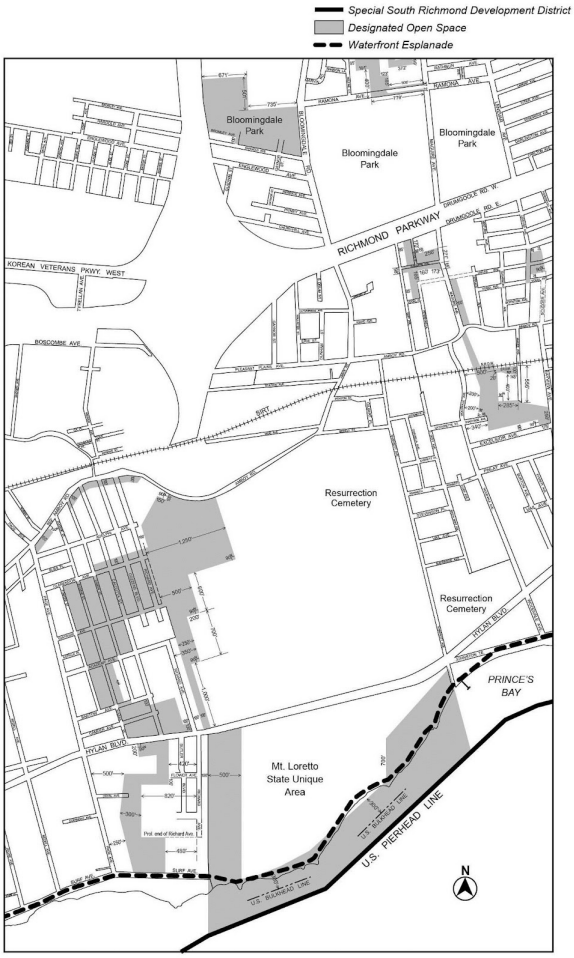
Map 2.4 — Arterial Setback Plan (6/13/12)



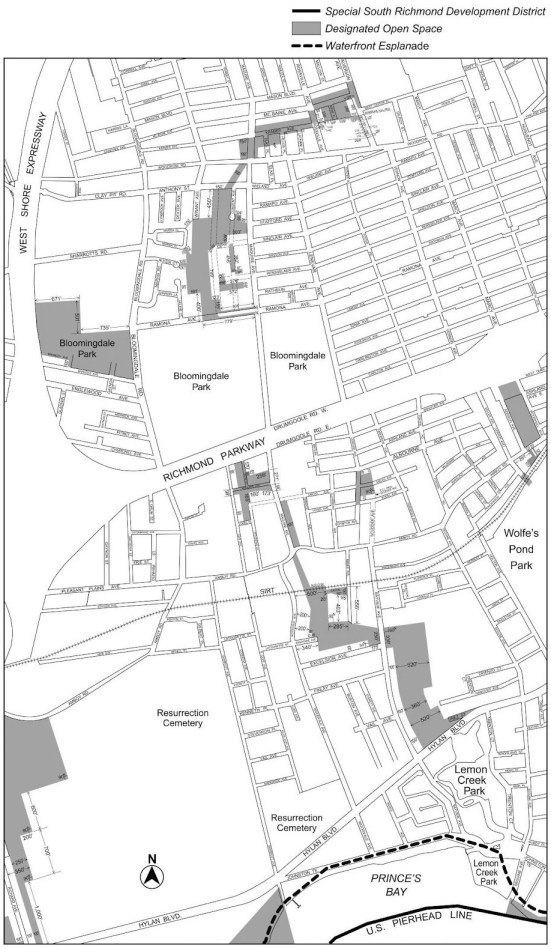
Map 3 — Open Space Network (1/19/16)



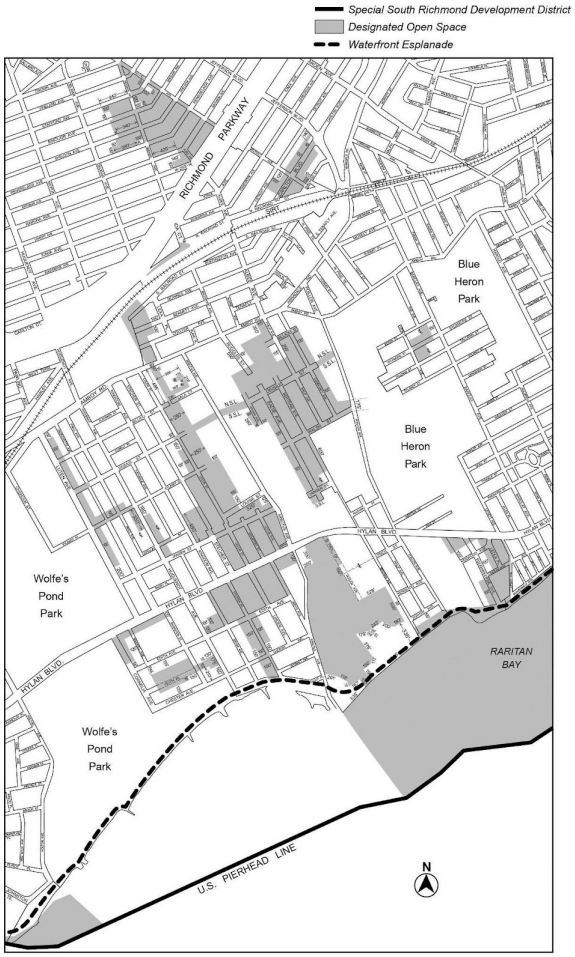
Map 3.1 — Open Space Network



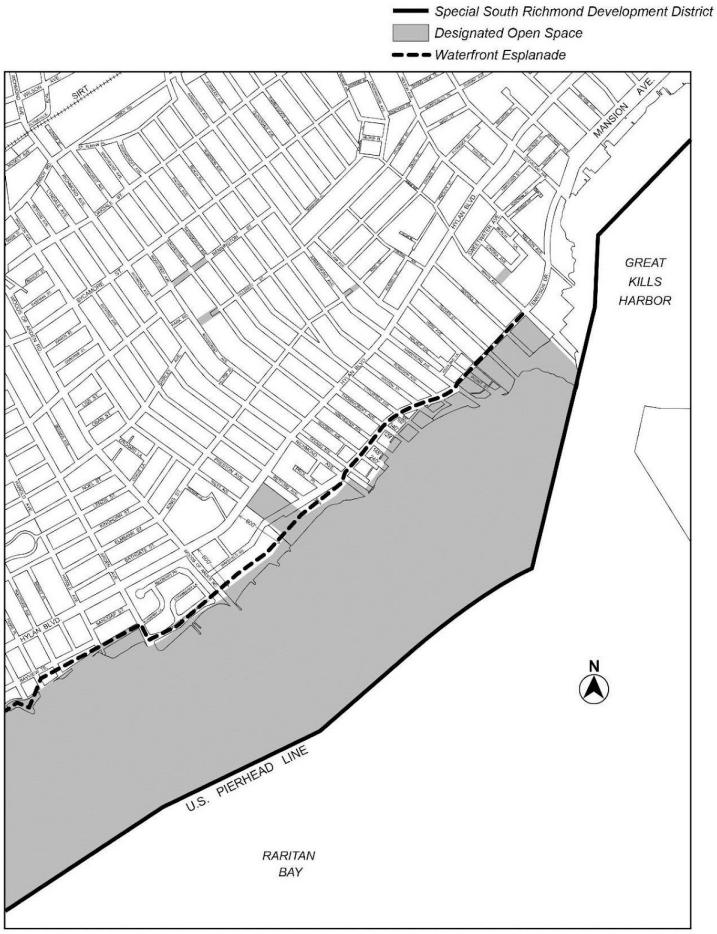
Map 3.2 — Open Space Network (6/29/11)



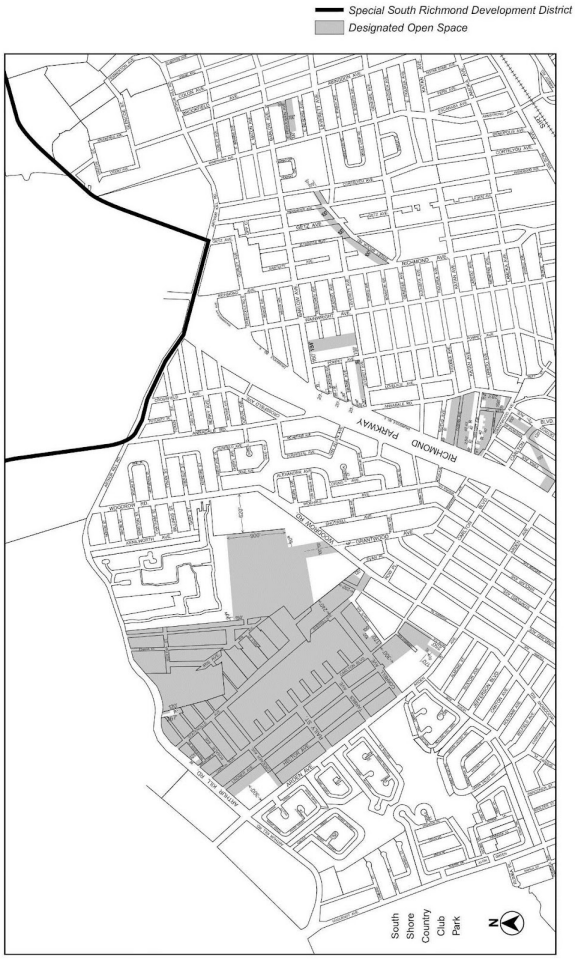
Map 3.3 — Open Space Network



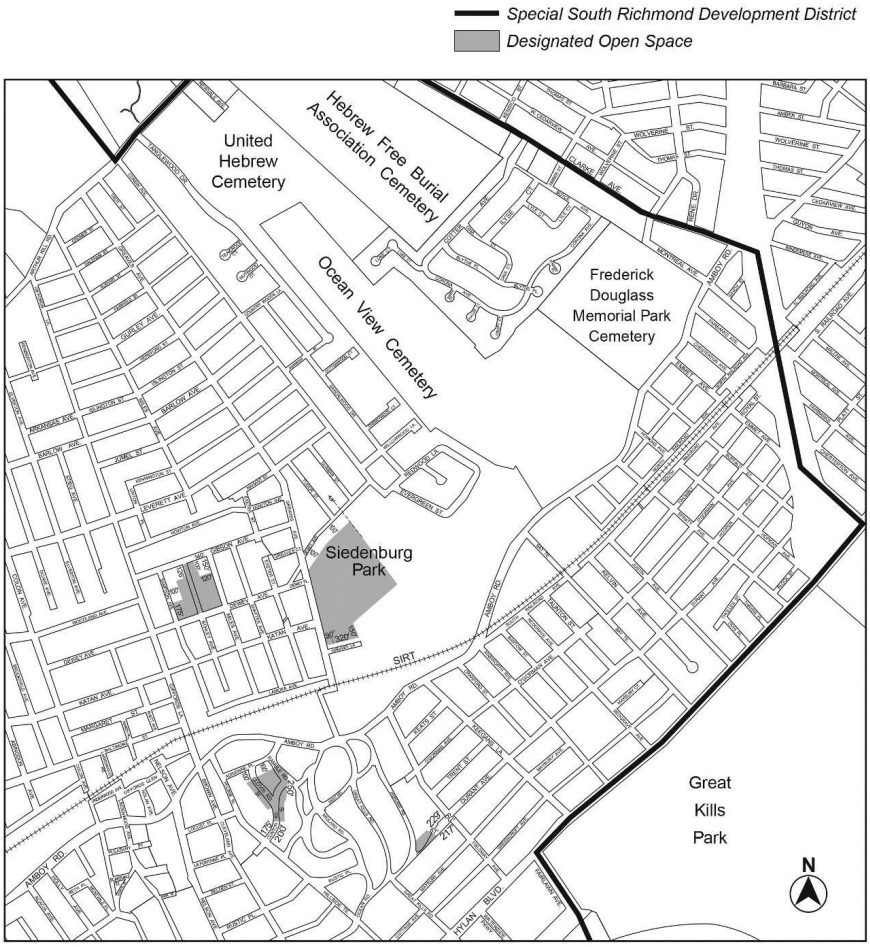
Map 3.4 — Open Space Network (7/29/92)



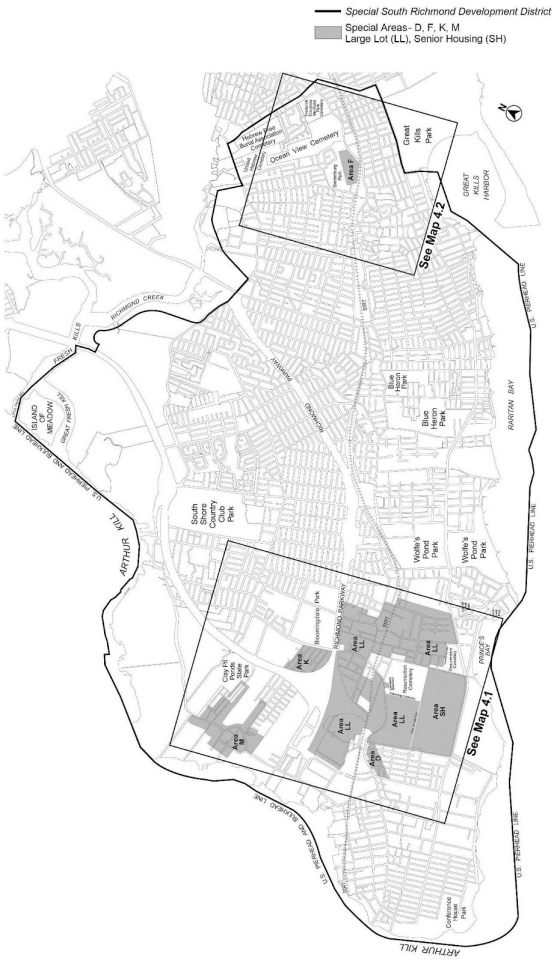
Map 3.5 — Open Space Network (10/22/81)



Map 3.6 — Open Space Network (1/19/16)

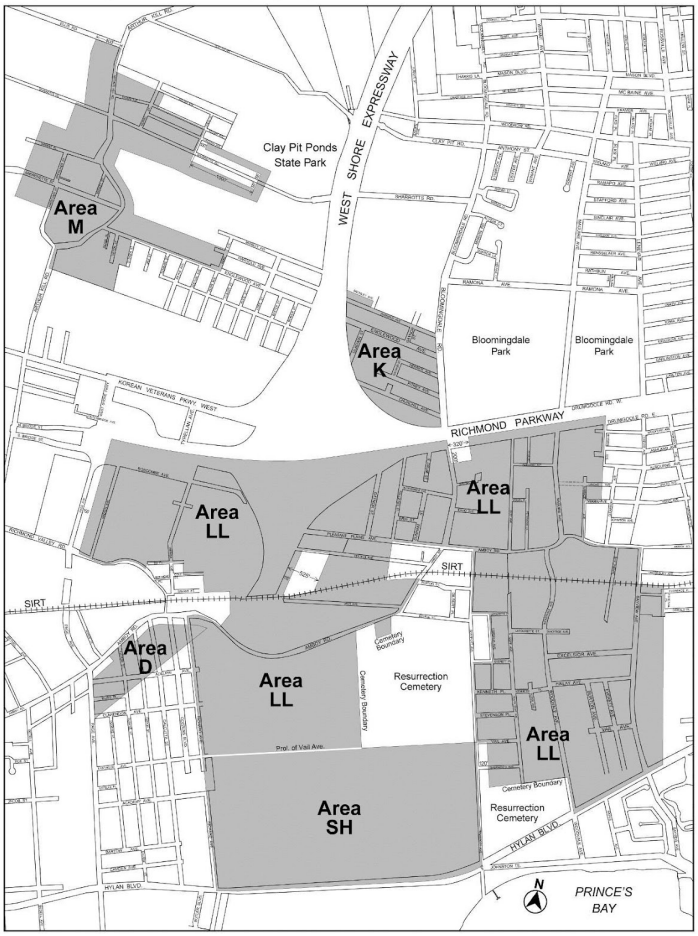


Map 4 — Special Areas (11/15/06)

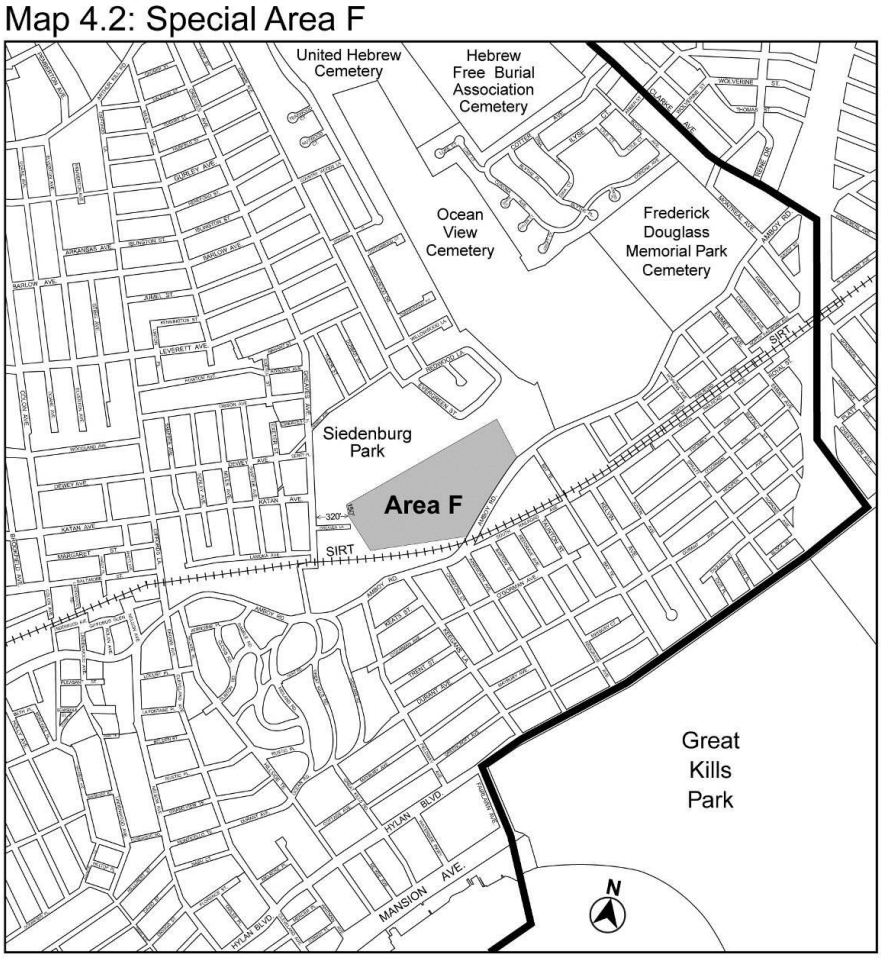


Map 4.1 — Special Areas D, K, LL, M and SH (11/15/06)

Map 4.1: Special Areas D, K, LL, M and SH



Map 4.2 — Special Area F



Appendix B - Tree Selection Tables

LAST AMENDED
9/11/1975

Small Trees, 12 - 35 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen -ing	Setback	Park Street	Replace-ment
Crabapple (Malus)		x	x				x
Carolina Silver Bell (Halesia carolina)		x	x				
Flowering Cherry (Prunus)	x	x	x		x	x	x
Flowering Dogwood (Cornus florida)		x	x		x	x	x
Golden Rain Tree (Koelreuteria paniculata)	x	x	x			x	x
Hawthorne (Crataegus)		x	x		x		
Hedge Maple (Acer campestre)		x	x	x	x	x	x
Japanese Maple (Acer palmatum)		x	x		x		

Russian Mulberry (Morus alba 'Tatarica')		x	x			x	
Russian Olive (Elaeagnus augustifolia)	x	x	x				
Saucer Magnolia (Magnolia soulangeana)		x	x	x	x	x	x

Small Trees, 12 - 35 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvant-ages	Other Character-istics
Crabapple (Malus)	round	dense	moderate growth rate, easily transplated, no maintenance	litters, needs full sun	flowering fruit, fall color: yellow orange
Carolina Silver Bell (Halesia carolina)	round	light	withstands insects	requires well drained soil, requires moist soil	flowers, fall color
Flowering Cherry (Prunus)	round	light	tolerant of shade	short lived	flowering
Flowering Dogwood (Cornus florida)	spreading	light	moderate growth rate, easily transplated, no maintenance	needs wind protection, requires well drained soil	flowers, red fall color

Golden Rain Tree (Koelreuteria paniculata)	round	dense	all soils, rapid growth rate, tolerates city, easily transplanted	requires sun	flowers
Hawthorne (Crataegus)	round	dense	easily transplanted	needs pruning, thorns, intolerate of pests, slow growth	fall color: bronze, red
Hedge Maple (Acer campestre)	round	dense	all soils, tolerates city	requires well drained soil	fall color
Japenese Maple (Acer palmatum)	round	dense	no maintenance	slow growth rate, difficult to transplant	red fall color
Mulberry (Morus alba 'Tatarica')	round	dense	all soils, rapid growth rate	litters, needs wind protection, needs pruning	fruit
Russian Olive (Elaeagnus augustifolia)	spreading	light	withstands insects, grows in dry soil	requires sun	flowers
Saucer Magnolia (Magnolia soulangeana)	round	dense	moderate growth rate, easily transplated, tolerates city	requires well drained soil, requires rich moist soil, needs sun	flowers, bronze fall color

Medium Trees, 35 - 75 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen -ing	Setback	Park Street	Replacement

American Yellowwood (Cladrastis lutea)		x	x				
Ash, Green (Froxinus pennsylvatica lanceolata)	x	x	x	x	x	x	x
Bradford Pear (Pyrus calleryana)	x	x	x			x	x
Chinese Chestnut (Castanca mollissima)		x	x		x	x	x
Cork Tree, Amur (Phellodendron amurense)	x	x	x				
Elm, Smooth Leaf (Ulmus carpinifolia)	x	x	x	x	x	x	
Elm, Chinese (Ulmus parvifolia)		x	x			x	
Elm, Siberian (Ulmus pumila)		x	x			x	
European Beech (Fagus sylvatica)				x			x
European Hornbeam (Carpinus betulus)		x	x			x	
Honey Locust (Gleditsia triacanthos)							

Katsura (Cercidiphyllum japonicum)	x	x	x		x	x	
Little Leaf Linden (Tilia cordata)	x	x	x		x	x	x
Maple, Norway (Acer platanoides)		x	x			x	x
Maple, Red (Acer rubrum)	x	x	x	x	x	x	x
Oak, Willow (Quercus phellos)	x		x				x
Poplar, Lombardi (Populus nigra 'Italica')		x	x	x	x	x	x
Zelkova, Japanese (Zelkova serrata)	x						x

Medium Trees, 35 - 75 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Character-istics
American Yellowwood (Cladrastis lutea)	round	dense	withstands insects	spreading shallow roots, difficult to transplant	flowers, yellow fall color
Ash, Green (Froxinus pennsylvatica lanceolata)	round	dense	all soils, rapid growth rate, wind resistant	low insect resistance	fall color

Bradford Pear (Pyrus calleryana)	pyramidal	dense	tolerates city, withstands fire blight	needs pruning	flowers, fall color: bronze/red
Chinese Chestnut (Castanca mollissima)	spreading round	dense	rapid growth rate, withstands insects	requires well drained soil	fruit, fall colors
Cork Tree, Amur (Phellodendron amurense)	round	light	rapid growth rate, tolerates city, easily transplanted	litters	fruit, fall color: yellow
Elm, Smooth Leaf (Ulmus carpinifolia)	round	dense	rapid growth rate, withstands insects	blight	
Elm, Chinese (Ulmus parvifolia)	round-oval	dense	rapid growth rate, withstands insects	blight	
Elm, Siberian (Ulmus pumila)	round	light	all soils, rapid growth rate, withstands insects	blight	
European Beech (Fagus sylvatica)	pyramidal	dense	easily trans-planted, use as hedge if pruned	slow growth rate, requires well drained soil	fall color: bronze
European Hornbeam (Carpinus betulus)	round	dense	all soils, withstands insects	slow growth rate, requires sun	fruit, fall color

Honey Locust (Gleditsia triacanthos)	open-headed	light	moderate growth rate, tolerates city, all soils	litters, needs sun	fall color: pale yellow
Katsura (Cercidiphyllum japonicum)	round	dense	no maintenance rapid growth rate, disease free	prefers open sunny site	fall color: yellow some scarlet or purple
Little Leaf Linden (Tilia cordata)	oval-pyramidal	dense	withstands insects, tolerates city, easily transplanted	needs maintenance, slow growth rate	fall color: pale yellow
Maple, Norway (Acer platanoides)	columnar	dense	tolerates city, rapid growth rate, easily transplanted no maintenance	surface roots	fall color: yellow
Maple, Red (Acer rubrum)	round	dense	rapid growth rate, easily transplanted resists disease	litters	fall color: scarlet/ orange yellow
Oak, Willow (Quercus phellos)	pyramidal-spreading	dense	rapid growth rate, easily transplanted	prefers moist soil, can't withstand cold winter	fall color: yellow
Poplar, Lombardi (Populus nigra 'Italica')	fastigiate	light-dense	easily transplanted rapid growth rate	short-lived, needs maintenance, roots pry open sewers	fall color: yellow
Zelkova, Japanese (Zelkovaserrata)		dense	all soils, rapid growth rate		

Large Trees, 75 feet or more at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen -ing	Setback	Park Street	Replacement
American Beech (Fagus grandifolia)		x	x			x	x
Black Gum (Sour Gum) (Nyssa sylvatica)		x	x				
Cucumber Tree (Magnolia acuminata)		x	x				
European White Birch (Betula perdula)		x	x			x	x
Ginkgo (Ginkgo biloba)	x	x	x	x	x	x	x
Japanese Pagoda (Sophora japonica)	x	x	x				x
Kentucky Coffee Tree (Gymnocladus dioicus)		x	x	x	x	x	x
Linden, Silver (Tilia petiolaris)	x	x	x		x		x
Locust, Black (Robinia pseudoacacia)		x	x		x	x	

Maple, Silver (Acer saccharinum)		x	x			x	x
Maple, Sugar (Acer saccharum)		x	x			x	x
Oak - Pin (Quercus palustris)		x	x		x	x	x
Oak, Red (Quercus borealis)	x	x	x		x	x	x
Oak, White (Quercus alba)		x	x				
Sweetgum (Liquidambar styraciflua)	x	x	x	x		x	
Sycamore, London Plane (Platanus acerifolia)	x	x	x	x	x	x	x
Tulip Tree (Liriodendron tulipfera)		x	x			x	x
Blue Atlas Cedar (Cedrus atlantica 'Glauca')		x	x	x	x		x
Douglas Fir (Pseudotsuga menziesii)		x	x	x	x		x
Eastern White Pine (Pinus strobus)			x	x	x		x

Large Trees, 75 feet or taller at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Character-istics
American Beech (Fagus grandifolia)	round	dense	hedge use if pruned, wind resistant, easily transplanted	slow growth rate, shallow roots	fall color: bronze
Black Gum (Sour Gum) (Nyssa sylvatica)	pyramidal	dense	withstands insects, moderate growth rate no maintenance	difficult to transplant	fall color: scarlet/ orange
Cucumber Tree (Magnolia acuminata)	pyramidal (varies)	dense	withstands insects, rapid growth rate, grows in partial shade/sun		flowers
European White Birch (Betula perdula)	pyramidal	light	easily transplanted rapid growth rate withstands insects	needs protection, prefers cold climate	fall color: yellow
Ginkgo (Ginkgo biloba)	columnar pyramidal spreading	light	all soils, withstands insects, tolerates city, easily transplanted	slow growth rate, avoid female	fall color: pale yellow
Japanese Pagoda (Sophora japonica)	round-weeping	light	all soils, withstands insects, tolerates city, easily transplanted rapid growth rate	needs maintenance, reguires sun	flowers, fall color: yellow
Kentucky Coffee Tree (Gymnocladus dioicus)	fastigiate	light	all soils, long life, withstands insects, long life	needs protection, reguires sun, slow growth rate	

Linden, Silver (Tilia petiolaris)	fastigiate	dense	rapid growth rate, withstands heat & drought		fall color: pale yellow
Locust, Black (Robinia pseudoacacia)	columnar	light	all soils, tolerates city, rapid growth rate	susceptible to insects	flowers
Maple, Silver (Acer saccharinum)	fastigiate	dense	rapid growth rate, easily transplanted	brittlewood, needs maintenance	fall color: red/ yellow-orange
Maple, Sugar (Acer saccharum)	fastigiate	dense	easily transplantedlong life	slow growth rate, little tolerance for city	fall color: scarlet/ yellow-orange
Oak, Pin (Quercus palustris)	pyramidal	dense	all soils, withstands insects, rapid growth rate, easily transplanted	needs maintenance	fall color: scarlet
Oak, Red (Quercus borealis)	oval	dense	tolerates city, grows faster than other oaks, easily transplanted		fall color: red
Oak, White (Quercus alba)	round	dense	holds leaves in winter	slow growth rate, prefers dry soil	
Sweetgum (Liquidambar styraciflua)	pyramidal	dense	moderate growth rate, withstands insects	difficult to transplant	flowers, fall color
Sycamore, London Plane (Platanus Acerifolia)	round-spreading	light-dense	all soils, tolerates city, easily transplantedrapid growth rate	overplanted in NYC, susceptible to fungus	

Tulip Tree (Liriodendron tulipfera)	pyramidal		withstands insects	requires well drained soil	flowers, fall color
Blue Atlas Cedar (Cedrus atlantica 'Glauca')	pyramidal	evergreen	moderate growth rate, easily transplanted no maintenance		
Douglas Fir (Pseudotsuga menziesii)	pyramidal	evergreen	easily transplanted rapid growth rate	needs protection	
Eastern White Pine (Pinus strobus)	pyramidal	evergreen	easily transplanted rapid growth rate	requires well drained soil	

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special Hunts Point District (HP)

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Chapter 8 - Special Hunts Point District (HP)

108-00 - GENERAL PURPOSES

LAST AMENDED
7/23/2008

The "Special Hunts Point District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Hunts Point community. These goals include, among others, the following specific purposes:

(a) to provide a buffer of high-performance industrial and other commercial establishments around the residential area;

(b) to encourage the development of food-related businesses and other compatible businesses;

(c) to create a transition between the Hunts Point Food Market and related businesses and the adjacent neighborhood;

(d) to retain jobs in New York City;

(e) to promote the development of retail businesses in the neighborhood;

(f) to provide an opportunity for the physical improvement of Hunts Point; and

(g) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

108-01 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

The provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) shall apply in the Residential Buffer Subdistrict, and shall not apply in the Food Industry Subdistrict. For any food store subject to the provisions of Article VI, Chapter 3, the parking regulations of Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) shall supersede the provisions of Section 108-20 (MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT).

108-02 - District Plan and Maps

LAST AMENDED
7/23/2008

The District Plan for the #Special Hunts Point District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Hunts Point District#.

These areas shall include the Residential Buffer and the Food Industry Subdistricts.

The District Plan includes the #Special Hunts Point District# Map located in Appendix A to this Chapter.

The map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

108-10 - USE REGULATIONS

LAST AMENDED
7/23/2008

108-11 - Use Modifications in the Special Hunts Point District

LAST AMENDED
7/23/2008

In the #Special Hunts Point District#, hotels or motels shall not be permitted within the areas designated on the #Special Hunts Point District# Map in Appendix A. Within such areas, Section 74-803 (Transient hotels within M1 Districts) shall not be applicable.

108-12 - Use Modifications in the Residential Buffer Subdistrict

LAST AMENDED
7/23/2008

(a) In the #Special Hunts Point District#, the #use# regulations of the underlying M1-2 District within the Residential Buffer Subdistrict shall be modified to permit the following #uses#:

From Use Group 3A

Libraries, museums or non-commercial art galleries

From Use Group 4A

Clubs

Community centers, not including settlement houses

Non-commercial recreational centers

From Use Group 6A, with no limitation as to #floor area# per establishment

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

From Use Group 10A, with a limitation of 40,000 square feet of #floor area# per establishment within 500 feet of the center line of Garrison Avenue

Carpet, rug, linoleum or other floor covering stores

Clothing or clothing accessory stores

Department stores

Dry goods or fabric stores

Furniture stores

Television, radio, phonograph or household appliance stores

Variety stores.

(b) In the #Special Hunts Point District#, Use Group 18 #uses# shall not be permitted in the underlying M1-2 District within the Residential Buffer Subdistrict, except that breweries, limited to 10,000 square feet of #floor area# per establishment, shall be permitted.

108-13 - Use Modifications in the Food Industry Subdistrict

LAST AMENDED
7/23/2008

In the #Special Hunts Point District#, in the underlying M1-2 District within the Food Industry Subdistrict, #uses# listed in Section 42-15 (Use Group 18) shall not be permitted, except for the following:

From Use Group 18A:

Beverages, alcoholic or breweries

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Plastic, raw

Steel, structural products, including bars, girders, rails, wire rope or similar products

From Use Group 18B:

Refrigerating plants.

108-14 - Enclosure Regulations

LAST AMENDED
7/23/2008

In the #Special Hunts Point District#, all #uses# listed in Use Groups 16, 17 and 18 shall be located within completely enclosed #buildings#, except that building materials or contractors' yards, listed in Use Group 17, may be open or enclosed.

108-15 - Applicability of Article V, Chapter 2 (Non-conforming Uses)

LAST AMENDED
7/23/2008

In the #Special Hunts Point District#, a #non-conforming# #use# may be changed only to a #conforming# #use#.

The following sections pertaining to #non-conforming# #uses# in the #Special Hunts Point District# shall not apply:

Section 52-32 (Land With Minor Improvements)

Section 52-33 (Manufacturing or Related Uses in Residence Districts), inclusive

Section 52-34 (Commercial Uses in Residence Districts)

Section 52-35 (Manufacturing or Related Uses in Commercial Districts)

Section 52-36 (Non-conforming Commercial Uses in Commercial Districts)

Section 52-37 (Non-conforming Commercial Uses in Manufacturing Districts)

Section 52-43 (C1 or C4 Districts)

Section 52-44 (Residence Districts Except R1 and R2 Districts)

Section 52-45 (Non-conforming Residential Uses in M1 Districts)

Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts)

Section 52-54 (Buildings Designed for Residential Use in Residence Districts)

Section 52-56 (Multiple Dwellings in M1-1D Through M1-5D Districts)

Section 52-62 (Buildings Containing Residences in M1-1D Through M1-5D Districts)

Section 52-72 (Land with Minor Improvements)

Section 52-731 (Advertising signs)

Section 52-732 (Signs on awnings or canopies)

Section 52-74 (Uses Objectionable in Residence Districts)

Section 52-75 (Certain Types of Uses Involving Open Storage or Salvage).

108-20 - MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT

LAST AMENDED
7/23/2008

In the Residential Buffer Subdistrict, parking shall be provided at the rate of one space per 300 square feet of #floor area# for food stores, including supermarkets, grocery stores, meat markets or delicatessen stores. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces and #accessory# off-street loading berths.

108-30 - MODIFICATION OF STREET TREE REQUIREMENTS

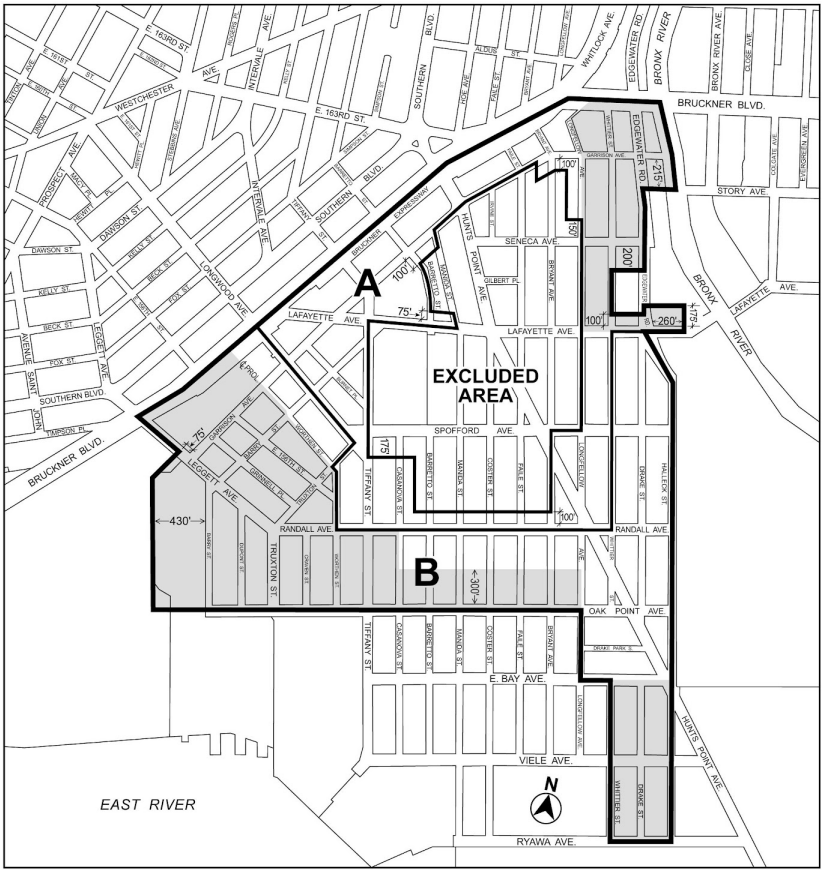
LAST AMENDED
7/23/2008

Notwithstanding the provisions of Section 43-02 (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Hunts Point District# that include #uses# listed in Use Group 17 or 18 shall provide

#street# trees in accordance with Section 26-41 (Street Tree Planting). The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 17 or 18.

Appendix A - Special Hunts Point District

LAST AMENDED
7/23/2008



Special Hunts Point District Boundary
Subdistrict Boundary
Hotels or motels not allowed

A Residential Buffer Subdistrict
B Food Industry Subdistrict

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 9 - Special Little Italy District (LI)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 9 - Special Little Italy District (LI)

109-00 - GENERAL PURPOSES

LAST AMENDED
2/3/1977

The "Special Little Italy District" established in this Resolution is designed to promote and protect public health, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to preserve and strengthen the historical and cultural character of the community;

(b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;

(c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;

(d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;

(e) to provide amenities, such as public open space, and street trees, to improve the physical environment;

(f) to discourage the demolition of noteworthy buildings which are significant to the character of the area; and

(g) to promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the foregoing purposes.

109-01 - Definitions

LAST AMENDED
2/2/2011

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) or Section 109-01 (Definitions).

Open recreation space

"Open recreation space" is that part of a #zoning lot#, including #courts#, #yards# and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 109-14, 109-34 and 109-42.

109-02 - General Provisions

LAST AMENDED
3/22/2016

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections 23-15, 23-20 and 33-13 are made inapplicable.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

The use of the public #streets# and sidewalks for the maintenance of #sidewalk cafes#, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.

Within the Special District, in accordance with a comprehensive survey of its structures, #buildings# of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such #buildings# are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such #buildings# shall not be demolished or have their external architectural features altered except as set forth in Section 109-52 (Special Permit Provisions). No demolition permit or alteration permit for alterations which may affect the exterior of such #buildings# shall be issued by the Department of Buildings for any such #building# except as permitted by the City Planning Commission pursuant to Section 109-52 (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the

provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

109-03 - District Map

LAST AMENDED
2/3/1977

The District Map for the #Special Little Italy District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Little Italy District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A PRESERVATION AREA (Section 109-10)

Area A1 MULBERRY STREET REGIONAL SPINE (Section 109-20)

Area B HOUSTON STREET CORRIDOR (Section 109-30)

Area C BOWERY, CANAL, KENMARE STREET CORRIDOR (Section 109-40)

The District Map in Appendix A of this Chapter is hereby incorporated as an integral part of the #Special Little Italy District#.

109-04 - Zoning Lots Located in More Than One Area

LAST AMENDED
2/3/1977

Whenever a #zoning lot# is divided by the boundaries of an area as created by Section 109-03 (District Map) and as indicated on the District Map in Appendix A, the #zoning lot# shall be subject to the regulations of the area in which the greater portion of its frontage lies except that, in the case of any #zoning lot# having 15 feet or more frontage within Area A1 (Mulberry Street Regional Spine), the regulations of Area A1 shall apply to such #zoning lot#.

109-10 - PRESERVATION AREA (Area A)

LAST AMENDED
2/2/2011

The provisions of this Section 109-10, inclusive, shall apply within Area A (Preservation Area) as shown on the District Map in Appendix A.

109-11 - Special Use Regulations

LAST AMENDED
2/3/1977

109-111 - Special regulations for existing commercial or manufacturing uses

LAST AMENDED
2/3/1977

The continuation, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area A shall be governed by the underlying district #use# regulations.

109-112 - Special use regulations for developments

LAST AMENDED
2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, within Area A, #uses# listed in the underlying district regulations are permitted except that such #uses# shall not include those listed in Use Groups 6D, 8C, 10, and 12D, unless authorized by the City Planning Commission pursuant to Section 109-514 (Modifications by authorization).

109-12 - Bulk Regulations

LAST AMENDED
2/3/1977

109-121 - Floor area regulations

LAST AMENDED
2/2/2011

Within Area A, the maximum #floor area ratio# for a #zoning lot# shall not exceed the following:

Lot Type	Maximum Permitted #Floor Area Ratio#
#Corner lots#	4.8
#Interior# or #through lots#	4.1

109-122 - Lot coverage, through lot and rear yard regulations

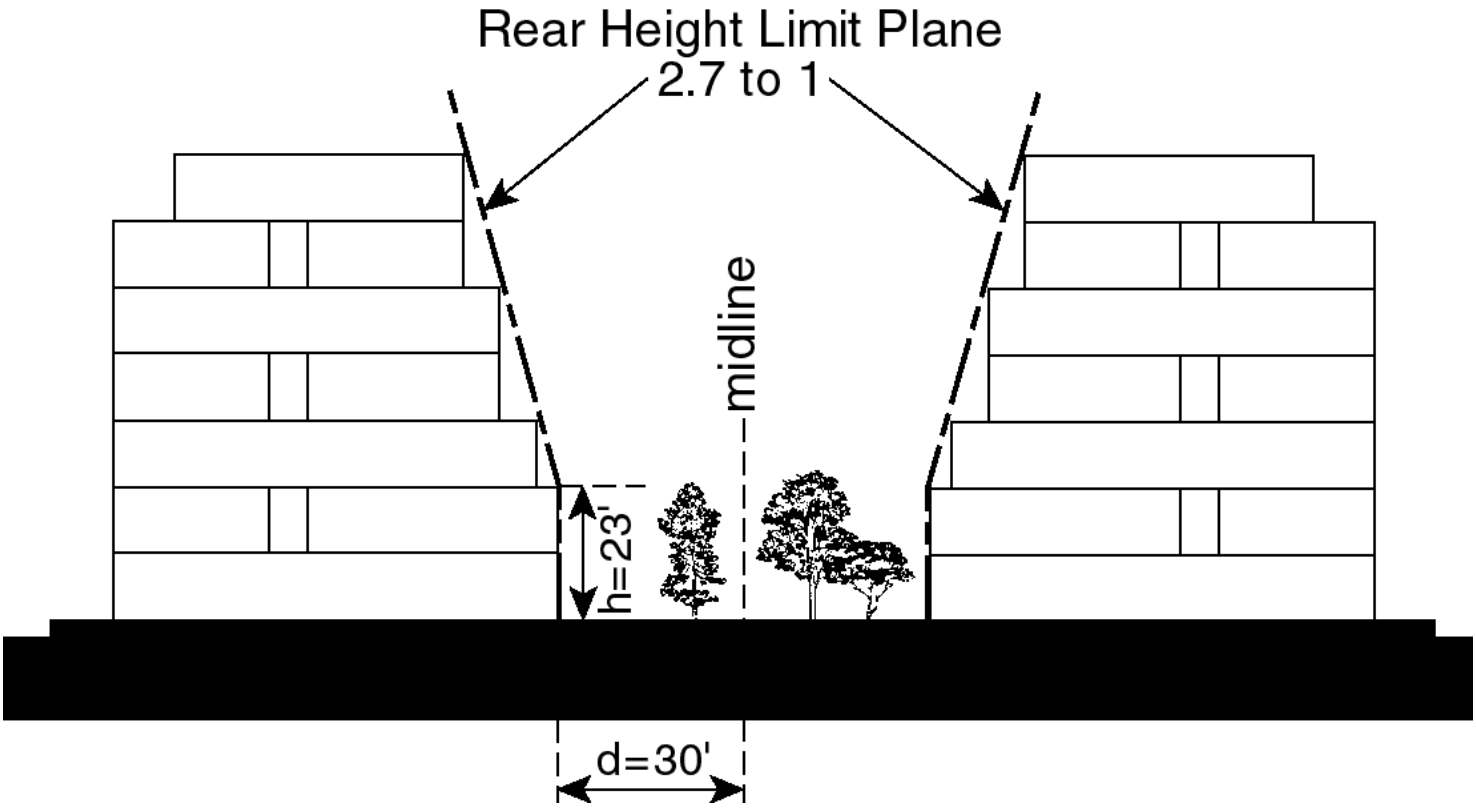
LAST AMENDED
3/22/2016

Within Area A, the maximum #lot coverage# for a #zoning lot# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	100
#Interior lot#	60
#Through lot#, except as provided below	60

However, when a #through lot# is #developed# with more than one #building#, the maximum #lot coverage# on such #through lot# may be increased from 60 percent to 70 percent, provided that no portion of any #building# on such #zoning lot# penetrates the "Rear Height Limit Plane," as set forth in this Section. The Rear Height Limit Plane shall begin at a point 23 feet above #curb level# and shall be located 30 feet away from, and on both sides of, the line equidistant from the two #street lines#. The slope of the Rear Height Limit Plane shall be 2.7 feet vertical to 1 foot horizontal.

All #buildings# #developed# after February 3, 1977, shall have a #rear yard# with a depth of not less than 30 feet.



REAR HEIGHT LIMIT PLANE

109-123 - Floor area per room regulations

LAST AMENDED
7/26/2001

For the purposes of this Chapter, the density requirements of Sections 23-22, 23-24 or 35-40 shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.

109-124 - Height and setback regulations

LAST AMENDED
2/2/2011

The maximum height of any #building or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning Commission pursuant to Section 109-514.

However, the provisions of this Section shall not apply to #enlargements# if, prior to February 2, 2011, a building permit has been lawfully issued authorizing such construction.

109-13 - Special Front Wall Regulations

LAST AMENDED
2/3/1977

109-131 - Building facades

LAST AMENDED
2/2/2011

The front #building# wall of any #building# shall extend along the full length of its #front lot line# not occupied by existing #buildings# to remain and shall rise without setback up to a height of six #stories# or 65 feet, or the height of the #building#, whichever is less. Above that height, the front #building# wall shall set back at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window

fenestration, at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#. The exterior #building# materials of the front wall shall be predominantly of masonry.

109-132 - Treatment of the ground level wall

LAST AMENDED
2/2/2011

For #buildings# #developed# after February 3, 1977, and for #buildings# #enlarged# on the ground floor level after February 3, 1977, at least 25 percent of the total surface area of the entire front wall of a #development# or the #enlarged# portion, up to a height of 12 feet above #curb level# or to the ceiling of the ground #story#, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet. In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent areas at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

109-14 - Open Recreation Space and Landscaping Regulations

LAST AMENDED
2/3/1977

109-141 - Open recreation space regulations

LAST AMENDED
2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable landscaped #open recreation space# accessible to the occupants of such #development# or #enlargement#. Such #open recreation space# may be accessible to the public.

Such #open recreation space# shall be located at the ground level and/or the roof level. However, if such #open recreation space# is located both at the ground level and at the roof level, not less than 40 percent may be located at either location. Such #open recreation space# shall be landscaped and properly maintained in accordance with the provisions of Section 109-142.

109-142 - Landscaping regulations

LAST AMENDED
2/2/2011

The required #open recreation space#, as provided in Section 109-141, on a #zoning lot# containing a #development# or #enlargement# shall be landscaped and maintained in the following manner.

Ground level #open recreation space# shall:

(a) have a minimum dimension of 20 feet for a #development# and 10 feet for an #enlargement#, measured perpendicular to its perimeter;

(b) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;

(c) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to the following standards:

(1) seating shall have a minimum depth of 16 inches; seating with backs at least 12 inches high shall have a minimum depth of 14 inches; seating 30 inches or more in depth shall count double provided there is access to both sides;

(2) seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements;

(3) the tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (c)(1) and (c)(2) of this Section;

(4) movable seating or chairs may be credited as 30 inches of linear seating per chair; and

(5) steps do not count toward the seating requirements;

(d) have paved areas paved with unit pavers, such as bricks or quarry tiles, or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have a non-skid surface;

(e) be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25 percent of the #open recreation space# area;

(f) be planted with one tree of not less than three and one-half inch caliper for every 1,000 square feet or portion thereof of required #open recreation space#. Such trees shall be planted in at least 100 cubic feet of soil of at least 3 feet, 6 inches in depth;

(g) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# frontage upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly into the #open recreation space#; and

(h) be maintained by the #building# owner who shall be responsible for the maintenance of the #open recreation space# including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#, pursuant to Section 109-14 (Open Recreation Space and Landscaping Regulations).

#Open recreation space# at roof level shall:

(1) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# fronting upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly onto the #open recreation space#;

(2) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to seating standards set forth for ground level #open recreation space#; and

(3) be landscaped with shrubs, vines, flowers, ground cover and/or plants in planters over a minimum of 25 percent of the #open recreation space# area.

109-15 - Regulations for Rehabilitation or Conversion of Existing Buildings

LAST AMENDED
2/2/2011

When #residential buildings# or #residential# portions of #mixed buildings# are rehabilitated, the density regulations of the underlying districts shall not apply. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# within the rehabilitated #residential building# or #residential# portion of a #mixed building#.

Furthermore, when a non-#residential building#, or portion thereof, is #converted# for #residential use#, the density regulations of the underlying districts shall not apply to that portion of the #building# containing #dwelling units#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# provided within the #converted# #building# or portion thereof.

109-16 - Parking Regulations

LAST AMENDED
5/8/2013

No #accessory# off-street parking is permitted for any #development# or #enlargement# in Area A, except as set forth herein.

The City Planning Commission may allow #accessory# off-street parking facilities for any #development# or #enlargement# on a #zoning lot# pursuant to the applicable authorization or special permit in Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core).

109-17 - Mandatory Street Trees

LAST AMENDED
4/30/2008

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups involving at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building# pursuant to the applicable articles of the Building Code of the City of New York, within Area A, shall provide trees in accordance with Section 26-41 (Street Tree

Planting).

109-20 - MULBERRY STREET REGIONAL SPINE (AREA A1)

LAST AMENDED
2/3/1977

The provisions set forth in Sections 109-10 through 109-16 (Preservation Area--Area A) are applicable within Area A1 (Mulberry Street Regional Spine) as shown on the District Plan (Appendix A), except as modified herein.

109-21 - Use Regulations

LAST AMENDED
2/2/2011

The provisions of Section 109-11 (Special Use Regulations) shall apply, except that in order to retain the existing retail character of the area, the ground floor of any #building# shall be limited to #uses# listed in Section 109-211 (Use Group LI). Any #street# frontage occupied by entrances to other #uses# such as #residential# lobbies shall be no wider than 25 feet. A change of #use# on the ground floor of a #building# shall be subject to the provisions of this Section.

109-211 - Use Group LI

LAST AMENDED
2/2/2011

Use Group LI comprises a group of specially selected #uses# to strengthen the existing #commercial# character of the area.

A. Convenience Retail Establishments

Bakeries

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments, limited to 2,500 square feet of #floor area# per establishment on the ground floor

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or less

Food stores, including supermarkets, grocery stores, meat markets, delicatessen stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Hardware stores

Package liquor stores

Post offices

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

B. Retail or Service Establishments

Antique stores

Appliance stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Art galleries

Artist supply stores

Bicycle sales and rental establishments

Book stores

Candy or ice cream stores

Carpet or rug stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 5,000 square feet of #floor area# per establishment

Clothing rental

Clubs, non-commercial, without restrictions on activities or facilities, limited to 2,500 square feet of #floor area# per establishment on the ground floor

Dry goods or fabric stores, limited to 5,000 square feet on the ground floor

Florist shops

Furniture stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Furrier shops, custom

Gift shops

Interior decorating establishments, limited to 750 square feet of #floor area# per establishment on the ground floor

Jewelry or art metal craft shops

Leather goods, crafts or luggage stores

Locksmiths shops

*Meeting halls, limited to 25-foot frontage

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Shoe stores

Stamp or coin stores

Telegraph offices

*Theaters, limited to 25-foot frontage

Toy stores

Travel bureaus

Watch or clock stores or repair shops

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* A change of #use# in a #building# constructed prior to February 3, 1977, which does not comply with the frontage requirements, is permitted provided the degree of #non-compliance# of the frontage is not increased

109-22 - Bulk Regulations

LAST AMENDED
2/3/1977

109-221 - Floor area regulations

LAST AMENDED
2/2/2011

Within Area A1, the maximum #floor area ratio# on a #zoning lot# shall not exceed the following:

	#Floor Area Ratio#	
#Use#	#Corner Lot#	#Through Lot# or #Interior Lot#
#Commercial#	5.1	4.5
#Community facility# or #residential#	4.1	3.5

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building#, or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

109-222 - Lot coverage regulations

LAST AMENDED
2/3/1977

The requirements set forth in Section 109-122 shall not apply to the ground floor portion of a #building#, provided that such portion contains only #commercial# #uses#, and provided that such portion is no more than 23 feet above #curb level#.

109-23 - Storefronts in New Buildings and Alterations of Existing Storefronts

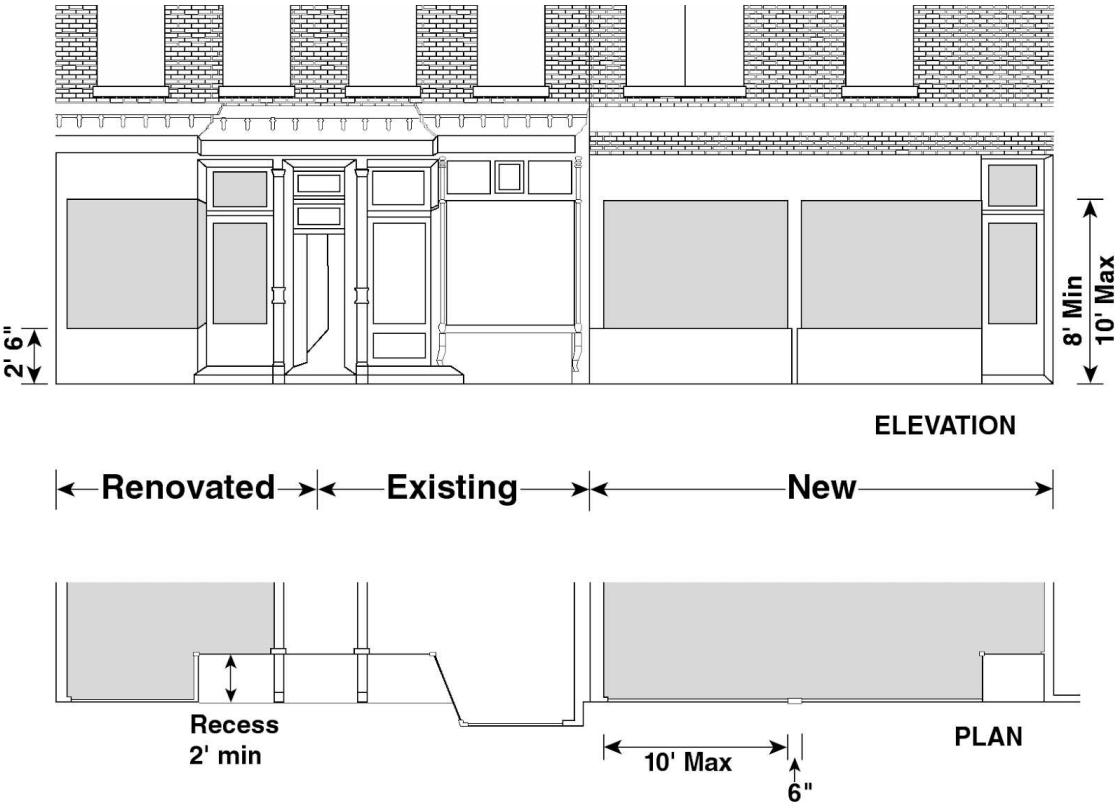
LAST AMENDED
2/2/2011

Storefronts in #buildings# #developed# after February 3, 1977, in portions of #buildings# located on the ground floor that are #enlarged# after February 3, 1977, and any existing storefronts that are altered, shall comply with the following standards:

(a) #show windows# shall have a sill height of not more than 2 feet, 6 inches above #curb level# and extend to a maximum height of between eight feet and 10 feet above #curb level#;

(b) the storefront shall have transparent areas no more than 10 feet in width, measured horizontally, and which transparent areas shall be separated by a mullion of no less than six inches in width; and

(c) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.



STOREFRONT ILLUSTRATION

109-24 - Sign Regulations

LAST AMENDED
4/8/1998

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

(a) #signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;

(b) all permitted #signs# which project from the front #building# wall shall be located not less than 10 feet above #curb level#; and

(c) #signs# may not cover columns, cornices or sills.

109-30 - HOUSTON STREET CORRIDOR (Area B)

LAST AMENDED
2/3/1977

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

109-31 - Special Use Regulations

LAST AMENDED
2/3/1977

109-311 - Special regulations for existing commercial or manufacturing uses

LAST AMENDED

2/3/1977

The continuation, #enlargement#, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area B, shall be governed by the underlying district regulations.

109-312 - Special use regulations for new development

LAST AMENDED
2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, within Area B, #uses# listed in the underlying district regulations are permitted, except that such #uses# shall not include those listed in Use Groups 6D, 8C and 12D.

109-32 - Bulk Regulations

LAST AMENDED
2/2/2011

The #bulk# regulations of the underlying district shall apply to the Houston Street Corridor (Area B), except as set forth in this Section.

109-321 - Floor area regulation

LAST AMENDED
2/2/2011

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

109-322 - Lot coverage regulations

LAST AMENDED
3/22/2016

For any #zoning lot# within Area B, the maximum #lot coverage# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	100
#Interior# or #through lot#	70

109-323 - Height and setback regulations

LAST AMENDED
2/2/2011

The #street wall# of any #building# for the first two #stories# or 23 feet, whichever is greater, shall be located on the #street line# and extend the entire length of the #street line# of the #zoning lot# not occupied by existing #buildings# to remain. However, at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines parallel to, and 10 feet from each #street line#. No #street wall# shall be required along a #street line# bounding any portion of a #zoning lot# which is less than 25 feet in depth measured from the #street line# of a #wide street#.

For #street walls# above the level of the second #story# or 23 feet, whichever is greater, at least 50 percent of the aggregate length of the #street walls# shall be located on the #street line#. The remainder of the aggregate length of the mandatory #street walls# at each #story# may be recessed from the #street

line# to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25 percent of the aggregate length of the #street walls# at each #story#.

The mandatory minimum height above #curb level# of a required #street wall# without setback shall be 60 feet on a #wide street# and 23 feet on a #narrow street#, or the height of the #building#, whichever is less. No setback shall be permitted on a #narrow street# below a height of 55 feet.

The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building or other structure# shall penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.

In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.

109-33 - Special Front Wall Regulations

LAST AMENDED
2/3/1977

109-331 - Building facades

LAST AMENDED
11/16/1989

For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

109-332 - Treatment of the ground level wall

LAST AMENDED
12/11/2007

For a #building# wall facing a #narrow street#, at least 25 percent of the total surface area of such #building# wall up to a height of 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50 (SPECIAL REVIEW PROVISIONS). Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent area at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

109-34 - Open Recreation Space and Landscaping Requirements

LAST AMENDED
2/2/2011

For any #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable, landscaped #open recreation space#, accessible to the occupants of such #development# or #enlargement# or to the public. Such #open recreation space# shall be located either at the ground level and/or roof level, and shall be landscaped and properly maintained in accordance with the provisions of Section 109-142 (Landscaping regulations).

109-35 - Curb Cuts

LAST AMENDED
5/8/2013

109-351 - Curb cut regulations

LAST AMENDED
5/8/2013

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

109-36 - Mandatory Street Trees

LAST AMENDED
4/30/2008

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups of at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area B, shall provide #street# trees as set forth in Section 26-41 (Street Tree Planting), except that for a #zoning lot# frontage on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.

109-37 - Noise Attenuation

LAST AMENDED
3/22/2016

For any #residential# or #commercial# #use# in a #development# within Area B:

(a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial# #uses#, shall be provided. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy; and

(b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections 27-752 to 27-756 of the Building Code of the City of New York.

109-40 - BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)

LAST AMENDED
2/2/2011

The provisions of this Section are applicable within Area C, as shown on the District Plan in Appendix A of this Chapter.

109-41 - Bulk Regulations

LAST AMENDED
2/3/1977

109-411 - Height and setback regulations

LAST AMENDED
2/2/2011

The maximum height of any #building or other structure# shall not exceed 85 feet or eight #stories# above #curb level#, whichever is less, unless authorized by the City Planning Commission pursuant to Section 109-514. The front #building# wall shall extend along the full length of the #front lot line# not occupied by existing #buildings# to remain and shall rise without setback.

109-412 - Lot coverage regulations

LAST AMENDED
2/2/2011

Within Area C, the maximum #lot coverage# for any #zoning lot# shall be:

	Above Ground Floor (in percent)	At Ground Floor Only (in percent)
#Residential Use#	60	60
#Commercial# #Use#	70	100

109-42 - Open Recreation Space and Landscaping Requirements

LAST AMENDED
2/2/2011

All #buildings# #developed# after February 3, 1977, that contain #residences# shall provide a minimum of 20 percent of the #lot area# of the #zoning lot# as usable landscaped #open recreation space# in conformance with the requirements of Section 109-142 (Landscaping regulations).

109-43 - Additional Requirements

LAST AMENDED
2/2/2011

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in Sections 109-211 (Use Group LI), 109-23 (Storefronts in New Buildings and Alterations of Existing Storefronts) and 109-24 (Sign Regulations).

109-50 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
2/3/1977

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

109-51 - Modification of the Provisions of the Special Little Italy District

LAST AMENDED
11/16/1989

109-514 - Modifications by authorization

LAST AMENDED
2/2/2011

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an application, except that there shall be no modifications of any provision of Section 109-12, 109-22, 109-32 or 109-41 unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying# #inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an #enlargement#, provided that:

(a) the #building# is an existing old law or new law tenement, not higher than seven #stories#;

(b) any additional #floor area# created through such elimination of a #non-complying# #inner court# is not more than 10 percent of the existing #floor area# of the #building#, and the width of such #inner court# is not more than 20 feet;

(c) the renovation of such #building# will result in improved arrangements for adequate access of light and air, and for privacy between #dwelling units#, to the newly created #dwelling units# and to the surrounding developments;

(d) such #enlargement# will not increase the density of population or intensity of #use# to the detriment of the occupants of the #buildings# in the #block# or nearby #blocks#;

(e) the #enlargement# as proposed shall comply with the applicable provisions of Sections 109-14, 109-17, 109-25, 109-34 or 109-42, except as otherwise modified by the Commission; and

(f) the Commission is in receipt of a report from the Department of Buildings and the Fire Department concerning said #building#.

The City Planning Commission may prescribe other additional conditions and safeguards to enhance the character of the surrounding area.

109-52 - Special Permit Provisions

LAST AMENDED
2/3/1977

109-521 - Modification of accessory off-street parking facilities

LAST AMENDED
2/3/1977

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section 109-16 or Section 109-351.

109-522 - Special provisions for the preservation of certain existing buildings

LAST AMENDED
2/2/2011

#Buildings# listed in Appendix B of this Chapter, shall not be demolished or have their external architectural features altered, except as set forth in this Section.

The City Planning Commission, by special permit, may allow:

(a) in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or

(b) the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and

(c) the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#. #Enlargements# of such #buildings# shall be subject to all applicable district regulations. The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #uses# proposed on the site prior to any construction are in conformance with the purposes of the Special District.

109-523 - Applications for special permit

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections 109-16 and 109-351 of this Chapter, shall include: a site plan showing the location and proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such #development# or #enlargement# and an indication of the routes that will provide vehicular access to a #manufacturing#, #commercial# or #community facility# establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section 109-522, shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

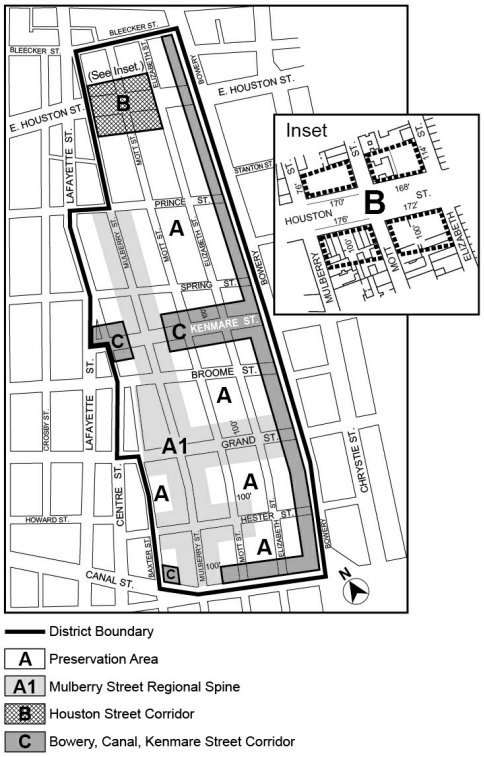
109-525 - Relationship to public improvement projects

LAST AMENDED
2/3/1977

In all cases, the City Planning Commission shall deny an application for a special permit whenever the #development# or #enlargement# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities) which is approved by the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

Appendix A - Special Little Italy District Map

LAST AMENDED
11/16/1989



APPENDIX B - Buildings of Special Significance

LAST AMENDED
2/3/1977

#Buildings# of special significance to be preserved in accordance with the provisions of Section 109-522 are as follows:

Block Number	Lot Number	Address
206	1	113 Baxter Street
470	12	363 Broome Street
471	41	375 Broome Street
470	64	124—126 Bowery
472	31	240 Centre Street
492	21	209 Elizabeth Street
507	17-21	260—268 Elizabeth Street
471	28	174 Grand Street
471	58	190 Grand Street
471	57	192 Grand Street
238	6	128—130 Mott Street
508	6	256—258 Mott Street
508	9	262—272 Mott Street
509	34	277 Mott Street
481	23	201—205 Mulberry Street
509	1	266 Mulberry Street
492	44	11 Spring Street
480	21	34—36 Spring Street

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article XI - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Tribeca Mixed Use District (TMU)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Tribeca Mixed Use District (TMU)

111-00 - GENERAL PURPOSES

LAST AMENDED
10/13/2010

The "Special Tribeca Mixed Use District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to retain adequate wage, job-producing, stable industries within the Tribeca neighborhood;

(b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;

(c) to provide housing opportunity of a type and at a density appropriate to this mixed use zone;

(d) to ensure the provision of safe and sanitary housing units in converted buildings; and

(e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

111-01 - Definitions

LAST AMENDED
8/27/1998

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Special Tribeca Mixed Use District

(repeated from Section 12-10)

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply. The #Special Tribeca Mixed Use District# and its regulations supplement or supersede those of the districts on which it is superimposed.

111-02 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations, #accessory# #uses#, open and enclosed and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

111-03 - District Map

LAST AMENDED
10/13/2010

The District Map for the #Special Tribeca Mixed Use District#, in Appendix A, identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Tribeca Mixed Use District#. These areas are as follows:

Area A1 - General Mixed Use Area

Area A2 - Limited Mixed Use Area

Area A3 - General Mixed Use Area

Area A4 - General Mixed Use Area

Area A5 - General Mixed Use Area

Area A6 - General Mixed Use Area

Area A7 - General Mixed Use Area

111-10 - SPECIAL USE REGULATIONS

LAST AMENDED
4/9/1981

111-11 - Residential Use Modification

LAST AMENDED
10/13/2010

(a) Loft dwellings

#Loft dwellings# created prior to October 13, 2010, shall be governed by the provisions for #loft dwellings# in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after October 13, 2010, except as the result of a subdivision of a #loft dwelling# existing prior to October 13, 2010.

(b) Home occupations

A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), as an #accessory# #use# pursuant to Section 15-13 (Special Home Occupation Provision), except that:

(1) businesses operated as #home occupations# may have up to three non-#residential# employees; and

(2) notwithstanding the limitation on #uses# listed in the definition of #home occupation# in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#.

111-12 - Ground Floor Use Restrictions

LAST AMENDED
10/13/2010

In all areas except Area A2, ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.

111-13 - Additional Use Regulations

LAST AMENDED
10/13/2010

(a) Areas A1 and A3

(1) #Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited:

within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;

all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;

all Use Group 16C #uses#;

within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;

within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and

all Use Group 17C #uses#, except agriculture.

(2) The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway:

all Use Group 8A #uses#;

all Use Group 8D #uses#;

all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or television studios; and

all Use Group 12A #uses#.

(3) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, the following #uses# shall be limited to 20,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section 111-32 (Special Permit for Certain Large Commercial Establishments):

all #uses# in Use Groups 6A and 6C;

all #uses# in Use Group 10 with parking categories B or B1; and

the above #uses# when listed in other use groups.

Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Groups 6A, 6C or all #uses# with parking categories B or B1 in Use Group 10.

In addition, in #buildings# not fronting on the #streets#, listed in paragraph (a)(3) of this Section, #uses# listed in Use Groups 6A and 6C shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allocated to such #uses#, except as otherwise provided in Section 111-32.

(b) Areas A4, A5, A6 and A7

(1) All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted;

(2) The following #uses# listed in Use Group 16 shall be permitted:

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.

Household or office equipment or machinery repair shops

Machinery rental or sales establishments.

(3) All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:

Building materials or contractors' yards, open or enclosed

Produce or meat markets, wholesale

Adhesives, including manufacture of basic components

Food products, including slaughtering of meat or preparation of fish for packing

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, including manufacture of natural or synthetic rubber

Shoddy

Soap or detergents.

(4) For establishments with frontage on #wide streets#, #uses# listed in Use Groups 6A, 6C and 10 shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section 111-32.

(c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. The Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the #streets# listed in this paragraph (c). Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.

(d) Environmental conditions for Area A2

(1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.

(2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with OER's authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy.

* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B)

111-20 - SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

LAST AMENDED
10/9/2013

(a) Area A1

The regulations applicable to a C6-2A District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.

(b) Area A2

The underlying regulations applicable to a C6-3 District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted in Area A2.

(2) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on #interior lots# and #through lots# shall not exceed 80 percent of the #lot area#. The maximum permitted #lot coverage# on #corner lots# shall be 100 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.

(3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-532 and 24-382 (Required rear yard equivalents) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(4) #Height factor#, front height and setback regulations

The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District shall not apply. In lieu thereof, for the first two #stories# of any #development# or #enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot#, not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth in this paragraph (b)(4). Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a

minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25 feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall abut the #street line# at least once every 25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and #community facility# #developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections 23-84 and 24-63.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(5) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

(c) Area A3

The regulations applicable to a C6-3A District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Height and setback regulations

The height and setback regulations of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) shall not apply. In lieu thereof, the following height and setback regulations shall apply:

(i) Permitted obstructions

Permitted obstructions for all #buildings or other structures# shall be as set forth in Section 33-42.

(ii) Measurement of height

Heights of all #buildings or other structures# shall be measured from the #base plane#.

(iii) #Street wall# location

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be

located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.

(iv) Maximum height of #street walls# and required setbacks

The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.

(v) Maximum #building# height

No #building or other structure# shall exceed a height of 135 feet.

(vi) Vertical #enlargements# of low #buildings#

Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.

(d) Areas A4, A5, A6 and A7

Except as set forth in this Section, the #bulk# regulations of the underlying district shall apply.

(1) The applicable height and setback regulations, as set forth in Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), inclusive, shall be modified, as follows:

Area	Minimum Base Height (in ft.)	Maximum Base Height (in ft.)	Maximum #Building# Height (in ft.)
A4	60	70	140

A5	60	70	110
A6	60	85	120
A7	60	85	120

For any #building# or portion thereof within Area A4, a penthouse portion of a #building#, not exceeding 10 feet in height, may be constructed within Area A4 above the maximum #building# height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

However, for any #building# or portion thereof located within Area 4 and within an Historic District designated by the Landmarks Preservation Commission, the underlying height and setback regulations of Section 35-24 shall apply, except that the maximum height of such #buildings#, or portions thereof, shall be 160 feet and the 10 foot penthouse allowance set forth in this paragraph (d)(1) shall not apply.

(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(3) The maximum #floor area ratio# permitted on a #zoning lot# shall be as follows:

Area	Maximum #Floor Area Ratio#
A4	6.5
A5	5.5
A6	5.4
A7	5.0

(4) Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90, except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(5) #Buildings# that have received a certification from the Chairperson of the City Planning Commission pursuant

to paragraph (c) of the former Section 111-20 (MINOR MODIFICATIONS), prior to October 13, 2010, to modify the rooftop open space requirements of the former Section 111-112 (Open space equivalent), shall be exempt from the rooftop open space requirements of Section 15-24 (Open Space Equivalent).

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within six years of the original granting of said variance.

111-30 - SPECIAL PERMITS

LAST AMENDED
10/13/2010

111-32 - Special Permit for Certain Large Commercial Establishments

LAST AMENDED
10/13/2010

The City Planning Commission may permit the total #floor area# of large #commercial# establishments to exceed the underlying #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4), including the #floor area# requirements for #cellar# space, provided the Commission finds that:

(a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and

(b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

111-40 - REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010

LAST AMENDED
10/13/2010

The following is applicable to all existing #loft dwellings#, created prior to October 13, 2010, within the #Special Tribeca Mixed Use District#.

(a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.

(b)

(1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:

(i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;

(ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening

onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;

(iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or

(iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.

(2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:

(i) for which a determination of #residential# occupancy on September 1, 1980 has been made;

(ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-024 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

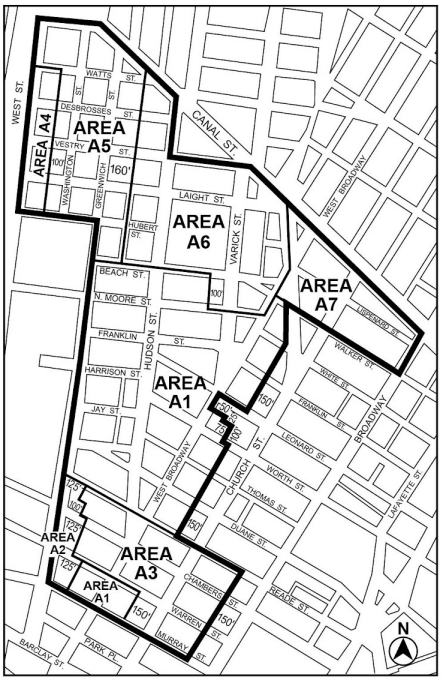
(d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and one-third percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

(e) At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.

(f) Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section 32-42 (Location Within Buildings).

Appendix A - Special Tribeca Mixed Use District Map

LAST AMENDED
10/13/2010



Special Tribeca Mixed Use District
Area Boundary

Area A1: General Mixed Use Area
Area A2: Limited Mixed Use Area
Area A3: General Mixed Use Area
Area A4: General Mixed Use Area
Area A5: General Mixed Use Area
Area A6: General Mixed Use Area
Area A7: General Mixed Use Area

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special City Island District (CD)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Special City Island District (CD)

112-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special City Island District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to promote and strengthen the unique character of the Special City Island District for nautical and waterfront activities by limiting permitted uses to those which complement and enhance the existing character of the Special District;

(b) to maintain the existing low-rise residential and commercial character of the district by regulating the height of buildings;

(c) to maintain and protect the environmental quality and "village" character of City Island Avenue by imposing special controls on building setbacks and signs; and

(d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

112-01 - Definitions

LAST AMENDED
2/2/2011

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

112-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes of the #Special City Island District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special City Island District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying zoning districts remain in force. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

112-04 - Requirements for Application

LAST AMENDED
1/20/1977

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter shall include a site plan showing the location and #use# of all #buildings# on the #zoning lot# and such other information as may be required by the Commission.

112-05 - Relationship to Public Improvement Projects

LAST AMENDED
1/20/1977

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# will interfere with a public improvement project (including housing, highways, public #building# or facilities redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which has been approved by the Board of Estimate, City Planning Commission or Site Selection Board as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit.

112-06 - District Plan

LAST AMENDED
2/2/2011

The District Plan for the #Special City Island District# identifies those areas within the Special District in which there are special height restrictions. The District Plan is set forth in Appendix A and is made an integral part hereof.

112-07 - Special Use Regulations

LAST AMENDED
2/2/2011

Within the Special District, and notwithstanding the provisions of Article V, Chapter 2, where #commercial# or #manufacturing uses# are permitted by the underlying district regulations, such #commercial# or #manufacturing uses# shall be limited to those #uses# set forth in this Section. This Section shall apply to a new #use# in a #development# and to a change of #use# in an existing #building# to another #use# listed in the same or another Use Group.

112-071 - Uses permitted in C1 Districts

LAST AMENDED
2/2/2011

Within a C1 District, all #uses# permitted in Use Groups 1, 2, 3, 4, 5 and 6, as listed in Sections 32-11 to 32-15, are permitted, except:

Court houses

Electric and gas substations

Public utility stations

Telephone exchanges.

Additional permitted #uses# are:

Custom manufacturing and sale of jewelry, ceramics, art and needlework, limited to 10,000 square feet per establishment.

112-072 - Uses permitted in C2 Districts

LAST AMENDED
2/2/2011

Within a C2 District, all #commercial# #uses# listed in Section 112-071 (Uses permitted in C1 Districts) are permitted as well as all #uses# permitted as-of-right in C2 Districts, as set forth in Section 32-10, except:

Automobile sales, including motorcycle and #trailer#

Prisons

Refreshment stands, drive-in

Wholesale establishments.

112-073 - Uses permitted in C3 Districts

LAST AMENDED
2/2/2011

Within a C3 District, Use Groups 1, 2, 3 and 4 in Sections 32-11 to 32-13, and all #commercial# #uses# listed in Use Group 14 in Section 32-23, are permitted, as well as:

#Boatels#

Eating or drinking places, including those that provide outdoor table service or incidental musical entertainment.

112-074 - Ground floor use restrictions on certain blocks

LAST AMENDED
2/2/2011

For all #buildings# fronting on City Island Avenue between Bay Street and Carroll Street, only non-#residential uses# shall be permitted on the ground floor level or within #stories# that have a floor level within five feet of #curb level#, except for Type 1 lobbies provided in accordance with Section 37-33 (Maximum Width of Certain Uses).

112-075 - Uses permitted in M1 Districts

LAST AMENDED
2/2/2011

Within an M1 District, all #uses# listed in Use Groups 4B, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16A and 17 are permitted, except:

Automobile sales, including motorcycle and #trailer#

Bottle works

Cotton ginning or cotton wadding or linters

Fuel, ice, coal or wood establishments with open storage

Manufacturing of autos, trucks or #trailers#, including parts

Motorcycle manufacturing, including parts

Motorcycle or motor scooter rental

Poultry or rabbit killing establishments

Prisons

Public transit or railroad substations

Public utility stations

Railroads, including rights-of-way

Refreshment stands, drive-in

Telephone exchanges

Truck weighing scales

Trucking terminals and motor freight stations.

112-08 - Uses Permitted by Special Permit

LAST AMENDED
2/2/2011

In C1, C2 or C3 Districts, the City Planning Commission may permit #automotive service stations#, auto repair establishments, #public parking garages# or #public parking lots#. As a condition for permitting such #use#, the Commission shall make the following findings:

(a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 cars or 20 percent of the spaces so provided, whichever amount is less; and

(c) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights or for setback of any roof parking areas from #lot lines#.

112-09 - Sign Regulations

LAST AMENDED
1/20/1977

In addition to meeting the #sign# regulations of the applicable underlying zoning district, all #signs# within the Special District shall meet the following restrictions:

(a) #signs# attached to the #street wall# of a #building# shall have a vertical dimension of not more than three feet and shall have a horizontal dimension of not more than 75 percent of the #street# frontage; and

(b) outdoor #signs# may be illuminated by indirect means only.

112-10 - SPECIAL BULK REGULATIONS

LAST AMENDED
9/9/2004

112-101 - Special open space and lot coverage regulations

LAST AMENDED
9/28/2004

In C3 Districts, for a #residential use#, the maximum #lot coverage# shall be 65 percent and the minimum required #open space# shall be 35 percent.

112-102 - Special floor area regulations for mixed buildings

LAST AMENDED
9/30/2003

In C1, C2 and C3 Districts, for #buildings# containing #residences# with frontage on City Island Avenue, not more than one #story# of #commercial# #use# may be provided in such #buildings# and such #story# shall be excluded from the definition of #floor area#.

112-103 - Special height and setback regulations

LAST AMENDED
2/2/2011

The underlying height and setback regulations shall apply, except that no #building or other structure# shall exceed a height limit of 35 feet, and the height shall be measured from the #base plane#. Such height and setback regulations may be modified only by authorization or special permit of the City Planning Commission, as applicable, pursuant to Sections 112-106 or 112-107.

112-104 - Special transparency requirements along City Island Avenue

LAST AMENDED
2/2/2011

For #buildings# with ground floor #commercial# or #community facility# #uses# fronting upon City Island Avenue, the provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to any #street wall# of such #building# facing City Island Avenue.

112-106 - Authorization for modification of height and setback regulations

LAST AMENDED
2/2/2011

The City Planning Commission may authorize, within Area B, as shown on the District Plan Map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

(a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;

(b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and

(c) the height of the #building# does not exceed 35 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-107 - Special permit for modification of height and setback regulations

LAST AMENDED
2/2/2011

The City Planning Commission may permit, within Area A, as shown on the District Plan Map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

(a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;

(b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and

(c) the height of the #building# does not exceed 50 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-11 - Special Parking Regulations

LAST AMENDED
4/30/2008

112-111 - Accessory parking for commercial uses

LAST AMENDED
2/2/2011

For any #commercial# or mixed use #development# except for eating or drinking establishments, one off-street #accessory# parking space shall be provided for every 300 square feet of #commercial# #floor area#. The provisions of Section 73-45 (Modification of Off-site Parking Provisions) are hereby made inapplicable.

112-112 - Accessory parking and floor area requirements for eating or drinking establishments

LAST AMENDED
2/2/2011

After July 10, 1985, for any #development#, #extension# or change of #use# involving an eating or drinking establishment that,

in the aggregate, results in an increase of more than 150 square feet of #floor area#, one off-street #accessory# parking space shall be provided for each 150 square feet of the total of the existing and new #floor area#.

After July 10, 1985, any reduction in the number of existing off-street #accessory# parking spaces, either on-site or off-site that lowers the ratio of off-street #accessory# parking space per #floor area# to less than one space per 150 square feet of #floor area# is prohibited.

New off-site #accessory# parking for eating or drinking establishments in C1 or C2 Districts may be located only in C1 or C2 Districts.

For the purposes of this Section, #floor area# shall also include #cellar# space, except for a room or rooms in the #cellar# used exclusively for storage, and outdoor table service areas used for eating or drinking establishments. The outdoor table service area shall be delineated and shown on the plans filed with the application for a building or work permit and used to determine the minimum requirement for #accessory# off-street parking. Such outdoor table service area shall be separated from the #accessory# off-street parking by a fence, wall, railing or planted screening.

For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces Below Minimum Number) or Sections 52-41 (General Provisions), with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces) and 73-45 (Modification of Off-site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-street parking spaces are required, all such parking spaces shall be waived.

112-113 - Reservoir space requirements for eating and drinking establishments

LAST AMENDED
2/2/2011

All #developments#, #extensions# or changes of #use# involving an eating or drinking establishment with attendant-operated parking services shall provide adequate on-site reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 10 percent of the total number of spaces, but in no event shall such reservoir space be required for more than 10 automobiles. Reservoir space shall be delineated by painted stripes or lines pursuant to the standards of the Department of Buildings.

Within one year of March 6, 1986, all existing eating or drinking establishments with attendant-operated parking services shall provide adequate reservoir space pursuant to this Section and shall file a site plan and documented evidence of compliance with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

112-114 - Screening and tree planting requirements for all parking lots with 10 or more spaces

LAST AMENDED
4/30/2008

All new or #enlarged# parking lots with 10 or more spaces shall comply with the screening requirement provisions of this Section.

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened in accordance with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping).

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs).

112-115 - Location of parking spaces along City Island Avenue

LAST AMENDED
4/30/2008

No parking shall be permitted between the #street line# of City Island Avenue and the #street wall# of any #building# or its prolongation facing City Island Avenue. However, this provision shall not apply to #waterfront zoning lots#.

112-13 - Zoning Applicability at the Shoreline

LAST AMENDED
2/2/2011

112-131 - Location of zoning district boundary lines

LAST AMENDED
2/2/2011

Zoning district boundary lines shall coincide with the #shoreline# lawfully existing on November 13, 1981, or any natural or lawful alteration thereof.

112-132 - Naturally or lawfully altered shorelines and development rights on piers

LAST AMENDED
2/2/2011

A zoning district boundary line which intersects the #shoreline# lawfully existing on November 13, 1981, shall be prolongated, in a straight line, to such naturally or lawfully altered #shoreline#. Lawfully approved piers or other lawfully approved structural extensions of the #shoreline#, as may be so altered, shall not generate development rights; however, #uses# #accessory# to the principal upland permitted #use#, except for off-street parking, shall be permitted.

112-14 - Special Requirements for Waterfront Access

LAST AMENDED
2/2/2011

Except in R1 and R2 Districts, for #developments# containing #residences# on #waterfront zoning lots# of 65,000 square feet or

more, a publicly accessible waterfront sitting area shall be provided. Such sitting area shall abut the #shoreline#, have a minimum area of 2,500 square feet, a minimum depth of 50 feet measured from the #shoreline# and contain at least one linear foot of seating for every 100 square feet of public access area. Entrances of #buildings# may not front upon such sitting area.

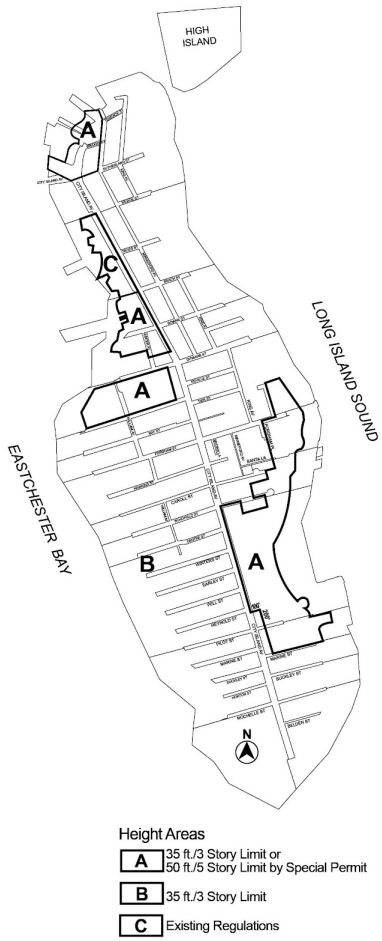
Such sitting area shall be accessible by means of either a direct connection to a public sidewalk or a public way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such public way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three-inch caliper for every 25 linear feet of length of such way, and a paved sidewalk of at least six feet in width or, for #developments# with #private roads#, sidewalks provided in accordance with the requirements for #private roads#, as set forth in Article II, Chapter 6.

Such public access areas shall comply with the provisions of Sections 62-74 (Requirements for Recordation), 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), 62-651 (Guardrails, gates and other protective barriers), 62-652 (Seating) and 62-654 (Signage).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings or Department of Business Services, as applicable, that a site plan has been submitted showing compliance with the provisions of this Section.

Appendix A - Special City Island District - Height Areas

LAST AMENDED
4/6/2011



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Ocean Parkway District (OP)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Special Ocean Parkway District (OP)

113-00 - GENERAL PURPOSES

LAST AMENDED
1/20/1977

The "Special Ocean Parkway District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others the following specific purposes:

(a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;

(b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;

(c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and

(d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

113-01 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

For the purpose of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special Ocean Parkway District# are shown on the maps in APPENDIX F of this Resolution.

The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, inclusive, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the Subdistrict.

113-10 - SPECIAL BULK REGULATIONS

LAST AMENDED
1/20/1977

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

113-11 - Special Bulk Regulations for Community Facilities

LAST AMENDED
2/2/2011

In #Residence Districts# and #Commercial Districts# with residential equivalents, all #community facility buildings#, and portions of #buildings# containing #community facility uses#, shall be subject to the applicable underlying district #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), except as provided below:

(a) in R2X Districts, the #residential# #bulk# regulations of an R3-1 District shall apply to #community facility buildings#;

(b) in R6 or R7 Districts with a letter suffix, the applicable #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts) shall apply;

(c) in the Subdistrict, the #bulk# regulations of Article II, Chapter 3 shall apply, except as set forth in Section 113-503 (Special bulk regulations); and

(d) in R6 or R7 Districts without a letter suffix, the #community facility# #bulk# regulations of Article II, Chapter 4, may be made applicable by certification of the City Planning Commission, pursuant to Section 113-41 (Certification for Community Facility Uses on Certain Corner Lots).

113-12 - Special Front Yard Regulations

LAST AMENDED
2/2/2011

For all #zoning lots# with frontage along Ocean Parkway, there shall be a 30 foot #front yard#. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the #front yard#. Any driveway within such #front yard# shall be perpendicular to the #street line# or, in the case where the #street wall# is not parallel with the #street line#, the driveway shall be perpendicular to the #street wall#.

Balconies pursuant to Section 23-13 may, by a depth of not more than six feet, penetrate #front yards#, except along Ocean Parkway.

113-13 - Special Bulk Regulations for Lots Adjacent to Park Circle-Machate Circle

LAST AMENDED
In R8A Districts, for #zoning lots# fronting on Park Circle-Machate Circle, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified to allow for #street walls# within 125 feet of a #wide street# to rise without setback to a maximum base height of 115 feet and allow for a minimum required setback of 10 feet above such base height, provided that the maximum #building# height shall not exceed: 115 feet within 100 feet of Ocean Parkway or within 30 feet of an R7A District; 125 feet between 100 and 150 feet of Ocean Parkway, within 20 feet of Coney Island Avenue, or between 30 and 50 feet from an R7A District; and 140 feet on any other portion of the #zoning lot#. For the purposes of this paragraph, distances shall be measured perpendicular to the #street line# or district boundary, as applicable.

113-20 - SPECIAL PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
1/20/1977

113-21 - Special Parking Regulations

LAST AMENDED
2/2/2011

For all #developments# having frontage on Ocean Parkway, all required or permitted #accessory# off-street parking spaces shall be #completely enclosed#.

113-22 - Special Off-street Loading Regulations

LAST AMENDED
2/2/2011

(a) For any #building# containing a #school# for children below grade 7, off-street loading facilities shall be provided in accordance with the requirements of this Section. Such off-street loading facilities shall be so situated and arranged to provide head-in and head-out movement of vehicles on two separate #streets#, and shall have a minimum dimension of 12 feet. All such off-street loading facilities shall be screened from adjacent #zoning lots# by a four foot buffer of shrubbery that is at least four feet high at the time of planting.

(b) For other #schools# with no children below grade 7, an off-street loading facility shall be provided with a minimum dimension of 12 by 18 feet.

113-30 - SPECIAL LANDSCAPING REGULATIONS

LAST AMENDED
1/20/1977

Within the 30 foot #front yard# required along Ocean Parkway, landscaping in the form of grass, ground cover, trees or shrubs shall be provided at #curb level# or the natural grade level. Paving within the #front yard# shall be limited to the amount necessary for driveways or walkways. Fences are permitted along the #front# or #side lot line# provided that such fence is no higher than four feet above #curb level#.

113-31 - Tree Planting Requirements

LAST AMENDED
4/30/2008

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# on #zoning lots# having frontage on Ocean Parkway, shall provide #street# trees in accordance with the provisions of Section 26-41 (Street Tree Planting).

113-40 - CERTIFICATIONS AND AUTHORIZATIONS FOR COMMUNITY FACILITIES

LAST AMENDED
12/19/1996

113-41 - Certification for Community Facility Uses on Certain Corner Lots

LAST AMENDED
2/2/2011

Within the #Special Ocean Parkway District#, the City Planning Commission may allow, by certification, #community facility

developments# or #enlargements# or changes of #use# containing #community facility uses#, to exceed the #bulk# regulations of Section 113-11 (Special Bulk Regulations for Community Facilities) when located on #corner lots#, one #lot line# of which is the #street line# of a #wide street#, provided that:

(a) the #community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and

(b) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding #development#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

113-42 - Authorization for Enlargements of Community Facility Buildings

LAST AMENDED
2/2/2011

Within the #Special Ocean Parkway District#, the City Planning Commission may authorize #enlargements# that exceed the #bulk# limitations of Section 113-11 (Special Bulk Regulations for Community Facilities), provided:

(a) the existing #building# is a #community facility building# #developed# prior to December 19, 1996;

(b) the existing #community facility building# is located partially or wholly on a #corner lot#, one #lot line# of which is the #street line# of a #wide street#;

(c) the #enlarged# #community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and

(d) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

113-50 - THE SUBDISTRICT

LAST AMENDED
8/3/1993

113-501 - General purposes

LAST AMENDED
8/3/1993

In order to preserve and enhance the character of the neighborhood, the Subdistrict within the Special Ocean Parkway District is established which encourages large single- or two-family detached and semi-detached residences.

113-502 - Special use regulations

LAST AMENDED
8/3/1993

Within the Subdistrict, #single-# and #two-family detached# and #semi-detached residences# and #uses# listed in Use Groups 3

or 4 are the only permitted #uses#. #Non-conforming single-# or #two-family residences# may be #enlarged# or #extended# pursuant to the provisions of the Subdistrict provided that a 30 foot #rear yard# is maintained. All other #non-conforming uses# shall be subject to the provisions of Article V, Chapter 2 (Non-conforming Uses).

113-503 - Special bulk regulations

LAST AMENDED
2/2/2011

For #single-# and #two-family# #detached# and #semi-detached residences#, and for #zoning lots# containing both #community facility# and #residential uses#, certain underlying district #bulk# regulations are set forth in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), except as superseded by those set forth in Sections 113-51 through 113-55, inclusive. The regulations applicable to a #predominantly built-up area# shall not apply in the Subdistrict.

For #community facility buildings#, the #bulk# regulations of Article II, Chapter 3, are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-542 (Minimum required front yards), 113-543 (Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter), 24-012 (Exceptions to the bulk regulations of this Chapter), paragraph (a), and 24-04 (Modification of Bulk Regulations in Certain Districts), pertaining to R4-1 Districts, shall not apply in the Subdistrict.

113-51 - Maximum Permitted Floor Area Ratio

LAST AMENDED
8/3/1993

The maximum permitted #floor area ratio# shall be 1.50.

113-52 - Density Regulations

LAST AMENDED
7/26/2001

The regulations set forth in Section 23-22 (Maximum Number of Dwelling Units) pertaining to R4-1 Districts shall apply.

113-53 - Lot Area, Lot Width and Density Regulations

LAST AMENDED
2/2/2011

The regulations set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) pertaining to R4-1 Districts shall apply to #residential uses#. The regulations set forth in Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES), pertaining to R4 Districts, shall apply to #buildings# used partly for #residence# and partly for #community facility use#.

113-54 - Yard Regulations

LAST AMENDED
8/3/1993

113-541 - Permitted obstructions in required yards or rear yard equivalents

LAST AMENDED
2/2/2011

For permitted #residential uses#, the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall apply with the following modifications:

(a) open #accessory# off-street parking spaces shall not be located within a #front yard# unless such spaces are located in a permitted #side lot ribbon#;

(b) three-foot overhangs in a required 18-foot #front yard# in R4 or R5 Districts shall not be permitted; and

(c) balconies shall not be a permitted obstruction in #rear yards# or #rear yard equivalents#.

113-542 - Minimum required front yards

LAST AMENDED
8/3/1993

The regulations set forth in Section 23-45 (Minimum Required Front Yards) pertaining to R4-1 Districts shall apply.

113-543 - Minimum required side yards

LAST AMENDED
2/2/2011

The regulations set forth in Section 23-461 (Side yards for single- or two- family residences) pertaining to R4A Districts shall apply to #detached buildings#. The regulations in that Section pertaining to R4-1 Districts shall apply to #semi-detached residences#.

For an existing #single-# or #two-family residence# with a #non-complying# #side yard#, an #enlargement# involving a straight line extension of the existing #building# walls facing such #non-complying# #side yard# is permitted, provided that:

(a) the portion of the #building# which is #enlarged# complies with the height and setback regulations set forth in Section 113-55;

(b) the minimum distance between such #building# wall and the nearest #building# wall, or prolongation thereof, on an adjoining #zoning lot# across the common #side lot line# is eight feet;

(c) the #enlarged# #building# does not contain more than two #dwelling units#;

(d) there is no encroachment on the existing #non-complying# #side yard#, except as set forth in this Section; and

(e) the #enlargement# does not otherwise result in the creation of a new #non-compliance# with the applicable #bulk# regulations.

113-544 - Minimum required rear yards

LAST AMENDED
8/3/1993

One #rear yard# with a depth of not less than 20 feet shall be provided on any #zoning lot# except a #corner lot#. The provisions of Section 23-52 (Special Provisions for Shallow Interior Lots) shall be inapplicable. The provisions of Section 23-53 (Special

Provisions for Through Lots) pertaining to R4 Districts shall apply except that the provisions in Section 23-532 (Required rear yard equivalents) shall be modified to require 40 feet instead of 60 feet in paragraph (a), or 20 feet instead of 30 feet in paragraphs (b) and (c).

113-545 - Special provisions for side lot line walls

LAST AMENDED
2/2/2011

The regulations set forth in Section 23-49 (Special Provisions for Side Lot Line Walls) pertaining to R4-1 Districts shall apply.

113-55 - Height and Setback Regulations

LAST AMENDED
3/22/2016

The height and setback regulations of a #building or other structure# in the Subdistrict shall be those applicable to R4A Districts in Section 23-631 (General provisions), except that paragraph (b)(2) shall be modified as follows:

> Each perimeter wall of the #building or other structure# may have one or more apex points directly above it on the 35 foot high plane. (See Section 23-631, Figure B).

113-56 - Parking Regulations

LAST AMENDED
8/3/1993

113-561 - General provisions

LAST AMENDED
8/3/1993

Except as set forth in this Section, the regulations set forth in Article II, Chapter 5 (Accessory Off-street Parking and Loading Regulations), pertaining to R2X Districts, shall apply.

113-562 - Parking requirements

LAST AMENDED
2/2/2011

One #accessory# off-street parking space shall be provided for each #dwelling unit# created after August 3, 1993. This requirement may be waived for a #single-family residence# on an #interior zoning lot# that has a width of less than 25 feet along a #street#.

113-57 - Administration

LAST AMENDED
8/3/1993

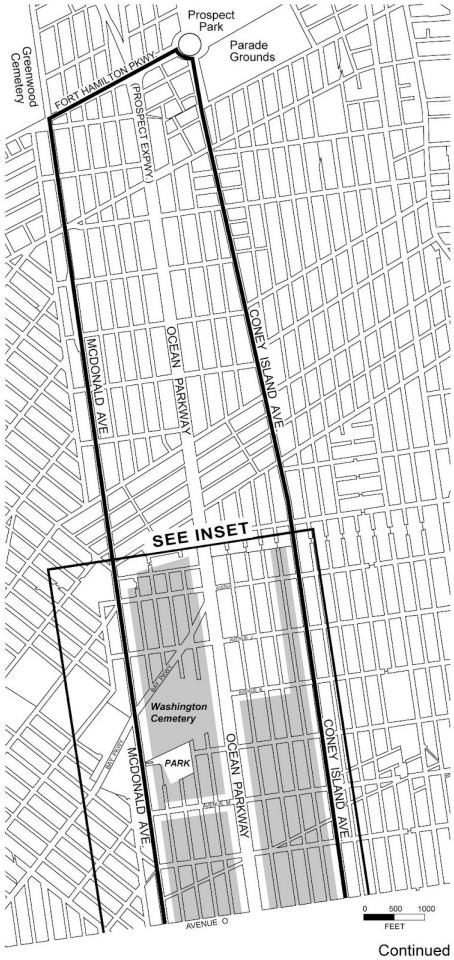
113-571 - Special provisions for zoning lots divided by district boundaries

LAST AMENDED
8/3/1993

For the purposes of applying the regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), the Subdistrict shall be considered an R4-1 District.

Appendix A - Special Ocean Parkway District

LAST AMENDED8/3/1993



Continued

Special Ocean Parkway District

Subdistrict Area

Continued

INSET

Subdistrict Area

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Bay Ridge District (BR)

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Chapter 4 - Special Bay Ridge District (BR)

114-00 - GENERAL PURPOSES

LAST AMENDED
3/23/2005

The "Special Bay Ridge District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to preserve, protect and maintain the existing scale and character of the residential and commercial community;

(b) to encourage design of residential, commercial and community facility development which is in character with the neighborhood and surrounding community; and

(c) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.

114-01 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. The provisions of this Chapter shall apply to all #buildings#.

Except as modified by the provisions of this Chapter, the regulations of the underlying districts remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

114-10 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/23/2005

In the #Special Bay Ridge District#, the maximum #floor area ratio# and height and setback regulations shall apply as modified in this Section, inclusive.

114-11 - Special Floor Area Regulations

LAST AMENDED
2/2/2011

In C8-2 Districts, for any #zoning lot#, the maximum #floor area ratio# for any #community facility use# shall not exceed 3.0.

In R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of Article II, Chapter 4, shall apply only to a #building# that is used entirely for #community facility use#, except that the maximum #floor area ratio# shall not exceed 1.65. For a #building# that is used partly for #community facility use# and partly for #residential use#, the #bulk# regulations of Article II, Chapter 3, shall apply to all portions of such #building#, except that where:

(a) such #community facility use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or

(b) such #building# has received an authorization pursuant to Section 24-04 (Modification of Bulk Regulations in Certain Districts);

the #bulk# regulations of Article II, Chapter 4, shall apply to the #community facility# portion of such #building#, provided that the maximum #floor area ratio# for the #community facility use# shall not exceed 1.65.

114-12 - Special Height and Setback Regulations

LAST AMENDED
3/23/2005

114-121 - Special rooftop regulations

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

114-122 - Maximum building height and setback

LAST AMENDED
2/2/2011

In the #Special Bay Ridge District#, the height and setback and maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) For #community facilities# in #Residence Districts#

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a #building or other structure# containing #community facility uses# shall not exceed 32 feet.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special Downtown Jamaica District (DJ)

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Chapter 5 - Special Downtown Jamaica District (DJ)

115-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Downtown Jamaica District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Downtown Jamaica community. These general goals include, among others, the following specific purpose:

(a) to strengthen the business core of Downtown Jamaica by improving the working and living environments;

(b) to foster development in Downtown Jamaica and provide direction and incentives for further growth where appropriate;

(c) to encourage the development of affordable housing;

(d) to expand the retail, entertainment and commercial character of the area around the transit center and to enhance the area's role as a major transportation hub in the City;

(e) to provide transitions between the downtown commercial core, the lower-scale residential communities and the transportation hub;

(f) to improve the quality of development in Downtown Jamaica by requiring the provision of specified public amenities in appropriate locations;

(g) to encourage the design of new buildings that are in character with the area;

(h) to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and

(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

115-01 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of this Chapter shall apply within the #Special Downtown Jamaica District#. The regulations of all other chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Any special permit granted by the City Planning Commission before September 10, 2007, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

115-02 - District Plan and Maps

LAST AMENDED
9/10/2007

The regulations of this Chapter implement the #Special Downtown Jamaica District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1 Special Downtown Jamaica District

Map 2 Ground Floor Use and Transparency and Curb Cut Restrictions

Map 3 Street Wall Location

Map 4 Street Wall Height

Map 5 Maximum Building Height

Map 6 Sidewalk Widening

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

115-10 - SPECIAL USE REGULATIONS

LAST AMENDED
9/10/2007

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying district shall apply except as modified in this Section, inclusive. The #use# regulations of the underlying C4-5X, C6 and M1-4 Districts relating to #public parking garages# are modified in Section 115-11. The #use# regulations of the underlying C6-4 District relating to Use

Group 11B, are modified in Section 115-12. Special ground floor #use# and transparency regulations shall apply in the C4-5X and C6 Districts pursuant to Sections 115-13 (Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts) and 115-14 (Transparency Requirement in C4-5X and C6 Districts). The #use# regulations of the underlying M1-4 District, including Use Groups 3, 4, 6, 10, 16, 17 and 18, are modified as specified in Section 115-15.

115-11 - Public Parking Garages

LAST AMENDED
9/10/2007

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying C4-5X, C6-2, C6-3, C6-4 and M1-4 Districts shall be modified to permit #public parking garages# with a capacity of 150 spaces or less, as-of-right, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening). #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#, except as provided by the special permit provisions of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

115-12 - Use Group 11B in C6-4 Districts

LAST AMENDED
9/10/2007

In C6-4 Districts, the provisions of Section 32-20 (Use Group 11), paragraph B (Wholesale or Similar Establishments), shall be modified to allow wholesale establishments with no limitation on #accessory# storage.

115-13 - Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts

LAST AMENDED
2/2/2011

On designated #streets#, as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, the special ground floor #use#, frontage and major #building# entrance regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, shall be limited to #community facility uses# without sleeping accommodations, as listed in Section 115-15 (Modification of Use Regulations in M1-4 Districts), and #uses# listed in Use Groups 5, 6A, 6B, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C. A #building#'s #street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with Section 37-33 (Maximum Width of Certain Uses). Such non-#residential uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

For #buildings# #developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon such designated #street#, such #development# or #enlargement# shall provide a major #building# entrance onto such #street#. However, #developments# or #enlargements# on #zoning lots# with frontage on more than one designated #street#, may provide a major #building# entrance on only one designated #street#.

115-14 - Transparency Requirement in C4-5X and C6 Districts

LAST AMENDED
2/2/2011

For #buildings# #developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, each ground floor #street wall# shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

115-15 - Modification of Use Regulations in M1-4 Districts

LAST AMENDED
2/2/2011

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

Use Groups 3A and 4A

The following #community facility uses# as listed in Sections 22-13 (Use Group 3) and 22-14 (Use Group 4) shall be permitted as-of-right, provided that such #uses# are without sleeping accommodations:

From Use Group 3A:

College or universities, including professional schools but excluding business colleges or trade schools

Libraries, museums or non-commercial art galleries, without limitation

#Schools#

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which

patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing

Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Community centers or settlement houses

Non-commercial recreation centers

Philanthropic or non-profit institutions, without limitation on central office functions

Rectories and parish houses

Seminaries

Welfare centers

Use Groups 6 and 10

All #uses# listed in Sections 32-15 (Use Group 6) and 32-19 (Use Group 10), shall be permitted and shall not be subject to the limitations specified in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16).

Use Groups 16, 17 and 18

The following #uses# from Sections 32-25 (Use Group 16), 42-14 (Use Group 17) and 42-15 (Use Group 18) shall be permitted, provided that such #uses# are in #completely enclosed buildings#, except as specifically modified in this Section.

From Use Group 16A (Retail or Service Establishments):

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales

Building materials sales, limited to 10,000 square feet of #lot area# per establishment

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments

Fuel, ice, oil, coal or wood sales, limited to 5,000 square feet of #lot area# per establishment

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Motorcycle or motor scooter rental establishments

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die or pattern making establishments, or similar small machine shops

Trade schools for adults

From Use Group 16B (Automotive Service Establishments):

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C (Vehicle Storage Establishments):

Commercial or public utility vehicle storage, including #accessory# motor fuel pumps

From Use Group 16D (Heavy Service, Wholesale or Storage Establishments):

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment

Laundries, with no limitation on type of operation

Linen, towel or diaper supply establishments

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Packing or crating establishments

Photographic developing or printing, with no limitation on #floor area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A (Service or Wholesale Establishments):

Building materials or contractors' yards, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment

Produce or meat markets, wholesale

From Use Group 17B (Manufacturing Establishments):

Advertising displays

Aircraft, including parts

Apparel or other textile products from textiles or other materials, including hat bodies, or similar products

Beverages, non-alcoholic

Bottling work, for all beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cork products

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Ink or inked ribbon

Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks, or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Scenery construction

Silverware, plate or sterling

Soap or detergents, packaging only

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wax products

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

From Use Group 17C (Miscellaneous #Uses#):

Public transit, railroad or electric utility substations, open or enclosed, subject to the special permit provisions of Sections 73-16 or 74-61 (Public Transit, Railroad or Electric Utility Substations)

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses# #accessory# to the preceding listed #uses#

115-16 - Modification of Article V, Chapter 2

LAST AMENDED
9/10/2007

Within the #Special Downtown Jamaica District#, for any #zoning lot# in a C8-1 District prior to September 10, 2007, the provisions of paragraph (b) of Section 52-332 (Other buildings or structures in Residence Districts) and the provisions of paragraph (b) of Section 52-35 (Manufacturing or Related Uses in Commercial Districts) shall be modified as follows: A #non-conforming use# listed in Use Group 16 may not be changed to a #use# listed in Use Group 17.

115-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
9/10/2007

115-21 - Floor Area Ratio, Open Space and Lot Coverage

†

LAST AMENDED
2/2/2011

(a) Maximum #floor area ratio# for #zoning lots# containing non-#residential uses#

In C6-2 and C6-3 Districts, the underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial# and #community facility uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts.

In C6-4 Districts, the underlying #floor area ratio# provisions shall apply to #community facility uses#. For #commercial uses#, the maximum #floor area ratio# shall be 12.0.

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(b) Maximum #floor area ratio# for #zoning lots# containing #residential uses#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special regulations for Inclusionary Housing designated areas) or Section 115-212 (Special regulations for Mandatory Inclusionary Housing areas), as applicable, for the district. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51. Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11.

(c) #Lot coverage#

In C4 and C6 Districts, for #residential buildings# or the #residential# portion of a #mixed building#, the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior# or #through lot#.

115-211 - Special regulations for Inclusionary Housing designated areas

†

LAST AMENDED
10/9/2013

(a) Applicability

Locations in R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts designated in APPENDIX F of this Resolution within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

(b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# set forth in the table in this Section, except that such base #floor area ratio# may be increased to the maximum #floor area ratio#, set forth in Section 23-154 (Inclusionary Housing), through the provision of #affordable

housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90, inclusive.

District	Base #Floor Area Ratio#
R7A C4-4A	3.45
R7X C4-5X	3.75
R8 C6-2	5.4
R9 C6-3	6.0
R10 C6-4	9.0

(c) Modification of location requirements

The requirements of paragraph (a) of Section 23-96 (Requirements for Generating Sites or MIH Sites) shall be modified as follows: a #generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback

The height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be modified by the special height and setback regulations of Section 115-23, inclusive.

115-212 - Special regulations for Mandatory Inclusionary Housing areas

†

LAST AMENDED11/23/2021

(a) Applicability

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special Downtown Jamaica District# are shown on the maps in APPENDIX F of this Resolution.

(b) Height and setback

The height and setback regulations of Sections 23-952 (Height and setback for Mandatory Inclusionary Housing areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be modified by the special height and setback regulations of Section 115-23, inclusive.

115-22 - Modification of Rear Yard Regulations

LAST AMENDED
10/29/2007

#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way, or in any portion of a C6-4 District.

115-23 - Height and Setback Regulations

LAST AMENDED
10/29/2007

In M1-4 Districts, the underlying height and setback regulations shall apply except as modified in Section 115-231 (Permitted obstructions).

In C4 and C6 Districts, the underlying height and setback regulations are modified as set forth in Sections 115-231 through 115-235, inclusive.

For #zoning lots# subject to the sidewalk widening requirements of Section 115-31, the boundary of the sidewalk widening furthest from the #street line# shall be considered the #street line# for the purposes of applying all height and setback regulations.

All heights shall be measured from the #base plane#.

115-231 - Permitted obstructions

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

115-232 - Street wall location

LAST AMENDED
2/2/2011

C4 C6

In the districts indicated, #street walls# shall be provided in accordance with the provisions of this Section.

(a) For all locations, except as specified on Map 3 (Street Wall Location) in Appendix A of this Chapter, the #street wall# of a #building# shall be located on the #street line# and extend along at least 70 percent of the #street# frontage of the #zoning lot#. No #street wall# location rules shall apply to the remaining portion of the #street frontage# of the #zoning lot#; however, any #street walls# provided in such portion shall be located on the #street line# or recessed within an #outer court#. All required #street walls# shall rise without setback to at least the minimum base height specified in Section 115-233 (Street wall height), or the height of the #building#, whichever is less. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall apply on all such #street lines#.

(b) Map 3 (Street Wall Location) in Appendix A of this Chapter, specifies the #street# frontages where the regulations set forth in this paragraph (b) apply.

(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage as specified on Map 3, and shall rise without setback to at least the minimum base height specified in Section 115-233, or the height of the #building#, whichever is less. This requirement shall also apply along that portion of any #street line# that intersects such #street# frontage, specified on Map 3, within 50 feet of such intersection.

(2) To allow articulation of #street walls# at the intersection of two #street lines# with mandatory #street wall# requirements, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines# may be unoccupied by a #building#.

(3) Where corner articulation is specified on Map 3, the following regulations shall apply:

(i) Where base corner articulation is specified, the #building# shall occupy, at every level up to the level of the setback provided pursuant to Section 115-233, not less than 50 percent and not more than 75 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines#.

(ii) Where tower corner articulation is specified, no articulation is required where all portions of the #building# that exceed a height of 60 feet are located at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. Where a #building# rises without setback along those #street lines# where no setback is required, as specified on Map 4 (Street Wall Height), in Appendix A of this Chapter, the #building# shall cover, at every level above the setback provided pursuant to Section 115-233, not less than 50 percent and not more than 75 percent of the area bounded by:

(a) the #street line# of the #street# where no setback is required;

(b) a line 10 feet from and parallel to a #wide street# with a setback requirement or 15 feet from and parallel to a #narrow street# with a setback requirement; and

(c) lines parallel to and 20 feet from such lines.

(4) No #street wall# location requirements shall apply to any open space fronting on Sutphin Boulevard between 94th and 95th Avenues provided pursuant to the Jamaica Gateway Urban Renewal Plan, as shown on Map 3.

(5) For #building# walls facing Archer Avenue on Blocks 9988 and 9994, the #street walls# required pursuant to this paragraph (b) shall not be located along the Archer Avenue #street line#, but shall instead be located along the northern boundary of the Public Place mapped on each such block. However, if the Public Place is not mapped on Block 9994, then the #street wall# shall be located on a line perpendicular to 147th Place and passing through a point 51.77 feet distant (as measured along the southwesterly #street line# of 147th Place) from the corner of the northeasterly #street line# of Archer Avenue and the southwesterly #street line# of 147th Place. To accommodate the #development# of a one #story# #building# which may be located within each Public Place, such #street walls# shall have no #building# entrances or windows up to a height of 30 feet within 100 feet of 147th Place on Block 9994 and within 100 feet of 146th Street on Block 9988.

(c) In all locations where #street walls# are required, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet, up to 30 percent of the aggregate width of required #street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in this Section.

Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.

115-233 - Street wall height

LAST AMENDED
2/2/2011

C4 C6

Except in the locations indicated on Map 4 (Street Wall Height) in Appendix A of this Chapter, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 115-232 (Street wall location), shall be as set forth in the following table:

District	Minimum #Street Wall# Height	Maximum #Street Wall# Height
C4-4A	40 feet	65 feet
C4-5X	40 feet	85 feet
C6	40 feet	60 feet

However, in C4-4A and C4-5X Districts, the maximum #street wall# height may be modified for #Quality Housing buildings# with #qualifying ground floors# in accordance with Section 23-662 (Maximum height of buildings and setback regulations) for the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). In addition, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum #street wall# heights may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for the applicable residential equivalent of such districts.

Any portion of a #building# that exceeds the maximum height of a #street wall# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

In the locations indicated on Map 4, required #street walls# shall rise without setback to the minimum height specified for that location on Map 4 or the height of the #building#, whichever is less. Any portion of a #building# that exceeds the maximum #street wall# height specified for that location shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

However, in the locations indicated on Map 4 where no maximum #street wall# height or setback is required, #street walls# required pursuant to Section 115-232 shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less. Above a height of 40 feet, no setbacks are required for any portion of such #street wall#.

115-234 - Maximum building height

LAST AMENDED
2/2/2011

C4 C6

In C4-4A and C4-5X Districts, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). For #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for the applicable residential equivalent of such districts. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

In C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet. However, no maximum #building# height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in Appendix A of this Chapter, if such #block# is #developed# or if a #building# on such #block# is #enlarged#, pursuant to the Jamaica Gateway Urban Renewal Plan.

115-235 - Transition area

LAST AMENDED
2/2/2011

R6 R7 R8 R9 R10

In the districts indicated, and in #Commercial Districts# where such #Residence District# #bulk# regulations are applicable, that portion of a #building# located within 25 feet of an adjacent #zoning lot# in an R1, R2, R3, R4 or R5 District shall not exceed a maximum height of 35 feet. In addition, an open area not higher than #curb level# shall be provided within eight feet of such adjacent #zoning lot#. Such open area may be used for #accessory# parking.

115-30 - MANDATORY IMPROVEMENTS

LAST AMENDED
9/10/2007

115-31 - Sidewalk Widenings

LAST AMENDED
4/9/2013

The provisions of this Section shall apply to all #developments# fronting upon locations requiring sidewalk widenings as shown on Map 6 (Sidewalk Widening) in Appendix A of this Chapter. A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot# having a depth of two feet or five feet, as set forth on Map 6. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk to less than such minimum required total sidewalk depth.

All mandatory sidewalk widenings must provide lighting in accordance with the requirements of Section 37-743, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

115-32 - Refuse Storage, Recreation Space and Planting Areas

LAST AMENDED
2/2/2011

All #buildings# containing #residences# shall provide refuse storage space, recreation space and planting areas in accordance with the provisions of Sections 28-12 (Refuse Storage and Disposal) and 28-20 (RECREATION SPACE AND PLANTING AREAS), whether or not they are #Quality Housing buildings#.

115-40 - RESIDENTIAL CONVERSIONS

LAST AMENDED
2/2/2011

In all #Commercial Districts#, the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b).

#Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location Within Buildings).

115-50 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
9/10/2007

115-51 - Parking and Loading Regulations

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LAST AMENDED
2/2/2011

Within the #Special Downtown Jamaica District#, the underlying off-street parking and loading regulations shall be modified, as follows:

(a) #Commercial# and #manufacturing uses#.

In C4, C6 and M1 Districts, the off-street parking and loading regulations of a C4-4 District shall apply, except as modified in this Section.

(1) For any #use# that is not allowed in a C4 District, the underlying off-street parking requirements of the applicable C6-2, C6-3, C6-4 or M1-4 District shall apply.

(2) In C4, C6 and M1 Districts, the provisions of Sections 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory# #group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Sections 36-13 and 46-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.

(3) In C4, C6 and M1 Districts, the provisions of Section 36-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial# or #community facility uses# shall be modified as follows: #uses# in Use Groups 6B (Offices), 10B (Wholesale Establishments) and 11B (Wholesale or Similar Establishments), with parking requirement category B1, shall be required to provide one parking space per 2,000 square feet of #floor area#.

(4) Modification of Waiver of Parking Requirements

(i) In C4, C6 and M1 Districts, the provisions of Sections 36-23 and 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on September 10, 2007 and on the date of application for a building permit.

(ii) In C4, C6 and M1 Districts, for any #commercial# #use# permitted in a C4 or C6 District, the waiver provisions for a C4-4 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 15 spaces, pursuant to the waiver provisions for a C4-2 District set forth in Section 36-231 (In districts with high, medium or low parking requirements).

(iii) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Downtown Jamaica District#.

(b) #Residential uses#

(1) The provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory# #group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.

(2) The required #accessory# off-street parking space regulations of the underlying districts in the #Special Downtown Jamaica District# shall be modified as follows: The regulations set forth for an R6A District in Section 25-20 shall apply. The regulations set forth for an R6 District in Sections 25-50 (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES), inclusive, and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, shall apply except as modified in paragraphs (b)(3) and (b)(4) of this Section.

(3) In all #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified, as follows:

(i) The provisions of Section 25-26 shall only apply to #zoning lots# existing both on September 10, 2007, and on the date of application for a building permit.

(ii) For all #developments# or #enlargements# containing #residences#, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.

(4) The provisions of Section 25-52 (Off-site Spaces for Residences) and 25-521 (Maximum distance from zoning lot) shall be modified to permit the location of permitted or required off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

(5) The provisions of Section 36-42 (Off-site Spaces for Residences) and 36-421(Maximum distance from zoning lot) shall be modified to permit the location of permitted or required off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

(c) #MIH sites#

For #residential uses# on #MIH sites#, the provisions of paragraphs (a)(4), (b)(2) and (b)(3) of this Section shall not apply. In lieu thereof, the underlying off-street parking provisions shall apply.

115-52 - Location of Access to the Street

LAST AMENDED
9/10/2007

Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter specifies locations where curb cuts shall be prohibited within the #Special Downtown Jamaica District#.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), shall not apply to the special location of access requirements of this Section.

115-53 - Authorization for Curb Cut

LAST AMENDED12/15/2021

Between 160th Street and a point 205 feet east of 160th Street along Archer Avenue, The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts that are prohibited by Section 115-52 (Location of Access to the Street), provided the Commission finds that a curb cut at such location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;

(c) will not adversely affect pedestrian movement;

(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and

(e) will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

115-60 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED
2/2/2011

For any #zoning lot# within the #Special Downtown Jamaica District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

(a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

(c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;

(d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

(e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

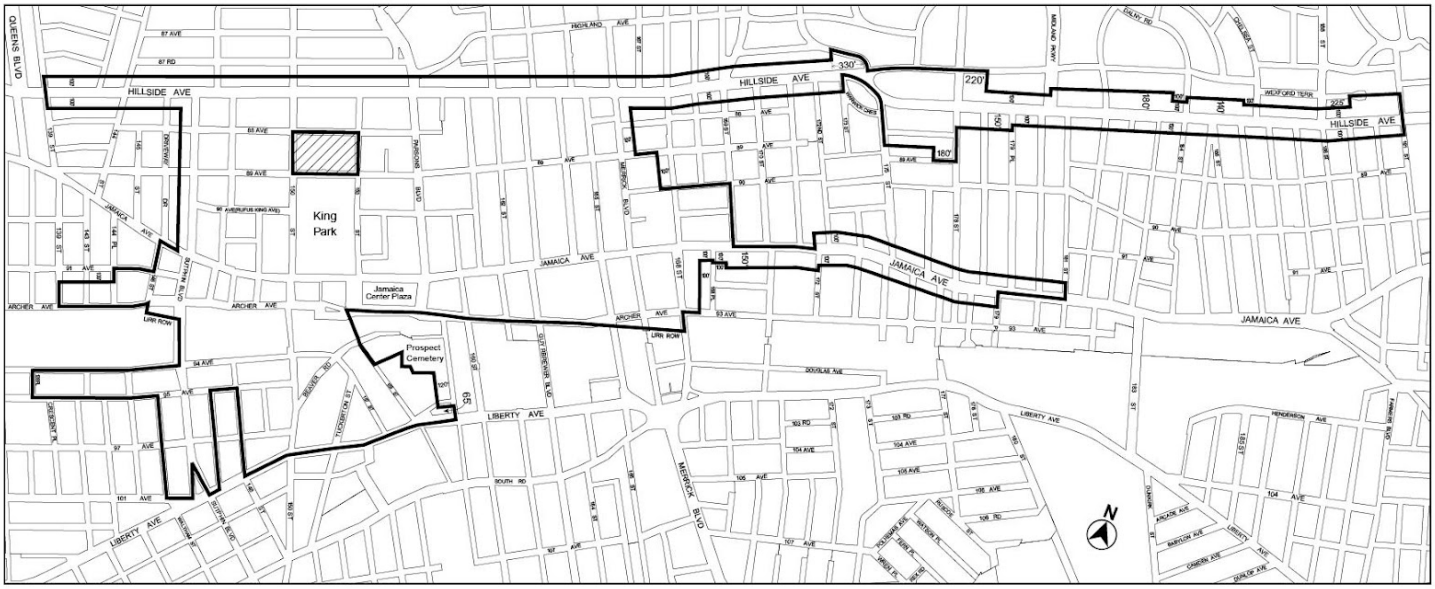
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix A - Special Downtown Jamaica District Maps

LAST AMENDED
4/9/2013

(11/23/21)

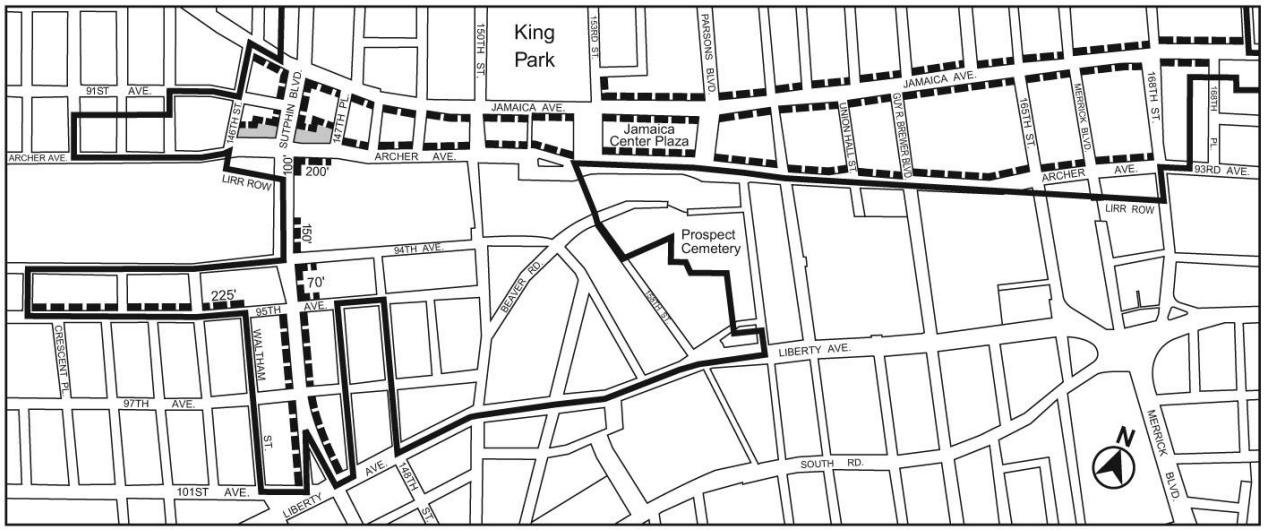
Map 1 — Special Downtown Jamaica District



Special Downtown Jamaica District
Excluded area

(4/9/13)

Map 2 — Ground Floor Use and Transparency and Curb Cut Restrictions



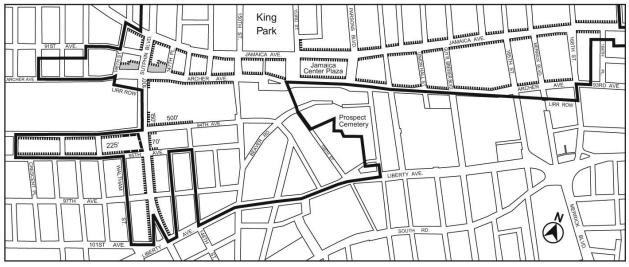
Special Downtown Jamaica District

Ground Floor Use Restrictions, Minimum 50% Transparency Required, Curb Cuts Restricted

Public Place

(4/9/13)

Map 3 — Street Wall Location

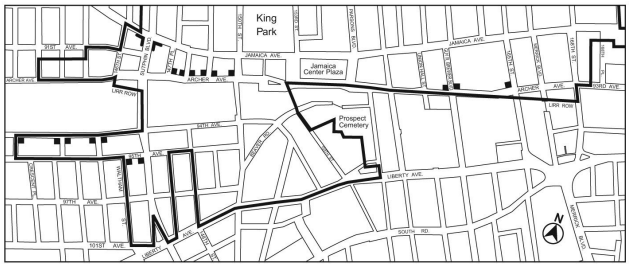


Special Downtown Jamaica District

Required *Street Wall*

The *street wall* location requirements of Section 115-232(b)(1) and (2) shall apply unless developed pursuant to the Jamaica Gateway Urban Renewal Plan, in which case no *street wall* location requirements shall apply

Public Place

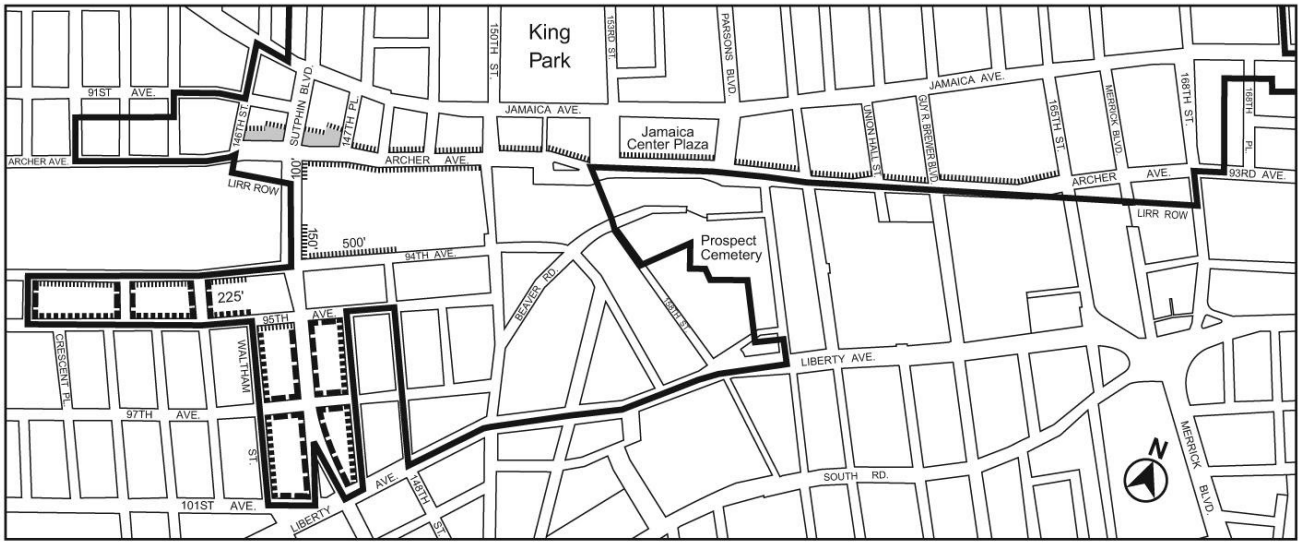


Required Tower Corner Articulation

Required Corner Articulation at Base

(4/9/13)

Map 4 — Street Wall Height



Special Downtown Jamaica District

30' Minimum - 40' Maximum

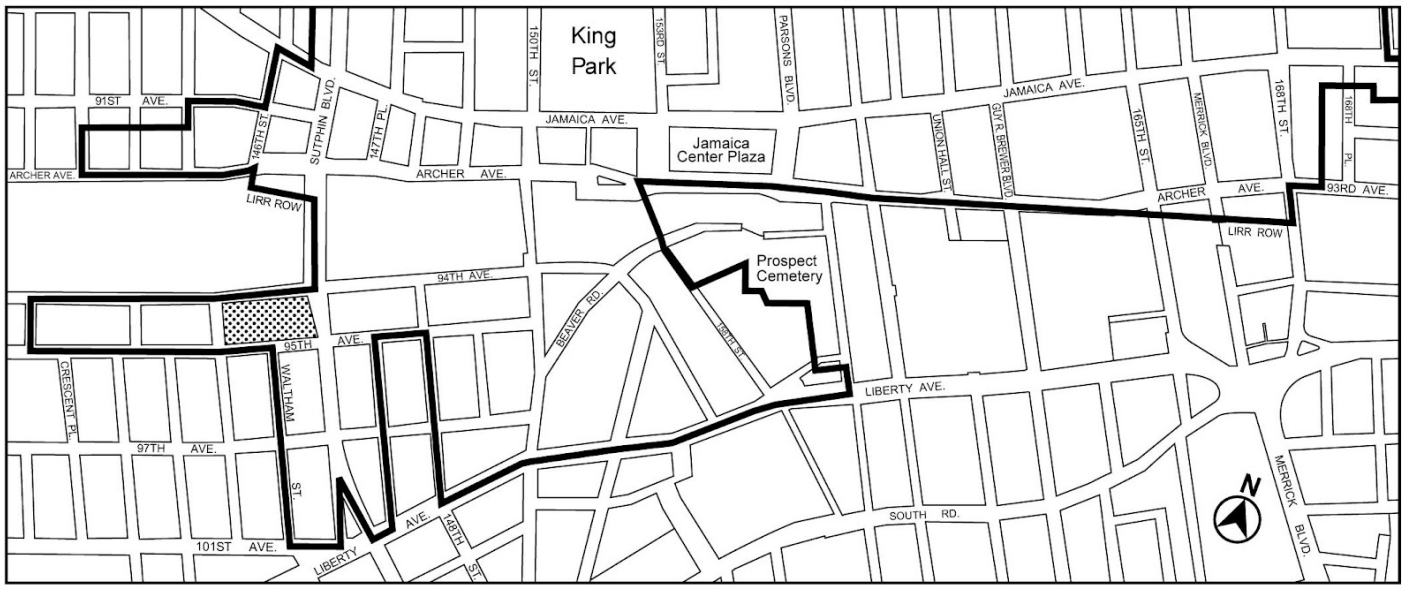
40' Minimum - 60' Maximum

No Maximum *Street Wall* Height or Setback Required

Public Place

(9/10/07)

Map 5 — Maximum Building Height

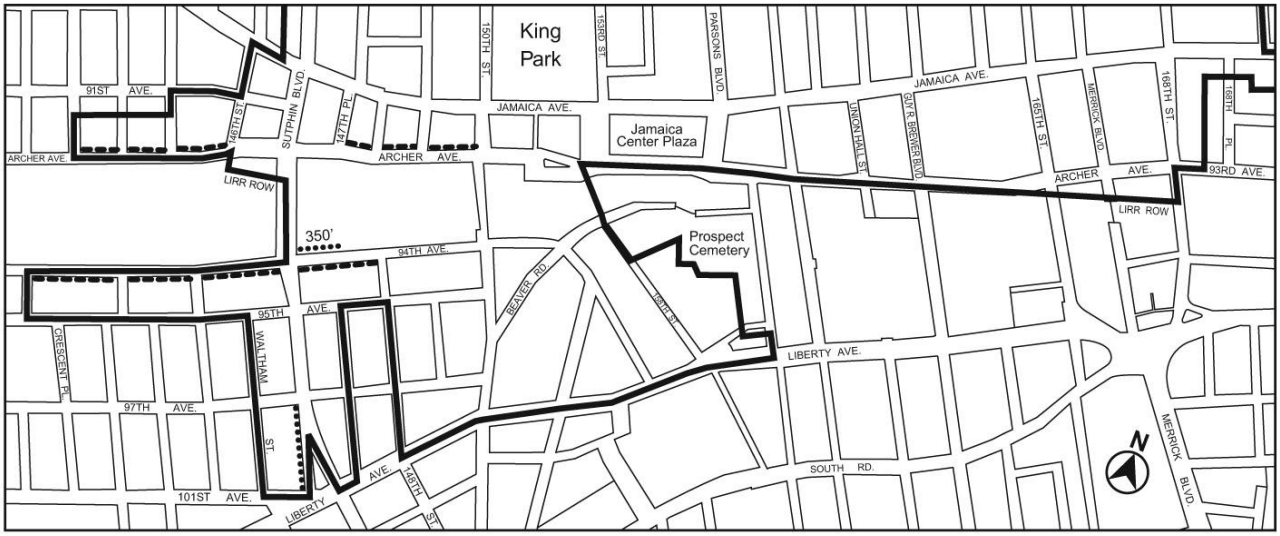


Special Downtown Jamaica District

No *Building* Height Limit

(4/9/13)

Map 6 — Sidewalk Widening



Special Downtown Jamaica District

2' Sidewalk Widening

5' Sidewalk Widening

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special Stapleton Waterfront District (SW)

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Chapter 6 - Special Stapleton Waterfront District (SW)

116-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Stapleton Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

(a) encourage design of development that is in character with the neighborhood and surrounding community;

(b) maintain and reestablish physical and visual public access to and along the waterfront;

(c) strengthen the traditional town center of Stapleton by allowing the development of residential and commercial uses;

(d) encourage the creation of a lively and attractive environment that will provide daily amenities and services for the use and enjoyment of the working population and the new residents;

(e) take maximum advantage of the beauty of the New York Harbor waterfront, thereby best serving the business community, the residential population and providing regional recreation; and

(f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect City tax revenues.

116-01 - Definitions

LAST AMENDED
7/20/2017

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) or in this Section.

Esplanade

The "Esplanade" is a park extending along portions of the waterfront edges of the #Special Stapleton Waterfront District#. The #Esplanade# is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in Appendix A of this Chapter.

Mandatory front building wall

A "mandatory front building wall" is the front wall of a #building# that generally coincides with a #mandatory front building wall line#, as provided in Section 116-232 (Street wall location).

Mandatory front building wall line

"Mandatory front building wall lines" are imaginary lines extending through Subarea B of the #Special Stapleton Waterfront District# which are shown on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, and with which

#building# walls must generally coincide, as provided in Section 116-232.

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the #Special Stapleton Waterfront District# as shown in the District Plan, Map 1, in Appendix A of this Chapter.

Shore public walkway

A "shore public walkway" is a linear public access area along the shore or water edges of a #platform# on a #waterfront zoning lot#.

Upland connection

An "upland connection" is a pedestrian way which provides a public access route from the #Esplanade# or a #shore public walkway# to a public sidewalk within a public #street#. Required #upland connections# are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in Appendix A of this Chapter.

Visual corridor

A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#. Required #visual corridors# are shown in the District Plan, Map 5 and Map 6 (Location of Visual Corridor in Subarea E) in Appendix A of this Chapter.

116-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying R6, C2-2, C4-2A and M2-1 Districts shall apply, as modified in this Chapter.

116-03 - District Plan

LAST AMENDED

7/20/2017

The District Plan for the #Special Stapleton Waterfront District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Stapleton Waterfront District#.

These areas shall include Subareas A, B1, B2, B3, B4, B5, C, D and E, the #Esplanade# and two designated public open spaces: #Pier Place# and the #Cove#. In addition, Subareas B and E shall include #upland connections# and Subarea E shall include a #shore public walkway#.

The District Plan includes the following maps in Appendix A of this Chapter.

Map 1 Special Stapleton Waterfront District, Subareas and Public Spaces

Map 2 Ground Floor Use and Frontage Requirements

Map 3 Mandatory Front Building Wall Lines

Map 4 Restricted Curb Cut and Off-Street Loading Locations

Map 5 Upland Connections and Visual Corridors

Map 6 Location of Visual Corridor in Subarea E

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

116-04 - Subareas

LAST AMENDED
7/20/2017

In order to carry out the purposes and provisions of this Chapter, the following subareas are established within the #Special Stapleton Waterfront District#: Subarea A, Subarea B, comprised of Subareas B1, B2, B3, B4 and B5, Subareas C, D and E, the #Esplanade#, #Pier Place# and the #Cove#. In each of these subareas, special regulations apply that may not apply in other subareas.

116-05 - Applicability

LAST AMENDED
5/12/2021

In Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#, the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply. In lieu thereof, the special #use#, #bulk#, #accessory# off-street parking, public access and urban design regulations of Sections 116-10 through 116-50 shall apply.

In Subarea D, the provisions of Article VI, Chapter 2 shall apply pursuant to the underlying M2-1 District regulations.

In Subarea E, the underlying provisions of Article VI, Chapter 2 shall apply, except as modified in Section 116-60 (SPECIAL REGULATIONS IN SUBAREA E), inclusive. In addition, the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), shall not apply. In lieu thereof, the provisions of Section 116-623 (Height and setback regulations), shall apply.

#Lower density growth management area# regulations shall not apply in the #Special Stapleton Waterfront District#.

116-10 - SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED
7/20/2017

In Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#, the following special #use# regulations shall apply. The #use# regulations of the underlying C4-2A District shall be modified by Sections 116-101 through 116-13, inclusive.

116-101 - Use Groups 12 and 14

LAST AMENDED
7/20/2017

The #uses# listed in Section 32-21 (Use Group 12) shall not be permitted in Subarea C.

The #uses# listed in Section 32-23 (Use Group 14) shall be permitted in Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#; boat storage, repair or painting, however, shall be allowed without restriction relating to boat length.

116-102 - Supplementary use regulations

LAST AMENDED
10/25/2006

The provisions of Section 32-41 (Enclosure within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#.

116-11 - Special Sign Regulations

LAST AMENDED
7/20/2017

The #sign# regulations of the underlying C4-2 District in Section 32-60 (Sign Regulations) shall be modified as follows: #flashing signs# shall not be permitted in Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-12 - Mandatory Ground Floor Use and Frontage Requirements

LAST AMENDED
7/20/2017

The provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply in Subareas A, B and C. However, on designated #streets# and #mandatory front building wall lines# in Subareas B3 and C, as shown on Map 2 in Appendix A of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building# #developed# or #enlarged# after October 25, 2006.

#Uses# located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk shall be exclusively limited to the permitted non-#residential uses# as modified by the special #use# provisions of this Chapter. Such ground floor #uses# shall extend along the entire width of the #building#, except for lobbies or entrances to #accessory# parking spaces and shall have a depth provided in accordance with Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

In no event shall lobbies and entrances to #accessory# parking spaces occupy more than 50 percent of the #building's# total frontage along such #street# or #mandatory front building wall line#, or 35 feet, whichever is less. However, the total length of such frontage occupied by such lobbies and entrances need not be less than 25 feet.

116-13 - Transparency Requirements

LAST AMENDED
7/20/2017

In Subareas A, B and C, the transparency requirements of Section 37-34 (Minimum Transparency Requirements) shall apply to any #development# or an #enlargement# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line# and where non-#residential uses# are located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk.

116-20 - SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED
7/20/2017

The special #bulk# regulations of Section 116-20, inclusive, shall apply to Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-21 - Residential Bulk Regulations in C4-2A Districts

LAST AMENDED
10/25/2006

The provisions of Sections 34-112 and 35-23 (Residential Bulk Regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) are modified as follows:

The applicable #bulk# regulations for #residential uses# in C4-2A Districts shall be those for R6B Districts.

116-22 - Maximum Floor Area Ratio

LAST AMENDED
10/25/2006

The maximum #floor area ratio# for all #uses# shall be 2.0.

However, for #zoning lots# in Subareas A and B1, up to a total of 100,000 square feet of floor space, within a public #school#, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education, shall be exempt from the definition of #floor area#. #Zoning lots# within Subarea A and B1 that are contiguous or would be contiguous but for their separation by a #street#, may be considered one #zoning lot# for the purpose of applying these special #floor area# regulations.

116-221 - Special floor area regulations for mixed buildings

LAST AMENDED
5/12/2021

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

(a) requirements for #accessory# off-street parking spaces;

(b) #accessory# off-street loading berths;

(c) limitations on #floor area# occupied by certain #uses#; and

(d) satisfying requirements for #FRESH food stores# as defined in Article VI, Chapter 3, and the special #floor area# regulations of that Chapter.

116-23 - Special Height and Setback Regulations

LAST AMENDED
10/25/2006

The special height and setback regulations set forth in this Section shall apply.

116-231 - Special rooftop regulations

LAST AMENDED
7/20/2017

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in Subareas A, B and C, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

116-232 - Street wall location

LAST AMENDED
2/2/2011

Within the #Special Stapleton Waterfront District#, the #street wall# location regulations shall be modified as follows:

(a) Subareas A and B1

In Subareas A and B1, the underlying #street wall# location regulations shall apply, except that the provisions of paragraph (a)(1) of Section 35-651 (Street wall location) shall be modified to require that at least 70 percent of the #aggregate width of street wall# be located within 15 feet of the #street line# and extend to the minimum base heights specified in Section 116-233 (Height and setback), or the height of the #building#, whichever is less.

(b) Subareas B2 through B5 and C

In Subareas B2 through B5 and C, the underlying #street wall# location regulations of a C4-2A District or an R6B

District, as applicable, shall be modified as set forth in this Section. Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, specifies locations in Subareas B2 through B5 and C where #mandatory front building wall# requirements apply as follows:

(1) Type 1: Front #building# walls shall be coincident with and extend along the entire length of the #mandatory front building wall line#, except, to allow articulation at the intersection of two such lines, the front #building# wall may be located anywhere within 15 feet of their point of intersection.

(2) Type 2: Front #building# walls shall be located within eight feet of and extend along at least 70 percent of the length of the #mandatory front building wall line#. For phased #development#, this requirement may be satisfied by more than one #building#, provided that upon completion 70 percent of the length of the #mandatory front building wall line# is occupied by such front #building# walls.

(3) Wherever Map 3 does not indicate a #mandatory front building wall line#, the underlying #street wall# location rules shall apply.

If more than one #building# is #developed# in Subareas B2, B3 or B4, the first #building# shall be located along a Type 1 #mandatory front building wall line#. Subsequent #buildings# shall locate along a Type 2 #mandatory front building wall line# until 70 percent of the length of the #mandatory front building wall line# is occupied.

All #mandatory front building walls# shall rise without setback to the minimum base height specified in Section 116-233, or the height of the #building#, whichever is less. Recesses shall be permitted on the ground floor where required to provide access to the #building#. Above the ground floor, up to 30 percent of the aggregate width of the front #building# wall may be recessed.

116-233 - Height and setback

LAST AMENDED
7/20/2017

Within the #Special Stapleton Waterfront District#, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(1) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings# in Subareas A and B1. The maximum #building# height set forth in the table shall only be permitted in locations where the maximum #street wall# width of a #building# above the transition height, or, where applicable, the maximum base height, does not exceed 100 feet. At least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the Subarea, and shall be provided in accordance with paragraph (a)(2) of this Section.

Maximum Base Heights and Maximum #Building# Heights for Subareas A and B1

Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Transition Height (in feet)	Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)	Maximum Number of #Stories#
40	65	85	125	12

(2) Required setbacks

At a height not lower than the minimum base height, or higher than the maximum base height specified for the Subarea in the table in paragraph (a)(1) of this Section, a setback with a depth of at least 10 feet shall be provided from the front #building# wall.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(3) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is lower.

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.

(c) Subareas B3 through B5 and Subarea C

In Subareas B3 through B5 and Subarea C the minimum base height shall be 35 feet and the maximum base height shall be 40 feet. At a height not lower than the minimum base height or higher than the maximum base height, a setback with a depth of at least 10 feet shall be provided, as measured from the front #building# wall.

The maximum height of a #building or other structure# shall not exceed 50 feet. However, where the ground floor level of a #building# provides a #qualifying ground floor# in accordance with the supplemental provisions set forth in paragraph (b)(2) of Section 35-652 (Maximum height of buildings and setback regulations), the maximum height of a #building or other structure# may be increased to 55 feet.

116-30 - SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS FOR SUBAREAS A, B AND C

LAST AMENDED
7/20/2017

In Subareas A, B and C, the parking and loading regulations of the underlying C4-2A District shall apply, except as modified in this Section.

116-31 - Modification of Required Accessory Off-Street Parking Space Regulations for Certain Commercial Uses

LAST AMENDED
4/22/2009

The following #uses# listed in Section 32-23 (Use Group 14) shall be subject to the parking requirements applicable to a C4-2 District pursuant to Section 62-43 (Parking Requirements for Commercial Docking Facilities):

Boat rentals, open or enclosed [PRC–H]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour [PRC-H]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#

Docks or mooring facilities for non-#commercial# pleasure boats [PRC-H].

116-32 - Modification of Waiver of Requirements

LAST AMENDED
10/25/2006

The provisions of Section 36-362 (In other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply.

All other waivers of parking requirements shall only apply to #zoning lots# existing both on October 25, 2006, and on the date of application for a building permit.

116-33 - Modification of Location of Parking Spaces

LAST AMENDED
10/25/2006

For all #zoning lots# with frontage on Front Street, no #accessory# off-street parking spaces shall be located in any open area that is between the #street wall# of the #building# and the Front Street #street line#, except that such spaces may be located between the #street wall# of the #building# and the Front Street #street line# in Subarea B5.

116-34 - Location and Width of Curb Cuts

LAST AMENDED
7/20/2017

Curb cuts are prohibited in the locations shown on Map 4 (Restricted Curb Cut and Off-Street Loading Locations) in Appendix A of this Chapter.

In Subarea C, for #zoning lots# with access only to Front Street, only one curb cut shall be permitted along Front Street.

In Subareas A, B and C, the maximum width of curb cuts shall not exceed 25 feet, including splays.

116-35 - Screening and Tree Planting Requirements for Parking Facilities

LAST AMENDED
4/22/2009

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

(a) Screening

Such off-street parking facilities shall be screened, in accordance with the provisions of this Section, from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any designated open space accessible to the public situated on the same #zoning lot#, including the #Esplanade#.

Such screening shall consist of a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year–round dense screen at least six feet high within three years.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least four feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet.

In addition, a wall or barrier or uniformly-painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade may be provided. Such wall, barrier or fence must be 100 percent opaque up to a height of four feet above the finished grade of the parking facility and not more than 35 percent opaque above four feet. No chain link fences shall be permitted. All permitted fences shall be located behind landscaped areas when viewed from the #street#.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-60, inclusive, or 62-654.

(b) Tree planting requirements

Trees, pre-existing or newly-planted, shall be provided at the rate of one tree for every eight open parking spaces within the off-street parking facility and may be located on the perimeter of the parking facility or in planting islands within the parking area. For parking facilities with more than 25 open parking spaces, at least 30 percent of trees provided to meet this requirement shall be located in planting islands within the parking area. Trees shall be planted in accordance with the requirements of the Department of Parks and Recreation.

116-40 - UPLAND CONNECTIONS AND VISUAL CORRIDORS

LAST AMENDED
7/20/2017

116-41 - Upland Connections

LAST AMENDED
7/20/2017

In the locations shown on Map 5 (Upland Connections and Visual Corridors) in Appendix A of this Chapter, #upland connections# shall be provided. An #upland connection# traversing a #zoning lot# in Subareas A, B and C shall consist of a single circulation path bordered continuously along both sides by buffer zones.

(a) Required dimensions

The minimum width of the #upland connection# shall be 30 feet. When an #upland connection#, or a portion thereof, abuts a private driveway, no buffer zone is required.

(b) Buffer zone

The buffer zone is a landscaped area running along the edge of the #upland connection# that bounds the boundary of the non-public portions of the #zoning lot#; each buffer zone shall have a minimum width of seven feet. The buffer zone shall be improved entirely as planting area, except at locations:

(1) occupied by permitted obstructions; or

(2) where there is ground floor #commercial use# frontage on the #upland connection#, in which case that portion of the buffer zone may be paved.

(c) Permitted obstructions

The provisions of Section 62-611 (Permitted obstructions) shall apply to #upland connections# within Subarea B, the #Esplanade#, #Pier Place# and the #Cove#. The permitted obstructions listed in paragraph (b)(2) of Section 62-611 are further subject to the tree and planting requirements of Section 62-655. Water-Dependent (WD) #uses# referenced in paragraph (a)(6) of Section 62-611 shall be as listed in Section 62-211.

116-42 - Visual Corridors

LAST AMENDED
2/2/2011

#Visual corridors# shall be provided in the locations shown on Map 5 in Appendix A of this Chapter. Such #visual corridors# shall be subject to the requirements of Section 116-512 (Design requirements for visual corridors).

116-50 - SPECIAL URBAN DESIGN REQUIREMENTS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED
7/20/2017

The special urban design requirements of Section 116-50, inclusive, shall apply to all #developments# and #enlargements# within Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-51 - Design Requirements for Upland Connections and Visual Corridors

LAST AMENDED
4/30/2008

116-511 - Design requirements for upland connections

LAST AMENDED
4/22/2009

(a) Circulation and access

(1) Where an #upland connection# abuts a private driveway, a circulation path with a minimum clear width of six feet shall be provided along both sides of the driveway. The remaining area shall be planted pursuant to the provisions of paragraph (c) of this Section.

(2) All other #upland connections# through #zoning lots# shall have a circulation path with a minimum clear width of 16 feet.

(b) Seating

A minimum of 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#.

(c) Planting

Where an #upland connection# abuts a private driveway, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the standards of Section 62-655 (Planting and trees). Within all #upland connections#, any unpaved area shall be planting area.

116-512 - Design requirements for visual corridors

LAST AMENDED
7/20/2017

The requirements of this Section shall apply to all #visual corridors# within Subarea B, the #Esplanade#, #Pier Place# and the #Cove#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section 116-511 (Design requirements for upland connections) shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor#, except as provided in this Section. #Visual corridors# shall be the width 1f the #street# but shall not be less than 50 feet wide.

Permitted obstructions within #visual corridors# shall be limited to:

(a) boats, ships or other vessels, and #floating structures# permitted as-of-right by paragraph (a) of Section 62-25 (Uses on Floating Structures);

(b) any moving or parked vehicles or street furniture, including, but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;

(c) guardrails and fences, provided they comply with the design standards of Section 62-651 (Guardrails, gates and other protective barriers), except that fences may be eight feet high;

(d) sculpture;

(e) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the center line of the #visual corridor#; and

(f) those obstructions permitted in #rear yards# as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except walls exceeding four feet in height shall not be permitted.

Waterfront Public Access Signage

The New York City Waterfront Symbol Plaque shall be used to direct the public to waterfront public access areas including the #Esplanade# and #upland connections# within Subarea B, #Pier Place# and the #Cove#, and to identify the entry points of these areas. Such signage shall be provided in accordance with requirements of Section 62-654.

116-53 - Refuse Storage Areas

LAST AMENDED
7/20/2017

Refuse shall be stored within a #completely enclosed building#.

116-60 - SPECIAL REGULATIONS IN SUBAREA E

LAST AMENDED
7/20/2017

The special #use#, #bulk#, #visual corridor# and #waterfront public access area# requirements of Section 116-60, inclusive, shall apply to Subarea E.

116-61 - Special Use Regulations

LAST AMENDED
7/20/2017

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

(a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and

(b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial# #floor area# is located above a #dwelling unit#.

116-62 - Special Bulk Regulations

LAST AMENDED
7/20/2017

The #bulk# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified in Section 116-62, inclusive.

116-621 - Floor area

LAST AMENDED
7/20/2017

Subarea E of the #Special Stapleton Waterfront District# shall be a #Mandatory Inclusionary Housing area# for the purpose of applying the Inclusionary Housing Program provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

The #floor area# regulations of Article VI, Chapter 2, shall not apply. In lieu thereof, the #floor area# regulations of Section 23-154 (Inclusionary Housing), as applicable to #Mandatory Inclusionary Housing areas#, shall apply, except in R6 Districts:

(a) for #zoning lots#, or portions thereof, within 100 feet of a #wide street#, the maximum #floor area ratio# shall be 3.6; and

(b) for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#, the maximum #floor area ratio# shall be 2.42.

116-622 - Required yards

LAST AMENDED
7/20/2017

The special #yard# provisions of 62-332 (Rear yards and waterfront yards) shall apply, except the 40 foot minimum depth requirement for a #waterfront yard# may be reduced by up to five feet, to a minimum depth of 35 feet, along those portions of the landward edge of the stabilized shore, bulkhead or natural #shoreline# where the depth of the landward portions of the #zoning lot# is less than 150 feet, as measured perpendicular and landward from such edge.

116-623 - Height and setback regulations

LAST AMENDED
7/20/2017

The provisions of Section 62-341 (Developments on land and platforms) shall apply, except as modified in this Section.

(a) #Initial setback distance#

The provisions of paragraph (a)(2) of Section 62-341 shall be modified for #buildings# located on portions of a #zoning lot# where the distance between the edge of the stabilized shore and a landward #zoning# #lot line# is less than 150 feet. The depth of such #initial setback distance# from the boundary of a #shore public walkway# may be reduced to five feet, provided that at least 40 percent of the width of each #story# required to be set back above the minimum base height is set back no less than 10 feet from the boundary of the #shore public walkway#.

(b) Measurement of height

The provisions of paragraph (a)(3) of Section 62-341 shall apply, except for the purpose of this Section, #base plane# shall refer to an elevation of 16.8 feet above Richmond Datum.

(c) Permitted obstructions

The provisions of paragraphs (a)(4)(i) and (ii) of Section 62-341 shall not apply. Dormers and penthouse portions of a #building# shall not be considered permitted obstructions above a maximum base height.

(d) Maximum base height

The maximum base height provisions of paragraph (c)(1) of Section 62-341 shall apply, except a #building or other structure#, or a portion thereof, located within an #initial setback distance#, shall rise to a height of at least 25 feet or two #stories#, whichever is less, and may not exceed a maximum base height of 55 feet or five #stories#, whichever is less.

(e) Maximum #building# height and tower size

The maximum #residential# tower size provisions of paragraph (c)(4) of Section 62-341 shall not apply. For the purposes

of this paragraph (e), any portion of a #building# that exceeds a height of 55 feet or five #stories#, whichever is less, shall be considered a tower. #Buildings# with tower portions fronting on Edgewater Street shall not exceed a height of 120 feet above the #base plane# or 12 #stories#, whichever is less. The height of any other #building# with tower portions shall not exceed a height of 110 feet above the #base plane#, or 11 #stories#, whichever is less. Each #story# within a tower portion of a #building# shall not exceed a gross area of 10,000 square feet up to a height of 90 feet or nine #stories#, whichever is less, and each #story# above a height of 90 feet or nine #stories#, whichever is less, shall not exceed a gross area of 8,100 square feet. All #stories# within the tower portions of #buildings# shall be bounded on all sides by open areas on the #zoning lot#. For #zoning lots# with three or more #buildings#, no more than two #buildings# shall contain towers.

(f) #Floor area# distribution

The provisions of paragraph (c)(3) of Section 62-341 shall not apply.

(g) #Street wall# articulation facing #shore public walkways#

The provisions of paragraph (c)(5) of Section 62-341 shall apply. In addition, for portions of #buildings# fronting on a #shore public walkway# with an #aggregate width of street wall# greater than 200 feet, such #street walls# shall provide a recess at least five feet deep and 55 feet wide, unobstructed from the lowest level of the #building# to the sky. In no event shall a #street wall# extend along a #shore public walkway# for a distance greater than 130 feet without providing such a recess. Furthermore, above the height of the second #story#, such #street walls# shall provide at least one additional recess with a minimum depth of five feet and a minimum width or, where applicable, an aggregate width, of at least 40 feet.

(h) Streetscape provisions

The streetscape provisions of paragraph (c)(6) of Section 62-341 shall not apply. In lieu thereof, the following provisions shall apply:

(1) Lobbies

A #residential# lobby, extending along at least 30 percent of the #aggregate width of street walls# shall be provided, but need not be wider than 35 feet. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two and 10 feet above the level of the adjoining grade.

A lobby to a #commercial# or #community facility use# shall have a minimum width of 20 feet. Transparent glazing materials shall occupy at least 50 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining grade and a height 12 feet above the level of the first finished floor.

In the event of a conflict between the provisions of this paragraph (h)(1) and the construction standards of the Federal government or Appendix G of the New York City Building Code, the requirements of this paragraph shall not apply.

(2) Parking garage wall treatment

For any level within a #building# where #accessory# off-street parking is provided, such parking shall be screened from the #street line# or #waterfront public access area# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement.

Such required wall treatment may be interrupted by vehicular or pedestrian entrances. In addition to the wall treatment, the screening requirements of Section 62-655 (Planting and trees) shall apply.

For #buildings# with #street walls# that are more than 50 feet in width and located within 50 feet of a #waterfront public access area# or #street#, at least 70 percent of the width of such #street walls# shall contain #floor area# at the first #story# located completely above the #base plane#.

116-63 - Requirements for Visual Corridors and Waterfront Public Access Areas

LAST AMENDED
7/20/2017

116-631 - Visual corridors

LAST AMENDED
7/20/2017

The provisions of Section 62-51 (Applicability of Visual Corridor Requirements) shall apply, except as modified in this Section. The minimum width of the required #visual corridor# shall be 60 feet. The location of such #visual corridor# shall be as shown on Maps 5 and 6 in Appendix A of this Chapter. Such #visual corridor# shall be located such that the northern boundary of the #visual corridor# shall intersect with the easterly #street line# of Edgewater Street at a point 22 feet south of the following intersection: the easterly prolongation of the northerly #street line# of Lynhurst Avenue and the easterly #street line# of Edgewater Street. Such #visual corridor# shall extend to the pierhead line at an angle of 89.35 degrees, as measured between the northern boundary of such #visual corridor# and the portion of the easterly #street line# of Edgewater Street north of such #visual corridor#.

116-632 - Waterfront Public Access Area

LAST AMENDED
7/20/2017

The provisions of Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall apply, except that no #supplemental public access area#, as set forth in Section 62-57 (Requirements for Supplemental Public Access Areas), shall be required. However, a #shore public walkway# and an #upland connection# must be provided as modified in this Section and shown on Maps 1, 5 and 6 in Appendix A of this Chapter.

(a) #Shore public walkway#

The provisions of paragraph (a)(3) of Section 62-53 (Requirements for Shore Public Walkways) shall apply, except that the minimum width of a #shore public walkway# on shallow portions of a #zoning lot# set forth on such Section shall be modified to be no less than 35 feet.

If there is an existing #building or other structure# to remain on the #zoning lot#, the entire area between such existing #building# and the shoreline shall be entirely occupied by the #shore public walkway#, with a required circulation path of at least eight feet.

(b) #Upland connections#

The requirement for a “transition area” within a Type 2 #upland connection# in paragraph (b)(2) of Section 62 561 (Types of upland connections) shall not apply. In addition, the minimum width requirement of 10 feet for the #upland

connection# abutting such turnaround shall be modified to five feet, provided that the entire area of the vehicular turnaround is paved with the same paving material as the #upland connection#.

116-633 - Phased development of Waterfront Public Access Area

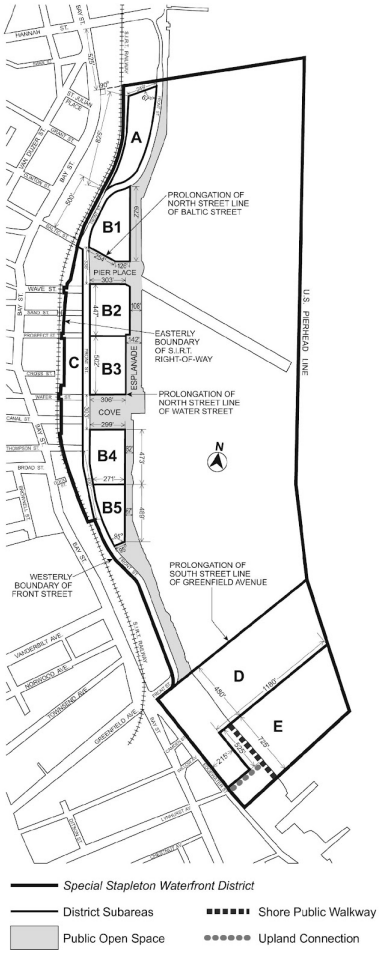
LAST AMENDED
7/20/2017

For the purposes of applying for an authorization for phased #development# of a #waterfront public access area# in paragraph (c)(1) of Section 62-822 (Modification of waterfront public access area and visual corridor requirements), the #lot area# shall be the portion of the #zoning lot# above water.

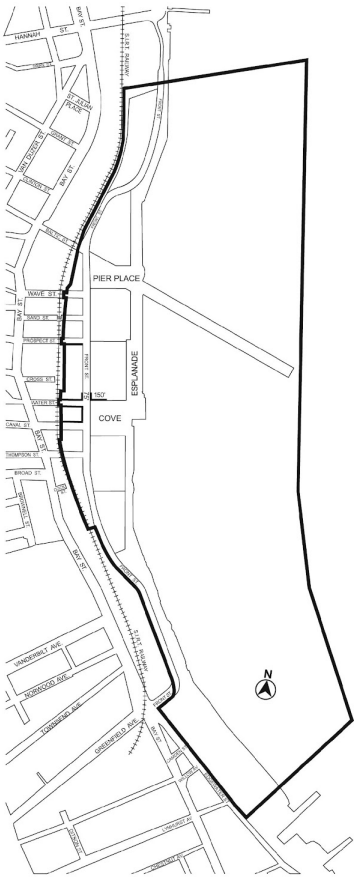
Appendix A - Stapleton Waterfront District Plan

LAST AMENDED
10/25/2006

Map 1. Special Stapleton Waterfront District, Subareas and Public Spaces



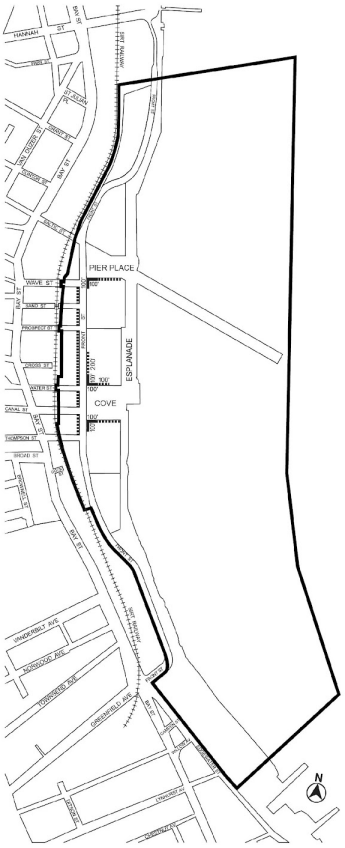
Map 2. Ground Floor Use and Frontage Requirements



Special Stapleton Waterfront District

Ground floor use and frontage requirements

Map 3. Mandatory Front Building Wall Lines

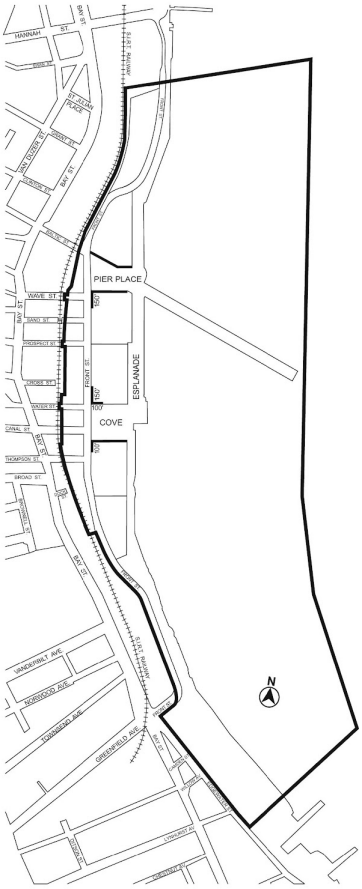


Special Stapleton Waterfront District

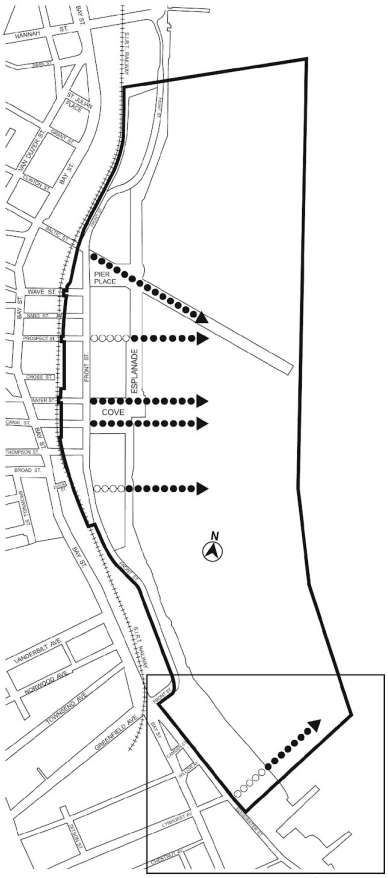
Type 1 *Mandatory Front Building Wall Line*

Type 2 *Mandatory Front Building Wall Line*

Map 4. Restricted Curb Cut and Off-Street Loading Locations



Map 5. Upland Connections and Visual Corridors

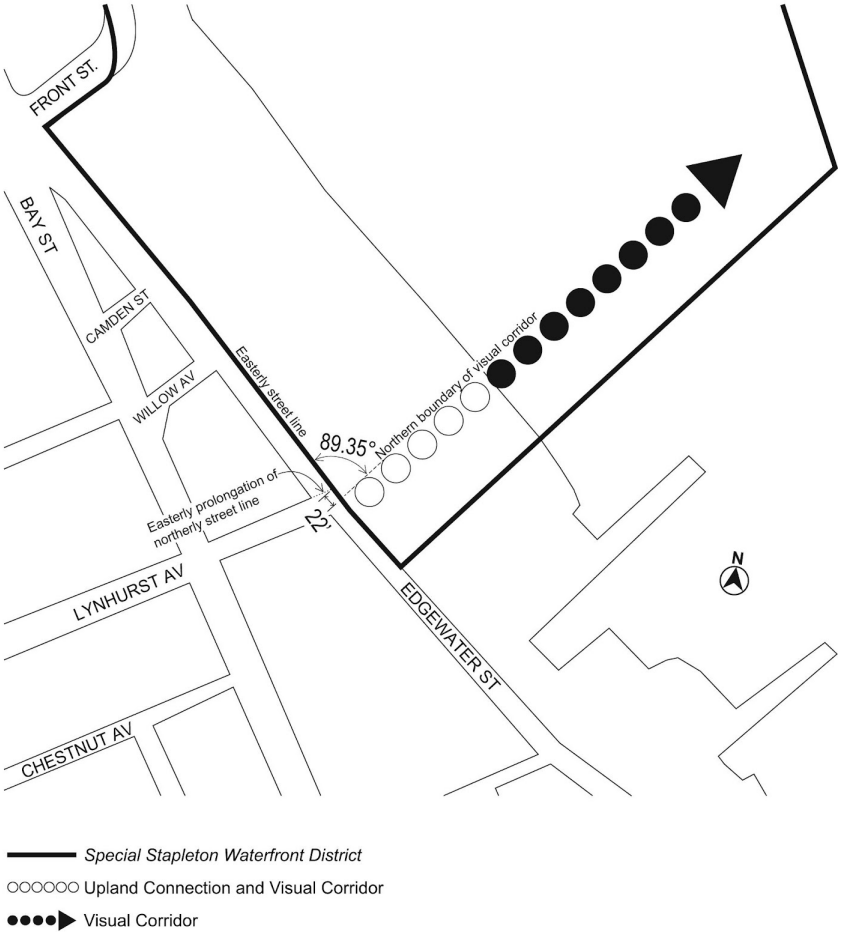


Special Stapleton Waterfront District

○○○○○○ Upland Connection and Visual Corridor

●●●●▶ Visual Corridor

Map 6. Location of Visual Corridor in Subarea E



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special Long Island City Mixed Use District (LIC)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 7 - Special Long Island City Mixed Use District (LIC)

117-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Long Island City Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Long Island City community. These general goals include, among others, the following specific purposes:

(a) to support the continuing growth of a mixed residential, commercial and industrial neighborhoods by permitting expansion and development of residential, commercial, community facility and light manufacturing uses where adequate environmental standards are assured;

(b) to encourage the development of moderate to high density commercial uses within a compact transit-oriented area;

(c) to strengthen traditional retail streets in Hunters Point by allowing the development of new residential and retail uses;

(d) to encourage the development of affordable housing;

(e) to promote the opportunity for people to work in the vicinity of their residences;

(f) to retain jobs within New York City;

(g) to provide an opportunity for the improvement of Long Island City; and

(h) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

117-01 - Definitions

LAST AMENDED
10/7/2008

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS).

Mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a “mixed use development” shall be any #building# or #development# used partly for #residential use# and partly for #community facility#, #commercial# or #manufacturing use#.

117-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this

Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

(a) Notwithstanding the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), when a #building# that existed on October 25, 1995, within the Hunters Point or Court Square Subdistricts, is damaged or demolished by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to the #bulk# permitted by this Chapter, whichever is greater.

(b) For #mixed use buildings#, #dwelling units# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a #commercial# or #manufacturing use#. #Commercial# or #manufacturing uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that the #commercial# or #manufacturing uses#:

(1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and

(2) are not located directly over any portion of the #building# containing #dwelling units#.

(c) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# within the Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), and such provisions are further modified by Section 117-54 (Off-street Parking and Loading Regulations).

(d) In the granting of special permits or authorizations within the #Special Long Island City Mixed Use District#, the City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding uses.

(e) Where references are made to #block# numbers within this Chapter, such numbers are to be found on the maps appended to this Chapter.

(f) In areas within the #Special Long Island City Mixed Use District# that are not within a Subdistrict, the regulations of the underlying zoning district shall apply.

117-03 - District Plan and Maps

LAST AMENDED
8/13/2015

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

Appendix A Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations

Appendix B Court Square Subdistrict Plan Map and Description of Improvements

Appendix C Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening and Street Wall Location.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

117-04 - Subdistricts

LAST AMENDED
10/7/2008

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Long Island City Mixed Use District#. In each of these subdistricts, special regulations apply that do not apply elsewhere within the #Special Long Island City Mixed Use District# and supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.

Sections 117-10 through 117-30, inclusive, shall apply to the Hunters Point Subdistrict.

Sections 117-40 through 117-45, inclusive, shall apply to the Court Square Subdistrict.

Sections 117-50 through 117-57, inclusive, shall apply to the Queens Plaza Subdistrict.

Sections 117-60 through 117-64, inclusive, shall apply to the Dutch Kills Subdistrict.

117-05 - Permitted Sidewalk Cafe Locations

LAST AMENDED
5/22/2013

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, except that such #unenclosed sidewalk cafes# may also extend up to 100 feet along the non-designated #street# frontage of a #corner lot#, subject to all other applicable regulations of Article I, Chapter 4.

117-10 - HUNTERS POINT SUBDISTRICT

LAST AMENDED
8/12/2004

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-10 through 117-30, inclusive, shall apply within the Hunters Point Subdistrict and, where noted in Sections 117-40 through 117-45, inclusive, shall also apply within the Court Square Subdistrict.

117-11 - General Provisions

LAST AMENDED
8/12/2004

In special areas of the Hunters Point Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired

with a #Residence District#. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the "designated districts". The designated districts within the Hunters Point Subdistrict are indicated on the #zoning map# and are as follows:

M1-4/R6A

M1-4/R6B

M1-4/R7A

M1-5/R7X

M1-5/R8A

117-20 - SPECIAL PROVISIONS IN THE DESIGNATED DISTRICTS

LAST AMENDED
8/12/2004

117-21 - Special Provisions for Use, Bulk and Parking

LAST AMENDED
8/12/2004

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The special #use#, #bulk# and parking provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Hunters Point Subdistrict, except where modified by the provisions of this Section, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

117-22 - Modification of Use Group 6A

LAST AMENDED
8/12/2004

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) pertaining to Use Group 6A shall be modified as follows:

> Food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to #floor area# per establishment.

117-23 - Street Wall Location in Certain Designated Districts

LAST AMENDED
2/2/2011

R6B M1-4/R6A M1-4/R7A M1-5/R8A M1-4/R6B M1-5/R7X

In the districts indicated, the #street wall# of any #building# containing #residences# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#. However, the #street wall# of a #building# need

not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet. Recesses, not to exceed three feet in depth from the #street line#, or eight feet in depth where ramps for the physically disabled are required, shall be permitted on the ground floor where required to provide access to the #building#.

Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location provisions of this Section.

117-30 - SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS

LAST AMENDED
10/25/1995

117-31 - Special Use Regulations

LAST AMENDED
2/2/2011

For #buildings# containing #residences#, #uses# on the ground floor shall be limited to non-#residential uses# and lobby space. Not more than 8,000 square feet of the ground floor shall be devoted to #uses# listed in Use Group 6B.

117-32 - Special Bulk Regulations

LAST AMENDED
2/2/2011

All #street walls# shall be built coincident with the #street line#.

117-40 - COURT SQUARE SUBDISTRICT

LAST AMENDED
10/25/1995

117-401 - General provisions

LAST AMENDED
2/2/2011

The regulations governing the Court Square Subdistrict of the #Special Long Island City Mixed Use District# are contained within Sections 117-40 through 117-45, inclusive. These regulations supplement the provisions of Sections 117-01 through 117-03, inclusive, of the #Special Long Island City Mixed Use District# and supersede the underlying districts.

Mandatory subway improvements are elements of the Subdistrict Plan, which shall be built by the developer of the #zoning lot# to which they apply.

117-41 - Court Square Subdistrict Plan

LAST AMENDED
6/30/2009

The Subdistrict Plan for the Court Square Subdistrict specifies the location of Blocks 1, 2 and 3 and identifies the improvements to be provided in the District under the provisions of this Chapter. The elements of the Subdistrict Plan are set forth in Appendix B of this Chapter, which consists of the Subdistrict Plan Map and Description of Improvements, and is incorporated into the provisions of this Chapter.

117-42 - Special Bulk and Use Regulations in the Court Square Subdistrict

LAST AMENDED
2/2/2011

#Zoning lots# of at least 10,000 square feet with #buildings# containing at least 70,000 square feet of #floor area# are subject to the provisions of the underlying C5-3 District, as modified by Sections 117-40 through 117-45, inclusive.

All other #zoning lots# are subject to the #use# provisions of the underlying C5-3 District and the #bulk# provisions of an M1-4/R6B designated district, pursuant to the regulations of Article XII, Chapter 3 (Special Mixed Use District), as modified by Sections 117-00 through 117-22, inclusive.

117-421 - Special bulk regulations

LAST AMENDED
6/26/2019

(a) #Developments# or #enlargements# on #zoning lots# that meet the standards of Section 117-44 and provide mandatory subway improvements as required by Section 117-44, may be #developed# or #enlarged# to a #floor area ratio# of 15.0. #Developments# or #enlargements# on #zoning lots# that do not meet the minimum standards of Section 117-44 shall not exceed the maximum #floor area ratio# of the M1-4/R6B designated district for the applicable #use#.

(b) The following provisions shall not apply within the Court Square Subdistrict:

Section 33-13 (Floor Area Bonus for a Public Plaza)

Section 33-14 (Floor Area Bonus for Arcades)

Section 33-26 (Minimum Required Rear Yards)

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade)

Section 34-23 (Modification of Yard Regulations).

(c) The height and setback regulations of the underlying C5-3 District shall apply, except that:

(1) no #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and 45th Avenue; and

(2) on Blocks 1 and 3, the #street wall# of a #building or other structure# shall be located on the #street line# or sidewalk widening line, where applicable, and extend along the entire #street# frontage of the #zoning lot# up to at least a height of 60 feet and a maximum height of 85 feet before setback, except any portion of a #building# on Block 3 fronting upon 23rd Street may rise to a maximum height of 125 feet before setback. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the level of the second #story#, up to 30 percent of the #aggregate

width of street walls# may be located beyond the #street line#, provided no such recesses are within 15 feet of an adjacent #building#.

Above the highest applicable maximum #street wall# height, the underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified:

(i) to permit portions of #buildings# that exceed a height of 85 feet to be set back at least five feet from a #wide street line#, provided no portion of such #building# that exceeds a height of 85 feet is located within 15 feet of a #side lot line#; and

(ii) so that the provisions of Section 33-451 (In certain specified Commercial Districts) regulating the aggregate area of a tower within 50 feet of a #narrow street# shall not apply to any #building# or portion of such #building# on Block 3 fronting upon 45th Avenue.

The provisions of this paragraph (c)(2) shall not apply to #enlargements# on #zoning lots# existing on June 30, 2009, where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

117-422 - Sign regulations

LAST AMENDED
5/28/2003

All requirements of Section 32-60 (SIGN REGULATIONS) shall apply, except for Sections 32-642 (Nonilluminated signs), 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) and 32-655 (Height of signs in all other Commercial Districts).

Non-#illuminated#, #illuminated# or #flashing signs# are permitted with a total #surface area# (in square feet) not exceeding five times the #street# frontage of the #zoning lot#, in feet, but in no event shall the total #surface area# exceed 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.

No permitted #sign# shall extend above #curb level# at a height greater than 60 feet.

A #non-conforming# #sign# may be replaced pursuant to Section 52-82 (Non-conforming Signs Other Than Advertising Signs), except that the height, location or position of the replacement #sign# may be changed by up to 10 feet, measured from the perimeter of the original #non-conforming# #sign#.

117-423 - Sidewalk widening

LAST AMENDED
2/2/2011

For any #development# or #enlargement# on Block 3 with a #building# wall facing 45th Road, a sidewalk widening of five feet shall be provided on 45th Road between 23rd Street and Jackson Avenue. Such sidewalk widening shall be a continuous, paved open area along the #front lot line# of the #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. Such sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#, and that any post or other support for such element, or any attachment to the support, has a maximum horizontal dimension of six inches. No #street# trees, vehicle storage, parking or trash storage is permitted on such

sidewalk widening.

117-44 - Mandatory Subway Improvements

LAST AMENDED
2/2/2011

For the purposes of mandatory subway improvements, any tract of land consisting of two or more contiguous lots of record under single ownership or control as of March 1, 1986, shall be considered a single #zoning lot#.

Subway improvements are required for qualifying #developments# or #enlargements#, as follows:

(a) #Zoning lots# with at least 5,000 square feet of #lot area#

#Developments# or #enlargements# on #zoning lots# with 5,000 square feet or more of #lot area# located on Block 1 and fronting on a sidewalk containing a sidewalk entrance to the Queens Boulevard Line, Court Sq-23 St Station, shall relocate the stairway or entrance(s) to such subway onto the #zoning lot#, in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), with the exception that, in addition to the waivers provided by Section 37-44, the additional standards for location, design and hours of public accessibility contained in Section 37-41 may be waived upon a finding by the Metropolitan Transportation Authority that such standards are undesirable or unnecessary to ensure a good overall design.

(b) #Zoning lots# with at least 10,000 square feet of #lot area#

For the purposes of this paragraph (b), the #floor area# of the #development# or #enlargement# shall be the total amount of #floor area# constructed after August 14, 1986.

#Developments# or #enlargements# on Blocks 1, 2 or 3, identified in Appendix B (Court Square Subdistrict Plan Map and Description of Improvements) of this Chapter, containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet of #lot area# shall provide mandatory subway improvements as described, in Appendix B, in paragraph (a) for Block 1, paragraph (b) for Block 2 and paragraph (c)(1) for Block 3.

In addition, on Block 3, any #development# or #enlargement# containing at least 300,000 square feet of #floor area# or any #development# or #enlargement# on a #zoning lot# of at least 30,000 square feet of #lot area# shall provide all the mandatory subway improvements for the Block, as described in paragraphs (c)(1) and (c)(2) for Block 3.

117-441 - Standards and procedures for mandatory subway improvements

LAST AMENDED
6/30/2009

(a) Compliance with Transit Authority design standards

The subway station improvements shall comply with all applicable design standards of the current station planning guidelines of the Transit Authority.

(b) Procedure

(1) Pre-application

The applicant shall submit schematic or concept plans for the proposed improvements to the Metropolitan Transportation Authority, the Transit Authority and the Chairperson of the City Planning Commission.

(2) Application pre-certification

After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and Chairperson of the City Planning Commission, the applicant shall submit documentation deemed necessary by the reviewing agencies.

(3) Prior to the granting of certification by the Chairperson of the City Planning Commission pursuant to Section 117-45 (Developer's Notice), the Transit Authority shall have submitted a letter to the Chairperson stating the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate.

(4) The owner shall sign a legally enforceable instrument running with the land containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, and to establish a construction schedule.

Any such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for Queens County and a certified copy of the instrument shall be submitted to the Chairperson of the City Planning Commission and the Transit Authority.

The owner shall not apply for or accept a temporary certificate of occupancy for the #development# or #enlargement#, and the Department of Buildings shall not issue a temporary certificate of occupancy, until the Transit Authority has determined that the subway improvement is substantially complete, which shall, for this purpose, mean usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy until the subway improvement has been completed in accordance with the approved plans and completion has been certified by the Transit Authority.

(5) Where the mandatory subway improvement includes the preparation of drawings for off-site subway improvements, such drawings including, but not limited to, plans, sections, elevations, three-dimensional projections and other drawings deemed necessary or relevant by the Transit Authority or the Chairperson of the City Planning Commission, shall be in conformance with the current guidelines for submission of outside projects of the Transit Authority. Prior to approval by the Chairperson, the Transit Authority shall provide a letter to the Chairperson containing conceptual approval of the improvements as indicated in the drawings.

117-45 - Developer's Notice

LAST AMENDED
2/2/2011

As a condition to the issuance by the Department of Buildings of an excavation or building permit for a #development# or #enlargement# on a #zoning lot# requiring a mandatory subway improvement:

(a) the developer shall have submitted to the Chairperson of the City Planning Commission:

(1) written notice of its intention to #develop# or #enlarge# on a #zoning lot# in the Court Square Subdistrict, the #floor area# of such #development# or #enlargement#, and the mandatory subway improvements which the developer shall construct;

(2) drawings, including, but not limited to, plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson, for the mandatory subway improvements within the designated #zoning lot#; and

(3) waivers, consents, agreements or other legal instruments obligating the developer, its heirs and devisees, successors and assigns, to develop its property in accordance with the Subdistrict Plan and the provisions of this Chapter; and

(b) within 90 days of such submission by the developer, the Chairperson of the City Planning Commission shall certify to the Department of Buildings and the developer receipt of the aforesaid documents and the developer's compliance, or non-compliance, with the requirements of the Subdistrict Plan.

117-50 - QUEENS PLAZA SUBDISTRICT

LAST AMENDED
6/30/2009

117-501 - General provisions

LAST AMENDED
7/26/2001

In Areas A-1, A-2, B and C of the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#, as indicated on Map 1 in Appendix C of this Chapter. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the "designated districts."

For the purposes of this Chapter, in the Queens Plaza Subdistrict, the area referred to as the "Sunnyside Yard" shall include: Yard A, the Arch Street Yard and the Sunnyside Yard, which are located generally between Crane Street, Jackson Avenue, 21st Street, 49th Avenue, Skillman Avenue, 43rd Street and the North Railroad property line.

117-502 - Queens Plaza Subdistrict Plan

LAST AMENDED
8/13/2015

The Queens Plaza Subdistrict Plan partly consists of the following three maps located within Appendix C of this Chapter:

Map 1 (Designated Districts within the Queens Plaza Subdistrict) of the Queens Plaza Subdistrict Plan identifies special areas comprising the Queens Plaza Subdistrict in which an M1 District is paired with a #Residence District# as indicated on the Subdistrict Map. These areas are as follows:

Area	Designated Districts
A-1 A-2	M1-6/R10

B	M1-5/R9
C	M1-5/R7-3

Map 2 (Ground Floor Use and Frontage) of the Queens Plaza Subdistrict Plan specifies locations where the special ground floor #use# and frontage regulations, as set forth in Section 117-512, apply.

Map 3 (Sidewalk Widening and Street Wall Location) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall# and mandatory sidewalk widening regulations, as set forth in Section 117-531, apply.

117-503 - Definitions

LAST AMENDED
2/2/2011

Definitions specifically applicable to the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District# are set forth in this Section. Other defined terms are set forth in Section 117-01 (Definitions) of the #Special Long Island City Mixed Use District# and Section 12-10 (DEFINITIONS).

Accessory use

In addition to those #accessory uses# listed in Section 12-10, for the purposes of this Section, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, pursuant to Section 117-51 (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

Within the Queens Plaza Subdistrict, the #home occupation# provisions of Section 12-10 shall apply, except that:

(a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;

(b) such #home occupation# may occupy more than 500 square feet of #floor area#; and

(c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

117-51 - Queens Plaza Subdistrict Special Use Regulations

LAST AMENDED
7/26/2001

The special #use# provisions of Sections 123-20 through 123-50, inclusive, of the #Special Mixed Use District# shall apply in the Queens Plaza Subdistrict except where modified by the provisions of this Section and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

117-511 - Large retail establishments

LAST AMENDED
7/26/2001

The following #uses# as listed in Section 42-30 (USES PERMITTED BY SPECIAL PERMIT) shall be permitted as-of-right in the Queens Plaza Subdistrict with no limitation on #floor area# per establishment:

Carpet, rug, linoleum or other floor covering stores;

Clothing or clothing accessory stores;

Department stores;

Dry goods or fabric stores;

Food stores;

Furniture stores;

Television, radio, phonograph or household appliance stores;

Variety stores.

117-512 - Ground floor use and frontage regulations

LAST AMENDED
2/2/2011

On designated #streets# in the Queens Plaza Subdistrict, as shown on Map 2 in Appendix C of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited exclusively to permitted #commercial#, #manufacturing# or #community facility uses# as modified by the special #use# provisions of Sections 117-51 and 117-511, except for lobby space or entrance space.

In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed in total 50 percent of the #building's# total #street# frontage or 30 feet, whichever is less. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 25 feet.

117-513 - Transparency requirement

LAST AMENDED
2/2/2011

Within the Queens Plaza Subdistrict, the transparency requirements of Section 37-34 (Minimum Transparency Requirements) shall apply to all #developments# and to #enlargements# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line#. However, the provisions establishing the maximum width of ground floor level #street wall# without transparency shall not apply. In lieu thereof, any portion of such #building# wall that is 50 feet or more in length and contains no transparent element between #curb level# and 14 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 14 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

The transparency requirements of this Section shall not apply to any #building# where the ground floor is occupied by #uses#

listed in Use Groups 16 or 17.

117-514 - Special sign regulations

LAST AMENDED
4/30/2012

Within the Queens Plaza Subdistrict, the #sign# regulations of Section 123-40 shall apply, except that such #sign# regulations may be modified to permit a non-#flashing sign# on the rooftop of a #non-residential building#, provided that such #sign# directs attention to a business conducted within such #building#, where such business occupies at least 20 percent of the #floor area# within such #building#, or a minimum of 50,000 square feet of #floor area# within such #building#, whichever is less. In addition, the following rules shall apply:

(a) such #sign# shall be located on the rooftop of a #building# with frontage on Queens Plaza South, Queens Boulevard, Queens Plaza East or Queens Plaza North, and the height of the rooftop on which the #sign# is affixed shall be at least 70 feet but not more than 150 feet above #curb level#;

(b) there shall be no more than one such #sign# on a #zoning lot#, and no more than one such #sign# per establishment on any #sign# structure;

(c) such #signs# shall be affixed to an open frame structure with maximum dimensions that shall not exceed 45 feet in height, as measured from the surface of the roof to its uppermost point, and 150 feet in width, as measured along its widest dimension;

(d) all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign# shall be separate elements, individually cut and separately affixed to the open frame structure. No perimeter or background surfaces shall be applied or affixed to the open frame structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for an open frame structure. The area of such separate elements of a rooftop #sign# shall not count towards the maximum #surface area of a sign# permitted in Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts); and

(e) any illumination from a rooftop #sign# located within 100 feet of any #building# containing #residences#, where such #residences# legally existed at the time of the application for a permit for such #sign#, shall not project into or reflect onto any #residential# portion of such #building#.

117-52 - Queens Plaza Subdistrict Special Bulk Regulations

LAST AMENDED
7/26/2001

117-521 - General provisions

LAST AMENDED
7/26/2001

All #buildings and other structures# within the Queens Plaza Subdistrict shall comply with the #bulk# regulations of this Section. The regulations of the designated #Residence# and M1 Districts shall apply as set forth below.

In Areas A-1, A-2, B and C of the Queens Plaza Subdistrict, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure# in accordance with the regulations of the designated #Residence District#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and

#community facility uses# in a #building or other structure# in accordance with the regulations of the designated M1 District, except as modified in the special #bulk# regulations of Sections 117-522 through 117-533, inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

117-522 - Maximum floor area ratio for all uses

LAST AMENDED
4/30/2008

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA SUBDISTRICT

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0
B	8.0
C	5.0

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

117-523 - Lot coverage and open space ratio requirements

LAST AMENDED
2/2/2011

(a) #Lot coverage# requirements for #residential buildings#

In the Queens Plaza Subdistrict, where the designated #Residence District# is an R7 or R9 District, the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts), regulating minimum required #open space ratios#, and maximum #floor area ratios#, shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #Quality Housing buildings#, shall comply with the #lot coverage# requirements set forth for the designated district in Section 23-153 (For Quality Housing buildings).

Where the designated district is an R7-3 District, the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

(b) #Lot coverage# and #open space ratio# requirements for #mixed use buildings#

#Lot coverage# and #open space ratio# requirements shall not apply to any portion of a #mixed use building# in the Queens Plaza Subdistrict.

117-524 - Floor area bonus for a public plaza or arcade

LAST AMENDED
10/17/2007

Any #floor area# bonus for a #public plaza# or #arcade# permitted under the regulations of the designated #Residence# or M1 District shall not apply in the Queens Plaza Subdistrict.

117-525 - Special yard regulations

LAST AMENDED
2/2/2011

The #yard# regulations of the underlying districts shall apply, except as specified in this Section.

(a) #Mixed use buildings#

For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#.

(b) #Manufacturing# or #commercial buildings#

The #rear yard# provisions of the designated M1 District shall apply, except that such #rear yard# provisions shall not apply to #manufacturing# or #commercial buildings# on #through lots#.

(c) #Zoning lots# adjacent to the Sunnyside Yard

On a #zoning lot# sharing a #lot line# with the Sunnyside Yard, no #yards# are required for any #building# within a distance of 100 feet from the shared #lot line#.

(d) For #zoning lots# occupying an entire #block#

No #rear yard# or #rear yard equivalent# shall be required for a #zoning lot# occupying an entire #block#.

117-53 - Height and Setback and Street Wall Location Regulations

LAST AMENDED
7/26/2001

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions pursuant to Sections 23-62 or 43-42, as applicable. In lieu thereof, all #buildings or other structures# shall comply with the regulations set forth in Sections 117-531 (Street wall location) and 117-532 (Setback regulations for buildings that exceed the maximum base height). Such regulations, however, shall not apply along the #street frontage# of that portion of a #zoning lot# occupied by existing #buildings#, unless the #street walls# of such existing #buildings# are vertically extended by

more than 15 feet. The height of all #buildings or other structures# shall be measured from the #base plane#.

117-531 - Street wall location

LAST AMENDED
8/13/2015

(a) On a #wide street#, and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# shall be located on the #street line# and extend along the entire width of the #street frontage# of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table in Section 117-532 (Setback regulations for buildings that exceed the maximum base height), or the height of the #building#, whichever is less. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

(b) On a #narrow street# between 50 and 100 feet of its intersection with a #wide street#, the #street wall# of a #building# shall extend along the entire width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.

Beyond 100 feet of the intersection of a #wide street#, #street walls# shall extend along at least 70 percent of the width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.

Beyond 50 feet of the intersection of a #wide street#, all #street walls# required pursuant to this paragraph (b) shall be located within eight feet of the #street line#.

(c) On a #wide street# above the ground floor level, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, in compliance with #outer court# regulations.

(d) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate length of such recesses shall not exceed 50 percent of the length of the entire #street wall# at any level. However, not more than 30 percent of the aggregate length of such recesses shall exceed a depth of eight feet.

(e) In the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) in Appendix C of this Chapter, a #building# shall comply with the provisions of paragraphs (a) through (d) of this Section, as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #building# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, in accordance with the provisions of Section 117-554, and located adjacent to a public sidewalk or mandatory sidewalk widening.

(f) For any #building# fronting on Queens Plaza South in Area A-1 or Area B as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) of Appendix C, any #street wall# along Queens Plaza South shall be set back five feet from the #street line#, except as otherwise specified on Map 3.

(g) For any #building# on a #zoning lot# located on Jackson Avenue between 42nd Road and Queens Plaza South, the #street wall# fronting on Jackson Avenue may be set back five feet from the #street line# only upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that the Jackson Avenue sidewalk adjacent to the #zoning lot# will be landscaped in accordance with a plan acceptable to the Department of Transportation and the Chairperson. Such plan shall include five planting beds that shall contain a mixture of deciduous and evergreen shrubs, ground covers and flowers. Such planting beds shall be installed and maintained by the owner of the #building#. The #street wall# of any subsequent #development# or #enlargement# shall be located no

closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#.

117-532 - Setback regulations for buildings that exceed the maximum base height

LAST AMENDED
5/22/2013

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

(a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

Area	Minimum Base Height	Maximum Base Height
A-1	60	---
A-2	60	150
B	100	150
C*	60	100

_____

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet

(b) In Area A-1, no setbacks are required above the applicable minimum base height specified in the table in paragraph (a) of this Section. However, if a setback is provided, it shall comply with the provisions of paragraph (a).

(c) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

117-533 - Special permit to modify use or bulk regulations

LAST AMENDED
2/2/2011

For any #zoning lot# within the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# requirements, provided the Commission shall find that:

(a) such #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) such #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for the programmatic requirements of the development;

(c) such #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;

(d) such #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

(e) such #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

117-54 - Off-street Parking and Loading Regulations

LAST AMENDED
5/8/2013

(a) The off-street parking provisions of Article I, Chapter 6, shall apply, except that:

(1) the prohibition of curb cuts accessing entrances and exits to #accessory# off-street parking facilities on certain #streets#, as set forth in paragraphs (b) and (c) of Section 16-23 (Curb Cut Restrictions), shall also apply to Northern Boulevard, Crescent Street and 23rd Street; and

(2) the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-residential Uses) shall be modified as follows: the maximum number of #accessory# off-street parking spaces permitted for a #development# or #enlargement# shall not exceed one space per 2,000 square feet of #floor area# or 250 spaces, whichever is less.

(b) Curb cuts shall not be permitted within 40 feet of a #zoning lot line# that abuts the Sunnyside Yard.

(c) #Public parking garages# shall be permitted on #Blocks# 86/72 and 403 pursuant to Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403).

(d) For #public parking garages# permitted on #Block# 420 pursuant to Section 74-50 (OFF-STREET PARKING ESTABLISHMENTS), the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level#, shall be exempt from the definition of #floor area# as set forth in Section 12-10.

117-55 - Mandatory Plan Elements for the Queens Plaza Subdistrict

LAST AMENDED
7/26/2001

117-551 - General provisions

LAST AMENDED
8/13/2015

Within the Queens Plaza Subdistrict, the provisions of Section 117-552 (Central refuse storage area) shall apply to any #development#, #enlargement#, alteration or change of #use#, except where more than 50 percent of the #floor area# of such #development#, #enlargement#, alteration or change of #use# is occupied by a #use# listed in Use Groups 16 or 17.

The provisions of Sections 117-553 (Mandatory sidewalk widening) and 117-554 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

117-552 - Central refuse storage area

LAST AMENDED
4/30/2008

The provisions of Section 28-12 (Refuse Storage and Disposal) shall apply.

117-553 - Mandatory sidewalk widening

LAST AMENDED
8/13/2015

The sidewalk widening provisions of this Section shall apply to all #developments# or #enlargements# with ground floor #street walls# with a ratio of #floor area# to #lot area# of 3.0 or more.

Sidewalk widening accessible to the public must be provided in the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) in Appendix C of this Chapter. Such mandatory sidewalk widening is subject to the design requirements of Section 117-554.

117-554 - Mandatory sidewalk widening design requirements

LAST AMENDED
2/2/2011

(a) Access

All mandatory sidewalk widenings shall be accessible directly from an adjoining public sidewalk and unobstructed along at least 50 percent of the total #street# frontage. Driveways and vehicular accessways included as part of the total #street# frontage may not be counted as providing access. All mandatory sidewalk widenings shall be accessible to the public at all times.

There shall be at least one unobstructed pedestrian path of travel providing access to each of the following:

(1) at least 70 percent of the mandatory sidewalk widening's total area;

(2) any #building# lobby accessible to the mandatory sidewalk widening; and

(3) any #use# that may be present on, or adjacent to and having an entrance on, the mandatory sidewalk widening.

(b) Access for persons with disabilities

The mandatory sidewalk widening shall be accessible to persons with disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design standards.

(c) Elevation

All mandatory sidewalk widenings shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A mandatory sidewalk widening shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to paragraph (a) of this Section, for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a mandatory sidewalk widening is 8,000 square feet or more, a maximum of 25 percent of its area may be located at an elevation more than three feet above or below the nearest adjoining sidewalk, which area, however, may not be located within a depth of 10 feet from the sidewalk measured perpendicular to the #street line#.

Where an existing subway station entry is located on the sidewalk area adjacent to a mandatory sidewalk widening, the mandatory sidewalk widening shall be provided at the same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry except as required for drainage. No obstruction shall be permitted within such portion of the mandatory sidewalk widening.

(d) Permitted obstructions

The provisions of Sections 37-726 and 37-73 shall apply, except that in the case of kiosks, the provisions of Section 37-73 shall be modified as follows: the aggregate area occupied by such kiosks shall not exceed 60 square feet or 1.5 percent of the area occupied by the sidewalk widening.

(e) Driveways, parking spaces, loading berths, exhaust vents and #building# trash storage facilities

The provisions of Section 37-726, paragraph (d), shall apply.

(f) Trees

One tree per 500 square feet of sidewalk widening is required. Each tree shall measure at least 2.5 inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of at least 3 feet, 6 inches.

(g) Paving

The provisions of Section 37-718 shall apply.

(h) Seating

One linear foot of seating for every 150 square feet of mandatory sidewalk widening shall be provided. In addition, the provisions of Section 62-672 shall apply.

(i) Bicycle parking facilities

The provisions of Section 37-745 shall apply.

(j) Drinking fountains

The provisions of Section 37-746 shall apply.

(k) Aesthetic amenities

One of the following amenities shall be provided:

(1) prominent lighting that enhances the architectural features of the upper #stories# of the #building#;

(2) an ornamental water feature within the mandatory sidewalk widening; or

(3) artwork, such as sculpture, within the mandatory sidewalk widening.

(l) Lighting

The provisions of Section 37-743 shall apply, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

(m) Sidewalk widening signs

The provisions of Section 37-751, paragraph (b) shall apply.

(n) Maintenance

The provisions of Sections 37-744 and 37-77 shall apply.

117-56 - Special Permit for Bulk Modifications on Blocks 86/72 and 403

LAST AMENDED
10/17/2007

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531 (Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

(a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided the Commission finds that:

(1) the public open area is designed so that it provides recreational opportunities for the community;

(2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;

(3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;

(4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and

(5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Section 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.

(b) The #public parking garage# shall be subject to the following conditions:

(1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);

(2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and

(3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to May 22, 2013, may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

117-57 - Modification of Article V, Chapter 4

LAST AMENDED
2/2/2011

In Article V, Chapter 4 (Non-complying Buildings), Section 54-311 (Buildings containing rooming units) shall not apply.

117-60 - DUTCH KILLS SUBDISTRICT

LAST AMENDED
10/7/2008

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-60 through 117-64, inclusive, shall apply within the Dutch Kills Subdistrict.

117-61 - General Provisions

LAST AMENDED
10/7/2008

In specified areas of the Dutch Kills Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of Section 117-60, inclusive, regulating the Dutch Kills Subdistrict, such #Residence# and M1 #Districts# are referred to as the “designated districts.” The designated districts within the Dutch Kills Subdistrict are indicated on the #zoning map# and are as follows:

M1-2/R5B

M1-2/R5D

M1-2/R6A

M1-3/R7X.

The special provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Dutch Kills Subdistrict except where modified by the provisions of the Subdistrict, and shall supplement or supersede

the provisions of the underlying designated #Residence# or M1 #District#, as applicable.

117-62 - Special Use Regulations

LAST AMENDED
10/7/2008

In the Dutch Kills Subdistrict, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

117-63 - Special Bulk Regulations in the Designated Districts

LAST AMENDED
10/7/2008

Maximum #floor area ratio#, #lot coverage# and #street wall# provisions in the designated districts are modified as set forth in Sections 117-631 through 117-633, inclusive.

117-631 - Floor area ratio and lot coverage modifications

LAST AMENDED
2/2/2011

(a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

(b) Maximum #floor area ratio# and #lot coverage# for #residential uses#

(1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for the #residential# portion of a #building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(2) M1-3/R7X designated district

(i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0, as set forth in Section

23-154 (Inclusionary Housing), through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

(c) Maximum #floor area ratio# for certain #commercial# and #manufacturing uses#

In M1-2 designated districts, the maximum #floor area ratio# shall be increased to 3.0 when paired with an R5B or R5D District and 4.0 when paired with an R6A District, provided that such additional #floor area# is limited to the following #uses#: photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults.

117-632 - Street wall location

LAST AMENDED
2/2/2011

In the Dutch Kills Subdistrict, the #street wall# of any #residential# or #mixed use building# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# of a #building# need not be located further from the #street line# than 15 feet.

117-633 - Maximum street wall height

LAST AMENDED
10/7/2008

In M1-2/R5B designated districts, for #residential buildings#, the maximum height of a #street wall# above the #base plane# shall be 33 feet or three #stories#, whichever is less.

117-634 - Maximum building height for mixed use buildings in designated R5 Districts

LAST AMENDED
10/7/2008

The provisions regarding the maximum height of #mixed use buildings# within 25 feet of a #street line#, as set forth in Section 123-661 (Mixed use buildings in Special Mixed Use

Districts with R3, R4 or R5 District designations), shall be modified in the Dutch Kills Subdistrict, where the designated Residence District is an R5 District, as follows:

(a) in designated R5B Districts, no #building or other structure# shall exceed a height of 33 feet within 25 feet of a #street line#;

(b) in designated R5D Districts, no #building or other structure# shall exceed a height of 45 feet within 25 feet of a #street line#.

117-64 - Special Parking Regulations

LAST AMENDED
2/2/2011

The provisions of Section 123-70 (PARKING AND LOADING) and the underlying #accessory# off-street parking and loading regulations for the designated district are modified, as follows:

(a) #Commercial# and #community facility uses#

(1) The #accessory# off-street parking and loading requirements of a C8-2 District, as set forth in Article III, Chapter 6, shall apply to all #commercial# and #community facility uses#, except that this modification shall not apply to #uses# listed in Use Group 5. The #accessory# off-street parking and loading requirements applicable to the designated M1 District, set forth in Article IV, Chapter 4, and Section 123-70, shall apply to Use Group 5.

(2) For Use Group 5 #uses#, the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall be modified as follows: the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.

(b) #Residential uses#

(1) The provisions of Section 25-241 (Reduced requirements) shall not apply in the designated M1-3/R7X District.

(2) In the applicable designated #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified, as follows:

(i) in the designated M1-2/R6A and M1-3/R7X Districts, the provisions of Section 25-26 shall only apply to #zoning lots# existing both on October 7, 2008, and on the date of application for a building permit.

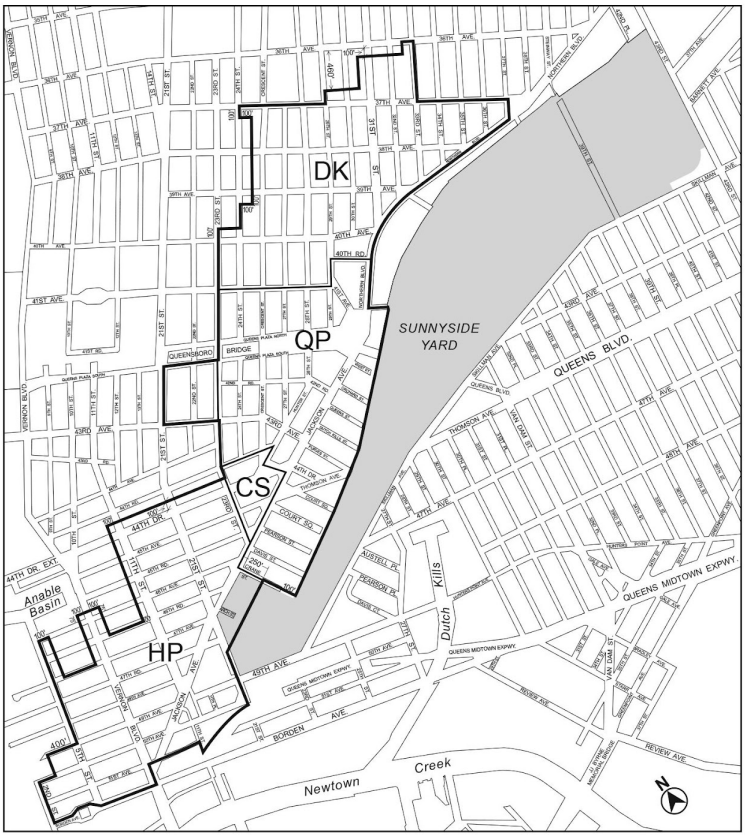
(ii) for all #developments# or #enlargements# in the designated M1-3/R7X District, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.

(3) Where the designated district is a M1-2/R5B District, the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) shall not apply.

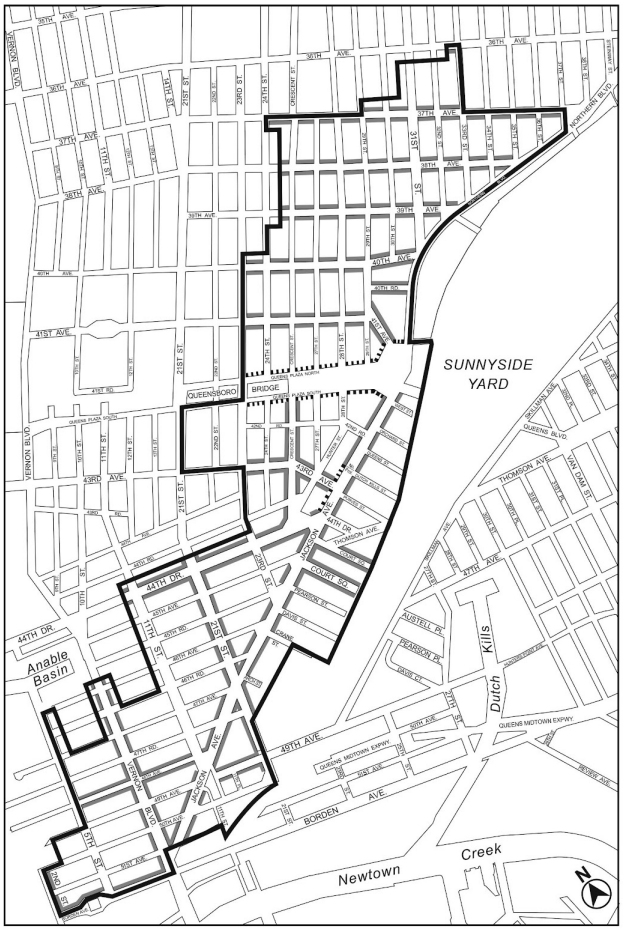
Appendix A - Special Long Island City Mixed Use District and Subdistricts

LAST AMENDED
7/29/2014

District and Subdistricts


DK
QP
CS
HP
SUNNYSIDE YARD
QUEENS BLVD.
QUEENSBORO BRIDGE
Anable Basin
Dutch Kills
Newtown Creek
QUEENS MIDTOWN EXPWY.
BORDEN AVE.
REVIEW AVE.
44TH DR.
44TH DR. EXT.
45TH AVE.
40TH RD.
41ST AVE.
21ST ST.
23RD ST.
24TH ST.
27TH AVE.
30TH AVE.
31ST AVE.
33RD AVE.
35TH AVE.
36TH AVE.
37TH AVE.
38TH AVE.
39TH AVE.
40TH AVE.
43RD AVE.
46TH AVE.
47TH AVE.
48TH AVE.
49TH AVE.
50TH AVE.
51ST AVE.
52ND AVE.
53RD AVE.
54TH AVE.
55TH AVE.
56TH AVE.
57TH AVE.
58TH AVE.
59TH AVE.
60TH AVE.
VERNON BLVD.
JACKSON AVE.
THOMSON AVE.
VAN DAM ST.
COURT SQ.
AUSTELL PL.
PEARSON PL.
MAIN ST.
COLLEGE POINT BLVD.
PARSONS BLVD.
LAGUARDIA PL.
BELL BLVD.
BELL PL.
BELL DR.
BELL LN.
BELL CT.
BELL TER.
BELL WAY
BELL CIR.
BELL PLAZA NORTH
BELL PLAZA SOUTH
QUEENS PLAZA NORTH
QUEENS PLAZA SOUTH
MOSES DR.
MOSES PL.
MOSES CT.
MOSES TER.
MOSES WAY
MOSES CIR.
MOSES PLAZA
MOSES PLAZA NORTH
MOSES PLAZA SOUTH
MOSES PLAZA WEST
MOSES PLAZA EAST
MOSES PLAZA SOUTHWEST
MOSES PLAZA NORTHWEST
MOSES PLAZA SOUTHEAST
MOSES PLAZA NORTHEAST

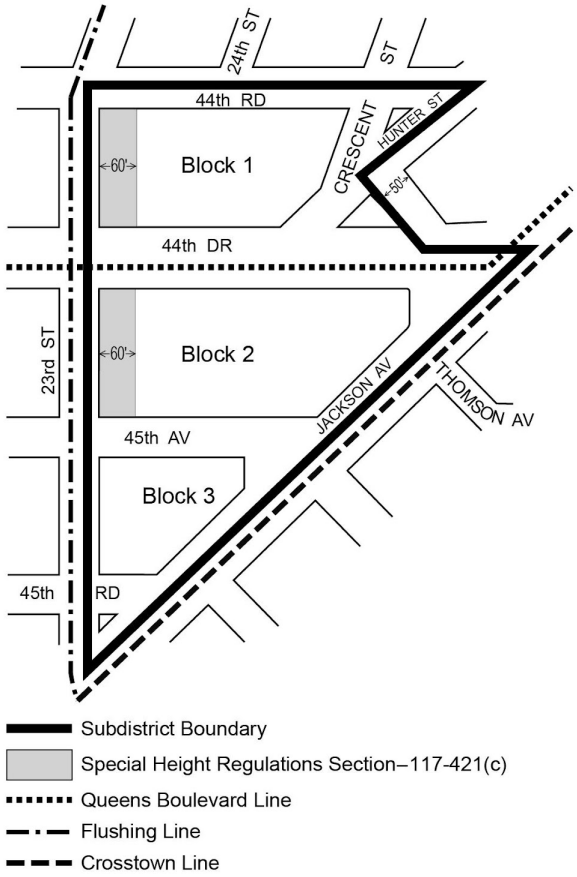
Permitted Sidewalk Cafe Locations



Unenclosed Sidewalk Cafes ····· *Small Sidewalk Cafes* Only

Appendix B - Court Square Subdistrict Plan Map and Description of Improvements

LAST AMENDED
6/26/2019



Description of Improvements

This Appendix describes the mandatory lot improvements that are designated on the District Plan Map in Appendix B for the Court Square Subdistrict. Descriptions refer to the text for requirements and standards for the following improvements.

(a) Block 1

A subway improvement, to consist of a connection between the Crosstown and Flushing Lines and maintenance of glass partitions in the control area of the Queens Boulevard Line, Court Sq-23 St Station mezzanine and near the control area of the Crosstown Line, Court Sq Station mezzanine which are to be installed by the developer of Block 2. The developer shall notify the Chairperson of the City Planning Commission upon both application for, and issuance of, a first building permit for the #development# on this #Block#.

(b) Block 2

A subway improvement, to consist of a connection between the Queens Boulevard and Crosstown Lines, preparation of preliminary plans for a Crosstown Line, Court Sq Station and Flushing Line, Court Sq Station connection and installation of glass partitions in the control area of the Court Sq-23 St Station mezzanine and near the control area of the Court Sq Station mezzanine, upon receipt of a written request by the Chairperson of the City Planning Commission, which shall occur only after the issuance of a first building permit for the #development# on Block 1.

(c) Block 3

(1) The first #development# or #enlargement# to meet the criteria for a subway improvement shall construct new entrances at the intersection of 44th Drive and 23rd Street for the Flushing Line, Court Sq Station, in consultation with the Metropolitan Transportation Authority and the Department of City Planning.

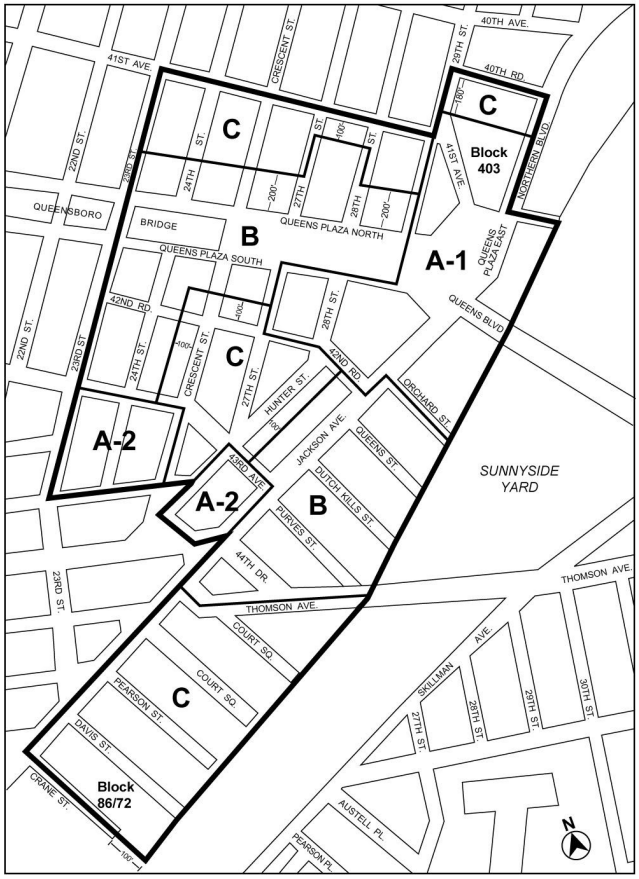
(2) For subsequent #developments# or #enlargements#, a subway improvement to the north end of the Flushing Line, Court Sq Station, shall be required. Such improvement shall be determined in consultation with the Metropolitan Transportation Authority and the Department of City Planning.

Appendix C - Queens Plaza Subdistrict Plan Maps

LAST AMENDED
8/13/2015

(12/19/01)

Map 1: Designated Districts within the Queens Plaza Subdistrict

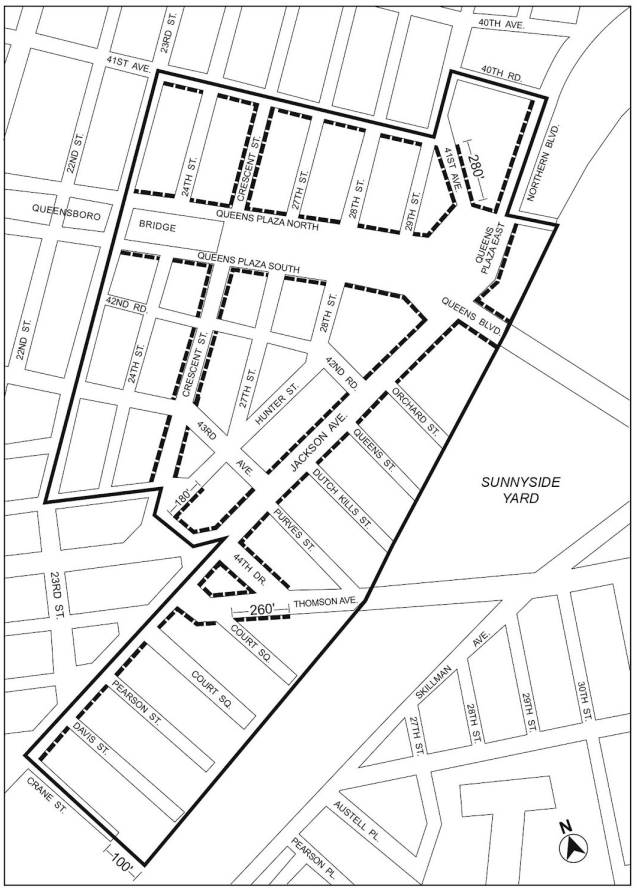


Queens Plaza Subdistrict
Designated Districts

AREA A-1, A-2	M1-6/R10
AREA B	M1-5/R9
AREA C	M1-5/R7-3

(8/13/15)

Map 2: Ground Floor Use and Frontage

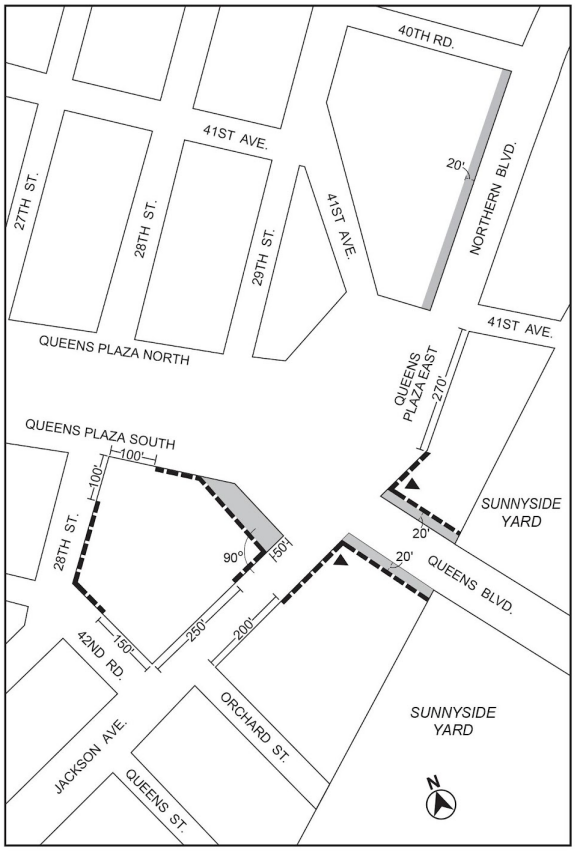


Queens Plaza Subdistrict Boundary

Street Frontages where Ground Floors are Restricted to Non-Residential Uses

(8/13/15)

Map 3: Sidewalk Widening and Street Wall Location



Mandatory Sidewalk Widening

Permitted Street Wall Setback Locations

▲ Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special Union Square District (US)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 8 - Special Union Square District (US)

118-00 - GENERAL PURPOSES

LAST AMENDED
1/10/1985

The "Special Union Square District" established in this Resolution is designated to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to promote a revitalized mixed-use area around Union Square by encouraging controlled development on vacant and under-utilized sites within the District;

(b) to stimulate such growth while providing guidelines which will ensure urban design compatibility between new development, existing buildings and Union Square and which will preserve and enhance the special character of the Square;

(c) to stabilize the area through residential development and thereby encourage active utilization of Union Square Park;

(d) to enhance the retail and service nature and economic vitality of 14th Street by mandating appropriate retail and service activities;

(e) to improve the physical appearance and amenity of the streets within the District by establishing streetscape and signage controls which are compatible to Union Square Park;

(f) to improve access, visibility, security and pedestrian circulation in and around the 14th Street/Union Square Station; and

(g) to promote the most desirable use of land in this area and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

118-01 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Union Square District# and in accordance with the provisions of this Chapter, certain specified #use#, #bulk# and #sign# regulations of the underlying district are made inapplicable and are superseded by the #use#, #bulk# and #sign# regulations of the #Special Union Square District# as set forth in this Chapter. In addition, special #street wall# transparency and location of entrance requirements are set forth in this Chapter. Except as modified by the express provisions of this Chapter, the underlying district regulations remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

118-02 - Incorporation of Appendix A

LAST AMENDED
2/2/2011

The District Plan of the #Special Union Square District# is set forth in Appendix A and is incorporated as an integral part of the provisions of this Chapter.

118-10 - USE REGULATIONS

LAST AMENDED
1/10/1985

118-11 - Ground Floor Uses

LAST AMENDED
2/2/2011

#Uses# within #stories# that have a floor level within five feet of #curb level# along 14th Street shall be limited to the #uses# listed in this Section, except that entrances to above-grade or below-grade #uses# are permitted, subject to the regulations set forth in Section 118-41 (Entrances on 14th Street).

These regulations shall apply to #developments#, #enlargements#, #extensions# and changes of #use#.

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile rental offices

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Banks

Barber shops

Beauty parlors

Bicycle sales, rental or repair shops

Book stores

Candy or ice cream stores

Carpet, rug, linoleum, or other floor covering stores, with no limitation on #floor area# per establishment

Cigar or tobacco stores

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Clothing rental establishments, limited to 10,000 square feet on #floor area# per establishment

Department stores

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to

2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and a total aggregate load capacity of machines shall not exceed 60 pounds

Dry goods or fabric stores, with no limitation of #floor area# per establishment

Eating or drinking establishments including those which provide outdoor table service, or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or fewer

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or fewer

Eating or drinking places without restrictions on entertainment or dancing, but limited to locations in hotels

Fishing tackle or equipment, rental or sales

Florist shops

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Furniture stores, with no limitation on #floor area# per establishment

Furrier shops, custom

Gift shops

Hardware stores

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Medical or orthopedic appliance stores

Millinery shops

Music stores

Newsstands, open or enclosed

Office or business machine stores with no limitations on #floor area# per establishment

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic developing or photographic printing establishments limited to 2,500 square feet per establishment

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Telegraph offices

Television, radio, phonograph or household appliance stores with no limitation on #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Variety stores, with no limitation on #floor area# per establishment

Wallpaper stores

Watch or clock stores or repair shops

118-12 - Sign Regulations

LAST AMENDED
10/17/2007

On #street walls# fronting on 14th Street, no #sign# may be located more than 25 feet above #curb level#.

#Signs# on #street walls# fronting on all other #streets# within the Special District shall be subject to the provisions of paragraph (e) of Section 32-435 (Ground floor use in high density Commercial Districts).

#Flashing signs# are not permitted within the Special District.

118-20 - BULK REGULATIONS

LAST AMENDED
1/10/1985

118-21 - Floor Area Regulations

LAST AMENDED
2/2/2011

The maximum #floor area ratio# permitted on property bounded by:

(a) Broadway, a line midway between East 14th Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0; and

(b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0.

The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

118-22 - Residential Density Regulations

LAST AMENDED
2/2/2011

The density regulations of Section 23-20 shall not apply. Instead, for every 750 square feet of #residential# #floor area# permitted on a #zoning lot#, there shall be no more than one #dwelling unit#.

However, the conversion of non-#residential buildings# to #residential use# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).

118-30 - STREET WALL, HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
2/2/2011

The location and height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown in the District Plan (Appendix A). However, if a #development# or #enlargement# is adjacent to one or more existing #buildings# fronting on the same #street line#, the #street wall# of such #development# or #enlargement# shall be located neither closer to nor further from the #street line# than the front wall of the adjacent #building# which is closest to the same #street line#.

#Street wall# recesses are permitted below the level of the second #story# ceiling for subway stair entrances required under Section 118-50 (OFF STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT). Such recesses shall be no longer than 15 feet and no deeper than eight feet or the width or length of the relocated subway stair, whichever is greater.

#Street wall# recesses are also permitted below the level of the second #story# ceiling for #building# or store entrances only.

A #sky exposure plane# of 2.5 to 1 shall begin at a height above #curb level# of 125 feet on all #streets# within the Special District, except that on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street# with a #wide street#, the #sky exposure plane# shall begin at a height above #curb level# of 85 feet.

No #development# or #enlargement# shall penetrate such #sky exposure plane# except pursuant to Section 33-45 (Tower Regulations). However, Section 33-45 shall not be applicable to any portion of a #building# located within 100 feet of a #street

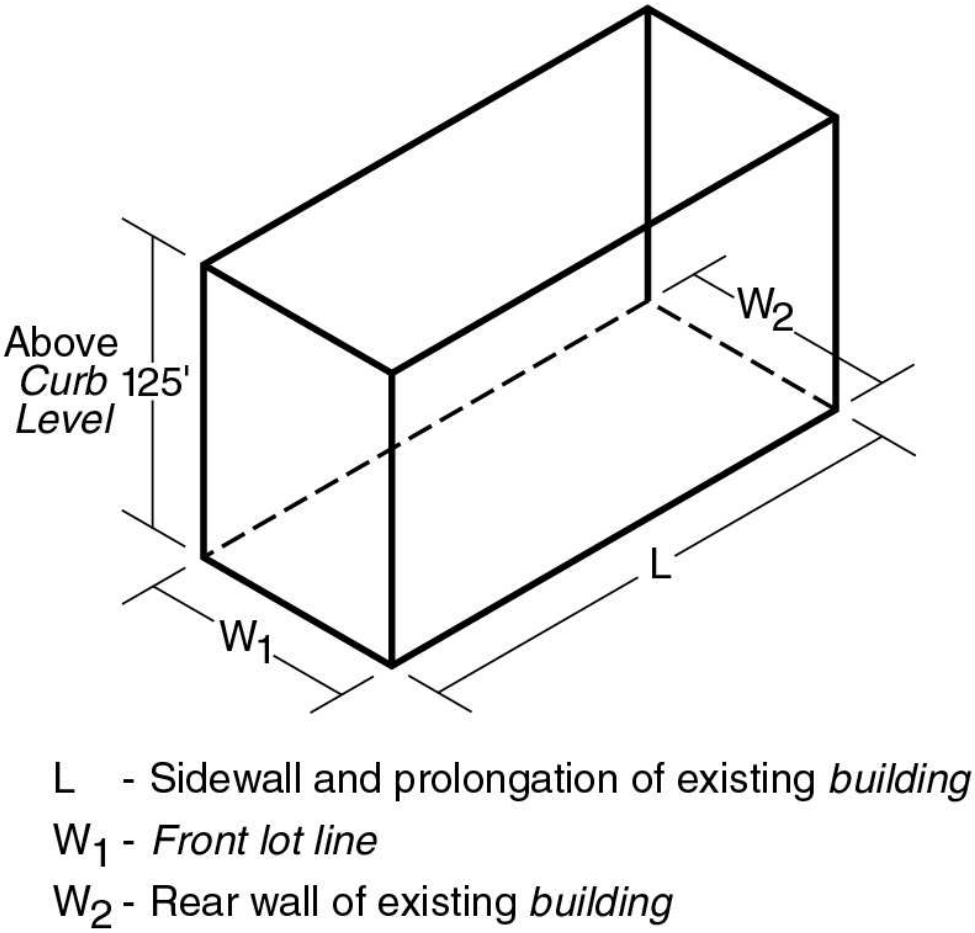
line# opposite a #public park#.

118-31 - Modification of Street Wall Requirements

LAST AMENDED
2/2/2011

(a) On a #zoning lot# where there is an existing #building# to remain, the requirements governing height and location of #street walls# shall not apply within a volume defined by the rear wall of the existing #building# (W2), the #front lot line# (W1), the prolongations of the side walls (L) and a height of 125 feet above #curb level#

If, after January 10, 1985, any demolition or destruction occurs within the volume defined, the requirements governing #street wall# height shall apply.



EXISTING BUILDING VOLUME FOR

MODIFICATION OF STREET WALL REQUIREMENTS

(b) The City Planning Commission may authorize modifications in the required #street wall# location if the Commission finds that the existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development#, #enlargement# or alteration in a manner prescribed in paragraph (a) of this Section.

118-40 - ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS

LAST AMENDED
2/2/2011

All #buildings# #developed# or portions of #buildings# #enlarged# after January 10, 1985, that front on 14th Street, Union Square East, Union Square West or 17th Street shall be subject to the requirements set forth below.

118-41 - Entrances on 14th Street

LAST AMENDED
2/2/2011

Each permitted #use# within a #story# that has a floor level within five feet of #curb level# in #buildings# or portions of #buildings# with frontage on 14th Street, shall be entered directly from 14th Street. Entrances to #uses# located above or below such #stories# are permitted, provided that such entrances, in aggregate, shall not exceed 30 linear feet of #street wall# frontage on 14th Street.

118-42 - Entrances on Union Square East, Union Square West and 17th Street

LAST AMENDED
2/2/2011

If a #use# occupies at least 40 percent of the #floor area# of a #building# or portion of a #building#, as applicable, pursuant to Section 118-40 (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS), that fronts on Union Square East, Union Square West or 17th Street between Broadway and Park Avenue South, then the principal entrance to that #use# shall be located on such #street#. However, if more than one #use# meets these criteria, the principal entrance to only one of them is required to be so located.

118-43 - Street Wall Transparency

LAST AMENDED
2/2/2011

When the #street wall# of any #development# or #enlargement# is located on 14th Street, Union Square East, Union Square West or 17th Street, such #street wall# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

118-50 - OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

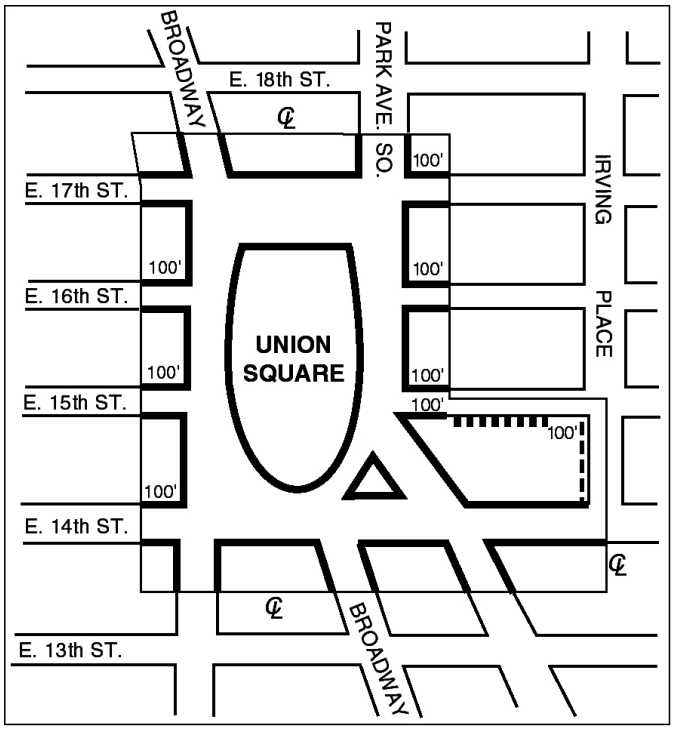
LAST AMENDED
1/10/1985

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet which fronts on a portion of sidewalk containing a stairway entrance or entrances into the 14th Street/Union Square Station, the #development# or #enlargement# shall be subject to the regulations of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

Appendix A - UNION SQUARE DISTRICT PLAN

LAST AMENDED
1/10/1985

#Street walls# shall be coincident with #street lines#.



Mandatory Street Walls
85'-125' Above *Curb Level*

Permitted Street Walls
125' Above *Curb Level*

Permitted Street Walls
85' Above *Curb Level*

Special Union Square District

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 9 - Special Hillsides Preservation District (HS)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 9 - Special Hillsides Preservation District (HS)

119-00 - GENERAL PURPOSES

LAST AMENDED
6/30/1987

The "Special Hillsides Preservation District" (hereinafter also referred to as the "Special District") established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following special purposes:

(a) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;

(b) to preserve hillsides having unique aesthetic value to the public;

(c) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and

(d) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

119-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where:

S - average percent of slope

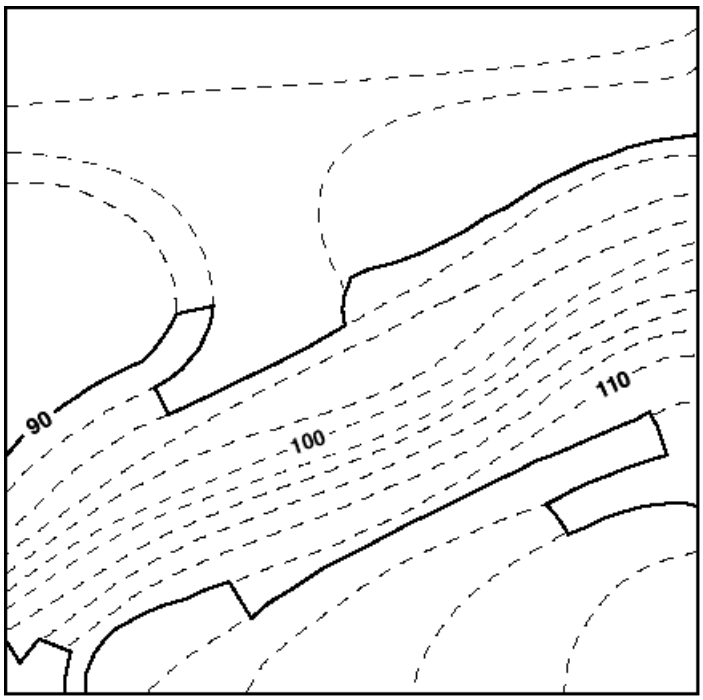
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#.

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where:

X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, such as the map pictured above. A 25 percent slope, on a map with two-foot

contour intervals, is indicated by contour lines which are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Buildable area

A "buildable area" is a portion of a #zoning lot# excluding #steep slopes#.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Site alteration

For the purposes of this Chapter, a "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#. #Site alterations# shall include the following:

(a) removal of #topsoil#;

(b) excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on June 30, 1987, is modified by two feet or more;

(c) dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way; or

(d) removal of vegetation beyond 15 feet of the foundation of an existing #building#, except when the plant materials' continued presence would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning or routine maintenance.

Staging area

A "staging area" is any area on a #zoning lot# or other tract of land used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater. However, a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more which is counted toward a tree preservation requirement, or a credit for a newly planted tree of three-inch #caliper# or more which is counted toward a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while

protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arborculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch #caliper# or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

119-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Hillsides Preservation District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# where the #average percent of slope# is less than 10 percent shall be regulated by the provisions set forth in Section 119-10 (PROVISIONS REGULATING TIER I SITES). Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# having an #average percent of slope# equal to or greater than 10 percent shall be governed by the provisions set forth in Section 119-20 (PROVISIONS REGULATING TIER II SITES).

No #development#, #enlargement# or #site alteration# is permitted within any #area of no disturbance# on a #zoning lot# or other tract of land. #Areas of no disturbance# shall remain in their natural state, except:

(a) for #steep slopes# or #steep slope buffers#, an authorization may be granted by the City Planning Commission, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS);

(b) vegetation and #topsoil# may be removed from a #steep slope buffer# during construction on a #Tier I site#, provided that the #development#, #enlargement# or #site alteration# complies with the requirements of Sections 119-215 (Landscaping controls to preserve trees, shrubs and ground cover), 119-217 (Tier II controls during construction) and 119-22 (Tier II Submission Requirements); or

(c) in accordance with a #tree protection plan#.

Those portions of a #zoning lot# having #areas of no disturbance#, however, may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio# or maximum number of #dwelling units# or #rooming units#.

The following #uses#, including #enlargements# to such #uses#, shall not be permitted within the #Special Hillsides Preservation District# unless an authorization is granted by the Commission pursuant to Section 119-30: #community facility uses#, #group parking facilities# of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the #Special Hillsides Preservation District# is designated on a #public park#, or portion thereof, #site alterations#, the

construction of new park-related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadiums, and improvements to existing park-related facilities, shall not be subject to the provisions of Sections 119-10 or 119-20 but shall require an authorization from the Commission, pursuant to Section 119-31 (Authorizations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

119-03 - Applicability of Large-scale Residential Development Regulations

LAST AMENDED
6/30/1987

Any #development# on a #zoning lot# having an #average percent of slope# of 10 percent or greater, which is used predominantly for #residential use#, may be treated as a #large-scale residential development# and special authorizations or special permits for such #developments# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential developments# as set forth in Section 12-10 (DEFINITIONS). However, bonuses that may be granted for #large-scale residential developments# under the provisions of Sections 78-32 (Bonus for Good Site Plan), 78-33 (Bonus for Common Open Space) or 78-35 (Special Bonus Provisions) may not be granted for #developments# that have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.

Notwithstanding the provisions of Section 78-06 (Ownership), a #zoning lot# having an #average percent of slope# of 10 percent or greater that is the subject of an application under this Section may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

119-04 - Future Subdivision

LAST AMENDED
2/2/2011

Within the #Special Hillsides Preservation District#, no #zoning lot# existing on June 30, 1987, may be subdivided without certification by the City Planning Commission that the proposed subdivision complies with the regulations of the #Special Hillsides Preservation District# and that all #hillsides# are preserved to the greatest extent possible under future #development# options.

A plan for such subdivision shall be filed with the Commission and shall include a survey map indicating existing topography at two-foot contour intervals and all individual trees of six-inch #caliper# or more.

When a #zoning lot# existing on June 30, 1987, is intended to be subdivided and is more than five acres, a site plan of the entire subdivision shall be filed with the Commission. The site plan shall include the proposed vehicular circulation system within the area, #block# and #zoning lot# layouts and any other information required by the Commission.

In the event that any #zoning lot# proposed for subdivision contains a #development#, #enlargement# or #site alteration# that has been undertaken contrary to the provisions of this Chapter, the Commission shall not approve the subdivision until violations are removed from the #zoning lot#, in accordance with the Commission's requirements under Section 119-40 (COMPLIANCE).

119-05 - Applicability of Parking Location Regulations

LAST AMENDED
2/2/2011

The parking regulations applicable to #lower density growth management areas# are modified to allow required #accessory# parking spaces to be located in a #front yard#.

119-10 - PROVISIONS REGULATING TIER I SITES

LAST AMENDED
2/2/2011

#Tier I sites# shall be regulated by the provisions set forth in this Section, inclusive.

119-11 - Tier I Requirements

LAST AMENDED
2/2/2011

119-111 - Tier I tree preservation requirements

LAST AMENDED
12/7/1999

To the maximum extent possible, existing trees shall be retained. Trees of six-inch #caliper# or more may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

(a) such trees are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;

(b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;

(c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendix B (Selection List for On-site Trees); or

(d) an authorization pursuant to Section 119-313 (Modification of landscaping, tree preservation and tree planting requirements) has been granted by the City Planning Commission approving the removal of such trees.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section 119-112 (Tier I tree planting requirements).

119-112 - Tier I tree planting requirements

LAST AMENDED
2/2/2011

All #developments#, #enlargements# and #site alterations# on #Tier I sites# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site

alteration#. However, the requirements set forth herein shall not apply to any #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

119-113 - Tier I controls during construction

LAST AMENDED
12/7/1999

The following requirements must be met during construction:

(a) Construction fences shall be erected around all #areas of no disturbance#.

A #tree protection plan# is required to modify the #area of no disturbance# around trees proposed for preservation.

(b) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

(c) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.

(d) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

119-12 - Tier I Submission Requirements

LAST AMENDED
2/2/2011

For all #developments#, #enlargements# or #site alterations# on #Tier I sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #residential building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillsides Preservation District# have been met.

(a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land, as it occurs, in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.

(b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone#.

(c) A tree-planting plan, prepared by a registered landscape architect, indicating the location and species of all new plantings, and indicating the location of and the #critical root zone# around all trees proposed for preservation.

119-13 - Administration of Tier I Requirements

LAST AMENDED
6/30/1987

No permanent certificate of occupancy shall be issued by the Department of Buildings unless an inspection report, verifying that the requirements of Section 119-10 (PROVISIONS REGULATING TIER I SITES) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor, registered architect or professional engineer.

119-20 - PROVISIONS REGULATING TIER II SITES

LAST AMENDED
2/2/2011

All #Tier II sites# shall be regulated by the provisions set forth in this Section. However, any #enlargement# on #Tier II sites# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#, shall be exempted from the provisions of Sections 119-211 (Lot coverage, floor area and density regulations), 119-213 (Grading controls) to 119-217 (Tier II controls during construction), inclusive, 119-22 (Tier II Submission Requirements), and 119-23 (Administration of Tier II Requirements).

119-21 - Tier II Requirements

LAST AMENDED
2/2/2011

119-211 - Lot coverage, floor area and density regulations

LAST AMENDED
1/18/2011

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable requirements of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) or 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) as modified by this Section, and Sections 23-21 (Required Floor Area per Dwelling Unit) and 33-10 (FLOOR AREA REGULATIONS). For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

	#Residence District#						
#Average Percent of Slope#	R1	R2	R3	R4	R5	R6: 1-2 Family	R6: Other
10—14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15—19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20—24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 119-311, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT OR PORTION OF A ZONING LOT WITH A STEEP SLOPE, BY ZONING DISTRICT AND RESIDENCE TYPE

#Residence District#						
R1	R2	R3	R4	R5	R6: 1-2 Family	R6: Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the Special Hillsides Preservation District) and is located in a #Commercial District#.

119-212 - Height and setback regulations

LAST AMENDED
2/2/2011

The height and setback regulations set forth in Sections 23-63 (Height and Setback Requirements in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements), 34-24 (Modification of Height and Setback Regulations), 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent) and 35-63 (Basic Height and Setback Modifications) shall not apply

to #buildings or other structures# on #Tier II sites# within the #Special Hillsides Preservation District#. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

No portion of a #building or other structure# shall penetrate a plane drawn parallel to the #base plane# at a height that is shown in Table III of this Section. For #buildings# with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the #base plane#, which is a plane from which the height of a #building or other structure# is measured in R2X, R3, R4 and R5 Districts, shall also be established in accordance with the provisions of Section 12-10 (DEFINITIONS) for #buildings or other structures# in R1, R2 and R6 Districts.

TABLE III

MAXIMUM HEIGHT OF A BUILDING OR OTHER STRUCTURE

#Residence District# *	Maximum Height above #Base Plane#
R1 R2 R3 R4**	36 feet
R5**	60 feet
R6	70 feet

* or #Residence District# equivalent when the #zoning lot# is located within a #Commercial District#

** #buildings# that utilize the regulations of Section 23-143, applying to a #predominantly built-up area#, shall not exceed a maximum height of 32 feet above the #base plane#.

119-213 - Grading controls

LAST AMENDED
2/2/2011

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

(a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.

(b) Where two cut slopes intersect, the corners shall be rounded with a minimum radius of 25 feet.

(c) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.

(d) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillsides Preservation District#.

(e) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T99 or ASTM D698.

(f) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.

(g) The edge of any cut or fill slope meeting the grade existing on June 30, 1987, should be blended into such grade in a vertical or horizontal arc with a radius of not less than 25 feet.

(h) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on June 30, 1987, should be rounded in a vertical arc with a radius of not less than five feet.

(i) Tops and toes of cut and fill slopes shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet.

119-214 - Tier II requirements for driveways and private roads

LAST AMENDED
2/2/2011

The provisions set forth in this Section and Section 119-213 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings# #developed# after December 11, 1999. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply. However, the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#.

(a) Driveways

(1) the maximum grade of a driveway shall not exceed 10 percent;

(2) the paved width of a driveway shall not exceed 18 feet; and

(3) the maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

(1) the maximum grade of a #private road# shall not exceed 10 percent;

(2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;

(3) the paved width of a #private road# shall not exceed 30 feet;

(4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;

(5) a curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;

(6) curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;

(7) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;

(8) no building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section; and

(9) for the purposes of applying the #yard# regulations of Section 26-31, the curb of the #private road# shall be considered to be the #street line#.

The City Planning Commission may by authorization or special permit, as applicable, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS), allow modifications to, or waivers of, the requirements of this Section. The approval of the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety shall be a condition precedent for any modification or waiver.

119-215 - Landscaping controls to preserve trees, shrubs and ground cover

LAST AMENDED
2/2/2011

(a) In any #area of no disturbance#, existing vegetation and #topsoil# shall not be removed, except in accordance with a #tree protection plan# or as authorized by the City Planning Commission, pursuant to the provisions of Section 119-313 (Modification of landscaping, tree preservation and tree planting requirements).

(b) To the maximum extent possible, existing trees, shrubs and ground cover shall be retained. Vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

(1) it is located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking or within a distance of 15 feet of a #building# foundation and, provided that it is not practical to avoid such removal by adjustments in the arrangement of such #buildings#, #private roads#, driveways or required parking areas;

(2) the continued presence of the vegetation would interfere with the growth or health of trees of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendices A, B or C;

(3) the continued presence of the vegetation would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning or routine maintenance; or

(4) an authorization has been granted by the City Planning Commission under the provisions of Section 119-313 approving the removal of such vegetation.

(c) Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed under paragraph (b) of this Section shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, there shall be provided the following plantings of the size and number indicated in paragraphs (c)(1) through (c)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix A (Selection List for Ground Covers and Shrubs). Species of on-site trees shall be selected from Appendix B (Selection List for On-site Trees).

(1) Ground cover shall be planted one at one foot on center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and

(2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or

(3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or

(4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

119-216 - Tier II tree planting requirements

LAST AMENDED
2/2/2011

All #developments#, #enlargements# and #site alterations# on #Tier II sites# shall comply with the following tree planting requirements, whether or not existing vegetation is removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly-planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of caliper, credit for an additional tree shall be given.

Single-trunk trees newly planted to meet this requirement shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

119-217 - Tier II controls during construction

LAST AMENDED
2/2/2011

The following requirements must be met during construction:

(a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15 foot limit infeasible or impractical.

(b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.

(c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillsides Preservation District#.

(d) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

(e) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.

(f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

119-22 - Tier II Submission Requirements

LAST AMENDED
2/2/2011

For all #developments#, #enlargements# or #site alterations# on #Tier II sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillsides Preservation District# have been met.

(a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land as it occurs in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.

(b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of all understory, including shrubs and ground cover; and the location, #caliper# and species of individual trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating for the latter the #critical root zone#, the location of any other #area of no disturbance# and the location of the #staging area#.

(c) A grading plan that will show all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted.

(d) An alignment and paving plan for any #private road# with a typical cross-section.

(e) A landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings.

(f) A construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site. A #tree protection plan# for any tree proposed for preservation where the #area of no disturbance# is proposed to be modified.

(g) An affidavit prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer stipulating the following:

(1) prior to construction, no grading, filling, clearing or excavation of any kind shall be initiated until approval of a final grading plan by the Department of Buildings;

(2) no construction equipment of any kind shall pass over areas to be preserved, according to the approved plans;

(3) construction fences meeting the requirements of Section 119-217, paragraph (b), shall be erected around all

vegetation proposed for retention; and

(4) construction controls (erosion protection, drainage measures, etc.) shall be implemented according to the approved plan.

(h) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

119-23 - Administration of Tier II Requirements

LAST AMENDED
12/7/1999

All #developments#, #enlargements# or #site alterations# that are subject to the requirements of Section 119-22 (Tier II Submission Requirements) shall file directly with the Department of Buildings.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Section 119-20 have been met, is filed with the Department of Buildings by a registered landscape architect, registered architect, licensed surveyor or professional engineer.

119-30 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
6/30/1987

119-31 - Authorizations

LAST AMENDED
2/2/2011

Upon application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter and for the underlying district regulations in accordance with the provisions of Sections 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer) through 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks), inclusive.

In addition, all #developments#, #enlargements# and #site alterations# that require an authorization pursuant to Sections 119-311 through 119-318, inclusive, shall be subject to the provisions of Sections 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations, of any authorizations hereunder, to minimize adverse effects on the #hillsides# and the character and quality of the community.

119-311 - Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer

LAST AMENDED
2/2/2011

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #steep slope# or #steep slope buffer#.

In order to grant such authorizations, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the requested modification will not disturb the drainage patterns and soil conditions of the area; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of Section 119-20 (PROVISIONS REGULATING TIER II SITES) for which an authorization or special permit has not been obtained.

119-312 - Authorization of certain uses within the Special Hillsides Preservation District

LAST AMENDED
2/2/2011

Any #group parking facility# with 30 cars or more and, in #Residence Districts#, any #community facility use# or #enlargement# thereof, shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of a site plan, shall find that:

(a) the proposed #development#, #enlargement# or #site alteration# will not adversely affect the drainage pattern and soil conditions of the area;

(b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;

(d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;

(e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and

(f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such development to and from such arterial.

The Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities#, if such modifications preserve vegetation and natural topography.

119-313 - Modification of landscaping, tree preservation and tree planting requirements

LAST AMENDED
12/7/1999

The City Planning Commission may authorize modifications to Sections 119-111 (Tier I tree preservation requirements), 119-112 (Tier I tree planting requirements), paragraph (b)(8) of Section 119-214 (Tier II requirements for driveways and private roads), 119-215 (Landscaping controls to preserve trees, shrubs and ground cover) and 119-216 (Tier II tree planting requirements).

In order to grant such authorizations, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted; and

(c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the tree preservation or planting requirements being modified.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillsides Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

119-314 - Modification of lot coverage controls

LAST AMENDED
2/2/2011

For any #development# or #enlargement# subject to Section 119-211 (Lot coverage, floor area and density regulations), the City Planning Commission may authorize variations in the #lot coverage# controls.

In order to grant such authorization, the Commission shall find that:

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(e) the requested modification will not disturb the drainage pattern and soil conditions of the area; and

(f) the proposed modification does not impair the essential character of the surrounding area.

119-315 - Modification of height and setback regulations

LAST AMENDED
2/2/2011

For any #Tier II site#, the City Planning Commission may authorize variations in the height and setback regulations set forth in Section 119-212 (Height and setback regulations).

In order to grant such authorizations, the Commission shall find that:

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography and vegetation and the preservation of #hillsides# having aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the requested modification will not disturb the soil conditions of the area;

(e) the proposed modification does not impair the essential character of the surrounding area; and

(f) the proposed modification will not have adverse effects upon light, air and privacy of adjacent properties.

119-316 - Modification of grading controls

LAST AMENDED
2/2/2011

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 119-213.

In order to grant such authorization, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the requested modification will not disturb the drainage pattern and soil conditions of the area;

(e) the proposed modification does not impair the essential character of the surrounding area; and

(f) the benefits to the surrounding area from the proposed modification outweigh any disadvantages that may be incurred thereby in the area.

119-317 - Modification of requirements for private roads and driveways

LAST AMENDED
2/2/2011

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 119-214 (Tier II requirements for driveways and private roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts).

In order to grant such authorizations, the Commission shall find that:

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the requested modification will not disturb the drainage pattern and soil conditions of the area;

(d) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and

(e) such modification will enhance the quality of the design of the development, #enlargement# or #site alteration#.

119-318 - Modifications of certain bulk regulations

LAST AMENDED
2/2/2011

For any #development# or #enlargement# subject to Section 119-20 (PROVISIONS REGULATING TIER II SITES), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, variations in required space between #buildings# on the same #zoning lot# and modifications in the underlying district height and setback regulations.

In order to grant such authorizations, the Commission shall find that:

(a) #development# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted; and

(c) the proposed #bulk# and placement of #buildings# and the proposed arrangement of #open spaces# will not have significant adverse effects upon the light, air and privacy for existing development in adjacent areas or the opportunities therefor in future development.

119-319 - Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks

LAST AMENDED
12/7/1999

Upon application, the City Planning Commission may authorize #site alterations#, the construction of new park-related

facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadiums, and improvements to existing park-related facilities.

In order to grant such authorizations, the Commission shall find that the proposed action:

(a) will have a minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it;

(b) will have minimal impact on the drainage pattern and soil conditions in the area;

(c) will preserve to the greatest extent possible the trees and vegetation within the park; and

(d) is compatible with the neighborhood character of the area.

An application to the Commission for an authorization pursuant to this Section shall include the following:

(1) a survey map prepared by a licensed surveyor showing existing topography at the two-foot contour intervals;

(2) a site plan prepared by a registered architect, registered landscape architect or professional engineer indicating the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of all understory including shrubs and ground cover, and the #caliper# and species of all individual trees of six-inch #caliper# or more; and

(3) any other information necessary to evaluate the request.

In issuing authorizations under this Section, the Commission may impose conditions or safeguards, such as special landscape requirements, to minimize adverse effects on the character of the #Special Hillsides Preservation District#.

119-32 - Special Permits

LAST AMENDED
12/7/1999

The City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Section 119-321 (Modification of use regulations).

119-321 - Modification of use regulations

LAST AMENDED
2/2/2011

For any #Tier II site#, the City Planning Commission may grant special permits to allow #single-family# #semi-detached residences# in R1 and R2 Districts, #single-family# #attached residences# in R1, R2 and R3-1 Districts or #two-family# #attached residences# in R3-1 Districts.

As a condition for granting such special permits, the minimum required #lot area# of the underlying district shall not be reduced, and the #aggregate width of street walls# of a #building#, or a number of #buildings# separated by party walls, shall not exceed 100 feet.

In order to grant such special permits, the Commission shall find that:

(a) #development# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;

(b) the change of housing type requested constitutes the most effective method of preserving the existing topography and vegetation;

(c) the preservation of existing topography and vegetation requires the permitted development to be concentrated, to the extent feasible, in the remaining portion of the tract;

(d) for such concentration of development, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #building# type;

(e) such modification is the least modification required to achieve the purpose for which it is granted;

(f) the proposed #street# or #private road# system for the development is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area;

(g) the siting of the #building# or #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air; and

(h) the existing topography and vegetation and the proposed planting effectively screen all #attached# one-family #residences# from the #lot lines# along the development perimeter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

All #developments#, #enlargements# or #site alterations# that require a special permit pursuant to this Section shall also be subject to the provisions of Sections 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

119-33 - Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits

LAST AMENDED
2/2/2011

Any #development#, #enlargement# or #site alteration# that requires an authorization or special permit and that is subject to the provisions of Section 119-20 (PROVISIONS REGULATING TIER II SITES), shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of the Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer and submitted to the City Planning Commission.

(a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or to reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up

concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

119-34 - Special Submission Requirements for Certain Authorizations and Special Permits

LAST AMENDED
2/2/2011

When a #development#, #enlargement# or #site alteration# is subject to the provisions of Section 119-20 (PROVISIONS REGULATING TIER II SITES), an application to the City Planning Commission for an authorization or special permit shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section 119-22 (Tier II Submission Requirements).

(a) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

(b) An erosion and sedimentation plan as described in Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits).

(c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.

(d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

119-35 - Administration of Special Review Provisions

LAST AMENDED
2/2/2011

Where a permit other than a building permit is required for a #development#, #enlargement# or #site alteration# within the #Special Hillsides Preservation District# from any City agency, an application for such permit shall be filed simultaneously with such agency and the City Planning Commission.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Sections 119-20 (PROVISIONS REGULATING TIER II SITES) and 119-30 (SPECIAL REVIEW PROVISIONS) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor or professional engineer.

119-40 - COMPLIANCE

LAST AMENDED
6/30/1987

In the event that a #development#, #enlargement# or #site alteration# is undertaken, or has been undertaken, contrary to the provisions of this Chapter, any permit issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on the affected #zoning lot# shall be revoked.

No building permit or permanent certificate of occupancy shall be issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on such #zoning lot# until the violations are removed from the #zoning lot#, pursuant to a restoration plan certified by the City Planning Commission.

If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to prosecute the violations. For compliance with restoration requirements to remove violations, the Department of Buildings may allow an additional 90 days.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillsides Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

Appendix A - Selection List for Ground Covers and Shrubs

LAST AMENDED
12/7/1999

Ground Covers

BOTANICAL NAME	COMMON NAME
Adiantum pedatum	Maidenhair fern
Agrostis perennans (A. altissima)	Autumn bent-grass

Anaphalis margaritacea	Pearly everlasting
Andropogon gerardii	Big bluestem
Andropogon glomeratus	Bushy bluestem
Andropogon virginicus	Broom Sedge
Anemone canadensis	Canada anemone
Antennaria plantaginifolia	Plantain-leaved pussytoes
Arctostaphylos uvaursi	Bearberry
Asarum canadense	Wild ginger
Aster cordifolius	Heart-leaved aster
Aster divericatus	White wood aster
Aster ericoides	Heath aster
Aster lanceolatus (A. simplex)	Lined aster
Aster macrophyllus	Large-leaved aster
Aster novae angliae	New England aster
Athyrium filix femina (A. asplenoides)	Lady fern
Athyrium thelypteroides	Silvery glade fern
Carex appalachica (C. radiata)	Sedge
Carex pensylvanica	Pennsylvania sedge
Chimaphila maculata	Spotted or stripped wintergreen/Pipsissewa

Chimaphila umbellata	Pipsissewa, Prince's pine, Bitter wintergreen
Chrysopsis mariana	Maryland golden aster
Danthonia compressa	Flattened oat grass
Danthonia spicata	Oatgrass, Poverty grass
Dennstaedtia punctilobula	Hay-scented fern
Deschampsia cespitosa	Tufted hair grass
Deschampsia flexuosa	Common hair grass, Crinkled hair grass
Dryopteris intermedia	Common wood fern
Dryopteris marginalis	Marginal wood fern, Leatherleaf wood fern
Erigeron philadelphicus	Daisy fleabane
Eupatorium maculatum	Spotted JoePye weed
Eupatorium rugosum	White snakeroot
Eupatorium sessilifolium	Upland boneset
Fragaria virginiana	Wild strawberry, Virginia strawberry
Gaultheria hispidula	Creeping snowberry, Creeping pearl berry
Gaultheria procumbens	Wintergreen, Teaberry, Checkerberry

Geranium maculatum	Wild geranium, Spotted cranesbill
Geum canadense	White avens, Winter rosette
Heuchera americana	Hairy alum root, Rock geranium
Hypericum ellipticum	Pale St. John's Wort
Muhlenbergia schreberi	Nimblewill
Oenothera fruticosa	Sundrops, Wild beet, Suncups, Scabish
Onoclea sensibilis	Sensitive fern, Bead fern
Osmunda claytoniana	Interrupted fern
Panicum clandestinum	Deer tongue grass
Panicum virgatum	Switch grass, Wild red top, Thatch grass
Parthenocissus quinquefolia	Virginia creeper, Woodbine, American ivy
Phlox subulata	Mountain phlox, Moss pink, Moss phlox
Polygonatum biflorum	Smooth Solomon’s seal, True King Solomon’s seal
Polygonatum virginianum (Tovaria v.)	Jumpseed
Polypodium virginianum	P. vulgare, Rocky polypody, Am. wall fern
Polystichum acrostichoides	Christmas fern, Dagger fern, Canker break

Rudbeckia hirta var. hirta	Black-eyed Susan
Rudbeckia triloba	Thin-leaved cone flower
Thelypteris noveboracensis	New York fern
Tiarella cordifolia	Allegheny foamflower, False mitrewort
Tradescantia virginiana	Virginia Spiderwort, Common S., Widow's tears
Verbena hastata	Blue vervain
Vernonia noveboracensis	New York ironweed
Verbesina alternifolia (Actinomeria a.)	Wingstem
Viola sororia	Woolly blue violet sister violet, Dooryard violet

Shrubs

Amelanchier canadensis	Shadblow
Amelanchier laevis (A. arborea)	Serviceberry, Allegheny
Aronia arbutifolia	Red chokeberry
Aronia melanocarpa	Black chokeberry
Clethra alnifolia	Sweet pepperbush, Summersweet
Comptonia peregrina	Sweet fern, Meadow fern, Spleenwort bush
Cornus amomum	Silky dogwood

Cornus racemosa	Gray dogwood, Red-panicled dogwood
Cornus sericea (C. stolonifera)	Red osier dogwood
Corylus americana	American hazelnut
Corylus cornuta	Beaked hazelnut
Diervilla lonicera	Bush honeysuckle, Blue herb, Gravel weed
Hamamelis virginiana	Witch hazel
Ilex glabra	Inkberry, Gallberry
Ilex verticillata	Winterberry
Juniperus communis	Common juniper
Juniperus horizontalis	Creeping juniper, Creeping cedar/Savin
Kalmia angustifolia	Sheep laurel
Kalmia latifolia	Mountain laurel
Lindera benzoin	Spice bush
Myrica pensylvanica	Northern bayberry
Physocarpus opulifolius	Common ninebark
Potentilla fruticosa	Cinquefoil, Bush cinquefoil
Rhododendron maximum	Great laurel
Rhododendron periclymenoides	Pinkster azalea

Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose
Rubus allegheniensis	Common blackberry, Allegheny blackberry
Salix humilis	Prairie willow
Salix lucida	Shining willow
Sambucus canadensis	American elderberry
Spirea tomentosa	Hardhack spirea
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum acerifolium	Maple leaf viburnum
Viburnum alnifolium (V. Lantanoides)	Hobble bush
Viburnum dentatum	Arrowwood viburnum
Viburnum lentago	Nanny-berry
Viburnum prunifolium	Black-haw

Appendix B - Selection List for On-site Trees

LAST AMENDED
12/7/1999

Small Trees

BOTANICAL NAME	COMMON NAME
Amelanchier laevis	Serviceberry
Betula nigra	River birch
Betula populifolia	Grey birch
Carpinus caroliniana	Hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Hamamelis virginiana	Witch hazel
Ilex opaca	American holly
Juniperus virginiana	Eastern red cedar
Populus tremuloides	Quaking aspen
LARGE TREES	
BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Betula lenta	Black/Sweet birch

Betula papyrifera	Paper birch
Celtis occidentalis	Common hackberry
Chamaecyparis thyoides	Cedar, Atlantic white
Fagus grandifolia	American beech tree
Fraxinus americana	Ash, white
Fraxinus pennsylvanica	Ash, green
Larix laricina	Tamarack/American larch
Liquidambar styraciflua	Sweet gum
Liriodendron tulipifera	Tulip tree
Nyssa sylvatica	Black tupelo
Picea rubens	Spruce, red
Pinus resinosa	Pine, red
Pinus rigida	Pine, pitch
Pinus strobus	Pine, eastern white
Platanus occidentalis	American sycamore
Populus deltoides	Eastern cottonwood
Populus grandidentata	Aspen, big toothed
Quercus alba	White oak
Quercus borealis	Northern red oak

Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Red oak
Tilia americana	Basswood

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article XII - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Garment Center District (GC)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Garment Center District (GC)

121-00 - GENERAL PURPOSES

LAST AMENDED
12/20/2018

The "Special Garment Center District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

(a) to retain adequate wage and job-producing industries within the Garment Center;

(b) to provide an opportunity for apparel production and showroom space in designated areas of the Garment Center;

(c) to preserve a variety of types of space for a diversity of businesses that service the Garment Center and the city;

(d) to recognize the unique character of the western edge of the Special District as integral to the adjacent Special Hudson Yards District;

(e) to establish an appropriate urban scale and visual character within the Garment Center; and

(f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

121-01 - General Provisions

LAST AMENDED
12/20/2018

The provisions of this Chapter shall apply within the #Special Garment Center District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

121-02 - District Plan

LAST AMENDED
12/20/2018

The regulations of this Chapter are designed to implement the #Special Garment Center District# Plan. The District Plan includes the following map:

Special Garment Center District and Subdistricts

The map is located in Appendix A of this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

121-03 - Subdistricts

LAST AMENDED
12/20/2018

In order to carry out the purposes and provisions of this Chapter, two Subdistricts, A1 and A2 are established within the #Special Garment Center District#. The location of the Subdistricts is shown on the map (Special Garment Center District and Subdistricts) in Appendix A of this Chapter.

121-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/20/2018

The #use# regulations of the applicable underlying district shall apply except as set forth in this Section.

121-11 - Transient Hotels and Offices

LAST AMENDED
12/20/2018

For a #building# subject to the provisions of Section 121-60 (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit pursuant to Section 74-802 (Transient hotels within Commercial Districts) shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions Within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory# #uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

In Subdistrict A-2, any #development# or #enlargement# that includes offices, as listed in Section 32-15 (Use Group 6B) #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

121-12 - C6-4M Districts in Subdistrict A-2

LAST AMENDED
12/20/2018

In the C6-4M District located within Subdistrict A-2, for #buildings# existing on January 19, 2005, the #use# regulations of the underlying district shall be modified as follows:

(a) For #buildings# with less than 70,000 square feet of #floor area#, the provisions of Section 15-20 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS), inclusive, shall not apply to the #conversion# of non-#residential# #floor area# to #residences#. In lieu thereof, Section 15-10 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS), inclusive, shall apply; and

(b) for #buildings# with 70,000 square feet or more of #floor area#, the #conversion# of non-#residential# #floor area# to #residences#, or to college or school student dormitories and fraternity or sorority student houses shall not be permitted.

(c) The following #uses# and #uses# #accessory# to such #uses# shall be allowed:

(1) From Use Group 16A:

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Tool, die or pattern making establishments or similar small machine shops

(2) From Use Group 16D:

Packing or crating establishments

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

(3) From Use Group 17B:

All #uses#

121-13 - M1-6 District in Subdistrict A-1

LAST AMENDED
12/20/2018

In the M1-6 District located within Subdistrict A-1, #uses# listed in Use Group 18 shall not be permitted.

121-20 - SIGN REGULATIONS

LAST AMENDED
12/20/2018

In the #Special Garment Center District#, all #signs# shall be subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS). However, in Subdistrict A-2, #flashing signs# shall not be permitted.

121-30 - SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-1

LAST AMENDED
12/20/2018

The following special #bulk# regulations shall apply within Subdistrict A-1, as shown in Appendix A of this Chapter.

121-31 - Maximum Permitted Floor Area Within Subdistrict A-1

LAST AMENDED
12/20/2018

The basic maximum #floor area ratio# of a #zoning lot# shall be as specified for the underlying district in Section 43-12 (Maximum Floor Area Ratio) and may be increased only pursuant to Section 43-13 (Floor Area Bonus for Public Plazas). No #public plaza#, or any part thereof, shall be permitted on or within 100 feet of a #wide street#. The provisions of Section 43-14 (Floor Area Bonus for Arcades) shall not apply.

121-32 - Height of Street Walls and Maximum Building Height Area Within Subdistrict A-1

LAST AMENDED
12/20/2018

In Subdistrict A-1, the underlying height and setback regulations set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks) and 43-44 (Alternate Front Setbacks) shall not apply. In lieu thereof, the following provisions shall apply:

(a) #Street wall# location

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the maximum base height specified in paragraph (b) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. In addition, the #street wall# location provision of this paragraph shall not apply along such #street line# occupied by a #public plaza# as set forth in Section 37-70 (PUBLIC PLAZAS).

(b) Base height

(1) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and may rise to a maximum base height of 155 feet.

However, where the height of an existing adjacent #street wall# fronting on the same #street line# rises to a height exceeding 155 feet before setback, the maximum base height may be increased to the height of such existing adjacent #street wall# but shall not exceed a base height of 205 feet. In addition, where existing adjacent #street walls# on both sides of the #building# rise to a height exceeding 155 feet before setback, the maximum base height of such #building# may be increased to the higher of the two existing adjacent #street walls#, except in no instance shall the base height of such #building# exceed 205 feet.

(2) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and may rise to a maximum base height of 135 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may be applied along a #narrow street# beyond 50 feet of a #wide street#, up to a maximum of 100 feet from such #wide street#.

(c) Required setbacks

(1) Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(1) of this Section, shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a “tower.”

(2) Along #narrow streets#

For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(2) of this Section shall be set back from the #street wall# of the #building# at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a "tower."

(d) Tower Regulations

Each #story# of a tower above the required setback shall not exceed a maximum #lot coverage# of 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 43-451 (Towers on small lots).

(e) Maximum #building# height

No height limit shall apply to towers.

121-40 - SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

LAST AMENDED
12/20/2018

The following special #bulk# regulations shall apply within Subdistrict A-2, as shown on the map in Appendix A of this Chapter.

121-41 - Maximum Permitted Floor Area Within Subdistrict A-2

LAST AMENDED
12/20/2018

The basic maximum #floor area ratio# of a #zoning lot# containing non-#residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential# #floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of non-#residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# pursuant to Section 93-31 or Section 93-23, has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

121-42 - Height of Street Walls and Maximum Building Height Within Subdistrict A-2

(a) Height of #street walls#

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet before setback. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

(1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#; or

(2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph (a).

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

(1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and

(2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

121-50 - PARKING PROVISIONS FOR SUBDISTRICT A-2

LAST AMENDED
12/20/2018

Within Subdistrict A-2, as shown on the map in Appendix A of this Chapter, the underlying parking provisions shall not apply. In lieu thereof, the parking regulations of the #Special Hudson Yards District#, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS) shall apply.

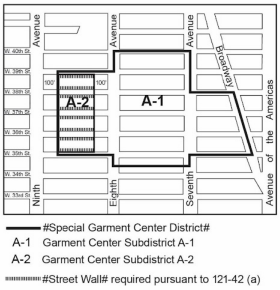
121-60 - ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2

LAST AMENDED
12/20/2018

In Subdistrict A-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (Demolition), inclusive, shall apply.

Appendix A - Special Garment Center District and Subdistricts

LAST AMENDED
6/29/2010



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Grand Concourse Preservation District (C)

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Chapter 2 - Special Grand Concourse Preservation District (C)

122-00 - GENERAL PURPOSES

LAST AMENDED
9/28/1989

The "Special Grand Concourse Preservation District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

(a) to protect the existing scale and form of development and the traditional residential character of the Grand Concourse including desirable design features of certain buildings through the establishment of design guidelines for renovation or alteration;

(b) to encourage new development which is in keeping with the scale and character of the area by providing for street wall continuity and bulk regulations consistent with existing development along the Grand Concourse;

(c) to preserve and enhance the residential character of the Grand Concourse by limiting ground floor retail and commercial uses to certain specified locations;

(d) to regulate the location of retail and commercial signage; and

(e) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.

122-01 - Definitions

LAST AMENDED
2/2/2011

Display window

A "display window" is a window or opening in the exterior wall of any portion of a #building# which is glazed with tinted or transparent material and which is used to display merchandise, services or business.

Sign band

A "sign band" is a horizontal band which extends the full length of the #street wall# of a #building#, and is located between 8 feet and 14 feet above #curb level#.

122-02 - General Provisions

LAST AMENDED
9/28/1989

Except as modified by the express provisions of the #Special Grand Concourse Preservation District#, the regulations of the underlying zoning districts shall remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

122-03 - District Plan

LAST AMENDED
3/26/1992

(a) In the District Plan as shown in Appendix A, the following areas have been designated as the Residential Preservation Area:

(1) all areas in R8 Districts including areas mapped C1 within these R8 Districts which are:

(i) within 100 feet of the westerly #street line# of the Grand Concourse between East 153rd Street and Mosholu Parkway; and

(ii) within 100 feet of the easterly #street line# of the Grand Concourse between East 153rd Street and a point parallel to and 150 feet north of East 166th Street, and between McClellan Street and Mosholu Parkway;

(2) an area partly in R8 and C1 Districts with a depth of 100 feet from the west side of the #street line# of Walton Avenue between East 161st and East 164th Streets; and

(3) an area in R8 Districts with a depth of 100 feet from the east side of the #street line# of Anthony Avenue between East 181st Street and East 182nd Street.

Within the Residential Preservation Area in R8 Districts, the following three commercial sub-areas have special #use# and #bulk# regulations:

(i) Limited Commercial Areas

(ii) Commercial Extension Areas

(iii) Commercial Infill Sites

(b) The location of these sub-areas is described below:

(1) Limited Commercial Areas

The following areas with a depth of 50 feet from the #street line# of the Grand Concourse are designated on the District Plan (Appendix A) as Limited Commercial Areas:

(i) on the west side of the Grand Concourse from the south side of East 176th Street to a point 25 feet north of Henwood Place;

(ii) on the west side of the Grand Concourse from a point 40 feet north of Bush Street to the south side of Burnside Avenue;

(iii) on the west side of the Grand Concourse from 100 feet north of East 180th Street to a point 180 feet south of East 183rd Street; and

(iv) on the east side of the Grand Concourse from the north side of East 182nd Street to a point 180 feet south of East 183rd Street.

(2) Commercial Extension Areas

Along certain cross-streets within the Residential Preservation Area, extensions of existing #Commercial Districts# up to the Grand Concourse to a depth of 100 feet measured perpendicularly from the #street line# of such cross-streets, are designated as Commercial Extension Areas on the District Plan (Appendix A). These extension areas are located along the following #streets#:

(i) the north and south sides of East 165th Street, west of the Grand Concourse;

(ii) the north and south sides of East 167th Street, east of the Grand Concourse;

(iii) the north and south sides of East 170th Street, east and west of the Grand Concourse; and

(iv) the north and south sides of Mount Eden Avenue, west of the Grand Concourse.

(3) Commercial Infill Sites

All tax lots listed in Table A in Section 122-10 which contain #buildings# designed for non-#residential uses# in Use Groups 6 or 7 or where such #buildings# existed as of July 1, 1981 are designated as Commercial Infill Sites on the District Plan (Appendix A).

122-10 - SPECIAL USE REGULATIONS

LAST AMENDED
2/2/2011

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified, as follows:

(a) Within the Limited Commercial Areas, #commercial# #uses# listed in Section 32-15 (Use Group 6) are permitted, provided they are located only on the ground floor of an existing or new #building# containing #residential# or #community facility uses#. All existing or new #commercial# #uses# shall be directly accessible only from the #street#. Any existing #commercial# #use# which fails to provide direct access from a #street# shall be terminated one year after September 28, 1989.

(b) On a cross-street within the Commercial Extension Areas, #commercial# #uses# listed in Section 32-15 are permitted to occupy the ground floor of an existing or new #building# containing #residential# or #community facility uses#. Such ground floor #commercial# #uses# may be permitted to #extend# up to the Grand Concourse on the #basement# level of a #building#, provided that such #commercial# #uses# are accessible only from a cross-street which intersects the Grand Concourse. No direct or indirect access to such #commercial# #uses# is permitted from the Grand Concourse.

(c) Any #commercial# #use# which lawfully existed on or before July 1, 1981, on any Commercial Infill Site listed in Table A, shall be considered conforming and may be changed to a Use Group 6 #use# or to a #use# which previously occupied the space lawfully on or before July 1, 1981, except that expansion or re-occupancy of #floor area# to a retail #use# in Use Group 6A or 6C is restricted to the ground floor of the #building#.

However, if a #building# on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed in Use Group 6 if they were in existence prior to July 1, 1981, as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to business, professional or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A or Use Group 6B, regardless of the locational restrictions in Use Group 4.

TABLE A

COMMERCIAL INFILL SITES

Tax Block Number	Tax Lot Number	Address	Type of #Building#
2468	1	851 Grand Concourse	Courthouse
2821	11	1526 Grand Concourse	1 #story# #commercial#
2821	13	1540 Grand Concourse	Vacant lot
2822	27	1775 Grand Concourse	Telephone Co. #building#
2795	14	1780 Grand Concourse	Office #building#/garage
2805	23	1845 Grand Concourse	1 #story# #commercial#
2801	7	1850 Grand Concourse	2 #story# #commercial#
2808	44	1963 Grand Concourse	Funeral home
2808	82	2029-2043 Grand Concourse	1 #story# #commercial#
3161	25	2101 Grand Concourse	1 #story# #commercial#
3157	32	2202-2206 Grand Concourse	1 #story# #commercial#
3163	40	2231-2233 Grand Concourse	1 #story# #commercial#
3158	16	2262-2268 Grand Concourse	1 #story# #commercial#
3163	38	2235-2239 Grand Concourse	1 #story# #commercial#
3307	68	3000 Grand Concourse	Funeral home
3315	51	2833-2843 Grand Concourse	1 #story# #commercial#

2808	82	148 E. Burnside Avenue	1 #story# #commercial#

(d) For the purposes of this Chapter, any non-#residential uses# permitted pursuant to paragraphs (a) through (c) of this Section shall be located only on a #story# below the lowest #story# occupied by a #residential use#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling.

122-20 - SPECIAL SIGN REGULATIONS

LAST AMENDED
9/14/2016

In order to enhance the visual quality of the Special District, the applicable #sign# regulations of the underlying districts are modified, as follows:

(a) Within the Limited Commercial Areas, only one #sign#, other than an #advertising sign#, with a surface area not exceeding 12 square feet, shall be permitted per #commercial# #use#. Such #signs# shall be located in a #sign band#, on the flap of a canopy, or as allowed under paragraph (d) of this Section. The height of such #signs# shall be not more than 24 inches and the letter sizes shall be restricted to a height of 12 inches. Except as provided in paragraph (d), all such #signs# may not project from the vertical surface of a #building# more than 18 inches.

(b) Within the Commercial Extension Areas, no #signs# and no #display windows# shall be permitted on a #building or other structure# within 50 feet of the Grand Concourse. #Commercial# #uses# which are located on a cross-street beyond a distance of 50 feet from the Grand Concourse #street line#, shall comply with the #sign# regulations applicable to the underlying #Commercial District#.

(c) On Commercial Infill Sites, the maximum surface area to be occupied by a #sign#, other than an #advertising sign#, shall be three square feet for every five feet of store frontage or 12 square feet, whichever is greater. Such #signs# shall be located in a #sign band# or on the flap of a canopy, or as allowed under paragraph (d). On portions of Commercial Infill Sites more than 50 feet from the Grand Concourse, the signage regulations of a C1 District shall apply.

(d) Except in C1 Districts, no #sign# may be located so as to obscure any decorative lintel, cornice or other architectural detail. In the event that compliance with this requirement does not provide adequate surface area for the allowable #sign#, as defined in paragraph (a) of this Section, a projecting #sign# may be permitted by the Commissioner of Buildings provided that no such #sign# shall project from the vertical surface of a #building# more than 18 inches.

(e) Except in C1 Districts, no banners, pennants, #flashing# or #illuminated signs# shall be permitted anywhere within the Special District. In addition, within Commercial Infill Sites north of the Cross Bronx Expressway, as shown on the map in Appendix A of this Chapter, #signs with indirect illumination# shall be permitted on the Grand Concourse #street# frontage of a #building#.

(f) Within the Limited Commercial Areas, Commercial Infill Sites, and Commercial Extension Areas within 50 feet of the Grand Concourse, window graphics shall occupy not more than 20 percent of a window. Display lettering more than three inches high shall be considered as a #sign#.

(g) All lawfully existing #non-conforming# #signs# located within the Special District shall be terminated one year after September 28, 1989.

122-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
2/2/2011

In order to preserve the scale and character of the Grand Concourse, the #bulk# regulations of the underlying R8 District and the C1 or C2 Districts mapped within such R8 District shall be inapplicable to any #residential# or #community facility# #developments# or #enlargements# located within the Special District.

In lieu thereof, such #developments# or #enlargements# shall comply with the regulations of an R8X District, including Article II, Chapter 8.

If a #commercial# #development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial# #development#, the height, #lot coverage# and #floor area# of the #commercial# #development# shall not exceed the height, #lot coverage# and #floor area# of the #building# it replaced. However, if a #residential# or #community facility building# is constructed on any Commercial Infill Site or when such sites become a part of the adjoining #zoning lot#, it shall be subject to the R8X District regulations. No #mixed buildings# or #enlargement# of existing #buildings# shall be permitted on any Commercial Infill Sites.

122-40 - SPECIAL REGULATIONS FOR LOCATION OF NEW DOORS AND WINDOWS

LAST AMENDED
9/28/1989

If any new doors or windows are installed on the exterior walls of a #building#, they shall be uniform in width and shall be aligned with existing doors and windows.

122-50 - SPECIAL PROVISIONS FOR PLANTING STRIPS

LAST AMENDED
2/2/2011

For #developments# or #enlargements#, there shall be a strip of continuous planting at grade of not less than three feet in width along the entire front wall of such #development# or such #building# that is #enlarged#. In the event a #building# is constructed within three feet of the #street line#, the owner of the #building# shall apply to the Bureau of Highway Operations for permission to locate a portion of such planting strips on a public sidewalk within the #street line#. A copy of such application shall be submitted with the new building application when filed at the Department of Buildings. Such sidewalk planting requirement may be waived by the Department of Buildings only upon receipt of written disapproval by the Department of Transportation.

122-60 - SPECIAL ACCESSORY OFF-STREET PARKING REGULATIONS

LAST AMENDED
2/2/2011

In the Residential Preservation Area, the parking requirements of the underlying districts shall be inapplicable. In lieu thereof, the #accessory# off-street parking regulations of R8X Districts shall apply to #developments# or #enlargements#.

If a #commercial# #development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial# #development#, the number of #accessory# off-street parking spaces provided by the #commercial# #development# shall be equal to or greater than the number of #accessory# off-street parking spaces provided by the #building#

it replaced.

122-70 - SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

LAST AMENDED
9/28/1989

Notwithstanding any other provisions of this Resolution, whenever a #zoning lot# existing on September 28, 1989, is divided by a boundary between a district to which R8X District regulations apply and one to which R8 District regulations apply, the provisions of an R8X District shall apply to the entire #zoning lot#.

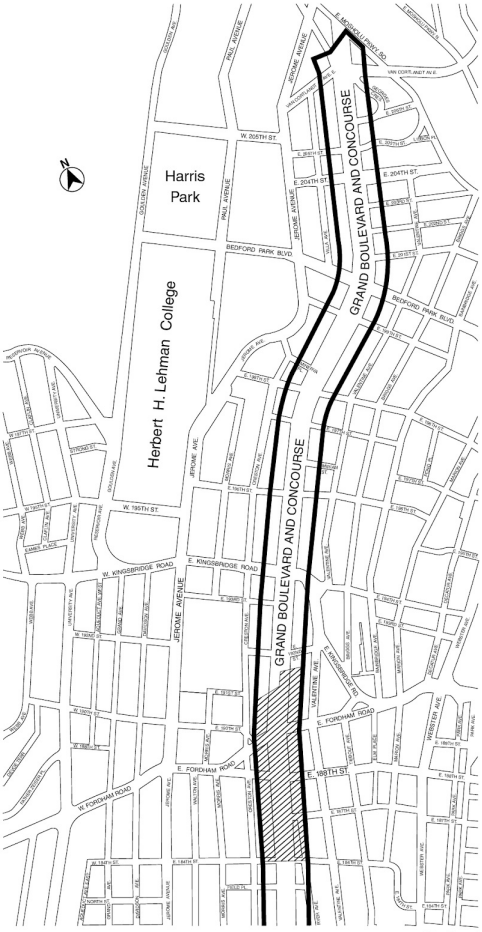
122-80 - EXCLUDED AREAS

LAST AMENDED
2/2/2011

The regulations set forth in this Chapter shall not apply to C4 Districts and C8 Districts located within the #Special Grand Concourse Preservation District#.

Appendix A - Special Grand Concourse Preservation District

LAST AMENDED
3/26/1992



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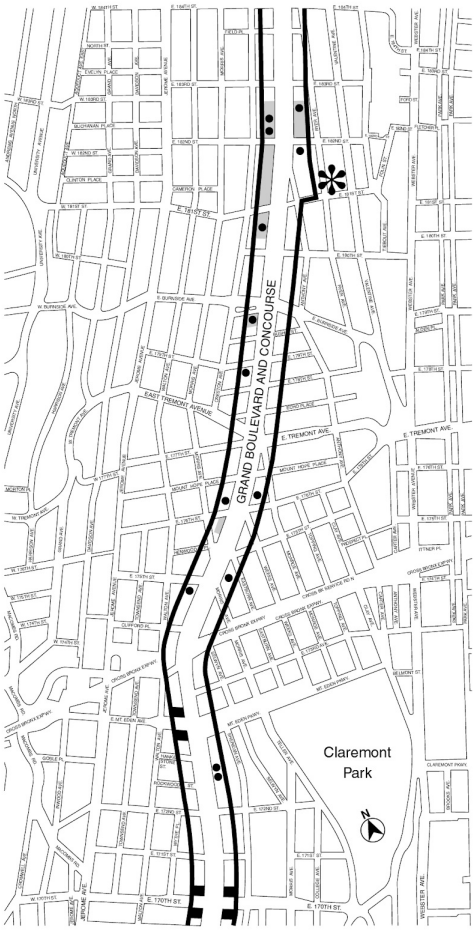
Appendix A (continued)



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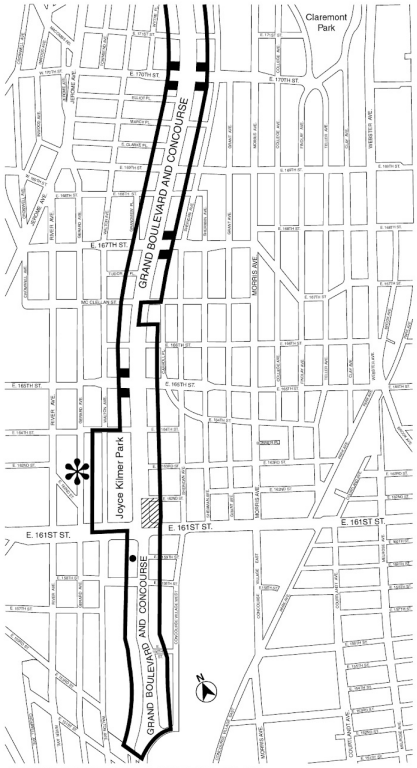
Appendix A (continued)



GRAND CONCOURSE DISTRICT PLAN

Special Grand Concourse District Boundary (100 feet from *Street Line* of Grand Concourse except as indicated by ✻)

Area Excluded From *Special Grand Concourse District* Boundary (All C4 Districts)

Residential Preservation Areas – Section 122-03 (a)

Limited Commercial Areas – Section 122-03 (b)(1)

Commercial Extension Areas – Section 122-03 (b)(2)

Commercial Infill Sites (See Table A) – Section 122-03 (b)(3)

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Mixed Use District (MX)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Special Mixed Use District (MX)

123-00 - GENERAL PURPOSES

LAST AMENDED
12/10/1997

The "Special Mixed Use District" regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;

(b) to promote the opportunity for workers to live in the vicinity of their work;

(c) to create new opportunities for mixed use neighborhoods;

(d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and

(e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.

123-10 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

123-11 - Definitions

LAST AMENDED
2/2/2011

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Accessory use

In addition to those "accessory uses" listed in Section 12-10 (DEFINITIONS), for the purposes of this Chapter, an #accessory

use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in #Special Mixed Use Districts#, pursuant to Section 123-20 (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

For the purposes of this Chapter, the #home occupation# provisions of Section 12-10 shall apply, except that:

(a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;

(b) such #home occupation# may occupy more than 500 square feet of #floor area#; and

(c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

Mixed use building

For the purposes of this Chapter, a "mixed use building" is a #building# in the #Special Mixed Use District# used partly for #manufacturing#, #commercial# or #community facility use# and partly for #residential use#.

123-20 - SPECIAL USE REGULATIONS

LAST AMENDED
12/10/1997

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section and provided that #signs# shall comply with the requirements of Section 123-40 (SIGN REGULATIONS).

123-21 - Modification of Use Groups 2, 3 and 4

LAST AMENDED
9/9/2004

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories and fraternity or sorority student houses, #long-term care facilities#, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial# #use#:

(a) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and

(b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous

Substances.

123-22 - Modification of Use Groups 16, 17 and 18

LAST AMENDED
12/10/1997

The #uses# in Use Groups 16, 17 and 18 shall be permitted in the #Special Mixed Use District# in accordance with the applicable district #use# regulations, subject to the modifications of Sections 123-221 (Uses permitted as-of-right), 123-222 (Uses permitted with restrictions) and 123-223 (Excluded uses).

123-221 - Uses permitted as-of-right

LAST AMENDED
12/10/1997

From Use Group 16A:

Automobile, motorcycle, trailer or boat sales, open or enclosed

Building materials sales, open or enclosed, limited to 10,000 square feet of #lot area# per establishment, provided that not more than 5,000 square feet of such #lot area# is used for open storage

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of #lot area# per establishment

Glass cutting shops

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Ice or wood sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment

Machinery rental or sales establishments

Motorcycle or motor scooter rental establishments

Poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only

Riding academies, open or enclosed

Stables for horses

Trade schools for adults, except those using substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs, excluding body repair

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than 10 automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are

permitted only if located within a #completely enclosed building#

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps

Dead storage of motor vehicles

From Use Group 16D:

Diaper supply establishments

Laundries, except medical or laboratory

Linen or towel supply establishments, where cleaning is done on a separate #zoning lot#

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Packing or crating establishments, except for the packing or crating of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment

Warehouses, except for the warehousing of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments, with no limitation on #accessory# storage, except for wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, if they are stored on the same #zoning lot#

From Use Group 17A:

Building materials or contractor's yards, open or enclosed, including sales, storage or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Produce or meat markets, wholesale

From Use Group 17B (Manufacturing Establishments):

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Bottling work, for all beverages

Canvas products, not involving the manufacturing of canvas

Cork products

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Ice, natural

Jute, hemp, sisal or oakum products

Mattresses, including rebuilding or renovating

Scenery construction

Shoddy

Soap or detergents, packaging only

Textiles, spinning, weaving, manufacturing, knit goods, yarn, thread or cordage, not involving printing or dyeing

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Wax products

From Use Group 17C:

Agriculture, including greenhouses, nurseries or truck gardens

Docks for passenger ocean vessels

Docks for sightseeing, excursion or sport fishing vessels, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed

Public transit, railroad or electric utility substations, open or enclosed, with no limitations as to size

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Truck weighing stations, open or enclosed

Trucking terminals or motor freight stations, with no limitation on #lot area# per establishment

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses# #accessory# to the preceding listed #uses#

123-222 - Uses permitted with restrictions

LAST AMENDED
9/9/2004

The following #uses# from Use Groups 16 and 17 are permitted in #Special Mixed Use Districts# subject to the certification requirements and locational restrictions of this Section:

From Use Group 16A:

Animal hospitals or kennels

Blacksmith shops

Carpentry, custom woodworking or custom furniture making shops

Fuel, oil, or coal sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment

Mirror silvering shops

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die, or pattern-making establishments, or similar small machine shops

Trade schools for adults, that use substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# body repairs, provided such #use# is conducted within a #completely enclosed building#

From Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment

Laundries, medical or laboratory

Linen or towel supply establishments, where cleaning is done on the same #zoning lot#

Packing or crating establishments for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Photographic developing or printing, with no limitation on #floor area# per establishment

Warehouses for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, with no limitation on #accessory# storage

From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Automobiles, trucks or #trailers#, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 200 feet from a #Residence District# boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a #Residence District# boundary

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packaging

Ice, dry

Ink or inked ribbon

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar

products

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Silverware, plate or sterling

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, dyeing or printing

Tobacco, including curing, or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

#Uses accessory# to the preceding listed #uses#

Any #use# from Use Group 16 or 17, listed in this Section, may only locate in a #building# #enlarged# or #developed# after December 10, 1997, containing a #use# listed in Section 123-21 (Modification of Use Groups 2, 3 and 4), or share a common wall with such #building#:

(a) upon certification by a licensed architect or engineer to the Department of Buildings that any such #use# listed in Use Group 16 or 17:

(1) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and

(2) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances; or

(b) in MX-19, upon the submission to the Department of Buildings of a copy of a restrictive declaration, in a form acceptable to the Department of Environmental Protection, that has been executed and recorded in the Office of the City Register against all tax lots with such #use#, binding the owners, successors, and assigns to provide any building design requirements consistent with the underlying zoning as may be approved by the Department of Environmental Protection to protect residents of such #building# from air contaminants, odors, vibrations, or noise.

123-223 - Excluded uses

LAST AMENDED
12/10/1997

The following #uses# listed in Use Groups 16 and 18 shall not be allowed in #Special Mixed Use Districts#:

From Use Group 16A:

Animal pounds or crematoriums

Crematoriums, human

From Use Group 16C:

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 18:

Any #use# listed in Use Group 18, except that breweries limited to 10,000 square feet of #floor area# shall be permitted as-of-right

#Uses accessory# to the preceding listed #uses#

123-23 - Modification of Special Permit Requirements

LAST AMENDED
12/10/1997

In the event that provisions of this Resolution permit a #use# by special permit, authorization or certification in both designated

M1 and #Residence Districts#, no more than one special permit, authorization or certification is required to permit any such #use# in the #Special Mixed Use District#.

In the event that a provision of this Resolution permits a #use# by special permit, authorization or certification in either a designated M1 or #Residence District# and another provision permits such #use# without a special permit, authorization or certification in the other designated district, no special permit, certification or authorization shall be required in the #Special Mixed Use District#. In such case, the #bulk# regulations of the district allowing the #use# as-of-right shall control.

123-30 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
12/10/1997

123-31 - Provisions Regulating Location of Uses in Mixed Use Buildings

LAST AMENDED
2/2/2011

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, #commercial# or #manufacturing uses# may be located only on a #story# below the lowest #story# occupied by #dwelling units#, except that this limitation shall not preclude the:

(a) extension of a permitted business #sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#;

(b) location of #commercial# or #manufacturing uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to paragraph (a) of Section 123-67 (Residential Conversion), or were previously so #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings); or

(c) location of #commercial# or #manufacturing uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that the #commercial# or #manufacturing uses# are:

(1) located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and

(2) not located directly over any portion of a #building# containing #dwelling units#.

123-32 - Environmental Conditions

LAST AMENDED
12/10/1997

In #Special Mixed Use Districts#, all new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or

temporary or final certificate of occupancy.

123-33 - Health and Fitness Establishments

LAST AMENDED12/9/2021

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

(a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and

(b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

(1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

123-40 - SIGN REGULATIONS

LAST AMENDED
8/16/2006

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

In MX-9 Districts, the provisions of this Section shall apply, except that the City Planning Commission may permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided the Commission finds that such #signs# are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to #flashing signs#.

123-50 - MODIFICATION OF ARTICLE V, CHAPTER 2 (NON-CONFORMING USES)

LAST AMENDED
12/10/1997

In #Special Mixed Use Districts#, a #non-conforming use# may be changed only to a conforming #use#.

The following Sections of Article V, Chapter 2 (Non-conforming Uses), shall not apply: Sections 52-32 through 52-37, inclusive; Sections 52-43 through 52-46, inclusive; Sections 52-54, 52-56, 52-62, 52-72, 52-731, 52-732, 52-74, and 52-75.

123-60 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/10/1997

123-61 - General Provisions

LAST AMENDED
3/22/2016

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#, and the #bulk# regulations set forth in paragraph (a) of Section 24-013 (Special provisions for certain community facility uses) shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. The #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and other #community facility uses# in a #building or other structure#. Exceptions to the applicability of such underlying #bulk# regulations are set forth in Sections 123-60 through 123-66, inclusive. Where, pursuant to paragraph (a) of Section 24-013, #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, the exceptions to the underlying #bulk# regulations set forth in this Chapter applicable to #affordable independent residences for seniors# shall also apply to #long-term care facilities#.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

123-62 - Maximum Floor Area Ratio for Community Facilities

LAST AMENDED
2/2/2011

The maximum #floor area ratio# permitted for a #community facility use# pursuant to Article IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for a #community facility use# shall be the maximum #floor area ratio# allowed for a #community facility use# pursuant to the designated #Residence District# regulations set forth in Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive. #Lot coverage# requirements shall not apply.

When the designated district is an R7-3 District, the maximum #floor area ratio# for a #community facility use# shall be 5.0.

When the designated district is an R9-1 District, the maximum #floor area ratio# for a #community facility use# shall be 9.0.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# set forth for #community facility uses# in Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

123-63 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

LAST AMENDED
5/27/2021

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu

thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
MX-1 – Community District 1, The Bronx	R6A R7D
MX 2 - Community District 2, Brooklyn	R7A R8A R8X
MX 4 – Community District 3, Brooklyn	R6A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A R7D
MX 11 - Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 - Community District 6, The Bronx	R7A R7X

MX 16 - Community Districts 5 and 16, Brooklyn	R6A R7A R7D R8A
MX 18 - Community District 1, The Bronx	R7X
MX 19 - Community District 16, Brooklyn	R6A R7A
MX 20 - Community District 8, Brooklyn	R7A
MX 22 – Community District 4, Brooklyn	R7D
MX 23 – Community District 1, Queens	R7A

123-64 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings

LAST AMENDED
4/20/2016

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

(a) Maximum #floor area ratio#

(1) #Manufacturing# or #commercial# #uses#

The maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) #Community facility uses#

The maximum #floor area ratio# permitted for #community facility uses# shall be the applicable maximum #floor area ratio# permitted for #community facility uses# in #Residence Districts# under the provisions of Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, in accordance with the designated #Residence District#.

(3) #Residential uses#

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section 23-14, inclusive, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential use#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing uses# shall be the base #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

(b) #Lot coverage# requirements

#Lot coverage# requirements shall not apply.

123-641 - Floor area bonus for a public plaza or arcade in connection with mixed use buildings

LAST AMENDED
2/2/2011

Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, as defined in Section 62-11, #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

123-65 - Special Yard Regulations

LAST AMENDED
7/26/2001

123-651 - Special yard regulations for residential buildings

LAST AMENDED
7/26/2001

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #residential buildings# other than #single-# or #two-family residences#, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet.

123-652 - Special yard regulations for mixed use buildings

LAST AMENDED
2/2/2011

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a

#side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# where any window of such #dwelling unit# faces onto such #rear yard#.

123-653 - Special yard regulations applying on waterfront blocks

LAST AMENDED
4/22/2009

On #waterfront blocks#, as defined in Section 62-11, the #rear yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of Section 123-652 shall apply.

123-654 - Special provisions applying along district boundaries

LAST AMENDED
4/22/2009

Along such portion of the #Special Mixed Use District# boundary that coincides with a #side lot line# of a #zoning lot# within an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet shall be required within the #Special Mixed Use District#.

123-655 - Special permitted obstructions in required yards or rear yard equivalents for affordable independent residences for seniors

LAST AMENDED3/22/2016

A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residents for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be a permitted obstruction within a #rear yard# or #rear yard equivalent# on #zoning lots# in #Special Mixed Use Districts# with R6 through R10 District designations, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less, and provided that such space shall be accessible to all residents of the #building#.

123-66 - Height and Setback Regulations

LAST AMENDED
4/22/2009

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

The following modifications of height and setback regulations set forth in paragraphs (a) and (b) apply in Historic Districts designated by the Landmarks Preservation Commission:

(a) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this

Chapter.

(b) In #Special Mixed Use District# 2 in the Borough of Brooklyn, where the designated #Residence District# is an R8X District, the maximum base height of a #street wall# may vary between the maximum base height set forth in this Chapter, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height set forth in this Chapter. For the purposes of this paragraph (b), a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.

On #waterfront blocks#, as defined in Section 62-11, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34, inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply.

123-661 - Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations

LAST AMENDED
7/26/2001

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections 23-62, 24-51 and 43-42 (Permitted Obstructions) shall apply to any #mixed use building#.

123-662 - All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

LAST AMENDED
3/22/2016

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

(1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

(2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (a)(1) of this Section shall not apply. In lieu thereof, the height and setback regulations of this paragraph (a)(2) shall apply.

(i) A #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section.

(ii) At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#.

(iii) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph (a)(2). Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section 23-662, the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired

with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section 26-52 (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth within Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#. In R8X Districts within #Special Mixed Use District# 2, the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, "predominantly" shall mean at least 75 percent of the #floor area# of a #building#.

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, in all Districts, within a required setback area, a dormer may be provided in accordance with the provisions of paragraph (c)(1) of Section 23-621.

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residence District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

123-67 - Residential Conversion

LAST AMENDED
2/2/2011

(a) The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings) shall not apply in #Special Mixed Use Districts#, except as expressly set forth herein.

In #Special Mixed Use Districts#, in any community district in the City, the #conversion# to #residences# of non-#residential# portions of #buildings#, in existence on or prior to December 10, 1997, shall be permitted subject to Sections 15-11, 15-12 and 15-30, paragraph (b).

#Uses# in #buildings# in existence on or prior to December 10, 1997, containing both #residential# and non-#residential uses#, shall not be subject to the provisions of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings).

For the purposes of applying paragraph (a) of Section 15-111 to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.

(b) The #conversion# to #residences# of non-#residential# portions of #buildings# constructed after December 10, 1997, shall comply with the special #bulk# regulations of this Chapter for new #residential# #development#.

123-70 - PARKING AND LOADING

LAST AMENDED
5/8/2013

For #Special Mixed Use Districts# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply, and for #Special Mixed Use Districts# located within the #Long Island City area#, as defined in Section 16-02 (Definitions), the provisions of Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), inclusive, shall apply. For all other #Special Mixed Use Districts#, the provisions of this Section, inclusive, shall apply.

123-71 - Manufacturing and Commercial Uses

LAST AMENDED
12/10/1997

For #manufacturing# and #commercial# #uses#, the #accessory# off-street parking and loading regulations of the designated M1 District, as set forth in Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), shall apply.

123-72 - Residential and Community Facility Uses

LAST AMENDED
4/14/2010

For #residences# and #community facility uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

(a) the provisions of Section 25-50 (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section 44-30 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and

(b) for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Sections 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages), 44-47 (Parking Lot Maneuverability and Curb Cut Regulations) and 44-48 (Parking Lot Landscaping) shall apply.

123-73 - On Waterfront Blocks

LAST AMENDED
2/2/2011

For #uses# on #waterfront blocks#, as defined in Section 62-11, the special #accessory# off-street parking and loading regulations set forth in Section 62-40, inclusive, shall apply. When any #use# is permitted in both the designated #Residence District# and the designated M1 District, the #accessory# off-street parking and loading requirements applicable to the designated M1 District shall apply to such #use#.

123-80 - MODIFICATION OF ARTICLE V, CHAPTER 4 (NON-COMPLYING BUILDINGS)

LAST AMENDED
7/26/2001

In Article V, Chapter 4 (Non-complying Buildings), Section 54-311 (Buildings containing rooming units), shall not apply.

123-81 - Modification of Planting Strips

LAST AMENDED
4/30/2008

In #Special Mixed Use Districts#, the provisions of Section 26-42 (Planting Strips) shall not apply.

123-90 - SPECIAL MIXED USE DISTRICTS SPECIFIED

LAST AMENDED
5/27/2021

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: (12/10/97)

Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 2: (7/29/09)

DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 4: (5/9/01)

Flushing/Bedford, Brooklyn

The #Special Mixed Use District# - 4 is established in Flushing/Bedford in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 5: (1/30/02)

Red Hook, Brooklyn

The #Special Mixed Use District# - 5 is established in Red Hook in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 6: (7/23/08)

Hudson Square, Manhattan

The #Special Mixed Use District# - 6 is established in Hudson Square in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 7: (8/19/03)

Morrisania, The Bronx

The #Special Mixed Use District# - 7 is established in Morrisania in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 8: (5/11/05)

Greenpoint-Williamsburg, Brooklyn

The #Special Mixed Use District# - 8 is established in Greenpoint-Williamsburg in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 9: (8/16/06)

Northern Hunters Point Waterfront, Queens

The #Special Mixed Use District# - 9 is established in the Northern Hunters Point Waterfront in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 10: (10/29/07)

Atlantic and Howard Avenues, Brooklyn

The #Special Mixed Use District# - 10 is established on Atlantic and Howard Avenues in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 11: (3/11/09)

Gowanus, Brooklyn

The #Special Mixed Use District# - 11 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 12: (10/27/10)

Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 13: (6/30/09)

Lower Concourse, The Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: (10/13/10)

Third Avenue/Tremont Avenue, The Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15: (11/13/12)

West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 16: (4/20/16)

Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 17: (3/22/18)

Hunts Point, The Bronx

The #Special Mixed Use District# - 17 is established in Hunts Point in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 18: (10/17/19)

Mott Haven, The Bronx

The #Special Mixed Use District# - 18 is established in Mott Haven in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 19: (12/10/20)

Brownsville, Brooklyn

The #Special Mixed Use District# - 19 is established in Brownsville in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 20: (5/8/19)

Crown Heights West, Brooklyn

The #Special Mixed Use District# - 20 is established in Crown Heights West in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 21: (3/25/21)

Arverne, Queens

The #Special Mixed Use District# - 21 is established in Arverne in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 22: (5/27/21)

Bushwick, Brooklyn

The #Special Mixed Use District# - 22 is established in Bushwick in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 23: (10/21/21)

Ravenswood, Queens

The #Special Mixed Use District# - 23 is established in Ravenswood in Queens as indicated on the #zoning maps#.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Willets Point District (WP)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 4 - Special Willets Point District (WP)

124-00 - GENERAL PURPOSES

LAST AMENDED
11/13/2008

The "Special Willets Point District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to transform Willets Point into a diverse and sustainable community that enhances connections to its surroundings through a unique combination of uses;

(b) to create a retail and entertainment destination that catalyzes future growth and strengthens Flushing's role as a nexus of economic, social and cultural activity;

(c) to encourage a mix of uses that complement sporting venues within Flushing Meadows-Corona Park;

(d) to maximize utilization of mass transit, reducing the automobile dependency of the redevelopment;

(e) to create a livable community combining housing, retail and other uses throughout the district;

(f) to create a walkable, urban streetscape environment with publicly accessible open spaces;

(g) to encourage the pedestrian orientation of ground floor uses;

(h) to build upon the diversity of the Borough of Queens as well as the proximity of regional transportation facilities, including the Van Wyck and Whitestone Expressways, LaGuardia and JFK Airports and the Long Island Railroad;

(i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

(j) to promote the most desirable use of land and building development in accordance with the District Plan and Urban Renewal Plan for Willets Point and thus improve the value of land and buildings and thereby improve the City's tax revenues.

124-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

124-02 - Definitions

LAST AMENDED
11/13/2008

For the purposes of establishing #blocks# and applying the #use#, #signage#, #street# tree, height and setback, #court#, publicly accessible open space and curb cut regulations of this Chapter, #connector streets#, the #eastern perimeter street#, the #primary retail street#, #residential streets#, #retail streets# and #service streets# shall be considered #streets#, and their boundaries shall be treated as #street lines#.

Connector street

A “connector street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks), inclusive.

Eastern perimeter street

The “eastern perimeter street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Primary retail street

The “primary retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Residential street

A “residential street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Retail street

A “retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Service street

A “service street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

124-03 - District Plan and Maps

LAST AMENDED
11/13/2008

District Plan Maps are located within the Appendix to this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth

in the text of this Chapter apply.

The District Plan includes the following five maps:

Map 1 – Special Willets Point District Plan

Map 2 - Location Requirements for Convention Center, Cinema and Office Tower

Map 3 - Height Limits

Map 4 - Locations of Tower Walls without Setbacks

Map 5 - Mandatory Intersections

124-04 - Applicability of District Regulations

LAST AMENDED
11/13/2008

124-041 - Applicability of Article III, Chapter 6

LAST AMENDED
3/28/2012

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Willets Point District#.

124-042 - Applicability of Article VII, Chapter 3

LAST AMENDED
3/28/2012

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

124-043 - Applicability of Article VII, Chapter 4

LAST AMENDED
3/28/2012

The following special permit by the City Planning Commission shall not be applicable:

Section 74-61 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

124-05 - Certification for Large Developments

LAST AMENDED
2/2/2011

The requirements of this Section shall apply to #zoning lots# of at least 200,000 square feet of #lot area#, containing #developments# or #enlargements# resulting in at least 100,000 square feet of #floor area# on such #zoning lots#.

No building permit shall be issued until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #developments# or #enlargements# comply with the provisions of this Section.

A set of drawings of sufficient scope and detail shall be submitted, showing that:

(a) all #streets# and private streets within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-31 (Standards for Streets and Blocks), inclusive;

(b) all #streets# and private streets within or abutting the proposed #development# or #enlargement# are constructed to grades acceptable to the Commissioner of Buildings and the Commissioner of Transportation;

(c) all publicly accessible open spaces within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS), inclusive; and

(d) for any portion of the #Special Willets Point District# not within the area proposed for #development# or #enlargement# and for which a certification pursuant to this Section has not been obtained, plans shall be submitted showing that the #development# or #enlargement# that is the subject of this certification shall not preclude such portions of the #Special Willets Point District# from complying with the provisions of Sections 124-31 and 124-40 under future certifications pursuant to this Section.

The Chairperson may allow for phased development upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any private streets and publicly accessible open spaces that are integral to the #development# or #enlargement# of a #building# or #buildings# within each phase.

The Chairperson shall modify the provisions of Section 124-31, inclusive, to the minimum extent necessary, in the event that the Fire Department determines in writing that such modifications are required under law or regulation governing adequate fire access.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement, indexed against the property, binding the owners, successors and assigns to provide such private streets and publicly accessible open spaces and public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the private streets and public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building# or #buildings# shall be recorded on the certificate of occupancy for such #building# or #buildings# by the Department of Buildings and shall be a condition of issuance of such certificate of occupancy.

124-10 - SPECIAL USE REGULATIONS

LAST AMENDED
11/13/2008

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

124-11 - Regulation of Residential Uses

LAST AMENDED
11/13/2008

124-111 - Location of residential use within buildings

LAST AMENDED
2/2/2011

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

124-112 - Residential entrances on residential streets

LAST AMENDED
11/13/2008

Each ground floor #dwelling unit# on a #residential street# shall be directly accessible from such #residential street#. No more than one entrance to a #residential street# shall be required for any one ground floor #dwelling unit#.

124-12 - Regulation of Commercial Uses in Area B

LAST AMENDED
11/13/2008

(a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District, provided that #commercial# #uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

(b) Within Area B, #uses# permitted in the underlying district shall be permitted within an area east and south of the present or former Willets Point Boulevard and contiguous with Area A, provided that such area shall be limited to 115,000 square feet in land area.

124-13 - Uses Permitted As-of-Right

LAST AMENDED
11/13/2008

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) shall not apply for trade expositions with a capacity in excess of 2,500 persons, provided that the facility has a #floor area# of no more than 400,000 square feet;

Section 73-482 (In Commercial or Manufacturing Districts) shall not apply for group parking facilities exceeding 225 spaces, provided such facilities comply with the regulations set forth in Section 124-50 (OFF-STREET PARKING REGULATIONS), inclusive.

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

124-14 - Retail Continuity

LAST AMENDED
5/12/2021

The following regulations shall apply within Area A, as shown on Map 1 in the Appendix to this Chapter, to all portions of #buildings# with frontage on 126th Street, the #primary retail street#, #retail streets#, #connector streets# and, in the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, along the frontage of the publicly accessible open space required by paragraph (d) of Section 124-42.

(a) Ground floor #uses#

#Uses# within #stories# on the ground floor or with a floor level within five feet of the #base plane# shall be limited to #commercial# #uses# permitted by the underlying district, except #uses# listed in Use Groups 6B, 6E, 8C, 8D, 9B, 10B or 12D. A #building's# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space or entryways, provided in accordance with Section 37-33 (Maximum Width of Certain Uses), parking pursuant to Section 124-50, inclusive, and vehicular access pursuant to Section 124-53 (Curb Cut Restrictions). Such #uses# shall have a minimum depth of 50 feet measured from any #street wall# facing 126th Street, the #primary retail street# or #connector streets#.

(b) Maximum length of establishments facing 126th Street and the #primary retail street#

The length of ground floor frontage occupied by any establishment shall not exceed 110 feet along 126th Street and 65 feet along the #primary retail street#. Such maximum lengths shall apply within 50 feet of any #street wall# facing 126th Street and the #primary retail street#. However, the provisions of this paragraph, (b), shall not apply within 300 feet of Northern Boulevard.

(c) Access

Access to each ground floor establishment shall be provided directly from a #street#.

(d) Transparency

For any #building#, or portion thereof, #developed# or #enlarged# after November 13, 2008, each ground floor #street

wall# shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

124-15 - Modification of Sign Regulations

LAST AMENDED
5/12/2021

The underlying #sign# regulations shall apply, except as set forth in this Section.

(a) Within Area A, as shown on Map 1 in the Appendix to this Chapter, the #sign# regulations of a C4 District shall apply, except for #street walls# facing Roosevelt Avenue, Northern Boulevard and 126th Street.

(b) Within Area B, as shown on Map 1, the #sign# regulations of a C1 District shall apply, except that within the area described in paragraph (b) of Section 124-12, the sign regulations of a C4 District shall apply.

(c) Within Area A, for #street walls# facing Roosevelt Avenue or Northern Boulevard, the #sign# regulations of a C4 District shall apply, except that #signs# shall be limited to 85 feet in height.

(d) For #street walls# facing 126th Street to a height of 35 feet, the #sign# regulations of a C4 District shall apply, provided that the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, and the transparency requirements of paragraph (d) of Section 124-14 are met.

(e) For #street walls# facing 126th Street above 35 feet in height, the #sign# regulations of a C4 District shall apply except that all permitted #signs#, including #illuminated signs# and #flashing signs#, shall be permitted without limitation on #surface area#, provided that:

(1) no such #signs# are higher than 85 feet;

(2) the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, except that projections not exceeding six feet are permitted, provided that such projections beyond four feet shall comprise not more than 20 percent of the #surface area# of all such #signs# on the establishment; and

(3) no #sign# attached to a #building or other structure# shall extend above any parapet wall or roof of such #building or other structure#.

(f) Within 150 feet of the neighborhood park required pursuant to Section 124-42 (Types and Standards of Publicly Accessible Open Space), paragraph (a), #flashing signs# whose message is visible from such park shall not be permitted.

(g) The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply in the #Special Willets Point District#.

124-16 - Authorization for Electrical Utility Substations

LAST AMENDED
11/13/2008

The City Planning Commission may authorize electrical utility substations in the #Special Willets Point District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission, provided the Commission finds that:

(a) the architectural and landscaping treatment of such #use# shall blend harmoniously with the abutting area to the extent reasonably permitted by the operational needs of the substation; and

(b) if the site proposed for such #use# is within Area A, as shown on Map 1 in the Appendix to this Chapter, that there are difficulties in locating such #use# within Area B, as shown on Map 1.

The Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section that are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substation shall comply therewith.

124-17 - Special Permit for Cogeneration Power Plant

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit a combined heat and power cogeneration plant not to exceed 100,000 square feet in #floor area#, provided that:

(a) the power plant is designed to maximize both electric and thermal cogeneration system efficiency to the greatest extent feasible;

(b) a detailed energy analysis is submitted to the Board demonstrating that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system; and

(c) the power plant is designed primarily to serve the #Special Willets Point District#.

In addition, the Board shall refer such application to the Department of Environmental Protection for a report to ensure that the power plant is designed to maximize cogeneration efficiency to the greatest extent feasible and that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices, emissions limits and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

124-18 - Special Permit for Wastewater Treatment Plant

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit an enclosed membrane bio-reactor wastewater treatment plant not to exceed 100,000 square feet in #floor area# on a site not to exceed 40,000 square feet in area, provided that the following findings are made:

(a) that in all cases the proposed plant promotes and protects the public health, safety and general welfare;

(b) the proposed plant shall be adequate for anticipated #development# in the area to be served;

(c) the proposed plant is designed primarily to serve the #Special Willets Point District#;

(d) the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development, and to minimize the interruption of the continuity of retail frontage;

(e) the architectural and landscaping treatment of such #use# shall blend harmoniously with the rest of the area; and

(f) that such #use# shall conform to the performance standards applicable to M1 Districts.

In addition, the Board shall refer such application to the Department of Health and the Department of Environmental Protection for a report to ensure that the site-specific design of the enclosed membrane bio-reactor waste water treatment plant meets all City and State health and effluent standards.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including requirements for soundproofing, safety devices, and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

124-19 - Location and Other Requirements for Specific Uses

LAST AMENDED
11/13/2008

124-191 - Convention center

LAST AMENDED
11/13/2008

A trade exposition center, hereinafter referred to as a convention center, is permitted in the #Special Willets Point District# only in accordance with this Section and shall be located on a #connector street#. A convention center may only be located in the area as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter, being entirely within 650 feet of Northern Boulevard.

Furthermore, a convention center may not be located within 200 feet of 126th Street, and any portion of a convention center located between 200 feet and 450 feet of 126th Street shall be limited to no more than 50,000 square feet of #floor area#.

Section 124-14 (Retail Continuity) shall not be applicable to a convention center. In lieu thereof, the transparency requirements of this Section shall apply to the #street wall# of a convention center facing a #connector street#. Such #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of such #street wall#, measured to a height of 15 feet above the level of the adjoining sidewalk or public access area. Not less than 40 percent of such area shall be glazed with transparent materials.

The main entrance(s) of such convention center shall be on a #connector street#.

124-192 - Location of theaters

LAST AMENDED
11/13/2008

Theaters comprising over 10,000 square feet in #floor area# shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

124-193 - Location of office uses in towers

LAST AMENDED
11/13/2008

Use Group 6B office #uses#, pursuant to Section 32-15, located on any #story# entirely above 120 feet in height shall be located

entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

124-20 - BULK REGULATIONS

LAST AMENDED
11/13/2008

In the #Special Willets Point District#, bulk regulations shall be as set forth in this Section, inclusive.

124-21 - Floor Area Regulations

LAST AMENDED
2/2/2011

#Zoning lots# containing less than 200,000 square feet of #lot area# shall not exceed a #floor area ratio# of 2.0.

#Zoning lots# containing at least 200,000 square feet of #lot area# shall have a maximum #floor area ratio# as follows:

(a) Within Area A, as shown on Map 1 in the Appendix of this Chapter:

(1) #Zoning lots# of at least 28 acres of #lot area# shall have a maximum #commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 4.6.

(2) For #zoning lots# less than 28 acres:

(i) north of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.4.

(ii) south of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 5.0.

(b) Within Area B, as shown on Map 1:

(1) #Zoning lots# of at least 33 acres of #lot area# shall have a maximum #commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 2.25.

(2) For #zoning lots# less than 33 acres:

(i) north of the centerline of the present or former 34th Avenue, the #floor area ratio# shall not exceed 2.0.

(ii) south of the centerline of the present or former 34th Avenue, and north and west of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.0.

(iii) south and east of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 4.0.

124-22 - Height and Setback Regulations

LAST AMENDED
2/2/2011

The height and setback regulations of this Section shall apply throughout the #Special Willets Point District#, except that #developments# or #enlargements# that result in less than 100,000 square feet of #floor area# on #zoning lots# of less than 200,000 square feet shall be limited to the height and setback regulations of an R6B District. The height of all #buildings or other structures# shall be measured from the level of the adjoining sidewalk or other publicly accessible open space. For the purposes of this Section, the present or former 34th Avenue and Willets Point Boulevard shall be considered to be #connector streets#, 127th Street shall be considered to be a #residential street#, and public access areas provided pursuant to paragraph (d) of Section 124-42 (Types and Standards of Publicly Accessible Open Space) shall be considered a #connector street#.

(a) Street wall location and base heights

(1) Except along 126th Street, Northern Boulevard and #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, the minimum base height of a convention center shall be 40 feet or the height of the #building#, whichever is less.

(2) Along 126th Street, at least 80 percent of the #aggregate width of street walls# shall be located within 60 feet of the #street line# of 126th Street and shall extend to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, for #buildings# directly opposite Citi Field Stadium, a setback lower than 60 feet shall be permitted, provided that:

(i) for #buildings# greater than 85 feet in height, an additional setback is provided between a height of 60 and 85 feet; and

(ii) eating and drinking establishments with outdoor seating on terraces overlooking 126th Street are provided on the second #story#. Such terraces shall be located on the roof level above the ground floor level of the #building#, at a height not lower than 20 feet or higher than 30 feet above the level of the sidewalk fronting the 126th Street #street wall# of the #building#, and shall have a minimum depth of 15 feet.

(3) Along #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. Where #street walls# facing #residential streets# contain ground floor #dwelling units#, such #street walls# shall be set back at least four feet from the #street line#. The #building# may project into the required setback area, provided that:

(i) any such projection does not exceed 20 feet in width;

(ii) any such projection does not exceed 25 feet in height;

(iii) the aggregate width of all such projections at the level of any #story# shall not exceed 50 percent of the width of the #street wall# of the #building#; and

(iv) all such projections are at least 10 feet apart.

(4) Along Northern Boulevard, no portion of a #street wall# shall be located closer to Northern Boulevard than eight feet. At least 70 percent of the #aggregate width of street walls# shall be located between eight and 15 feet of the Northern Boulevard #street line# and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet.

(5) Wherever an open area is provided between the #street wall# of a #building# and the #street line#, such area shall be planted, except at entrances to and exits from the #building#, and except where non-#residential uses# are provided at the ground floor level of the #building#.

(b) Required setbacks and maximum #building# height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed a height of 85 feet. Such setbacks shall be provided at a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings or other structures# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). Within the area limited to 232 feet above mean sea level, as shown on Map 3 in the Appendix to this Chapter, no portion of a #building or other structure# shall exceed a height of 120 feet except in accordance with the tower provisions of paragraph (c) of this Section.

(c) Towers

Within the area limited to 232 feet above mean sea level, as shown on Map 3, any #story# of a #building# located above a height of 120 feet shall comply with the provisions of this paragraph (c). Such portions of a #building# are hereinafter referred to as "towers."

(1) Maximum tower size

Each #residential# #story# of a tower located entirely above a height of 120 feet shall not exceed a gross area of 11,000 square feet.

(2) Maximum tower length

The maximum length of any #residential# #story# located entirely above a height of 120 feet shall not exceed 170 feet. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. No side of such rectangle shall exceed a length of 170 feet.

(3) Orientation

The length of any #residential# #story# located entirely above a height of 120 feet shall be at least 1.5 times its width and oriented so that the long side of such tower faces within 25 degrees of geographical south. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. The orientation provisions of this paragraph,(c)(3) need not apply if at least 75 percent of all towers in the #Special Willets Point District# for which building permits have been issued comply with such provisions.

(4) Tower top articulation

For towers containing #residences#, the highest three #stories#, or as many #stories# as are located entirely above a height of 120 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the

tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) Distance between towers

The minimum distance between all towers shall be 60 feet.

(6) Tower walls without setbacks

To permit a #building# to rise from grade to a tower portion without setback, the setback provisions of paragraph (b) of this Section shall not apply to any portion of a #building# located within the tower wall location areas shown on Map 4 in the Appendix to this Chapter, provided that this exception from paragraph (b) of this Section shall not apply to more than one tower for each #block#.

(d) Maximum total height

Notwithstanding any other provisions of this Chapter, no #building or other structure# shall exceed the height limits depicted on Map 3. The height limits established in Map 3 include reference points for two airport approach surface areas that are continuous planes, and one area with a maximum height limitation of 232 feet above mean sea level (AMSL). The coordinates of the points are:

Point 1	73°50′42.9″W	40°45′38.1″N
Point 2	73°50′36.8″W	40°45′45.6″N
Point 3	73°50′26.6″W	40°45′39.3″N
Point 4	73°50′33.6″W	40°45′30.7″N

The height limits hereby established supersede the height limits described in Article VI, Chapter 1 (SPECIAL REGULATIONS APPLYING AROUND MAJOR AIRPORTS). Application may be made to the Board of Standards and Appeals pursuant to Section 73-66 (Height Regulations Around Airports) for a permit to construct a #building or other structure# in excess of what is permitted pursuant to this paragraph (d), provided that such application is also referred to the Port Authority of New York and New Jersey.

124-30 - MANDATORY IMPROVEMENTS

LAST AMENDED
11/13/2008

124-31 - Standards for Streets and Blocks

LAST AMENDED
11/13/2008

#Developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, shall front upon #streets# that comply with the requirements of this Section, inclusive.

124-311 - Maximum length of blocks

LAST AMENDED
11/13/2008

The maximum length of a #block# shall be 450 feet, except that:

(a) where a #block# includes a convention center, such length shall be unlimited;

(b) where a #block# bounds the intersection of 126th Street and Northern Boulevard, such length shall be limited to 675 feet;

(c) where a #block# bounds the intersection of 126th Street and Roosevelt Avenue, such length shall be limited to 575 feet; and

(d) #blocks# or portions of #blocks# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street shall have a maximum distance between intersections on a #connector street# of 218 feet, except where a #block# includes a convention center or the minimum two-acre park required pursuant to Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS). Where public pedestrian access between a #connector street# and another #street# on the same #block# is located no less than 218 feet from both intersections on a #connector street# through provision of open space pursuant to Section 124-40, inclusive, such #block# or a portion of a #block# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street may have a maximum distance between intersections on a #connector street# that does not exceed 400 feet, provided that there is only one such #block# in the Special District.

124-312 - New streets

LAST AMENDED
5/12/2021

The provisions of this Section shall apply to all private streets constructed after November 13, 2008.

(a) #Primary retail street#

One #primary retail street# shall be provided parallel to, or generally parallel to, 126th Street and comply with the following requirements:

(1) The western boundary of such #street# shall be not less than 220 feet and not more than 320 feet from 126th Street.

(2) Such #street# shall intersect two #retail streets# and two #connector streets#.

(3) The width of such #street# shall be a minimum of 70 feet and a maximum of 80 feet, comprised of:

(i) two 15 foot wide sidewalks, one adjacent to each curb;

(ii) two nine foot wide strips, one adjacent to each sidewalk which can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways;

(iii) two travel lanes in the center of the #street# totaling 22 feet in width; and

(iv) one optional eight to 10 foot wide landscaped median located on the centerline of the #street# between

the two travel lanes provided that the #street# width shall not exceed 72 feet without such median.

(b) #Connector streets#

Two #connector streets# shall be provided, as follows:

(1) One #connector street# shall intersect 126th Street as shown on Map 5 in the Appendix to this Chapter.

(2) One #connector street# shall intersect 126th Street opposite the south side of Citi Field Stadium within the 125 foot area shown on Map 5.

(3) Both #connector streets# shall intersect with the #primary retail street# and with each other at a point east of the #primary retail street#.

(4) The width of each #connector street# shall be at least 75 feet and no more than 86 feet, comprised of:

(i) two 15 foot wide sidewalks, one adjacent to each curb;

(ii) two nine foot wide strips, one adjacent to each sidewalk that can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) at least two travel lanes and not more than three travel lanes totaling at least 22 feet and not more than 33 feet in width, and one bike lane at least five feet wide.

(5) Where a convention center fronts upon a #connector street#, the requirements set forth in this paragraph (b) shall be modified to eliminate the nine foot wide strip and, in lieu thereof, require a 12 foot wide drop off lane that, in the aggregate, shall not exceed 300 feet.

(c) #Retail streets#

A minimum of two and maximum of three #retail streets# shall be provided, as follows:

(1) One #retail street# shall intersect 126th Street opposite the entrance to Citi Field stadium, within the area shown on Map 5;

(2) One #retail street# shall intersect 126th Street opposite the north side of Citi Field Stadium within the area shown on Map 5;

(3) Two #retail streets# shall intersect with the #primary retail street#;

(4) The width of each #retail street# shall be no more than 68 feet wide, comprised of:

(i) two 13 foot wide sidewalks, one adjacent to each curb;

(ii) two 10 foot wide strips, one adjacent to each sidewalk that can be used as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) two travel lanes totaling at least 22 feet in width.

(d) #Eastern perimeter street#

One #eastern perimeter street# shall be provided as follows:

(1) The eastern boundary of such #street# shall be within 20 feet of the eastern boundary of the #Special Willets

Point District#, extending between Roosevelt Avenue and a #connector street#.

(2) The width of such #street# shall be at least 62 feet and no more than 75 feet, comprised of:

(i) a 13 foot wide sidewalk along its western boundary and a sidewalk at least five feet wide along its eastern boundary;

(ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) at least two and no more than three travel lanes totaling at least 20 feet and not more than 33 feet in width.

(e) #Residential streets#

All #streets#, other than those listed in paragraphs (a) through (d) of this Section, that have one or more ground floor #dwelling units# fronting on the #street# shall be considered #residential streets#, except where such #street# is designated a #service street# pursuant to paragraph (f) of this Section. #Residential streets# shall be provided, as follows:

(1) A #residential street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:

(i) two 13 foot wide sidewalks, one adjacent to each curb;

(ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) two travel lanes totaling between 20 and 22 feet in width.

(f) #Service streets#

All newly constructed #streets#, other than those listed in paragraphs (a) through (e) of this Section, shall be improved as a #service street#. A minimum of 50 percent of the #uses# within #stories# on the ground floor or with a floor level within five feet of the #base plane# fronting a #service street# shall contain non-#residential uses#. #Service streets# shall be provided, as follows:

(1) A #service street# may only be located as one of the #streets# bounding:

(i) a #block# that bounds the intersection of 126th Street and Northern Boulevard; and

(ii) a #block# that bounds the intersection of 126th Street and Roosevelt Avenue.

(2) A #service street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:

(i) two 13 foot wide sidewalks, one adjacent to each curb;

(ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) two travel lanes totaling between 20 and 22 feet in width.

124-32 - Street Tree Planting

LAST AMENDED

All #developments# or #enlargements# shall provide and maintain trees of not less than three-inch caliper at the time of planting in the sidewalk adjacent to the #building# on the side of the sidewalk closest to the travel lane. All such trees shall be provided for the entire length of the frontage of the #building#, for every 25 feet of such frontage, except where curb cuts or utilities make such planting infeasible. Species shall be selected, installed and maintained in accordance with specifications established by the Department of Parks and Recreation. However, #street# trees need not be provided where such trees may interfere with truck movements in the loading area for a convention center.

124-33 - Mandatory Sidewalk Widening

LAST AMENDED
11/13/2008

In the event that 34th Avenue remains a mapped street, all #developments# or #enlargements# on 34th Avenue shall provide a sidewalk widening of no less than 13 feet in width. No obstructions shall be permitted from the lowest level to the sky except for those permitted pursuant to Section 37-53 (Design Standards for Pedestrian Circulation Spaces), paragraph (f)(3). When one end of the sidewalk widening abuts an existing #building#, the special design treatment specified in Section 37-53, paragraph (f)(5), shall be required.

124-34 - Roof Design Requirements

LAST AMENDED
11/13/2008

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust, and that it is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area.

124-40 - PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS

LAST AMENDED
11/13/2008

Publicly accessible open spaces shall be provided as specified in Section 124-40, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

124-41 - Amount of Publicly Accessible Open Space

LAST AMENDED
11/13/2008

Publicly accessible open space within the #Special Willets Point District# shall total not less than eight acres. Such required amounts shall be open to the sky and shall not include any sidewalks required pursuant to this Section or sidewalk widenings pursuant to Section 124-33.

For #developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, the following amount of publicly accessible open space shall be provided for each 1,000 square feet of #floor area#:

Within Area A: 30 square feet

Within Area B: 50 square feet.

Such publicly accessible open space may be transferred from the #zoning lot# containing the #development# or #enlargement# to any other #zoning lot# in the #Special Willets Point District#, provided that such publicly accessible open space meets the requirements of Section 124-42, inclusive.

124-42 - Types and Standards of Publicly Accessible Open Space

LAST AMENDED
11/13/2008

The following types and standards of publicly accessible open space shall apply:

(a) Park

At least one park not less than two acres in area shall be provided. Such park shall be bounded on all sides by #streets# or a #school#, and at least one of the #streets# bounding the park shall be a #connector street#. No portion of such park shall be closer than 200 feet from the boundaries of the #Special Willets Point District#. Up to five percent of the area of such outdoor park may be covered by a #building or other structure#. A minimum of 50 percent of such park shall be planted, except that the planted area may be reduced to 40 percent if a playground acceptable to the Department of Parks and Recreation is provided within such park.

(b) 126th Street

The provisions of this paragraph (b) shall apply along the western boundary of #blocks# bounding 126th Street:

(1) a sidewalk with a minimum width of 15 feet shall be located adjacent to the curb, and have an elevation not higher than one foot above the level of the road bed;

(2) a pedestrian amenity area at least 20 feet wide and no more than 35 feet wide shall be located between such sidewalk and the #street wall# of any #building# fronting upon 126th Street. Pedestrian circulation space at least five feet wide shall be provided within such area within 1.5 feet of the ground floor elevation of such #street walls# to allow pedestrian movement in a direction parallel with the #street# and connecting with sidewalks of #streets# intersecting 126th Street;

(3) on each such #block# there shall be a minimum of two ramps connecting the sidewalk along 126th Street and the pedestrian circulation space. In addition, stairways shall be provided linking the sidewalk and pedestrian circulation space so that each establishment on the #block# with entrances facing 126th Street is readily accessible by such stairs or ramps; and

(4) all publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes) and 37-74 (Amenities), except for the following modifications:

(i) Section 37-73, paragraph (b), shall be modified to permit open air cafes to be at a different elevation from adjoining public access areas and from adjoining sidewalks;

(ii) Section 37-73, paragraphs (c)(4) and (d), shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;

(iii) for publicly accessible open space on the western boundary of #blocks# facing Citi Field Stadium, Section 37-73, paragraph (b), shall be modified to limit the aggregate area of open air cafes to no more than 50 percent of the public access area, and to allow open air cafes to occupy up to 75 percent of #street# frontage;

(iv) in Section 37-741, the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;

(v) for public access areas on the western boundary of #blocks# facing Citi Field Stadium, Section 37-741 shall be modified so that seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 25 percent of the linear seating capacity is provided through other seating types;

(vi) for publicly accessible open space not on the western boundary of #blocks# facing Citi Field Stadium, Section 37-742 shall be modified to require planters, planting beds and accessible lawns at a rate of 200 square feet for every 1,000 square feet of publicly accessible open space; and

(vii) Section 37-747 (Public space signage) shall not apply; in lieu thereof, paragraph (i) (Hours of access) of this Section shall apply.

(c) Roosevelt Avenue

Along the south side of #blocks# bounding Roosevelt Avenue, the following provisions shall apply:

(1) a bike lane with a minimum width of five feet shall be located no more than 16 feet from the curb line; and

(2) a pedestrian amenity area at least 20 feet in width and not more than 45 feet in width shall be provided between the bike lane and the #street wall# of a #building#:

(i) within the pedestrian amenity area, there shall be a sidewalk with a minimum width of 13 feet, generally parallel to Roosevelt Avenue, linking the sidewalk along 126th Street to either a sidewalk along the #eastern perimeter street#, if built, or the sidewalk leading to the Roosevelt Avenue Bridge; and

(ii) a minimum of 50 percent of the pedestrian amenity area shall be planted.

(d) #Block# at Roosevelt Avenue and 126th Street

In the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, the following improvements shall be provided:

(1) an entry plaza of at least 7,000 square feet shall be provided adjacent to the intersection of 126th Street and Roosevelt Avenue, as follows:

(i) the plaza shall include no less than 60 feet and no more than 80 feet of frontage along 126th Street;

(ii) each #use# or establishment with frontage on the plaza shall include at least one entrance to such plaza;

(iii) at least two amenities shall be provided from among those listed in Section 37-748, except that a kiosk that provides information instead of food service shall also be permitted; and

(iv) the area of such plaza shall not overlap with the requirements of paragraph (c) of this Section for Roosevelt Avenue;

(2) a central plaza of at least 20,000 square feet shall be provided, as follows:

(i) the plaza shall have at least 100 feet of frontage on a #connector street#;

(ii) the prolongation of the centerline of the #primary retail street# shall intersect with such plaza;

(iii) such plaza shall meet the pedestrian amenity standards of paragraph (b)(4) of this Section for 126th Street; and

(iv) a minimum of 15 percent of such plaza shall be planted; and

(3) a pedestrian corridor area shall be provided linking the entry plaza required pursuant to paragraph (d)(1) of this Section and the central plaza required pursuant to paragraph (d)(2) of this Section, as follows:

(i) such corridor shall be at least 60 feet in width and include, within such width, a 40 foot utility easement;

(ii) such corridor shall be at least 150 feet in length;

(iii) each #use# or establishment with frontage on such corridor shall include at least one entrance to such corridor; and

(iv) each side of such corridor area shall be planted with #street# trees of not less than three-inch caliper at the time of planting for the entire length of such corridor, at a rate of one tree for every 25 feet of the length of each side of such corridor.

(e) Northern Boulevard

Along the north side of #blocks# bounding Northern Boulevard, the following provisions shall apply:

(1) a sidewalk with a minimum width of 13 feet shall be located adjacent to the curb and have an elevation not higher than one foot above the road bed of Northern Boulevard;

(2) an open area at least eight feet wide and no more than 15 feet wide shall be located between the sidewalk and the #street wall# of a #building#, except that such area need not be provided where such areas may interfere with truck movements in the loading area for a convention center located on any such #block#; and

(3) a minimum of 70 percent of such open area shall be planted.

(f) #Eastern perimeter street#

Along the #eastern perimeter street# between the required sidewalk and the eastern boundary of the #Special Willets Point District#, an open area with a minimum depth of eight feet and a maximum depth of 15 feet shall be provided. At least 70 percent of such open area shall be planted.

(g) Convention center

If a convention center is provided, a pedestrian amenity area shall be required between the #street line# and the #street wall# of the convention center. The pedestrian amenity area shall have a depth of at least 10 feet and not more than 22 feet and shall meet the standards of paragraph (b)(4) of this Section for 126th Street.

(h) Standards for additional areas

If the amount of public access areas required pursuant to paragraphs (a) through (g) of this Section does not total eight acres, the difference shall be provided in the form of one or more public access areas located not closer than 100 feet to the boundary of the #Special Willets Point District#.

(i) Hours of access

All publicly accessible open space shall be accessible to the public from sunrise to one hour after sunset. Entry plaques for public access areas over one-half acre in size shall be provided as described in paragraph (a) of Section 37-751, except that the number of such plaques shall be provided so that one such plaque is located at each point of entry to such publicly accessible open space, and lettering at least one inch in height shall be provided stating the words, "Open to the public:" followed by hours permitted pursuant to this paragraph (i).

(j) Active recreation

A minimum of one-half acre of public access area shall be designed for active recreational use. This area may be located anywhere within the eight acres of publicly accessible open space required within the #Special Willets Point District#. Such area may include rooftop areas, provided that adequate public access is provided to the general public and that, regardless of the size of such rooftop area, entry plaques are provided for each point of entry pursuant to paragraph (i) of this Section. Access to such areas shall comply with the Americans with Disabilities Act of 1990.

124-50 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
11/13/2008

Off-street parking shall be provided for all required parking spaces and loading berths as specified by the underlying district, except as modified by the special regulations of this Section, inclusive.

124-51 - Use and Location of Parking Facilities

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all off-street parking spaces within the #Special Willets Point District#.

Floor space used for parking shall be exempt from the definition of #floor area#.

Parking facilities with over 225 parking spaces shall provide adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided in such facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

(a) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are located:

(1) entirely below the level of any #street# or publicly accessible open space upon which such facility, or portion thereof, fronts;

(2) in a #cellar# no more than four feet above grade within Area B, as shown on Map 1 in the Appendix to this Chapter, provided that the #street wall# is set back at least four feet from the #street line# except for projections permitted pursuant to Section 124-22, paragraph (a)(3), and planted areas are provided pursuant to Section 124-

22, paragraph (a)(5), and further provided that 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials;

(3) at every level above-grade, wrapped by #floor area# provided in accordance with paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements); or

(4) above-grade and adjacent to a #street wall# or public access area, and screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35. A parking structure so screened shall be permitted only in the following locations:

(i) except within #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue, a parking facility may be located adjacent to a #street wall# facing 126th Street above a height of 35 feet and limited to a height of 85 feet. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from any other adjacent #street#;

(ii) a parking facility may be located adjacent to a #street wall# limited to a height of 85 feet on a #block# that bounds the intersection of 126th Street and Northern Boulevard, provided that such #street wall# is on Northern Boulevard and is more than 100 feet from 126th Street. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from adjacent #residential#, #connector# or #primary retail streets#;

(iii) a parking facility not on a #block# that bounds the intersection of 126th Street and Northern Boulevard may be located adjacent to a #street wall# limited to a height of 40 feet facing Northern Boulevard, provided that such #street wall# with adjacent parking spaces is on Northern Boulevard and is more than 100 feet from 126th Street. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from any other adjacent #street#;

(iv) a parking facility may be located adjacent to a #street wall# on a #block# that bounds the intersection of 126th Street and Roosevelt Avenue, provided that such #street wall# with adjacent parking spaces is more than 100 feet from 126th Street, Roosevelt Avenue and at least 30 feet from any #connector street#;

(v) a parking facility may be located adjacent to a #street wall# limited to a height of 40 feet facing the eastern boundary of the #Special Willets Point District#, within 200 feet of such eastern boundary, so that such parking facility is not visible from a #connector street#. At least 30 feet of permitted #floor area# containing #uses# shall separate such parking spaces from adjacent #residential# and #connector streets#; and

(vi) a parking facility may be located adjacent to a #street wall# where such #street wall# is on a #service street#, provided that at least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from adjacent #residential#, #connector#, #retail# or #primary retail streets#.

(b) All parking facilities with parking spaces adjacent to an exterior #building# wall that is not a #street wall# shall provide screening in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.

(c) All parking facilities shall not be open to the sky, and all parking facilities shall have a roof that meets the design requirements of Section 124-34.

(d) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #block#, all such spaces shall be located within the same parking facility.

(e) All #accessory# off-street parking spaces may be provided within parking facilities in #buildings# other than the same #building# as the #uses# to which they are #accessory#, provided that:

(1) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #building#; and

(2) such parking facilities are located within the #Special Willets Point District#; or

(3) such parking facilities are located within distances specified by Sections 36-421 (Maximum distance from zoning lot) and 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable.

124-52 - Loading Restrictions

LAST AMENDED
11/13/2008

Loading areas shall not be permitted within 75 feet of 126th Street or within 50 feet of the #primary retail street#. Loading areas for a convention center #use# shall not be permitted within 100 feet of a #connector street#.

124-53 - Curb Cut Restrictions

LAST AMENDED
11/13/2008

No driveway curb cuts for parking facilities or loading berths shall be permitted along 126th Street, the #primary retail street#, the #connector streets#, across from public open space of two or more acres, and within 50 feet of the intersection of any #streets#, except for a convention center or a #transient hotel# with a minimum of 50,000 square feet of #floor area#, and except that the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area.

Where permitted, the maximum aggregate width of curb cuts on any frontage shall be limited to 24 feet for #residential streets# and 60 feet for all other #streets#, except that the maximum width shall be 100 feet for #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue and for #blocks# that contain a #transient hotel# with a minimum of 50,000 square feet of #floor area#. For a convention center, the maximum aggregate width of curb cuts on any frontage shall be limited to 100 feet, except that curb cuts shall be unlimited when located directly adjacent to the loading area of the convention center. All curb cuts shall be achieved with minimal reduction to the grade of the sidewalk over which they pass.

124-60 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED
10/10/2013

For any #zoning lot# within the #Special Willets Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

(a) #use# or #bulk# modification shall aid in achieving the general purposes and intent of the Special District;

(b) #use# modification shall encourage a lively pedestrian environment along the street, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

(c) #bulk# modifications shall enhance the distribution of #bulk# within the Special District;

(d) #bulk# modifications shall permit adequate access of light and air to surrounding streets; and

(e) #use# or #bulk# modification shall relate harmoniously to the character of the surrounding area.

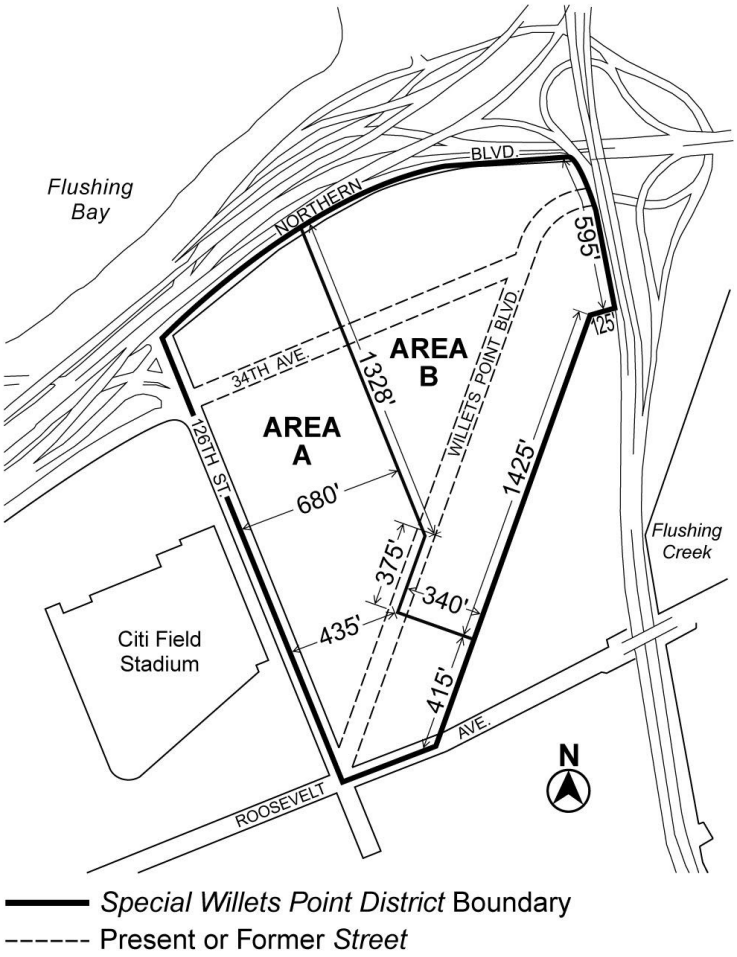
Notwithstanding the foregoing, a #use# modification may include a #use# proposed as part of a phased development within the Special District, where the Commission finds that such #use# is reasonably necessary for transitional purposes to assist in achievement of the goals of the Special District, provided the findings of paragraphs (a), (b) and (e) of this Section are met to the maximum extent possible, taking into account the nature of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

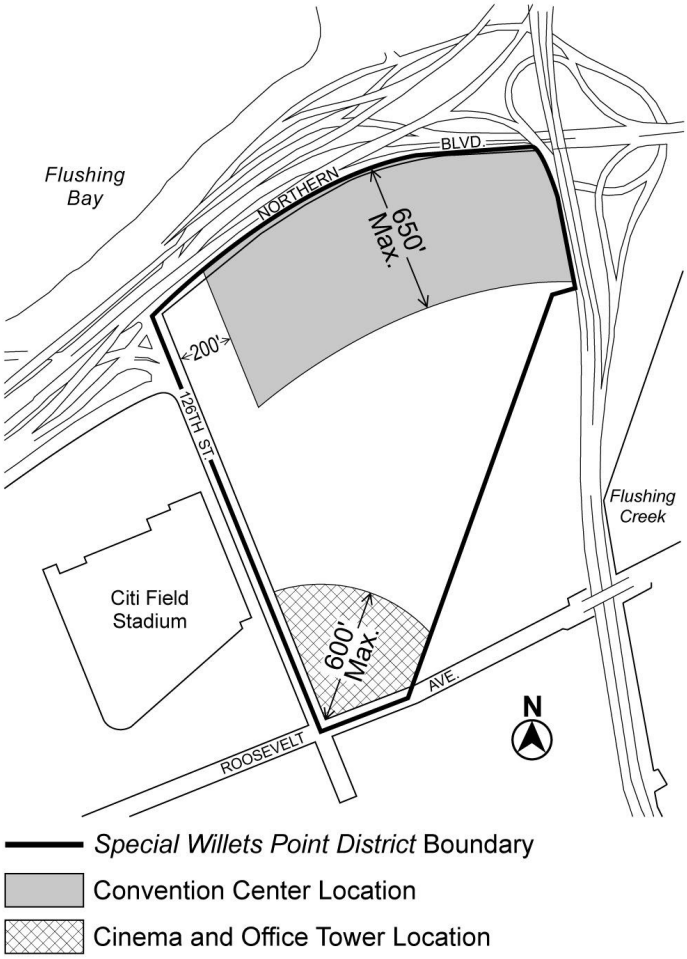
Appendix A - Special Willets Point District Plan

LAST AMENDED
11/13/2008

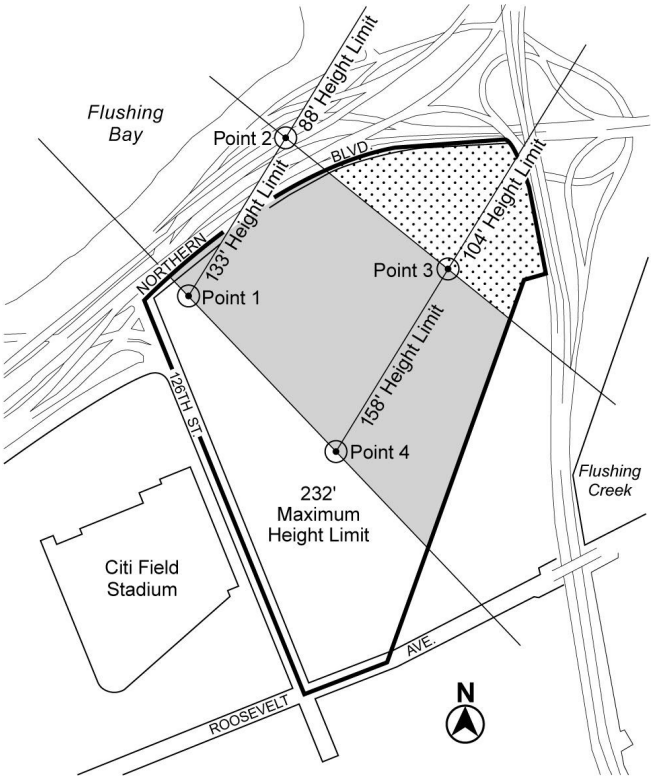
Map 1 - Special Willets Point District Plan



Map 2 - Location Requirements for Convention Center, Cinema and Office Tower



Map 3 - Height Limits



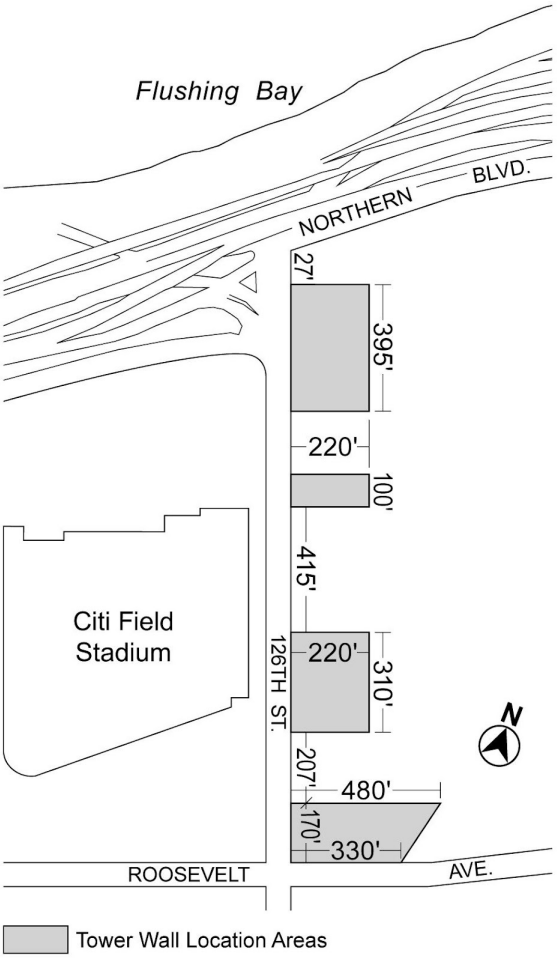
Special Willets Point District Boundary

Outer Approach Surface

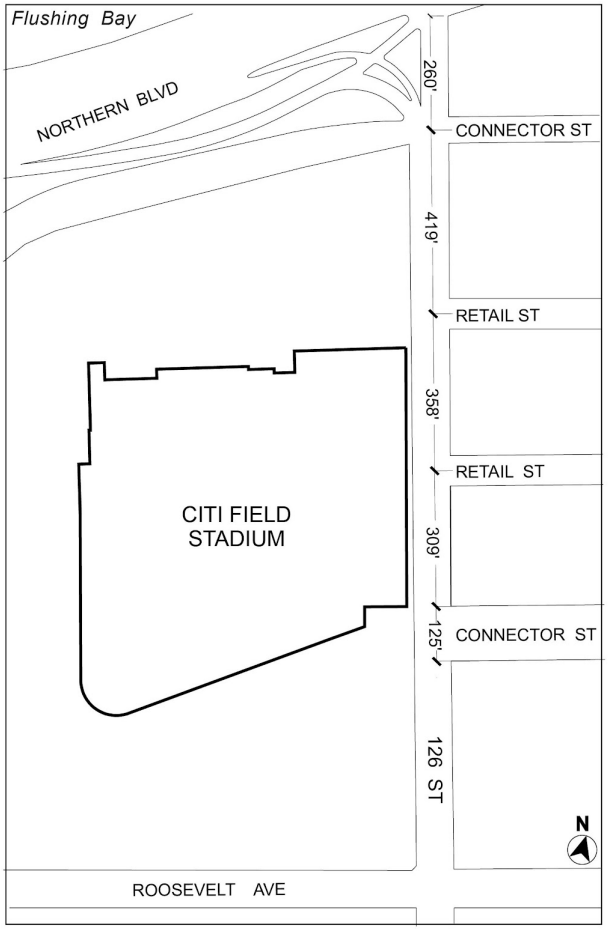
Inner Approach Surface

NOTE: Height Limits are measured Above Mean Sea Level (AMSL)

Map 4 - Locations of Tower Walls without Setbacks



Map 5 - Mandatory Intersections



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special Southern Hunters Point District (SHP)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 5 - Special Southern Hunters Point District (SHP)

125-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Southern Hunters Point District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage well-designed buildings that complement the built character of the Hunters Point neighborhood;

(b) to maintain and reestablish physical and visual public access to and along the waterfront;

(c) to broaden the regional choice of residences by introducing new affordable housing;

(d) to achieve a harmonious visual and functional relationship with the adjacent neighborhood;

(e) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

(f) to take maximum advantage of the beauty of the East River waterfront and provide an open space network comprised of public parks, public open space and public access areas;

(g) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

(h) to promote the most desirable use of land in accordance with the district plan for Southern Hunters Point, thus conserving the value of land and buildings, thereby protecting the City's tax revenues.

125-01 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

125-02 - District Plan and Maps

LAST AMENDED
11/13/2008

The regulations of this Chapter are designed to implement the #Special Southern Hunters Point District# Plan.

The District Plan, in Appendix A of this Chapter, includes the following maps:

Map 1. Special Southern Hunters Point District, Subdistricts and Parcels

Map 2. Special Ground Floor Use Regulations

Map 3. Street Wall Location

Map 4. Minimum Base Heights of 40 Feet

Map 5. Maximum Base Heights Other Than 70 Feet

Map 6. Tower Areas

Map 7. Mandatory Sidewalk Widenings and Publicly Accessible Open Area

Map 8. Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict

Map 9. Newtown Creek Waterfront Access Plan (Q-3)

Map 10. Permitted Curb Cut Locations

125-03 - Subdistricts

LAST AMENDED
11/13/2008

In order to carry out the purposes and provisions of this Chapter, the #Special Southern Hunters Point District# is divided into two subdistricts: the East River Subdistrict and the Newtown Creek Subdistrict. The East River Subdistrict is further subdivided into parcels A through G. The location and boundaries of the subdistricts and parcels are shown on Map 1 (Special Southern Hunters Point District, Subdistricts and Parcels), in Appendix A of this Chapter.

125-04 - Applicability of District Regulations

LAST AMENDED
11/13/2008

125-041 - Modification of use and bulk regulations for zoning lots bounding parks

LAST AMENDED
11/13/2008

Where the #lot line# of a #zoning lot# coincides with the boundary of a #public park#, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

125-042 - Applicability of Article II, Chapter 5

LAST AMENDED
4/22/2009

The provisions of Section 25-86 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Southern Hunters Point District#.

125-043 - Modification of Article VI, Chapter 2

LAST AMENDED
4/22/2009

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

125-10 - USE REGULATIONS

LAST AMENDED
11/13/2008

125-11 - Ground Floor Use Along Designated Streets

LAST AMENDED
2/2/2011

Map 2 (Special Ground Floor Use Regulations), in Appendix A of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply. Such regulations shall apply along the entire #street# frontage of the #building#, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 30 feet of the #street wall#, shall be limited to #commercial# or #community facility uses# permitted by the underlying district. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space. In no event shall the length of #street# frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less, except that the length of lobby frontage need not be less than 20 feet.

125-12 - Transparency Requirements

LAST AMENDED
11/13/2008

The ground floor #street wall# bounding any #community facility use# other than a #school# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area, and the maximum sill height of all #show windows# shall be 2 feet, 6 inches above the adjoining sidewalk or public access area.

The ground floor #street wall# bounding any #commercial# #use# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. Furthermore, the maximum sill level of all #show windows# shall be 2 feet, 6 inches above the adjoining sidewalk or public access area.

125-13 - Location of Uses in Mixed Buildings

LAST AMENDED
2/2/2011

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as a #commercial# #use#, provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

125-20 - FLOOR AREA REGULATIONS

LAST AMENDED
11/13/2008

125-21 - East River Subdistrict

LAST AMENDED
11/13/2008

In the East River Subdistrict, the maximum #residential floor area ratio# shall be as set forth in the following table, and no #floor area# bonuses shall apply. For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Parcel	Maximum #Floor Area#
A	12.0
B	10.0
C	10.5
D	12.0
E	12.0
F	10.0
G	12.0

125-22 - Newtown Creek Subdistrict

LAST AMENDED
10/9/2013

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this

Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Sections 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and 125-45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# increase for Inclusionary Housing

(1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District.

(2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

(i) the height and setback regulations of Section 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) or Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30, inclusive, of this Chapter shall apply; and

(ii) the provisions of Section 23-96 (Requirements for Generating Sites or MIH Sites) shall be modified to require that in the event the #affordable housing# is not located within the same Community District as the #compensated zoning lot#, it shall be located within a one-half mile radius of the #compensated zoning lot# in an adjacent Community District in the Borough of Queens.

125-30 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
11/13/2008

The underlying height and setback regulations shall not apply, except as set forth in this Section. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply. All heights shall be measured from the #base plane#.

125-31 - Rooftop Regulations

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

125-32 - Balconies

LAST AMENDED
11/13/2008

Balconies shall not be permitted below a height of 70 feet. Above a height of 70 feet, balconies are permitted provided that at least 50 percent of the perimeter of the balcony is bounded by #building# walls, exclusive of parapet walls.

125-33 - Required Street Walls

LAST AMENDED
2/2/2011

(a) #Street wall# location

All #street walls# of #buildings# shall be located on #street lines# of #zoning lots# as shown on Map 3 (Street Wall Location) in Appendix A of this Chapter. For the purposes of applying the height and setback regulations of this Section, wherever a #building# fronts upon any #public park#, or any sidewalk widening, #publicly accessible open area# or private street provided in accordance with the design requirements of Sections 125-41 through 125-46, inclusive, the boundary of such #public park#, sidewalk widening, #publicly accessible open area# or private street shall be considered to be a #wide street line#.

(b) Minimum base heights

All #street walls# shall extend up to at least a minimum base height of 50 feet or the height of the #building#, whichever is less, except that a minimum base height of 40 feet shall be permitted in the locations specified on Map 4 (Minimum Base Heights of 40 Feet) in Appendix A of this Chapter.

(c) Maximum base heights

The maximum height of a #street wall# before setback shall be 70 feet, except in the locations specified on Map 5 (Maximum Base Heights Other Than 70 Feet) in Appendix A of this Chapter.

(d) Recesses

Recesses, not to exceed three feet in depth, shall be permitted on the ground floor where required to provide access to the #building#, and recesses, not to exceed five feet in depth, shall be permitted on the ground floor where required to provide access to utilities. Above the height of the second #story# or 30 feet above adjoining grade, whichever is greater, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#.

(e) Required setbacks and maximum #building# heights

Setbacks are required for all portions of #buildings# that exceed the applicable maximum base height, except #schools#. All required setbacks shall be provided at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that the depth of such setbacks may include the depth of any permitted recesses in the #street wall#. For the purposes of this paragraph (c), the following shall be considered #wide streets#:

(1) Second Street between 54th Avenue and Borden Avenue

(2) 55th Avenue between Center Boulevard and Second Street

(3) Center Boulevard between 50th Avenue and 57th Avenue.

Above the applicable maximum base height, the maximum height of a #building or other structure# shall be 125 feet, except where towers are permitted, pursuant to Section 125-34.

125-34 - Towers

LAST AMENDED
11/13/2008

Any portion of a #building# that exceeds a height of 125 feet shall comply with the following provisions:

(a) Tower location and maximum tower height

All towers shall be located entirely within a Tower Area as designated on Map 6 (Tower Areas), in Appendix A of this Chapter. The maximum height of such towers shall be as indicated for the specified location on Map 6. For #buildings# higher than 165 feet, the #stories# entirely within 40 feet of the highest roof level of the #building# shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Orientation and maximum tower size

The outermost walls of each #story# located entirely above a height of 125 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street or Center Boulevard, whichever is closest, shall be 95 feet. The maximum length of any other side of such rectangle shall be 170 feet. Each #story# of a tower located entirely above a height of 125 feet shall not exceed a gross area of 11,000 square feet.

However, on Parcel G in the East River Subdistrict, the maximum length of the side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street shall not exceed 170 feet.

(c) Tower and base integration

Notwithstanding the setback provisions of paragraph (c) of Section 125-33, up to 50 percent of the #street wall# width of a tower may rise sheer from grade without setback.

125-35 - Authorization for Height and Setback Modifications

LAST AMENDED
2/2/2011

Within the #Special Southern Hunters Point District#, for any #development# or #enlargement#, the City Planning

Commission may modify the regulations set forth in Section 125-30, inclusive, provided the Commission finds that such modifications:

(a) will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;

(b) are consistent with the goals of the Special District to provide flexibility of architectural design and encourage more attractive #building# forms; and

(c) will result in a #development# or #enlargement# that enhances the streetscape and is compatible with development in the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

125-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED
11/13/2008

125-41 - Sidewalk Widenings

LAST AMENDED
11/13/2008

Map 7 (Mandatory Sidewalk Widenings and Publicly Accessible Open Area), in Appendix A of this Chapter, shows locations of mandatory sidewalk widenings in the East River Subdistrict. The depth of such sidewalk widenings shall be as indicated on Map 7 and shall be measured perpendicular to the #street line# unless otherwise indicated. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times.

125-42 - Publicly Accessible Open Area Requirements on

LAST AMENDED
11/13/2008

Parcels B, D, E and F

Map 7 (Mandatory Sidewalk Widenings and Publicly Accessible Open Area), in Appendix A of this Chapter, shows locations where open areas are permitted or required on Parcels B, D, E and F in the East River Subdistrict. Where any such area is provided, it shall be publicly accessible and comply with the standards of Sections 37-741 (Seating), 37-743 (Lighting and electrical power), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-747 (Public space signage), 37-76 (Mandatory Allocation of Frontages for Permitted Uses) and 37-77 (Maintenance).

In addition, the provisions of Section 37-742 (Planting and trees) shall apply to such open areas, and shall be modified to require that:

(a) at least 30 percent of each open area be comprised of planting beds;

(b) at least two four-inch caliper trees or three ornamental trees be provided within such open areas on Parcels D and F; and

(c) no trees shall be required within the open areas on Parcels B and E.

125-43 - Publicly Accessible Open Area Requirements on

LAST AMENDED
11/13/2008

A publicly accessible private open area shall be provided within the area of Parcel G in the East River Subdistrict as shown on Map 7 (Mandatory Sidewalk Widenings and Publicly Accessible Open Area) in Appendix A of this Chapter. No excavation or building permit shall be issued for any #development# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is consistent with the Department of Parks and Recreation design standards used for the development of the adjacent #public park#. A certification under this paragraph shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation.

In the event that Parcel G is not owned by the City, then, prior to design and development of the #publicly accessible open area#, the owner of Parcel G may make a request directed to the Office of the Mayor to transfer to the City its fee simple absolute interest, free and clear of any encumbrances in the open area. The City may accept the transfer request, provided that development of the open area is made in accordance with guidelines established by the Chairperson of the City Planning Commission and the Commissioner of the Department of Parks and Recreation, and transfer is made pursuant to such instruments as are necessary for implementation. In the event of a transfer, the #bulk# and parking computations for the #zoning lot# shall include the transferred property and such transfer shall not be deemed a #non-compliance# .

125-44 - Private Street Requirements in Newtown Creek Subdistrict

LAST AMENDED
11/13/2008

In the Newtown Creek Subdistrict, where a private street is provided pursuant to paragraph (a) of Section 125-22, such private street shall be constructed to minimum Department of Transportation standards for public #streets#, including lighting, curbs and curb drops. Such private street shall consist of a paved road bed with a minimum width of 34 feet from curb to curb with 13 foot wide sidewalks on each side along its entire length. Such private street shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of this Chapter. One tree shall be planted for every 25 feet of curb length of the private street. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street.

125-45 - Publicly Accessible Open Area in Newtown Creek Subdistrict

LAST AMENDED
2/2/2011

Where a publicly accessible private open area is provided pursuant to paragraph (a) of Section 125-22, such open area shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of this Chapter. No excavation or building permit shall be issued for any #development# or #enlargement# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is either:

(a) consistent with the Department of Parks and Recreation design standards for the #public park# located on 55th Avenue between Center Boulevard and Second Street; or

(b) in the event that design standards have not been developed for the #public park# located on 55th Avenue between Center Boulevard and Second Street, acceptable to the Chairperson of the City Planning Commission and the Department of Parks and Recreation.

A certification under this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation. Such approved plan shall allow for pedestrian access from 55th Avenue to the #residential# entrance of a #building# bounding the publicly accessible private open area. The paved width of such access shall not exceed 13 feet, and its location shall be within the area shown on Map 8.

125-46 - Newtown Creek Waterfront Access Plan

LAST AMENDED
4/22/2009

Map 9, in Appendix A of this Chapter, shows the boundaries of the area comprising the Newtown Creek Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area consists of Block 11, Lot 1, as established on November 13, 2008.

(a) Modification of #use# requirements

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section 32-16 (Use Group 6), shall be permitted #uses# within the Newtown Creek Waterfront Access Plan.

(b) Area-wide modifications

The requirements for #waterfront public access area#, as defined in Section 62-11, pursuant to Sections 62-53 through 62-57, inclusive, are modified at the following designated locations:

(1) #Upland connection#

An #upland connection#, as defined in Section 62-11, shall be provided through Block 11, Lot 1, abutting the prolongation of 5th Street and extending from the #shore public walkway#, as defined in Section 62-11, northerly to 54th Avenue.

(2) #Supplemental public access area#

#Supplemental public access areas#, as defined in Section 62-11, shall be provided as indicated on Map 9.

125-47 - Phased Implementation of Publicly Accessible Areas

LAST AMENDED
2/2/2011

In the Newtown Creek Subdistrict, the Chairperson of the City Planning Commission shall allow for the phased implementation of all required publicly accessible areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# or #enlarged# in each phase. For any #development# or #enlargement# located within 100 feet of a #shoreline#, the initial phase shall provide, at a minimum, the required #shore public walkway# and any adjacent #supplemental public access areas# located

between such #development# or #enlargement# and such #shore public walkway#, as defined in Section 62-11. For any #development# or #enlargement# that fronts upon 54th Avenue, the initial phase shall provide, at a minimum, the required publicly accessible private street.

125-50 - PARKING REGULATIONS

LAST AMENDED
5/8/2013

The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply, except as set forth in this Section.

125-51 - General Regulations

LAST AMENDED
11/13/2008

For the purposes of Section 125-50 (PARKING REGULATIONS), inclusive, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#.

No #public parking garages# or #public parking lots# shall be permitted.

125-52 - Location of Off-street Parking Spaces

LAST AMENDED
2/2/2011

(a) Enclosure of spaces

All off-street parking spaces shall be located within facilities that, except for entrances and exits, are entirely below the level of any #street# or #publicly accessible open area# upon which such facility or portion thereof fronts, or shall be located, at every level above-grade, behind #commercial#, #community facility# or #residential# #floor area# so that no portion of such parking facility is visible from adjoining #streets# or #publicly accessible open areas#. Such #floor area# shall have a minimum depth of 30 feet.

(b) Rooftop landscaping

Any roof area of a parking garage not otherwise covered by a #building# and larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational #use# of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area. #Schools# shall be exempt from the provisions of this paragraph (b).

125-53 - Maximum Size of Permitted Accessory Group Parking Facilities

LAST AMENDED
5/8/2013

In the East River Subdistrict, Section 16-13 (Permitted Parking for Zoning Lots With Multiple Uses) shall apply, except that the maximum number of spaces shall be 780. Section 16-21 (Off-site Parking) shall not apply.

In the Newtown Creek Subdistrict, Section 16-13 shall apply except that the maximum number of spaces shall not exceed 40 percent of the number of #dwelling units# within the #development# or #enlargement#.

125-54 - Off-site Facilities in the East River Subdistrict

LAST AMENDED
11/13/2008

In the East River Subdistrict, all #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided such parking facilities are located within the #Special Southern Hunters Point District#, and the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each off-site #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.

125-55 - Location of Curb Cuts

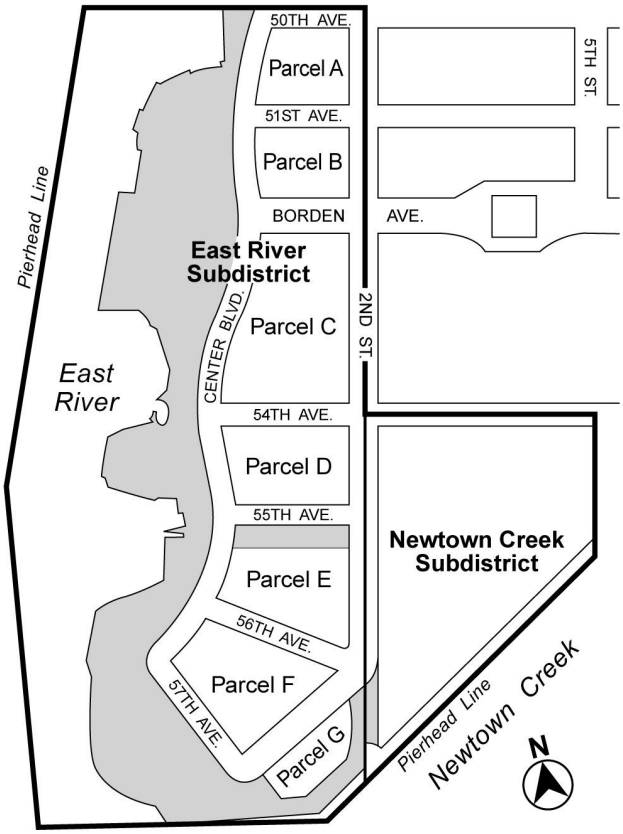
LAST AMENDED
2/2/2011

Curb cuts are permitted only in the locations indicated on Map 10 (Permitted Curb Cut Locations) in Appendix A of this Chapter. The aggregate width of all curb cuts provided for any #building# shall not exceed 50 feet.

Appendix A - Special Southern Hunters Point District Plan

LAST AMENDED
11/13/2008

Map 1 – Special Southern Hunters Point District, Subdistricts and Parcels

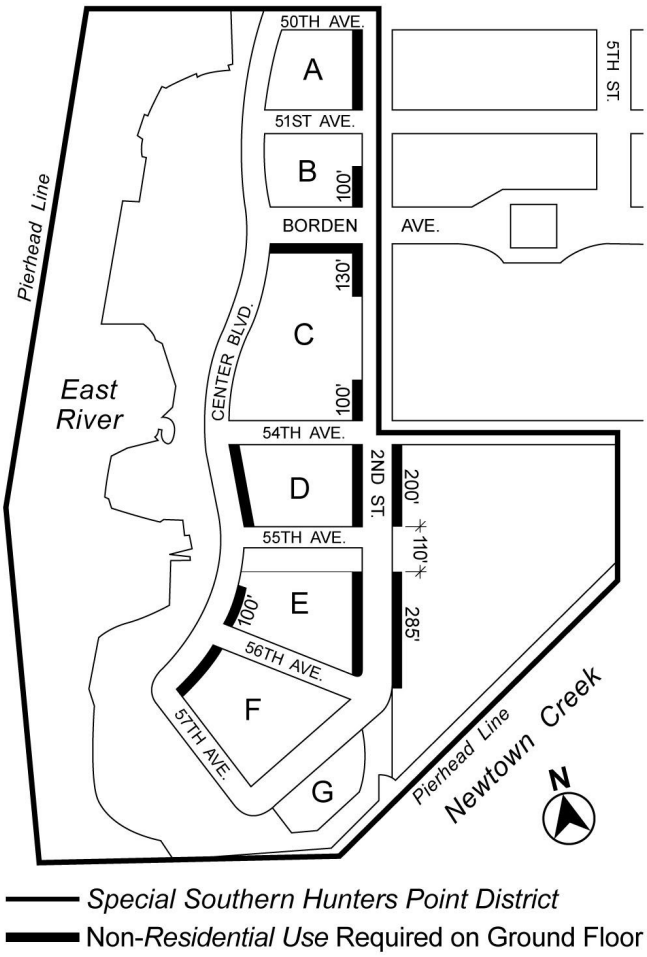


Special Southern Hunters Point District

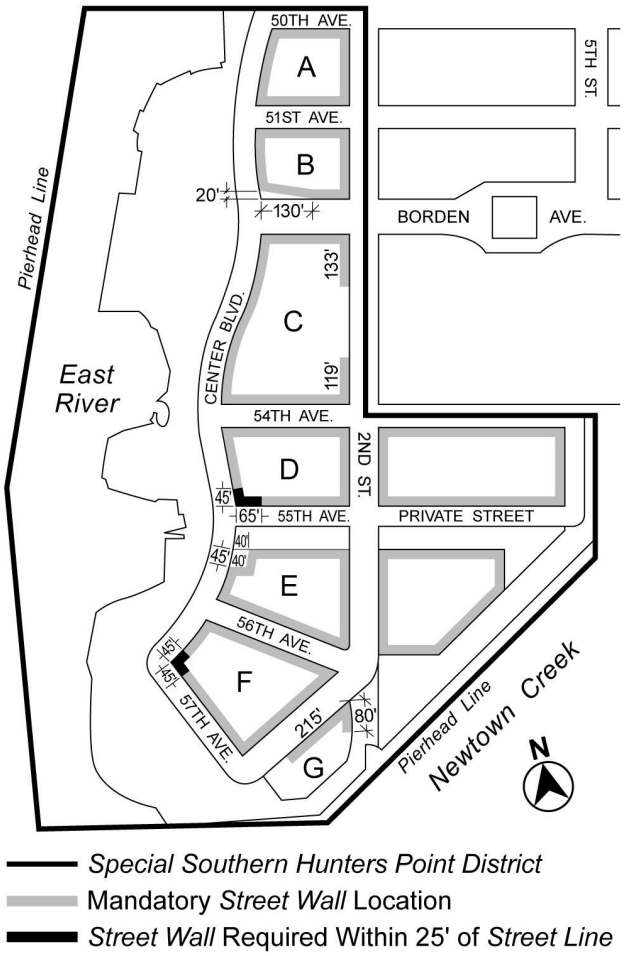
Subdistrict Boundary

Park

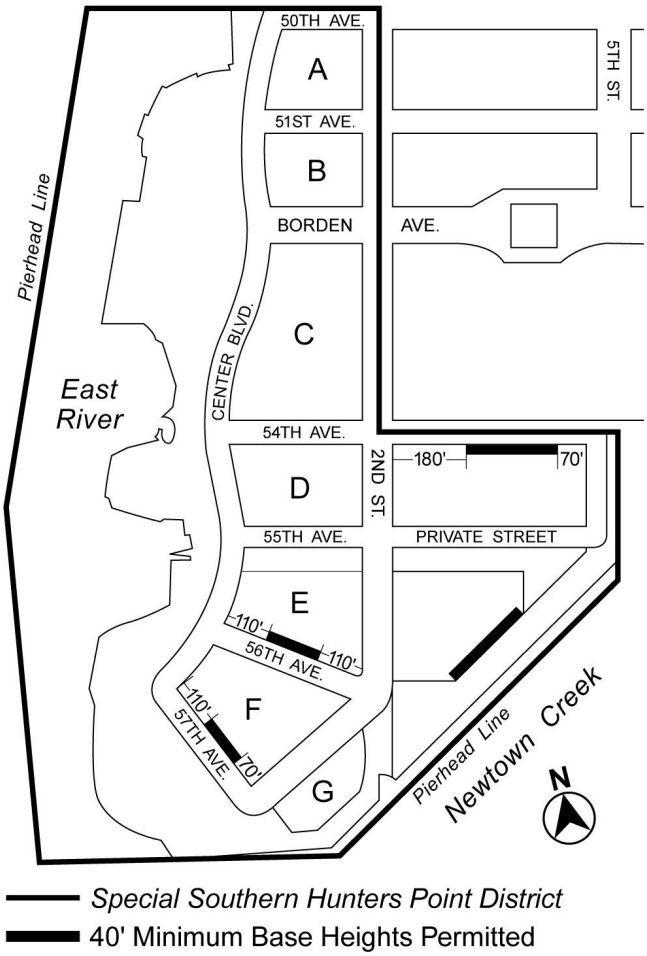
Map 2 – Special Ground Floor Use Regulations



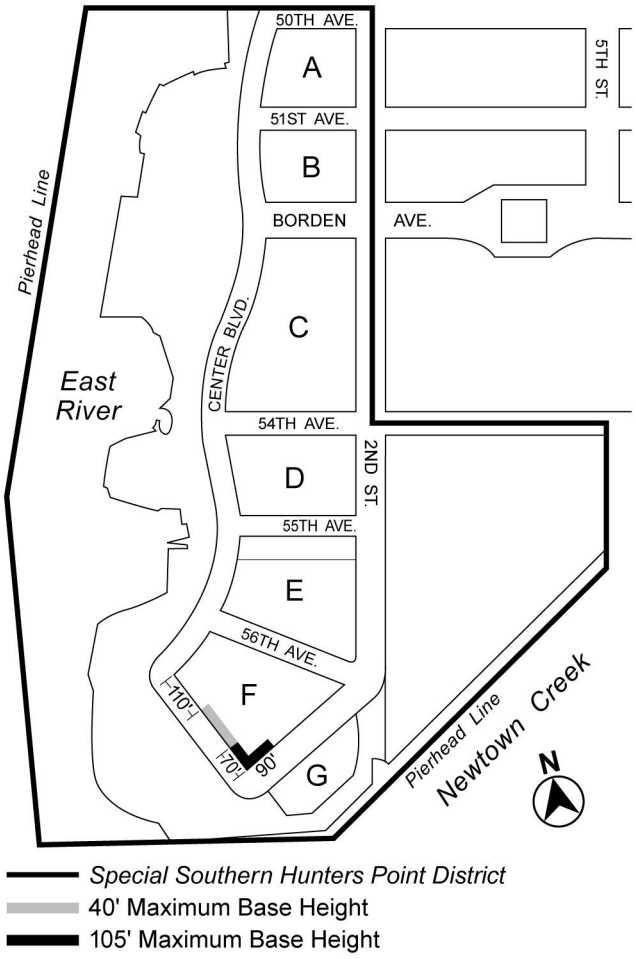
Map 3 – Street Wall Locations



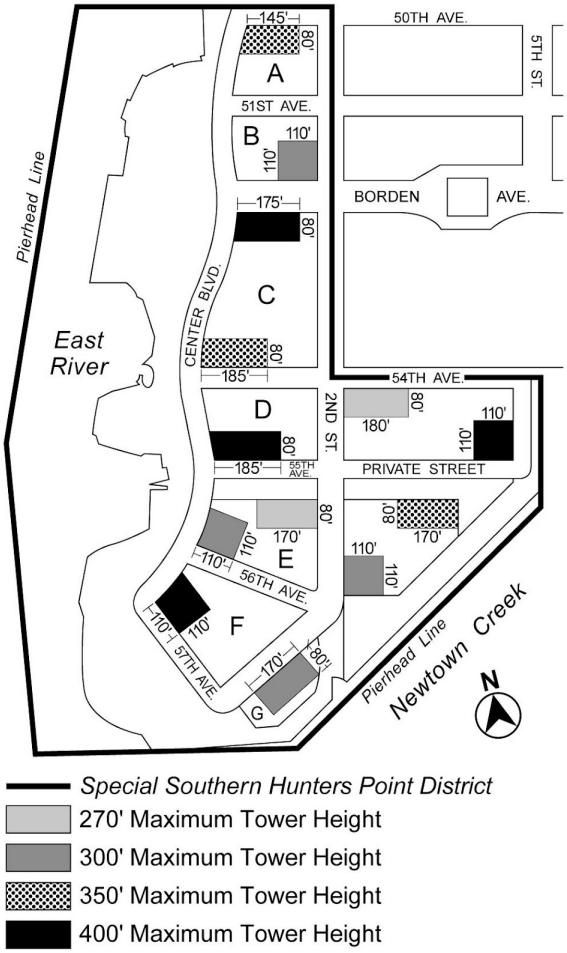
Map 4 – Minimum Base Heights of 40 Feet



Map 5 – Maximum Base Heights other than 70 Feet



Map 6 – Tower Areas



Special Southern Hunters Point District

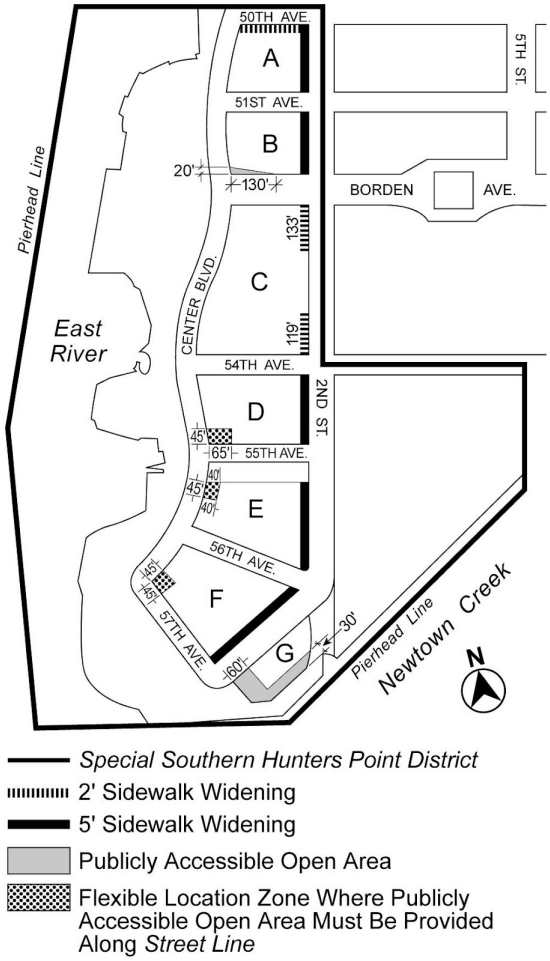
270' Maximum Tower Height

300' Maximum Tower Height

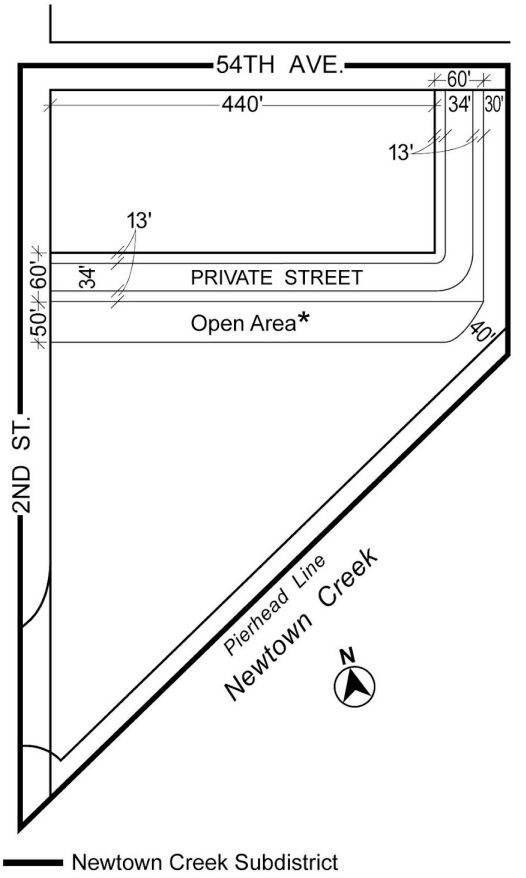
350' Maximum Tower Height

400' Maximum Tower Height

Map 7 – Mandatory Sidewalk Widenings and Publicly Accessible Open Area

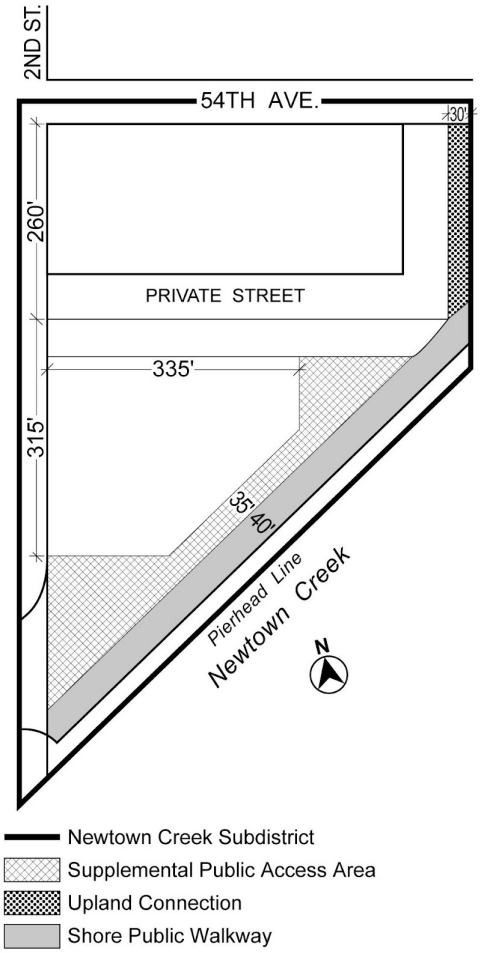


Map 8 – Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict

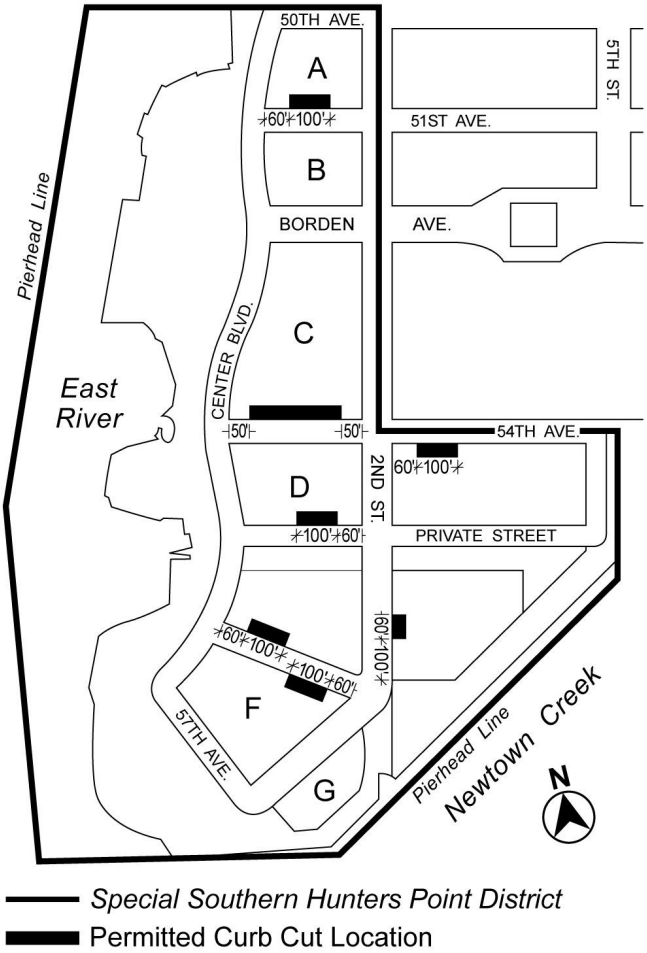


*One 13' wide walkway connecting sidewalk of private street and residential building entrance may traverse Open Area beyond 200' of 2nd St.

Map 9 – Newtown Creek Waterfront Access Plan (Q-3)



Map 10 – Permitted Curb Cut Locations



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special College Point District (CP)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 6 - Special College Point District (CP)

126-00 - GENERAL PURPOSES

LAST AMENDED
7/29/2009

The "Special College Point District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage and retain high performance manufacturing establishments in New York City;

(b) to maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and

(c) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

126-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

126-02 - District Plan and Map

LAST AMENDED
7/29/2009

The District Map is located within the Appendix to this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

126-10 - SPECIAL USE REGULATIONS

LAST AMENDED
7/29/2009

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-11 - Recreational Uses

LAST AMENDED
2/2/2011

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following #uses# as-of-

right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residences#

#Public parks#, playgrounds or private parks

From Use Group 4C:

#Accessory# #uses#

126-12 - Performance Standards

LAST AMENDED
7/29/2009

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

126-13 - Enclosure Regulations

LAST AMENDED
2/2/2011

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths).

126-131 - Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

LAST AMENDED
7/29/2009

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

From Use Group 17 A:

Produce or meat markets, wholesale.

From Use Group 18A:

Incineration or reduction of garbage, offal or dead animals

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Stock yards or slaughtering of animals or poultry.

From Use Group 18B:

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Scrap metal, junk, paper or rags storage, sorting, or baling.

All #commercial# or #manufacturing uses# specified in this Section shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

126-132 - Enclosure regulations in M1-1 Districts

LAST AMENDED
7/29/2009

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133 - Enclosure regulations in M2-1 Districts near Residence Districts

LAST AMENDED
7/29/2009

Within 300 feet of a #Residence District# boundary, all #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#. However, #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134 - Enclosure of storage in M1-1 Districts near Residence Districts

LAST AMENDED
7/29/2009

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135 - Screening of storage in M2-1 Districts near Residence Districts

LAST AMENDED
7/29/2009

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

(a) shall not be located within a #front yard# ;

(b) shall be maintained in good condition at all times; and

(c) shall have no #signs# hung or attached thereto other than those permitted in Sections 42-52 (Permitted Signs), and 126-14 (Sign Regulations), inclusive.

126-136 - Screening of storage

LAST AMENDED
7/29/2009

(a) At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

(b) In addition, such screening provided pursuant to paragraphs (a)(1) or (a)(2) of this Section:

(1) shall not be located within a #front yard# ;

(2) shall be maintained in good condition at all times;

(3) may be interrupted by normal entrances or exits; and

(4) shall have no #signs# hung or attached thereto other than those permitted in Sections 42-52 (Permitted Signs) and 126-14 (Sign Regulations).

126-14 - Sign Regulations

LAST AMENDED
7/29/2009

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

126-141 - Special sign regulations in M2-1 Districts

LAST AMENDED
7/29/2009

In M2-1 Districts, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

(a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of eight feet, and shall not extend to a height greater than 20 feet above #curb level# ; and

(b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

126-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
7/29/2009

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-21 - Street Tree Planting

LAST AMENDED
2/2/2011

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

126-22 - Floor Area Ratio

LAST AMENDED
7/29/2009

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation, the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district, for:

(a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or

(b) #zoning lots# with frontage on the Whitestone Expressway.

126-23 - Modification of Yard Regulations

LAST AMENDED
7/29/2009

126-231 - Minimum required front yards

LAST AMENDED
7/29/2009

#Front yards# shall be provided with a depth of 15 feet, except for:

(a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and

(b) #corner lots#, where one #front yard# may have a depth of 10 feet.

126-232 - Minimum required side yards

LAST AMENDED
7/29/2009

#Side yards# shall be provided with a width of 10 feet.

126-233 - Special provisions along district boundaries

LAST AMENDED
4/14/2010

The following regulations shall modify the provisions of Section 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

(a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #Residence District#.

(b) Within the areas depicted on the #Special College Point District# Map as 60-foot buffer areas, an open area not higher

than #curb level# shall be provided within the #Manufacturing District#, as follows:

(1) where such buffer area is adjacent to a #street#, a #front yard# at least 60 feet in depth shall be provided; or

(2) where such buffer area is not adjacent to a #street#, an open area at least 60 feet wide shall be provided along the boundary of the #Manufacturing District#. Such open area may be reduced to a width of not less than 25 feet where there is an open area in an adjacent #Residence District# so that, in combination with the open area within the #Manufacturing District#, there is an open area totaling at least 60 feet in width. The open area in the #Residence District# shall be subject to a restrictive declaration requiring that such area be maintained pursuant to the standards of this Section, in a form approved by the New York City Department of Buildings, and subsequently recorded in the Office of the City Register of the City of New York against all tax lots comprising such restricted open area. Proof of recordation of the restrictive declaration in a form acceptable to the New York City Department of Buildings shall be submitted.

All such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

(c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that the option described in paragraph (a)(2) of Section 126-136 shall not be a permitted form of screening.

126-234 - Planting requirement in front yards

LAST AMENDED
7/29/2009

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235 - Storage of materials within yards

LAST AMENDED
7/29/2009

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24 - Height and Setback Regulations

LAST AMENDED
7/29/2009

Within the #Special College Point District#, the height and setback regulations of an M1-1 District shall apply.

However, within the M2-1 District south of 30th Avenue and its prolongation, the height and setback regulations shall be as permitted in the underlying district, for:

(a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or

(b) #zoning lots# with frontage on the Whitestone Expressway.

126-30 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
7/29/2009

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31 - Parking Regulations

LAST AMENDED
2/2/2011

(a) #Accessory# off-street parking shall not be permitted within a required #front yard#.

(b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial# #uses# shall be modified as follows:

Hotels, for the #floor area# used for sleeping accommodations, shall be required to provide one parking space per two guest rooms or suites and, for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios, shall be required to provide one parking space per four persons-rated capacity

Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons-rated capacity

(c) For #commercial# #uses# within the commercial areas identified on the #Special College Point District# Map, the parking requirements of a C4-1 District shall apply.

(d) Section 37-90 (PARKING LOTS), inclusive, shall apply to all open parking areas #accessory# to #manufacturing uses# listed in Use Group 17. Perimeter landscaping, required pursuant to Section 37-921, may overlap with required #yards#, pursuant to Section 126-231.

(e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on July 29, 2009, and on the date of application for a building permit.

126-32 - Loading Regulations

LAST AMENDED
7/29/2009

(a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.

(b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

126-33 - Curb Cut Restrictions on 15th Avenue

LAST AMENDED
7/29/2009

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one-sixteenth inch to a foot, showing the size and location of the proposed curb cut.

126-40 - SPECIAL APPROVALS

LAST AMENDED
7/29/2009

126-41 - Modification of Planting Requirements

LAST AMENDED
7/29/2009

The requirements of Section 126-234 (Planting requirement in front yards) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are infeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

126-42 - Authorization for Reduction of Required Parking

LAST AMENDED
7/29/2009

Within the commercial areas identified on the #Special College Point District# Map, the City Planning Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

126-43 - Special Permit to Modify Use or Bulk Regulations

LAST AMENDED
2/2/2011

For any #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission finds that such:

(a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

(c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot# ;

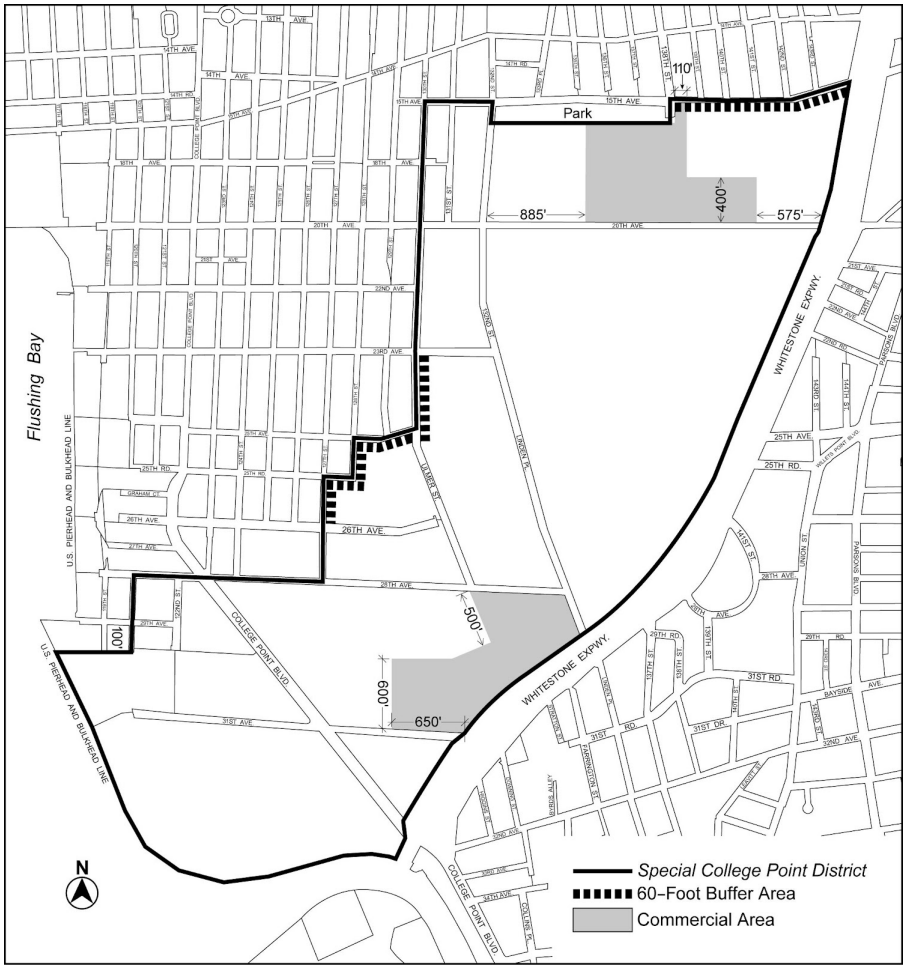
(d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

(e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix - Special College Point District Map

LAST AMENDED7/29/2009



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special Flushing Waterfront District (FW)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 7 - Special Flushing Waterfront District (FW)

127-00 - GENERAL PURPOSES

LAST AMENDED12/10/2020

The "Special Flushing Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;

(b) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) to encourage well-designed development that complements the pedestrian experience and enhances the built character of the neighborhood;

(d) to establish and maintain physical and visual public access to and along Flushing Creek;

(f) to make use of the waterfront by providing public access via private street network, direct connections to the water and to promote coordinated redevelopment of the area in a manner consistent with waterfront access and internal circulation within the Special District; and

(g) to promote the most desirable use of land and building development in accordance with the District Plan for Downtown Flushing and thus conserve the value of land and buildings and thereby improve the City's tax revenues.

127-01 - General Provisions

LAST AMENDED12/10/2020

The provisions of this Chapter shall apply within the #Special Flushing Waterfront District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control unless expressly stated otherwise.

127-02 - District Plan and Maps

LAST AMENDED12/10/2020

In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1: Special Flushing Waterfront District and Subdistricts

Map 2: Publicly Accessible Private Street Network

Map 3: Requirements Along Street Frontages

Map 4: Waterfront Access Plan: Parcel Designation

Map 5: Waterfront Access Plan: Visual Corridors

Map 6: Waterfront Access Plan: Public Access Areas

Map 7: Waterfront Access Plan: Phase I Waterfront Public Access Improvements

Map 8: Waterfront Access Plan: Phase II Waterfront Public Access Improvements

127-03 - Subdistricts

LAST AMENDED12/10/2020

In order to carry out the provisions of this Chapter, three subdistricts, Subdistrict A, Subdistrict B and Subdistrict C, are established.

The location and boundaries of these subdistricts are shown on Map 1 (Special Flushing Waterfront District and Subdistricts) in the Appendix to this Chapter.

127-04 - Definitions

LAST AMENDED12/10/2020

For purposes of this Chapter, matter in italics is defined in Section 12-10 and within this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Conceptual plan

A "conceptual plan" is a plan that sets forth the proposed final design, in compliance with the requirements of Section 127-421 (Requirements for publicly accessible private streets), for the remaining portions of the #publicly accessible private street# or #upland connection# certified pursuant to paragraph (b)(1)(i) of Section 127-422 (Certification for publicly accessible private streets), or paragraph (a)(1)(i) of Section 127-542 (Supplemental provisions), respectively. The plan shall include the proposed location, dimensions and grading for such remaining portions on adjoining #zoning lots# and shall be considered by the Chairperson of the City Planning Commission in reviewing the proposed #final site plan# for such remaining portions, if and when they become the subject of a certification pursuant to paragraph (b)(2) of Section 127-422 or paragraph (a)(2) of Section 127-542.

Final site plan

A "final site plan" is a plan that specifies the final design for the location, dimensions, and grading of all or portions of the #publicly accessible private streets# or #upland connection# that are the subject of a certification pursuant to paragraphs (a) or (b) of Section 127-422 or paragraphs (a)(1) or (a)(2) of Section 127-542. Where applicable, the design of such plan shall be consistent with any #conceptual plan# for the same portion of the #publicly accessible private street# or #upland connection# and, once certified and implemented in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, such plan shall supersede any #interim plan# for the same portion of a #publicly accessible private street# or #upland connection#.

Interim site plan

An "interim site plan" is a plan that specifies, for an interim period, the design for the location, dimensions, and grading of portions of the #publicly accessible private street# or #upland connection# that are the subject of a certification pursuant to paragraph (b)(1) of Section 127-422 or paragraph (a)(1) of Section 127-542 and located on the applicant's #zoning lot#. A design for an interim period is necessary where it is not feasible to implement the final design for such portions until build-out of the remaining portions of the #publicly accessible private street# or #upland connection# occurs. Such #interim site plan#, once

certified, shall remain in effect until implementation of the #final site plan# in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, at which time the certified #final site plan# shall supersede the #interim site plan#.

Publicly accessible private street

A “publicly accessible private street” is a way specified on Map 2 in the Appendix to this Chapter that functions as a #street# for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

127-05 - Applicability of District Regulations

LAST AMENDED12/10/2020

127-051 - Applicability of the Quality Housing Program

LAST AMENDED12/10/2020

Within Subdistrict A and Subdistrict B, any #building# containing #residences#, or any #building# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 (Quality Housing) shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

127-052 - Applicability of the Inclusionary Housing Program

LAST AMENDED12/10/2020

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, #Mandatory Inclusionary Housing areas# within the #Special Flushing Waterfront District# are shown in APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) of this Resolution.

127-053 - Applicability of Article VI, Chapter 1

LAST AMENDED12/10/2020

The provisions of Article VI, Chapter I (Special Regulations Applying Around Major Airports) shall apply, except as modified in accordance with the provisions of this Chapter.

127-054 - Applicability of Article VI, Chapter 2

LAST AMENDED12/10/2020

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified in accordance with the provisions of this Chapter.

127-055 - Applicability of Article VI, Chapter 4

LAST AMENDED
5/12/2021

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

127-056 - Applicability of Article XII, Chapter 3

LAST AMENDED12/10/2020

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except as modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence District# or M1 District, as applicable.

127-10 - SPECIAL USE REGULATIONS

LAST AMENDED12/10/2020

Within the #Special Flushing Waterfront District#, the #use# regulations of the underlying zoning districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

127-11 - Location of Residential Use Within Buildings

LAST AMENDED12/10/2020

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

127-12 - Sign Regulations

LAST AMENDED12/9/2021

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply for any #signs#.

127-20 - SPECIAL BULK REGULATIONS

LAST AMENDED12/10/2020

For the purpose of applying the #bulk# regulations of this Section, inclusive, Subdistricts A, B and C, as shown on Map 1 in the Appendix to this Chapter, shall be considered #waterfront blocks#.

Within Subdistricts A and B, the applicable #bulk# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

Within Subdistrict C, the applicable #bulk# regulations of the underlying districts and of Article VI, Chapter 2 shall apply.

All #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets#, shall be considered #streets# and their boundaries shall be considered #street lines# for the purposes of applying all #bulk# regulations, except that such #streets# shall not subdivide a #zoning lot#. Furthermore, such #streets# shall be considered part of the #zoning lot# for the purpose of applying the #floor area# regulations of this Section, inclusive.

127-21 - Special Floor Area Regulations

LAST AMENDED12/10/2020

The #floor area# provisions of Section 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks) and applicable regulations shall apply except as modified in this Section, inclusive.

(a) Floor space for accessory off-street parking

The #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

(b) Special floor area regulations for mixed use districts

For M1 Districts paired with a #Residence District#, located inside a #Mandatory Inclusionary Housing area#, the applicable maximum #floor area ratio# provisions of paragraph (d) of Section 23-154 (Inclusionary Housing) or Section 23-155 (Affordable independent residences for seniors) shall apply to all #residential uses#. In addition, the maximum #floor area ratio# shall be 4.8 for #community facility uses#, 3.0 for #commercial# #uses# and 3.0 for #manufacturing uses#.

127-22 - Special Yard Regulations

LAST AMENDED12/10/2020

On #waterfront zoning lots#, the #waterfront yard# provisions of Section 62-33 (Special Yard Regulations on Waterfront Blocks) and grading requirements of paragraph (a) of Section 64-82 (Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor) shall apply, except as modified as follows:

(a) for all #waterfront zoning lots#, as defined in Section 62-11 (Definitions), whose #developments# are comprised #predominantly#, as defined in Section 62-11, of #uses# in Use Groups 16, 17 and 18, a #waterfront yard#, as also defined in Section 62-11, shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards); and

(b) the grading requirements of paragraph (a) of Section 64-82 may be modified pursuant to a certification by the Chairperson of the City Planning Commission as set forth in Section 127-61 (Certification for Interim Grading Conditions).

On #zoning lots# that are not #waterfront zoning lots#, no #yard# regulations shall apply.

127-23 - Special Height and Setback Regulations

LAST AMENDED12/10/2020

The height and setback provisions of paragraphs (a)(4) of Section 62-341 (Developments on land and platforms) shall apply

except as modified in Section 127-231 (Permitted obstructions). The remaining provisions of Section 62-341 shall be superseded by the provisions of this Section, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#, except where modified by specific provisions of this Section, inclusive, or by the provisions of Article VI, Chapter 4.

Sidewalk widenings shall be provided along specified #street# frontages and at specified depths as set forth on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter. Such sidewalk widening shall be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining sidewalk.

127-231 - Permitted obstructions

LAST AMENDED12/10/2020

The permitted obstruction provisions of paragraph (a)(4) of Section 62-341 (Developments on land and platforms) shall be modified as follows:

(a) the dormer provisions of paragraph (a)(4)(i) of Section 62-341 shall be modified pursuant to the provisions of paragraph (c)(1) of Section 127-233 (Base heights and setback regulations);

(b) the penthouse regulations of paragraph (a)(4)(ii) of Section 62-341 shall not apply; and

(c) the maximum height of any permitted obstructions shall be determined in accordance with the provisions of Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), except where modified by certification of the Chairperson of the City Planning Commission pursuant to Section 127-236 (Certification to modify maximum height of building or other structure).

127-232 - Street wall location regulations

LAST AMENDED12/10/2020

Along #street# frontages where a sidewalk widening is required pursuant to Map 3 in the Appendix to this Chapter, the #street wall# location requirements of this Section shall apply from the interior boundary of such sidewalk widening.

(a) Along primary #street# frontages

Along primary #street# frontages, as shown on Map 3, at least 60 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and rise to at least the minimum base height as specified in Section 127-233 (Base heights and setback regulations), or the height of the building, whichever is lower. The remaining #aggregate width of street walls# may be located either within eight feet of the #street line# or beyond eight feet of the #street line#. The requirements of this paragraph shall not apply to the portion of a #building# adjacent to the major portion of a publicly accessible area, as specified in Section 127-43 (Publicly Accessible Area).

(b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, #street walls# may be located at any distance from the #street line#.

(c) Along all #street# frontages

Along both primary and secondary #street# frontages, recesses shall be permitted at the ground floor level as follows:

(1) recesses up to three feet in depth from the #street wall# shall be permitted at any distance from the #street line# to provide access to the #building#; and

(2) recesses that exceed a depth of three feet from the #street wall# shall be permitted, provided that such recesses are not deeper than 10 feet and have a height of at least 15 feet, as measured from the adjacent sidewalk level to the ceiling of such ground floor recess.

127-233 - Base heights and setback regulations

LAST AMENDED12/10/2020

(a) Along primary #street# frontages

Along primary #street# frontages, as shown on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter, the following shall apply:

(1) The minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 105 feet along College Point Boulevard and 75 feet along all other primary #street# frontages.

(2) Along Type 1 primary #street# frontages, at a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (c)(2) of Section 23-662 (Maximum height of buildings and setback regulations). However, where a sidewalk widening is required pursuant to this Section, as indicated on Map 4 (Waterfront Access Plan: Parcel Designation), the minimum depth of the required setback above the maximum base height may be reduced to five feet, as measured from the #street wall# ; and

(ii) the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback of less than seven feet, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level.

(3) Along Type 2 primary #street# frontages, a #building# may rise without any setback above the maximum base height.

(b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, the following shall apply:

(1) Along the #shore public walkway#, the maximum base height shall be 75 feet, and any portion of a #building# that exceeds the maximum base height shall be set back at least 10 feet from the #street line#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in such setback distance.

(2) Along other secondary #street# frontages, the minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 75 feet. However, along secondary #street# frontages facing an #upland connection# with a width of less than 30 feet pursuant to the applicable provisions of paragraph (a) of Section 127-532 (Upland connections), the minimum base height shall be 15 feet. At a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (c)(2) of Section 23-662. However, where a sidewalk widening is required pursuant to this Section, as specified on Map 3, the portion of a #building# located above the maximum base height need not set back more than 10 feet from the #street line#, provided such #building# portion meets the requirements of paragraph (d) of Section 127-234 (Tower regulations), as applicable; and

(ii) the depth of such required setback may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback of less than 10 feet, or the reduced setback distance pursuant to the provisions of paragraph (b)(2)(i) of this Section, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level; and

(c) Additional allowances along all #street# frontages

(1) Within a required setback area, dormers and projections shall be considered permitted obstructions, and shall be permitted as follows:

(i) The aggregate #street wall# width of all dormers and projections combined shall not exceed 50 percent of the #aggregate width of street wall# of the #story# below the required setback. Any projection deeper than five feet shall be considered a dormer.

(ii) The aggregate #street wall# width of dormers shall not exceed 30 percent of the #aggregate width of street wall# of the #story# below the required setback. The height of such dormers shall not exceed 135 feet in Subdistrict A and 175 feet in Subdistrict B, as measured above the #base plane#. No dormers shall be permitted along #street walls# fronting on the #shore public walkway#.

(2) Notwithstanding the applicable setback regulations in paragraphs (a) and (b) of this Section, portions of #buildings or other structures# located:

(i) within 150 feet of a publicly accessible area, and either

(ii) adjacent to such publicly accessible area, or

(iii) along a #street# across from such publicly accessible area located on the same #zoning lot#, may rise without a setback, provided that such publicly accessible area is in compliance with the provisions of Section 127-43 (Publicly Accessible Area). In addition, all #street walls# facing such publicly accessible area shall be subject to the articulation requirements of Section 127-235 (Supplemental articulation regulations).

127-234 - Tower regulations

LAST AMENDED12/10/2020

For the purposes of applying the provisions of this Section, a “tower” shall be any portion of a #building or other structure# that is located above the maximum base height. Such portion of a #building or other structure# shall be subject to the following requirements:

(a) Maximum tower widths

Along the #shore public walkway#, the maximum width of a tower, or portion thereof, that is located within 110 feet of the pierhead line and facing the #shore public walkway#, shall not exceed 100 feet. Such width shall be determined by drawing perpendicular lines in plan view from the pierhead line to the outermost extents of the #street wall# of such

tower, or portion thereof, within 110 feet of the pierhead line, exclusive of any permitted projections and dormers. However, in Subdistrict A, where the depth of a #zoning lot#, or portion thereof, is less than 220 feet, the maximum width of a tower within such shallow lot portion, shall not exceed 130 feet, provided that such depth was in existence both on December 10, 2020, and on the date of application for a building permit.

Along all other #streets#, the #aggregate width of street wall# in a tower shall not exceed 250 feet.

(b) Tower top regulations

For all #zoning lots# in Subdistrict A, and for each portion of a #zoning lot# in Subdistrict B, bounded entirely by #streets#, as such term is defined in Section 127-20, the following requirements shall apply:

(1) Where two or more towers are provided and any portion of such towers exceeds 175 feet, the following shall apply:

(i) the gross area of the highest two #stories# of at least one tower shall not exceed 80 percent of the gross area of the #story# immediately below such #stories#; or

(ii) a height difference of at least 20 feet, or two #stories#, whichever is less, shall be provided between such towers.

(2) Where only one tower is provided and the aggregate portions of such tower above 175 feet exceeds a gross area of 15,000 square feet, the gross area of the highest two #stories# shall not exceed 80 percent of the gross area of the #story# immediately below such #stories#.

(c) Maximum tower height

The maximum height of a #building or other structure# shall be determined in accordance with the provisions of Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), except where modified by certification of the Chairperson of the City Planning Commission pursuant to Section 127-236 (Certification to modify maximum height of building or other structure).

(d) Additional requirements within Subdistrict B

Along Janet Place, where a sidewalk widening is required pursuant to Map 3, the width of each individual tower portion located within 50 feet of the #street line# of Janet Place shall not exceed 70 feet, exclusive of any permitted projections and dormers. Such width shall be determined by drawing perpendicular lines in plan view from the #street line# to the outermost extents of the #street wall# of such tower, or portion thereof, within 50 feet of the #street line#, exclusive of any permitted projections and dormers. Such tower portion and any other such tower portion within the same or an #abutting# #building# shall be separated by at least 40 feet.

127-235 - Supplemental articulation requirements

LAST AMENDED12/10/2020

In addition to all other provisions of Section 127-23 (Special Height and Setback Regulations), inclusive, for #street wall# widths exceeding 150 feet, as measured parallel to the #street line#, articulation shall be provided in accordance with the provisions of this Section.

The depth of required recesses or projections of a #building# shall be measured from the #street wall#. For the purpose of applying the provisions of this Section, the base height of such #building# shall be either the maximum base height or the height of such #building# where a required setback pursuant to the provisions of Section 127-233 (Base heights and setback regulations)

is provided, whichever is lower. However, if such #building# provides multiple setbacks, the highest of such multiple setbacks shall be considered the base height of such #building#.

The portion of a tower #street wall# subject to the tower top regulations of paragraph (b) of Section 127-234 (Tower regulations) shall not be included for the purposes of determining or satisfying the articulation requirements of this Section. In addition, setbacks provided in accordance with the provisions of Section 127-233 shall not constitute recesses.

(a) Along all #streets# other than #shore public walkways#

For #street walls# fronting #streets# other than the #shore public walkway#, a minimum of 15 percent of the entire surface area of each #street wall# shall either recess or project a minimum of two feet from the #street wall# with no individual recess or projection exceeding 50 percent of such surface area of the #street wall#.

Along each #street wall# frontage, at least one-third of such overall 15 percent requirement shall be provided in the form of articulation below the base height of such #building#, and at least one-third shall be provided above the base height, respectively. The remaining one-third of such 15 percent requirement may be located anywhere on the #street wall#. Where a #street wall# frontage does not exceed the maximum base height, the overall 15 percent requirement shall be provided in the #building# base.

Within the articulation provided in the #building# base, the aggregate width of articulation at each level where provided shall achieve a #street wall# width that is equivalent to at least 10 percent of the #aggregate width of street wall# at that level, and no individual recess or projection shall have a #street wall# width of less than 10 feet.

In no event shall the total amount of projections above the base height exceed the thresholds permitted pursuant paragraph (c)(1) of Section 127-233.

(b) Along the #shore public walkway#

For #street walls# fronting the #shore public walkway#, at least five percent of the entire surface area of the #street wall# below the base height shall either recess or project a minimum of two feet from the #street wall# with no individual recess or projection exceeding 50 percent of such surface area of the #street wall#.

Within the articulation provided in the #building# base, the aggregate width of articulation at each level where provided shall achieve a #street wall# width that is equivalent to at least 10 percent of the #aggregate width of street wall# at that level, and no individual recess or projection shall have a #street wall# width of less than 10 feet.

127-236 - Certification to modify maximum height of building or other structure

LAST AMENDED12/10/2020

The special permit provisions of Section 73-66 (Height Regulations Around Airports) shall not apply. In lieu thereof, the height restrictions of Sections 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection within any Flight Obstruction Area), may be modified where the Chairperson of the City Planning Commission has certified to the Department of Buildings that the provisions of this Section have been met. An application for such certification shall include:

(a) a site plan and elevations, showing the proposed #building or other structure# in relation to the underlying maximum height limits;

(b) separate verification letters from the Federal Aviation Administration and the Port Authority of New York and New Jersey that such #building or other structure#, including the location of temporary structures such as construction cranes, will not constitute a danger to the safety of air passengers or disrupt established airways or runway operations,

respectively; and

(c) materials sufficient to demonstrate that the modified height of a #building or other structure# does not exceed 200 feet above mean sea level within Subdistrict A, and 245 feet above mean sea level within Subdistrict B.

127-30 - SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED12/10/2020

Within the #Special Flushing Waterfront District#, the applicable parking and loading regulations set forth in Article III, Chapter 6, Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), Article VI, Chapter 4 (Special Regulations Applicable to Certain Areas), and Article XII, Chapter 3 (Special Mixed Use District) shall apply, inclusive, except as modified in this Section. For the purpose of applying the provisions of this Section, all #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets#, as specified in Section 127-42 (Publicly Accessible Private Streets), shall be considered #streets# and their boundaries shall be considered a #street line#.

127-31 - Accessory Off-street Parking Regulations

LAST AMENDED12/10/2020

The underlying parking regulations shall be modified as follows:

(a) In M1 Districts paired with a #Residence District# in Subdistrict A, the following shall apply:

(1) #Commercial# and #manufacturing uses# shall provide either one parking space for every 1,000 square feet of #floor area#, or shall provide parking spaces at the rate required for M1-2 Districts pursuant to Section 44-21 (General Provisions), whichever requires a smaller number of spaces.

In addition, the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) and paragraph (a) and (b) of Section 44-231 (Exceptions to application of waiver provisions) shall not apply to #manufacturing uses#. In lieu thereof, #accessory# off-street parking spaces may be waived for #manufacturing# and #commercial# #uses# if the number of spaces for all applicable uses is at or below 40 spaces.

(2) #Residential# and #community facility uses# shall be subject to the parking requirements of R7-1 Districts, as set forth in Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations).

(b) In C4-2 Districts within Subdistricts B and C, the parking requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.

127-32 - Loading Regulations

LAST AMENDED12/10/2020

The provisions of the underlying loading regulations shall be modified as follows:

(a) in C4-2 Districts, the loading requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.

(b) the requirement of Sections 36-60 (OFF-STREET LOADING REGULATIONS), inclusive, and 44-50 (GENERAL PURPOSES), inclusive, shall not apply to changes of uses;

(c) the provisions of Sections 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses), 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses) shall not apply; and

(d) the minimum length requirements for loading berths #accessory# to #commercial# #uses#, other than funeral establishments, and wholesale, manufacturing or storage #uses#, as set forth in Sections 36-681 (Size of required berths), and 44-581 (Size of required loading berths), shall be 37 feet.

127-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED12/10/2020

Within Subdistrict A and Subdistrict B, the district plan element provisions of this Section shall apply. For the purpose of applying the provisions of this Section, inclusive, all #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets# shall be considered #streets# and their boundaries shall be considered a #street line#.

127-41 - Special Streetscape Regulations

LAST AMENDED12/10/2020

For the purposes of applying the special streetscape provisions of Section 37-30 to this Chapter, any portion of a #ground floor level# #street# frontage along primary #street# frontages designated on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter shall be considered #primary street frontages#, and a #ground floor level# #street# frontage along secondary #street# frontages on Map 3 shall be considered a #secondary street frontage#. In addition, defined terms shall include those in Sections 12-10 and 37-311.

127-411 - Special provisions for frontages along streets and the shoreline

LAST AMENDED12/10/2020

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) At the intersection of #primary street frontages#

For #ground floor level# #street walls# within 50 feet of the intersection of two #primary street frontages#, as shown on Map 3 in the Appendix to this Chapter:

(1) #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for lobbies.

(2) #Group parking facilities# located on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements), and above the #ground floor level#, such parking facilities shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35.

(3) #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along other #street# frontages

For portions of #buildings# along the remainder of #primary street frontages#, and for #buildings# with #secondary street frontages#, as shown on Map 3, #group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35. However, for portions of #buildings# facing the #shoreline#, #group parking facilities# at all levels shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35.

127-412 - Special provisions for blank walls

LAST AMENDED
5/12/2021

The blank wall provisions of paragraph (a)(7)(ii) of Section 62-655 (Planting and trees) shall not apply. In lieu thereof, the visual mitigation elements shall be provided in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds).

127-42 - Publicly Accessible Private Streets

LAST AMENDED12/10/2020

The provisions of this Section, inclusive, shall apply to any #development#, as defined in Section 62-11 (Definitions), on a #zoning lot# that contains any portion of a required #publicly accessible private street#.

127-421 - Requirements for publicly accessible private streets

LAST AMENDED12/10/2020

#Publicly accessible private streets# shall be:

(a) accessible to the public at all times, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area. Where an #upland connection# is designated on a #publicly accessible private street# as specified on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter, the provisions of this paragraph shall supersede the hours of access provisions applicable to an #upland connection#;

(b) constructed to the dimensions specified on Map 2 (Publicly Accessibly Private Street Network) in the Appendix to this Chapter and be constructed to Department of Transportation standards for public #streets# including, but not limited to, sidewalks, curb design, lighting, traffic signage, pavement materials, drainage and crosswalks. In addition, where an #upland connection# is designated on a #publicly accessible private street# as specified on Maps 7 and 8 (Phase I and Phase II Waterfront Public Access Improvements, respectively) in the Appendix to this Chapter, the #upland connection# design requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply; and

(c) constructed with sidewalks that have a minimum clear path of eight feet along their #street lines#, except where an #upland connection# is designated on a #publicly accessible private street#. Such sidewalks shall be provided with street trees in accordance with the provisions of Section 26-41 (Street Tree Planting), except that such street trees shall be planted within a street tree pit or a raised planting bed, with at least 180 cubic feet of soil for each tree, and with a minimum horizontal width of four feet and vertical depth of 3 feet 6 inches, and such planting pit or raised planting bed shall be located adjacent to, and extend along the curb.

127-422 - Certification for publicly accessible private streets

LAST AMENDED12/10/2020

Where a #publicly accessible private street# is designated entirely within a #zoning lot#, the provisions of paragraph (a) of this Section shall apply. Where a #publicly accessible private street# is designated on two or more #zoning lots# and the design and construction of adjoining portions of the #publicly accessible private street# may not be finalized, the provisions of paragraph (b) of this Section shall apply. The provisions of paragraph (b) provide for certification of such portions of a #publicly accessible private street# in accordance with an #interim site plan# that satisfies the requirements of the New York City Fire Code; a #conceptual plan# for portions of the #publicly accessible private street# on other #zoning lots# that will be certified and constructed at a later time; and a #final site plan#, which will either supersede an #interim site plan# or be guided by a #conceptual plan#. The provisions of paragraph (c) shall apply to #development# on a #zoning lot# that contains any portion of a required #publicly accessible private street#.

No building permit shall be issued for a #development# on a #zoning lot#, containing any portion of a #publicly accessible private street#, until the Chairperson of the City Planning Commission certifies, in conjunction with a certification pursuant to Section 127-54 (Special Review Provisions) to the Department of Buildings that:

(a) where the #publicly accessible private street# is designated on one #zoning lot#, or where the #publicly accessible private street# is designated on two or more #zoning lots# and such #publicly accessible private street# will be constructed in its entirety concurrently with the applicant's #development#, a #final site plan# has been submitted;

(b) where the #publicly accessible private street# is designated on two or more #zoning lots# and the portion of such #publicly accessible private street# located outside of the applicant's property will not be or has not been constructed concurrently with the applicant's #development#:

(1) if no prior certification pursuant to this Section was issued for a portion of the #publicly accessible private street# on another #zoning lot#, the Chairperson shall certify that:

(i) a #conceptual plan# has been submitted for the #publicly accessible private street#. In addition, certified mailing of notification that the applicant is seeking to commence construction of such #publicly accessible private street# shall be given to all other owners whose property contains any remaining portion of such #publicly accessible private street#, along with a copy of such #conceptual plan#;

(ii) a #final site plan# for the applicant's #zoning lot# has been submitted showing compliance with the design standards of Section 127-421 (Requirements for publicly accessible private streets). In addition, where compliance with the fire apparatus access road requirements, set forth in the New York City Fire Code, require modifications to the design standards of Section 127-421, an #interim site plan# has been submitted that deviates from such design standards to the minimum extent necessary; and

(iii) the grading proposed in the #final site plan#, #conceptual plan# and #interim site plan# have been certified pursuant to Section 127-61.

Property owners of #zoning lots# containing any remaining portion of the #publicly accessible private street# shall have up to 30 days from the date of the applicant's certified mailing of the notification required in paragraph (b)(1)(i) of this Section to respond to the applicant and to confirm for the Chairperson that the construction of the entire #publicly accessible private street# is not feasible concurrently with the applicant's #development#. In the event that such notified property owners do not respond to the applicant and the Chairperson within the 30-day period, the applicant may proceed with completing this certification. Where a notified property owner responds that it is feasible to complete the portion of the #publicly accessible private

street# on such owner's #zoning lot# concurrently with the applicant's portion, such property owner shall commence certification pursuant to the applicable provisions of this Section within 45 days from the date of submitting such response. In the event such notified property owners do not commence such certification within the 45-day period, the applicant may proceed with completing this certification.

In addition, where construction of #publicly accessible private streets# will not occur concurrently on the adjoining #zoning lot#, property owners of #zoning lots# containing any remaining portion of the #publicly accessible private street# shall have up to 45 days from the date of submitting their response to comment on any anticipated practical difficulties associated with the proposed location, dimensions and grading specified in the #conceptual plan# that would preclude the reasonable development of such owner's property. Any submission of comments to the applicant and Chairperson shall include documentation from a licensed architect, landscape architect, or engineer, as applicable, that demonstrates the reason for such anticipated practical difficulties.

Copies of the approved #conceptual plan#, as well as the certified #interim site plan# and #final site plan# shall be forwarded to all property owners of a #zoning lot# containing any remaining portion of the #publicly accessible private street#.

Any portion of the #publicly accessible private street# constructed in compliance with a certified #interim site plan# shall be converted to the final design in compliance with the certified #final site plan# for such portion upon receiving notice from an adjoining property owner as set forth in paragraph (b)(2) of this Section that the remaining portion of the #publicly accessible private street# has been substantially completed and opened to the public.

(2) If a prior certification pursuant to paragraph (b)(1) of this Section was issued for a portion of a #publicly accessible private street# on another #zoning lot#, the Chairperson shall certify that:

(i) a #final site plan# for the applicant's #zoning lot# has been submitted that is consistent with the #conceptual plan# from the prior certification; and

(ii) the proposed amenities and design elements within the #final site plan# in the applicant's portion of a #publicly accessible private street# shall match or complement those that were previously constructed.

Upon substantial completion by applicant of its portion of the #publicly accessible private street# that has been constructed pursuant to a certified #interim site plan# and the opening of such portion to the public, notice shall be provided to any property owner of a #zoning lot# containing a portion of such #publicly accessible private street#. Such notice shall be provided to enable such other owner sufficient time, as shall be specified in the restrictive declaration required pursuant to paragraph (c) of this Section, to convert any constructed interim condition and complete the #publicly accessible private street# in compliance with the previously approved #final site plan#; and

(c) a restrictive declaration has been executed and recorded against the applicant's #zoning lot# in accordance with the provisions of Section 127-423 (Restrictive declaration). Required site plans, the #conceptual plan# and a maintenance and capital repair plan for the #publicly accessible private street# shall be included as exhibits to the restrictive declaration.

No temporary or final certificate of occupancy shall be issued until the Chairperson of the City Planning Commission notifies the Department of Buildings that the proposed #publicly accessible private street#, or portion thereof, has been substantially completed in compliance with the certified #interim site plan# or #final site plan#, and is open to the public. In addition, where a property owner seeks certification pursuant to paragraph (b)(2) of this Section, no temporary or final certificate of occupancy shall be issued until interim portions of the #publicly accessible private street# are completed in compliance with the previously approved #final site plan# for such portions.

127-423 - Restrictive declaration

LAST AMENDED12/10/2020

For any #publicly accessible private street# proposed for certification pursuant to Section 127-422 (Certification for a publicly accessible private street), a restrictive declaration shall be provided to ensure the proper construction, improvement, operation, maintenance and repair of the roadbed and any sidewalk adjacent to the roadbed. Adequate security shall be specified in such declaration to ensure that the #publicly accessible private street# is maintained in accordance with the declaration. The restrictive declaration shall further specify that the #publicly accessible private street# shall not be used for any other purposes than #street#-related purposes, including, but not limited to, pedestrian and vehicular circulation, and shall be publicly accessible at all times. To ensure proper #street# use and provide enforcement, in accordance with the parking provisions set forth in the restrictive declaration, executed contracts with a security monitoring and a towing company shall be required prior to the issuance of a temporary certificate of occupancy. In addition, a reserve account with sufficient funds for the maintenance and capital repair of the constructed #publicly accessible private street# shall be maintained at all times. Such reserves, contracts, and the required maintenance and repair shall be the responsibility of a Property Owner's Association that will oversee the management and maintenance of the #publicly accessible private streets#, upon the development on two or more #zoning lots#, and include as members all property owners of #zoning lots# bordering or containing the completed #publicly accessible private streets#. Filing and recording of the restrictive declaration shall be a precondition to the Chairperson's certification under Section 127-422.

Such restrictive declaration shall be prepared in a form acceptable to the Department of City Planning, filed and duly recorded in the Borough Office of the Register of the City of New York, and indexed against the property. The restrictive declaration and any maintenance and operation agreement shall run with the land and be binding on the owners, successors and assigns.

In addition, the portions of the #publicly accessible private streets# on a #developed# #zoning lot# shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the restrictive declaration shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

127-424 - Certification for zoning lot subdivision

LAST AMENDED12/10/2020

In conjunction with a certification pursuant to Section 62-812 (Zoning lot subdivision), a #zoning lot# that existed before December 10, 2020, containing any portion of #publicly accessible private street# may be subdivided into two or more #zoning lots# or reconfigured in a manner that would reduce its area or dimension, provided that the Chairperson of the City Planning Commission certifies that the provisions of paragraph (a), (b) or (c) of such Section are satisfied as to #waterfront public access area#, #visual corridors# and #publicly accessible private streets#, respectively. For the purposes of applying such provisions, the regulations pertaining to #waterfront public access areas# and #visual corridors# shall also be applied to #publicly accessible private streets#.

127-43 - Publicly Accessible Area

LAST AMENDED12/10/2020

Where a tower rises sheer in accordance with the provisions of paragraph (c)(2) of Section 127-233 (Base heights and setback regulations), no #building# permit shall be issued by the Department of Buildings until the Chairperson of the City Planning Commission certifies a site plan demonstrating that a publicly accessible area, in compliance with the following requirements, will be provided.

(a) Minimum size and location

A publicly accessible area shall contain a minimum area of at least 2,000 square feet. Such publicly accessible area shall be located at the intersection of two #streets#, and shall have a minimum width of 20 feet along each #street line#. A publicly accessible area shall in no event include area within a #publicly accessible private street#.

In addition, the major portion of a publicly accessible area shall occupy no less than 75 percent of the total publicly accessible area. The major portion is the largest area of the publicly accessible area and is the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from all portions of the publicly accessible area and from adjoining public spaces.

(b) Design requirements

All publicly accessible areas shall comply with the following provisions:

(1) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least two feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;

(2) one linear foot of seating shall be provided for each 60 square feet of publicly accessible area. For the purposes of such calculation, moveable seating or chairs may be credited as 24 inches of linear seating per chair;

(3) permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);

(4) the provisions of Section 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps);

(5) entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems); and

(6) all ground floor level #building# walls located within a distance of 150 feet from and facing a publicly accessible area provided on the same #zoning lot# shall either comply with the provisions of paragraph (a) of Section 127-411 (Special provisions for frontages along streets and the shoreline), or the provisions of paragraph (e) of Section 127-412 (Special provisions for blank walls).

(c) Design changes

Any modification to a publicly accessible area certified pursuant to the provisions that, in the aggregate, results in design changes impacting more than 20 percent of the area of such publicly accessible area as compared to the certified plans, shall require a new certification pursuant to the provisions of this Section. Where a design change does not exceed 20 percent, the modifications made to the publicly accessible area shall not reduce the amount of amenities provided or otherwise creates a non-compliance with the provisions of this Section.

(d) Hours of public access

Such publicly accessible area shall be accessible to the public between the hours of 6:00 a.m. and 10:00 p.m. seven days of the week.

No certificate of occupancy shall be issued until the Chairperson of the City Planning Commission determines that the publicly accessible area is substantially completed in compliance with the certified plan and that such space has been made available for use by the public in compliance with the requirements of this Section.

127-50 - FLUSHING WATERFRONT ACCESS PLAN

LAST AMENDED12/10/2020

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive. Map 4 (Waterfront Access Plan: Parcel Designation), Map 5 (Waterfront Access Plan: Visual Corridors), and Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter show the boundaries of the area comprising the Flushing Waterfront Access Plan, boundaries of parcels within the Plan and the location of certain features mandated or permitted by the Plan.

The Plan has been divided into parcels consisting of tax blocks and lots and other lands as established on December 10, 2020, as follows:

Subdistrict A

Parcel 1: Block 4963, Lots 212 and 249

Parcel 2: Block 4963, Lot 210

Parcel 3: Block 4963, Lot 200

Subdistrict B

Parcel 4: Block 4963, Lot 85

Parcel 5: Block 4963, Lot 65

Parcel 6: Block 4963, Lot 75

Parcel 7: Block 4963, Lots 7, 8 and 9

Parcel 8: Block 4963, Lot 1

Subdistrict C

Parcel 9: Block 5066, Lots 7503 and 7507

Any #development# on a #zoning lot# within the parcels listed above shall be subject to the requirements of Section 127-51 (Modified Applicability for Visual Corridors and Waterfront Public Access Areas), Section 127-52 (Special Requirements for Visual Corridors), Section 127-53 (Special Requirements for Waterfront Public Access Areas) and Section 127-54 (Special Review Provisions).

For the purposes of this Section, inclusive, defined terms shall include those listed in Sections 12-10 and 62-11, but #development# shall be as defined in Section 62-11.

127-51 - Modified Applicability for Visual Corridors and Waterfront Public Access Areas

LAST AMENDED12/10/2020

The applicability provisions for #visual corridors# pursuant to Section 62-51 (Applicability of Visual Corridor Requirements) and #waterfront public access areas# pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall apply, except as modified as follows:

(a) #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18, except for docking facilities serving passenger vessels or sightseeing, excursion or sport fishing vessels, are subject to the special requirements for #visual corridors# set forth in Section 127-52; and

(b) #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18 shall provide a minimum amount of #waterfront public access area# in accordance with the provisions of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments). Within such #waterfront public access area#, a circulation path shall be provided with a minimum clear width of at least 10 feet and shall connect with either an adjoining #shore public walkway# or additional circulation paths on adjoining #zoning lots#.

127-52 - Special Requirements for Visual Corridors

LAST AMENDED12/10/2020

For #developments# within Parcels 3, 5 and 7, #visual corridors# shall be provided in the locations designated on Map 5 in the Appendix to this Chapter and pursuant to the requirements of Sections 62-51 (Applicability of Visual Corridor Requirements) and 62-65 (Public Access Design Reference Standards).

127-53 - Special Requirements for Waterfront Public Access Areas

LAST AMENDED12/10/2020

#Waterfront public access areas# shall be provided pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, except as modified in this Section, inclusive.

For all such #waterfront public access areas#, as designated on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter, the minimum seat depth requirement of paragraph (b) of Section 62-652 (Seating) shall be modified to 16 inches.

127-531 - Shore public walkways

LAST AMENDED12/10/2020

For #zoning lots# #developed# within Parcels 1, 3, 4, 5, 7 and 8, a #shore public walkway# shall be provided in the location designated on Map 6 in the Appendix to this Chapter. The applicable provisions of Section 62-53 (Requirements for Shore Public Walkways) and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply except as modified in this Section:

(a) the circulation and access provisions of paragraph (a) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be modified as follows:

(1) the required circulation path within a #shore public walkway# shall be provided at a minimum elevation of 5 feet, 6 inches above the #shoreline#, except that such requirement need not include portions of a circulation path that slope downward to meet the elevation of an existing publicly accessible sidewalk;

(2) where secondary circulation paths are provided, such paths may count as a part of the required circulation path for satisfying the locational requirement of being within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline#. However, such secondary circulation paths may comply with the paving requirements of paragraph (a)(2) of Section 62-656; and

(3) where a #shore public walkway# is on a #zoning lot# that is adjacent to a #waterfront zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# shall be located within 40 feet of the shoreline;

(b) the minimum width of the screening buffer pursuant to paragraph (c)(2)(ii) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be four feet. No screening buffer shall be required where there is a pathway connecting a required circulation path towards a publicly accessible sidewalk or entry to a commercial or community facility use; and

(c) the grade level of required planting areas pursuant to paragraph (d)(2) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas) shall be increased to no more than three feet higher or lower than the adjoining level of the pedestrian circulation path.

127-532 - Upland connections

LAST AMENDED12/10/2020

For #developments# within Parcels 1, 2, 3, 4, 5 and 7, #upland connections# shall be provided as specified on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter. The applicable provisions of Section 62-56 (Requirements for Upland Connections) and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply except as modified in this Section.

(a) Flexible location zone

For #developments# on Parcels 1, 2 and 3, a single #upland connection# shall be provided pursuant to the following provisions:

(1) If Parcel 1 #develops# before Parcels 2 or 3, a Type 1 #upland connection# shall be provided with a minimum width of 20 feet. The requirements of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply and the minimum planting area requirements shall be reduced to 25 percent. Where such #upland connection# is provided without a 20-foot-wide open area, an average maintained level of illumination of not less than one and a half horizontal foot candles (lumens per foot) shall be provided throughout all walkable areas;

(2) If Parcels 1 and 2 are #developed# jointly before Parcel 3, an #upland connection# shall be provided on Parcels 1 and 2, along their southerly boundary, pursuant to the requirements of Sections 62-561 and 62-64 (Design Requirements for Upland Connections). The 20-foot-wide open area required pursuant to paragraph (a)(2) of Section 62-561 shall be provided on Parcel 3, along its northerly boundary, at the time Parcel 3 #develops#. In any event, the required open area shall abut such required upland connection;

(3) If Parcel 3 #develops# before Parcels 1 or 2:

(i) where a #development# is comprised predominantly of Use Groups 1 through 15 inclusive, an #upland connection# shall be provided on Parcel 3 pursuant to the requirements of Section 62-561 and Section 62-64. If such #upland connection# is provided along the northerly boundary of such Parcel, the required 20-foot-wide open area pursuant to paragraph (a)(2) of Section 62-561 shall be satisfied on

Parcels 1 and 2, along the southerly boundary, at the time these parcels #develop#. However, in any event, the required open area shall abut such required upland connection;

(ii) where a #development# is comprised predominantly of #uses# in either Use Groups 16, 17 or 18, a Type 1 #upland connection# shall be provided with a minimum width of 20 feet. The requirements of paragraph (a)(2) of Section 62-561 shall not apply and the minimum planting area requirements shall be reduced to 25 percent; or

(4) If Parcels 2 and 3 are #developed# jointly before Parcel 1, an #upland connection# shall be provided pursuant to the requirements of Sections 62-561 and 62-64.

For any other sequencing or combination of #developments#, a single #upland connection# shall be provided pursuant to the provisions of Sections 62-561 and 62-64 within the flexible location zone on Map 6.

(b) Minimum standards for interim condition

Where an #upland connection# is designated on two or more parcels and only a portion of such #upland connection# can be constructed pursuant to a specific certification, such portion of the #upland connection# may be provided independently to satisfy the requirements of Section 62-56. Where the New York City Fire Department determines that such requirements conflict with the provision of unobstructed width for fire apparatus access roads pursuant to the New York City Fire Code, the design requirements of Section 62-60 shall be modified to the minimum extent necessary to accommodate such fire apparatus access roads requirements. However, all interim conditions shall meet the following requirements:

(1) provide public access from the first upland #street# to the #shore public walkway#; and

(2) for every tree pit required pursuant to the provisions of paragraph (c)(1) of Section 62-64 (Planting) that is not provided, a moveable planter shall be provided.

Such interim condition shall be certified pursuant to paragraph (a)(1) of Section 127-542 (Supplemental provisions) and Section 127-61 (Certification for Interim Grading Conditions).

127-533 - Phased development of waterfront public access areas

LAST AMENDED12/10/2020

When a parcel is undergoing partial #development# or the #zoning lot# corresponding to a parcel is subdivided or reconfigured pursuant to Section 62-812 (Zoning lot subdivision), the City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements pursuant to paragraph (c) of Section 62-822 (Modification of waterfront public access area and visual corridor requirements).

However, in Subdistrict B, when partial #development# occurs on the upland portion of Parcels 4, 5 and 7 that is bounded by #publicly accessible private streets# or #streets#, a phasing plan to implement #waterfront public access areas# may be certified pursuant to Section 127-54 (Special Review Provisions), provided that the following requirements are met:

(a) the #waterfront public access area# shall be provided according to the phasing specified in Map 7 (Waterfront Access Plan: Phase I Waterfront Public Access Area Improvements) and Map 8 (Waterfront Access Plan: Phase II Waterfront Public Access Area Improvements). The requirements of Phase I shall apply when #development# occurs on the upland portion of the parcel bounded by #publicly accessible private streets# and other #streets# as shown on Map 6 (Waterfront Access Plan: Public Access Areas). The requirements of Phase II shall apply when #development# occurs on the seaward portion of the parcel bounded by both the #shoreline# and #publicly accessible private streets#; and

(b) any #upland connection# provided pursuant to Phase I shall meet the design requirements of paragraph (b) of Section 127-532 (Upland connections). For portions of the #shore public walkway# that are provided in Phase I, the requirements of Sections 62-53 (Requirements for Shore Public Walkways) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) may be modified to the minimum extent necessary to accommodate a temporary waterfront viewing area.

Such phasing plan shall also be certified pursuant to Section 127-61 (Certification for Interim Grading Conditions).

127-54 - Special Review Provisions

LAST AMENDED12/10/2020

The applicable provisions of Section 62-80 (SPECIAL REVIEW PROVISIONS), inclusive, shall apply, except as specifically modified or supplemented by the provisions of this Section, inclusive.

127-541 - Applicability

LAST AMENDED12/10/2020

The provisions of Section 62-81, inclusive, shall apply to #zoning lots# containing predominantly #uses# in Use Groups 16, 17, or 18, subject to the modified #waterfront public access area# provisions of Section 127-50 (FLUSHING WATERFRONT ACCESS PLAN), inclusive.

127-542 - Supplemental provisions

LAST AMENDED12/10/2020

In conjunction with a certification pursuant to Section 62-811 (Waterfront public access and visual corridors), the Chairperson of the City Planning Commission shall further certify that:

(a) where an #upland connection# is designated on two or more parcels and the portion of such #upland connection# located outside of the applicant's parcel will not be constructed concurrently with the applicant's #development#:

(1) if no prior certification pursuant to this Section was issued for a portion of an #upland connection# on another parcel, the Chairperson shall certify that:

(i) a #conceptual plan# has been submitted for the #publicly accessible private street#. In addition, notification that the applicant is seeking to commence construction of such #publicly accessible private street# shall be given to any other owner whose property contains any remaining portion of the #publicly accessible private street#, along with a copy of such #conceptual plan#;

(ii) a site plan has been submitted, specifying the location, dimensions and grading of the portion of the #upland connection# to be constructed on the applicant's #zoning lot#. Such site plan shall demonstrate compliance with the requirements of paragraph (b) of Section 127-532 (Upland connections); and

(iii) the grading proposed in the #conceptual plan# has been certified pursuant to Section 127-61.

Property owners of the parcel containing a remaining portion of the #upland connection# shall have up to 30 days from the applicant's certified mailing of the notification required in paragraph (a)(1)(i) of this Section to

respond to the applicant and to confirm for the Chairperson that the construction of the entire #upland connection# is not feasible concurrently with the applicant's #development#. In the event such notified property owners do not respond to the applicant and the Chairperson within the 30-day period, the applicant may proceed with completing this certification. Where a notified property owner responds that it is feasible to complete the portion of the #upland connection# on their parcels concurrently with the applicant's #development#, such property owner shall commence certification pursuant to the applicable provisions of this Section within 45 days from the date of submitting such response. In the event such notified property owners do not commence such certification within the 45-day period, the applicant may proceed with completing this certification.

In addition, where construction of the #upland connection# will not occur concurrently, property owners of parcels containing a remaining portion of the #upland connection# shall have up to 45 days from the date of submitting their response to comment on any anticipated practical difficulties associated with the proposed location, dimensions and grading specified in the #conceptual plan# that would preclude the reasonable #development# of such owner's parcel. Any submission of comments to the applicant and Chairperson shall include documentation from a licensed architect, landscape architect, or engineer, as applicable, that demonstrates the reason for such anticipated practical difficulties.

Copies of the approved #conceptual plan#, as well as the certified #interim site plan# and #final site plan# shall be forwarded to any property owner of a parcel containing the remaining portion of the #upland connection#.

Any portion of the #upland connection# constructed in compliance with a certified #interim site plan# shall be converted to the final design in compliance with the certified #final site plan# for such portion upon receiving notice from an adjoining property owner as set forth in paragraph (a)(2) of this Section that the remaining portion of the #upland connection# has been substantially completed and is accessible to the public.

(2) If a prior certification pursuant to paragraph (a)(1) of this Section was issued for a portion of the #upland connection# on another parcel, the Chairperson shall certify that:

(i) a #final site plan# for the applicant's parcel has been submitted that is consistent with the #conceptual plan# from the prior certification; and

(ii) the proposed amenities and design elements within the #final site plan# for the applicant's portion of the #upland connection# shall match or complement those that were previously constructed.

Notice shall be provided to any property owner of a parcel containing a portion of the #upland connection# that has been constructed pursuant to a certified #interim site plan# upon the applicant substantially completing its portion of the #upland connection# and making such portion accessible to the public. Such notice shall be provided to enable such other owner sufficient time, as shall be specified in the restrictive declaration required pursuant to this paragraph (a), to convert any constructed interim condition and complete the #upland connection# in compliance with the previously approved #final site plan#.

A restrictive declaration shall be executed and recorded against the corresponding #zoning lot# of the applicant's parcel, in accordance with the provisions of Section 62-74 (Requirements for Recordation). Required site plans, the #conceptual plan# and a maintenance and capital repair plan for the #upland connection# shall be included as exhibits to the restrictive declaration.

No temporary or final certificate of occupancy shall be issued until the Chairperson of the City Planning Commission notifies the Department of Buildings that the proposed #upland connection#, or portion thereof, has been substantially completed in compliance with the certified #interim site plan# or #final site plan#, and is open to the public. In addition, where a property owner sought certification pursuant to paragraph (a)(2) of this Section, no temporary or final

certificate of occupancy shall be issued until interim portions of the #upland connection# are completed in compliance with the previously approved the #final site plan# for such portions.

(b) For phased implementation of #waterfront public access areas# pursuant to Section 127-533 (Phased development of waterfront public access areas), a plan has been submitted that complies with the required amount of #waterfront public access area# at each development phase pursuant to Section 127-533.

To ensure the provision of #waterfront public access areas# for phased #developments# occurring in Phase I, as specified on Map 7 (Waterfront Access Plan: Phase I Waterfront Public Access Improvements) in the Appendix to this Chapter, no temporary certificate of occupancy shall be issued for any #development# on the upland portion of each parcel that is bounded by #publicly accessible private streets# or #streets# until all required sections of #waterfront public access areas# designated on Map 7 have been substantially completed pursuant to the design requirements of Section 127-533.

For Phase II subsequent #development# occurring on the seaward portion of Parcels 4, 5 or 7, bounded by both the #shoreline# and #publicly accessible private streets#, all remaining #waterfront public access areas#, as specified on Map 8 (Waterfront Access Plan: Phase II Waterfront Public Access Improvements), shall be substantially completed pursuant to the design requirements of Section 127-533, prior to the issuance of a temporary or final certificate of occupancy. However, 50 percent of the #floor area# of any subsequent #development# on Parcels 4 and 5 may receive a temporary certificate of occupancy upon the completion of the required #shore public walkway# as designated on such parcel. A temporary or final certificate of occupancy for the remaining 50 percent of the #floor area# on Parcels 4 and 5 shall not be issued until all required #waterfront public access areas# pursuant to Map 8 are substantially complete.

An alternate location for the required section of an #upland connection# on Parcel 4 may be provided in Phase I, as specified in Map 7, in the event that Parcel 5 has substantially completed all of the required #waterfront public access areas# prior to partial #development# on the upland portion of Parcel 4. Where such alternate location is provided in Phase I, any subsequent #development# on Parcel 4 may only receive a temporary or final certificate of occupancy upon substantial completion of all required #waterfront public access areas# designated on Map 8.

A certification will be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

127-60 - ADDITIONAL REVIEW REQUIREMENTS

LAST AMENDED12/10/2020

127-61 - Certification for Interim Grading Conditions

LAST AMENDED12/10/2020

For any #development# or #enlargement# seeking:

(a) modification to the level of #waterfront yard# provisions of Section 127-22 (Special Yard Regulations);

(b) a certification pursuant to paragraph (b)(1) of Section 127-422 (Certification for a publicly accessible private street); or

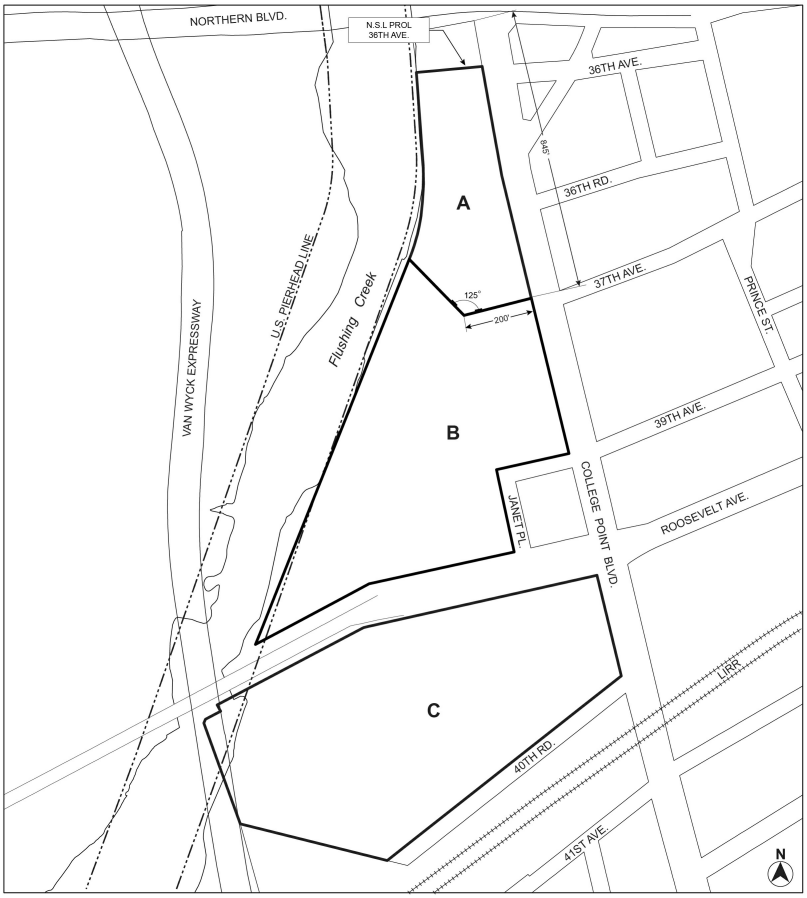
(c) a certification pursuant to Section 127-542 (Supplemental provisions),

the Chairperson of the City Planning Commission shall certify that a site survey has been conducted and sufficient documentation has been submitted, demonstrating that the proposed grades of a #waterfront yard#, interim plan for a #publicly accessible private street# or #upland connection# would not preclude #developments# or #enlargements# on adjacent parcels from complying with the provisions of this Chapter as part of an integrated public realm.

APPENDIX - SPECIAL FLUSHING WATERFRONT DISTRICT PLAN

LAST AMENDED12/10/2020

Map 1. Special Flushing Waterfront District and Subdistricts



Special Flushing Waterfront District

Subdistricts

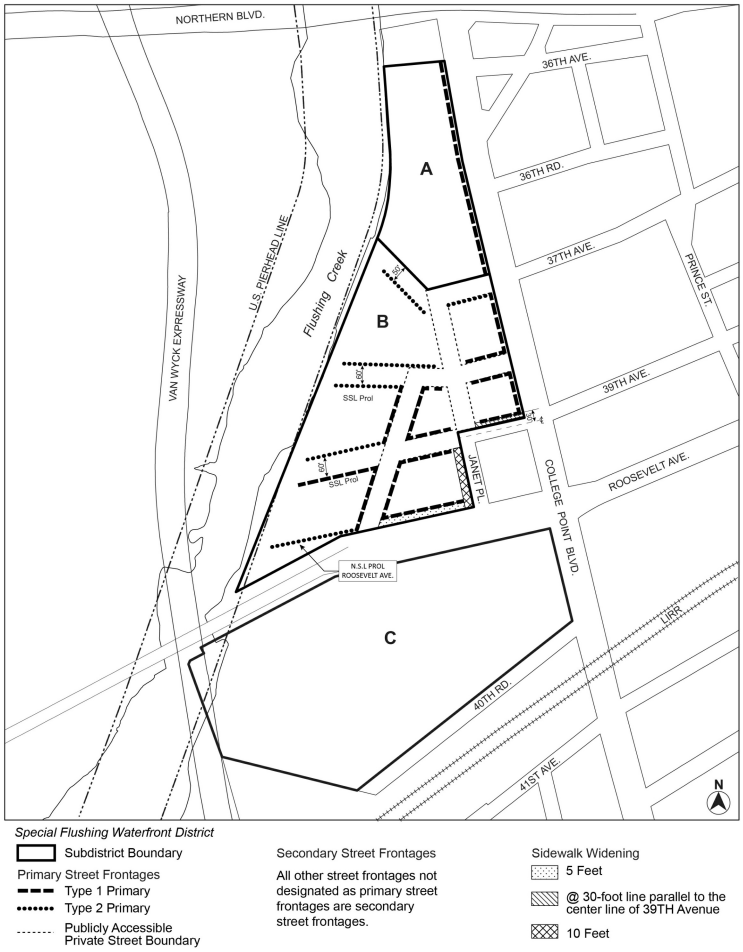
Map 2. Publicly Accessible Private Street Network

Special Flushing Waterfront District

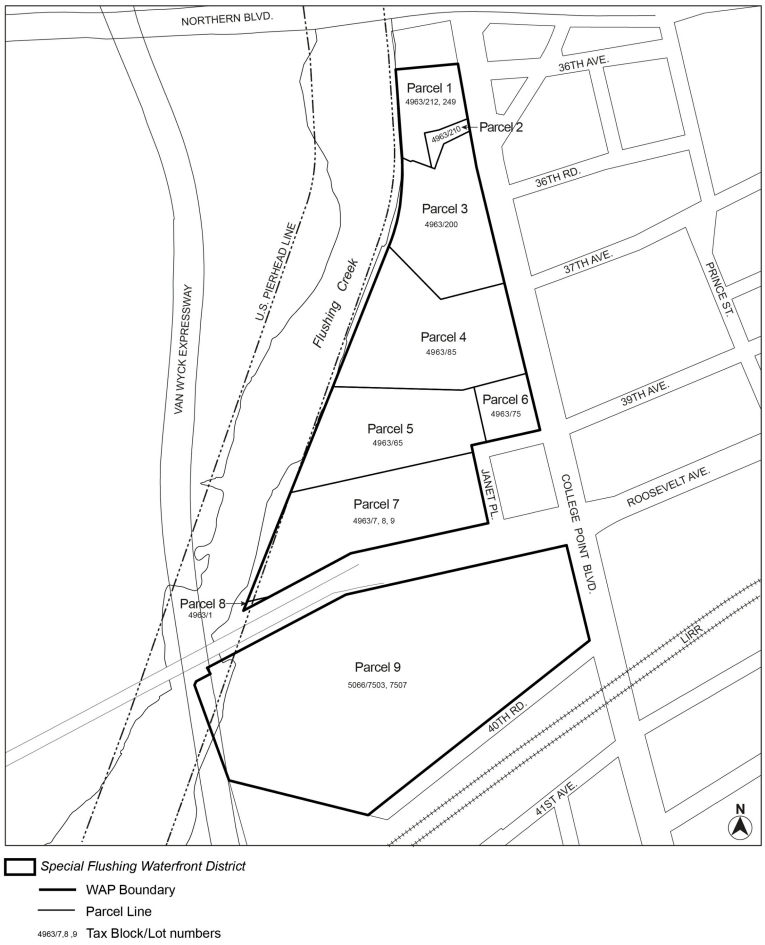
Subdistricts

Publicly Accessible Private Street

Map 3. Requirements Along Street Frontages



Map 4. Waterfront Access Plan: Parcel Designation



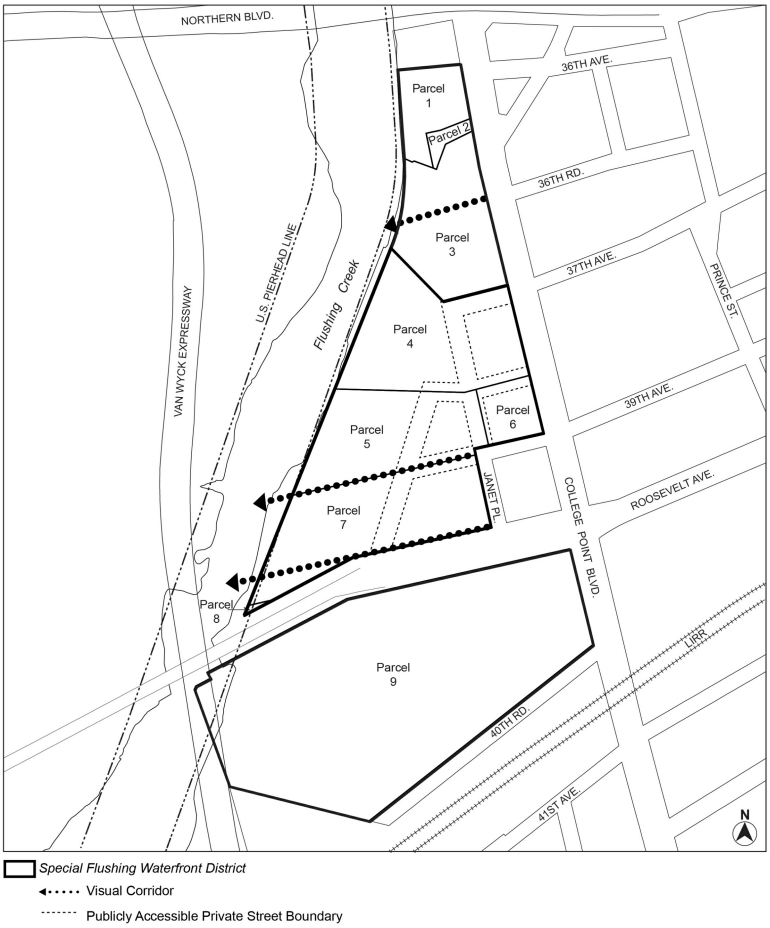
Special Flushing Waterfront District

WAP Boundary

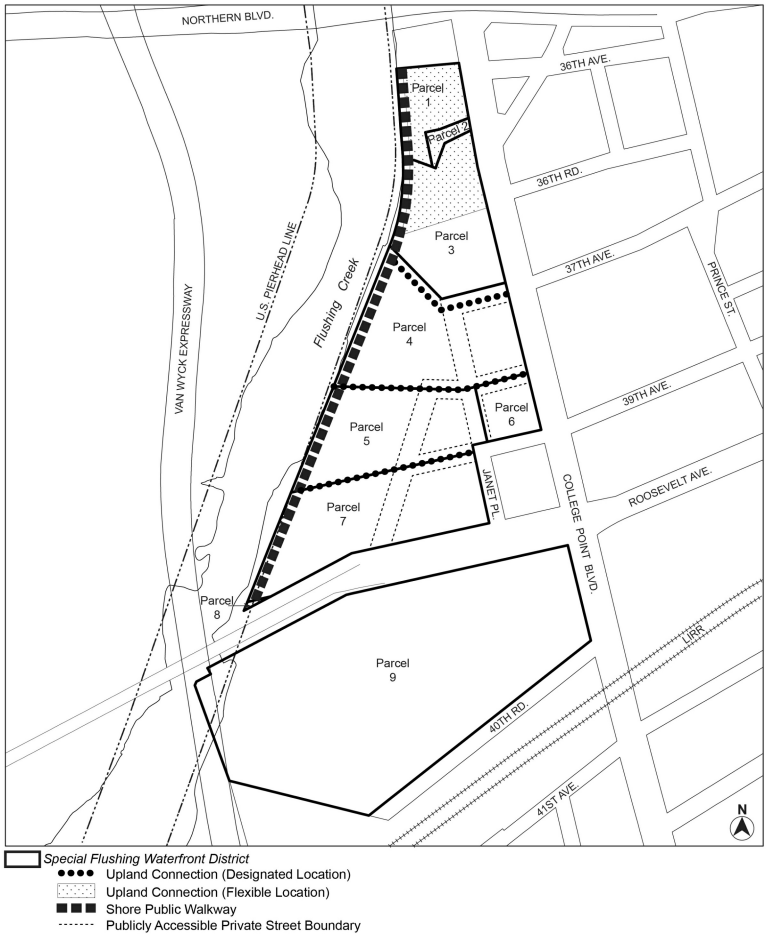
Parcel Line

4963/7,8 ,9 Tax Block/Lot numbers

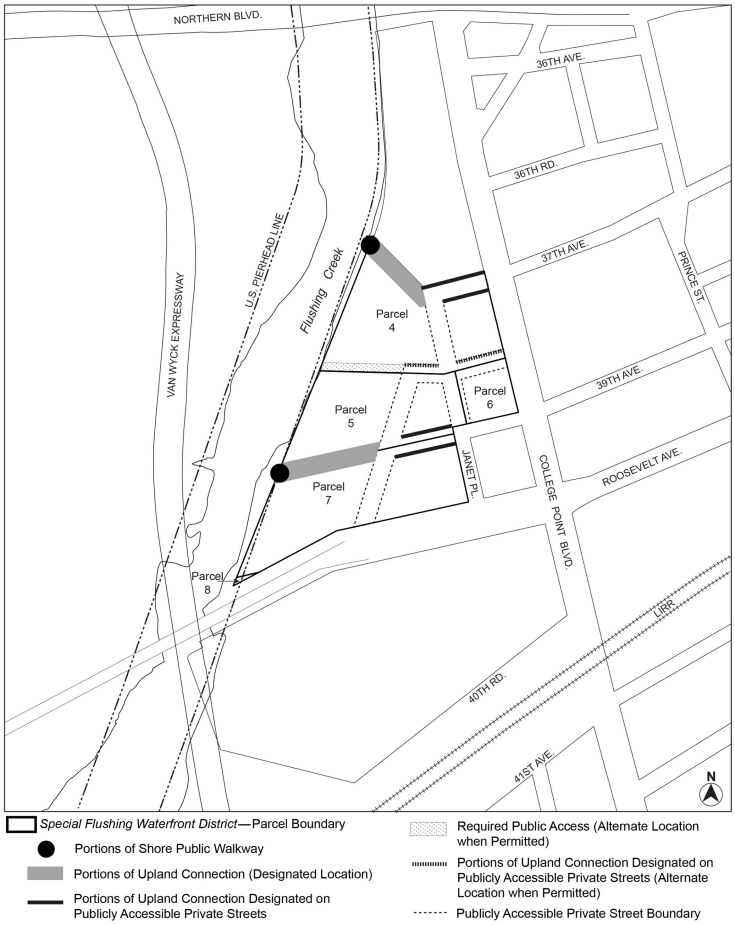
Map 5. Waterfront Access Plan: Visual Corridors



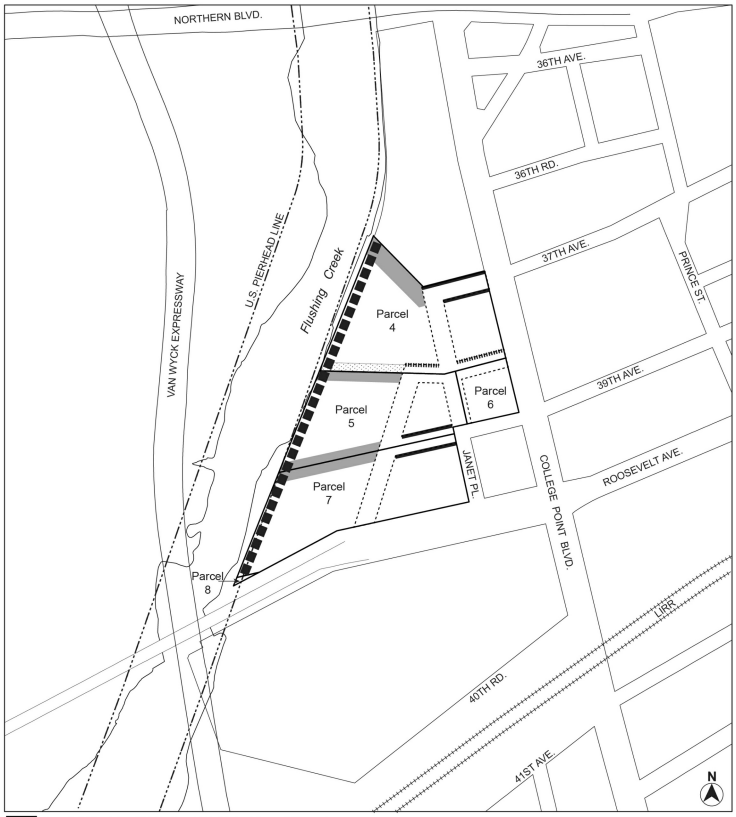
Map 6. Waterfront Access Plan: Public Access Areas



Map 7. Waterfront Access Plan: Phase I Waterfront Public Access Improvements



Map 8. Waterfront Access Plan: Phase II Waterfront Public Access Improvements



Special Flushing Waterfront District—Parcel Boundary

Shore Public Walkway

Required Public Access (Designated Location)

Portions of Upland Connection Designated on Publicly Accessible Private Streets

Required Public Access (Alternate Location when Permitted)

Portions of Upland Connection Designated on Publicly Accessible Private Streets (Alternate Location when Permitted)

Publicly Accessible Private Street Boundary

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special St. George District (SG)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 8 - Special St. George District (SG)

128-00 - GENERAL PURPOSES

LAST AMENDED
10/23/2008

The "Special St. George District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

(a) to build upon St. George's existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly business and residence district;

(b) to establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;

(c) to require a tall, slender building form that capitalizes on St. George's hillside topography and maintains waterfront vistas;

(d) to encourage the reuse and reinvestment of vacant office buildings;

(e) to accommodate an appropriate level of off-street parking while reducing its visual impact;

(f) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and

(g) to promote the most desirable use of land and building development in accordance with the District Plan for St. George and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

128-01 - Definitions

LAST AMENDED
10/23/2008

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Commercial street

A "commercial street" shall be a #street#, or portion thereof, where special regulations pertaining to ground floor #uses# on #commercial streets#, pursuant to Section 128-11, apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2 in the Appendix to this Chapter.

128-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George

District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

However, the regulations of this Chapter shall not apply to any property that is the subject of a site selection for a court house and #public parking garage# pursuant to application C080379 PSR. Such property shall be governed by the underlying regulations of this Resolution.

Furthermore, any property that is the subject of a site selection and acquisition for the use of a lot for open parking pursuant to application C080378 PCR may be governed by the regulations of this Chapter or the underlying regulations of this Resolution for a period of two years after October 23, 2008. After October 23, 2010, such property shall be subject to the regulations of this Chapter.

In the North Waterfront Subdistrict, "publicly accessible waterfront open space" shall include on-site and off-site areas, as applicable, as set forth in the approved Proposed Plans, pursuant to Section 128-61 (Special Permit for North Waterfront Sites).

128-03 - District Plan and Maps

LAST AMENDED
10/30/2013

The regulations of this Chapter are designed to implement the #Special St. George District# Plan.

The District Plan includes the following five maps:

Map 1. Special St. George District and Subdistricts

Map 2. Commercial Streets

Map 3. Minimum and Maximum Base Heights

Map 4. Tower Restriction Areas

Map 5. Visual Corridors and Parcels

The maps are located in the Appendix to this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

128-04 - Subdistricts

LAST AMENDED
10/30/2013

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include three subdistricts: the Upland Subdistrict, the North Waterfront District and the South Waterfront Subdistrict, as shown on Map 1 (Special St. George District and Subdistricts) in the Appendix to this Chapter.

128-05 - Applicability of District Regulations

LAST AMENDED
10/23/2008

128-051 - Applicability of Article I, Chapter 2

LAST AMENDED
3/28/2012

The definition of “lower density growth management area” in Section 12-10 (DEFINITIONS) shall be modified to exclude all districts within the #Special St. George District#.

128-052 - Applicability of Article I, Chapter 5

LAST AMENDED
3/28/2012

The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), shall apply in the #Special St. George District#, as modified in this Section. The change of non-#residential# #floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location Within Buildings).

128-053 - Applicability of Article III, Chapter 6

LAST AMENDED
3/28/2012

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.

128-054 - Applicability of Article VI, Chapter 2

LAST AMENDED
10/30/2013

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply in the North Waterfront Subdistrict of the #Special St. George District#, as modified in this Chapter. In such Subdistrict, such provisions shall not apply to improvements to the publicly accessible waterfront open space, or to #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites). However, the regulations of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply to such #developments#, #enlargements#, alterations and changes of #use#, as modified pursuant to such special permit. In addition, the special requirements for #visual corridors# set forth in Section 128-43 (Visual Corridors in the North Waterfront Subdistrict) shall apply.

128-055 - Applicability of Article VII, Chapter 4

LAST AMENDED
10/30/2013

Within the North Waterfront Subdistrict of the #Special St. George District#, the following special permits shall not apply:

Section 74-512 (In other Districts)

Section 74-68 (Development Within or Over a Right-of-way or Yards)

Section 74-922 (Certain large retail establishments).

In addition, the provisions of the following special permits, as applicable, shall be deemed to be modified when an application pursuant to Section 128-61 (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2, as shown on the maps in the Appendix to this Chapter, under application numbers C130317ZSR or C130318ZSR, as applicable, has been approved:

C000012ZSR

C000013ZSR

C000014ZSR

C000016(A)ZSR

128-056 - Applicability of the Quality Housing Program

LAST AMENDED11/10/2021

In C4-2 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section 23-011 (Quality Housing Program) shall not apply. In lieu thereof, the #bulk# regulations of this Chapter shall apply. However, where any of the Quality Housing Program elements set forth in Article II, Chapter 8 (The Quality Housing Program) are provided, the associated #floor area# exemption shall apply.

In C2-4 Districts mapped within R6 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section 23-011 shall apply.

In R7-3 Districts, the Quality Housing Program shall apply. For the purposes of applying such regulations, #buildings# constructed pursuant to the #bulk# regulations of this Chapter shall be considered #Quality Housing buildings#, and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8.

For the purposes of applying the Quality Housing Program elements set forth in Article II, Chapter 8 to C2-4 Districts mapped within R6 Districts and to R7-3 Districts, the elements set forth in Sections 28-23 (Planting Areas) and 28-40 (Parking for Quality Housing) shall be superseded by the planting and parking location provisions of this Chapter.

128-10 - USE REGULATIONS

LAST AMENDED
10/23/2008

128-11 - Ground Floor Uses on Commercial Streets

LAST AMENDED
10/23/2008

Map 2 (Commercial Streets) in the Appendix to this Chapter specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# on the ground floor of a #building# shall be limited to #commercial# #uses#, except for Type 1 lobbies and entrances to #accessory# parking spaces provided in accordance with Section 37-33 (Maximum Width of Certain Uses). Such #commercial# #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). In addition, #accessory# parking spaces, including such spaces #accessory# to #residences#, shall be permitted on the ground floor, provided they comply with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

128-12 - Transparency Requirements

LAST AMENDED
10/30/2013

Any #street wall# of a #building# #developed# or #enlarged# after October 23, 2008, where the ground floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

For the purposes of this Section, Bank Street shall be considered a #street#. However, this Section shall not apply to a stadium #use# within the North Waterfront Subdistrict.

128-13 - Location of Uses in Mixed Buildings

LAST AMENDED
2/2/2011

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial uses# are not located directly over any #dwelling units#. However, such #commercial# #use# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

128-20 - FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

LAST AMENDED
10/23/2008

128-21 - Maximum Floor Area Ratio

LAST AMENDED
10/23/2008

In C4-2 Districts within the Upland Subdistrict, the underlying #floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply, except that for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.

In R7-3 Districts, the maximum #floor area ratio# for any #use# within a #Mandatory Inclusionary Housing area# shall be 6.0.

128-22 - Maximum Lot Coverage

LAST AMENDED
10/23/2008

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential# #building#, or portion thereof, shall be 70 percent for an #interior# or #through lot# and 100 percent for a #corner lot#.

128-23 - Rear Yard Equivalents

LAST AMENDED
10/23/2008

In C4-2 Districts within the Upland Subdistrict, the #rear yard equivalent# regulations for #residential uses# on #through lots#, or the #through lot# portion of a #zoning lot#, are modified as set forth in this Section. Such #yards# shall be provided within 45 feet of the centerline of the #through lot# or #through lot# portion, and the level of such #yards# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# that face such #yards#. Furthermore, no #rear yard equivalent# regulations shall apply to any #through lot# or #through lot# portion of a #zoning lot# on which a tower is #developed# or #enlarged#, pursuant to Section 128-35.

128-30 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
10/30/2013

The provisions of this Section, inclusive, shall apply to all #buildings or other structures# within the Upland Subdistrict, except in C2-4 Districts mapped within R6 Districts, where the underlying height and setback regulations shall apply.

In C1-2 Districts mapped within R3-2 Districts, all #buildings or other structures# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 128-32 (Street Wall Location) shall apply.

The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply. In R7-3 Districts, all #buildings or other structures# shall comply with the height and setback regulations of this Section, inclusive.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

(a) in the South Waterfront Subdistrict, rooftop regulations shall be as modified in Section 128-31 (Rooftop Regulations); and

(b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section 128-61, as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street# frontages, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

128-31 - Rooftop Regulations

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

128-32 - Street Wall Location

LAST AMENDED
2/2/2011

The following #street wall# regulations shall apply in C1-2 Districts mapped within R3-2 Districts and in C4-2 Districts within the Upland Subdistrict. In R7-3 Districts, no #street wall# location provisions shall apply.

(a) #Street walls# along #commercial streets#

For #zoning lots# with #commercial street# frontage, the #street wall# shall extend along at least 70 percent of the #commercial street# frontage of the #zoning lot# and be located within eight feet of the #street line# of the #commercial street#, or sidewalk widening line, whichever is applicable.

(b) #Street walls# along non-#commercial streets#

For #zoning lots# without #commercial street# frontage, the #street wall# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable.

In C4-2 Districts within the Upland Subdistrict, such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, or the height of the #building#, whichever is less. When a #building# fronts on two intersecting #streets# for which different minimum base heights apply, the higher base height may wrap around to the #street# with the lower base height, for a distance of up to 100 feet.

128-33 - Maximum Base Height

LAST AMENDED
2/2/2011

In C4-2 Districts within the Upland Subdistrict, the maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 65 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet.

In R7-3 Districts, the maximum base height shall be 75 feet.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, all portions of #buildings or other structures# above such maximum base heights shall provide a setback at least 10 feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, dormers may exceed the maximum base height in

accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section 128-35, dormers shall not be permitted.

128-34 - Maximum Building Height

LAST AMENDED
2/2/2011

In C4-2 Districts within the Upland Subdistrict, for #buildings# that are not #developed# or #enlarged# pursuant to the tower provisions of Section 128-35 (Towers), the maximum height of a #building or other structure# and the maximum number of #stories#, as applicable, shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for a residential equivalent of an R6 District. Separate maximum #building# heights are set forth within such Section for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#. However, on Bay Street where there is a maximum base height of 85 feet, the maximum height of a #building or other structure# also shall be 85 feet.

In C4-2 Districts within the Upland Subdistrict for #buildings# that are #developed# or #enlarged# pursuant to the tower provisions of Section 128-35, the maximum height of the tower portion of a #building# shall be 200 feet, and the height of all other portions of the #building# shall not exceed the applicable maximum base height. Where a maximum base height of 65 feet applies as shown on Map 3 in the Appendix to this Chapter, such maximum base height shall be reduced to 40 feet for #zoning lots# #developed# or #enlarged# pursuant to the tower provisions of Section 128-35.

In R7-3 Districts, the maximum height of a #building or other structure# shall be 185 feet or 18 #stories#, whichever is lower. The tower provisions of Section 128-35 shall not apply.

128-35 - Towers

LAST AMENDED
2/2/2011

The tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building# #developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall be constructed as either a point tower or a broad tower, as follows:

(a) Point tower

(1) Tower #lot coverage# and maximum length

Each #story# located entirely above a height of 75 feet shall not exceed a gross area of 6,800 square feet. The outermost walls of each #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 85 feet.

(2) Tower top articulation

The highest three #stories#, or as many #stories# as are located entirely above a height of 75 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a)(2), each tower shall

have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Broad tower

Each #story# located entirely above a height of 75 feet shall not exceed a gross area of 8,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet. The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the east facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 75 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 75 feet, the lowest level at which such setbacks may be provided is 100 feet, and the highest #story# shall be located entirely within the western half of the tower.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a #building# facing the #shoreline# that is entirely above a height of 75 feet shall not exceed 80 feet For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a #building# that exceeds a height of 70 feet shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 fet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

All portions of a #building# that exceed the applicable maximum base height set forth in Section 128-33 shall be set back at least 10 feet from the #street wall# of a #building# facing a #wide street# and at least 15 feet from the #street wall# of a #building# facing a #narrow street#. However, up to 50 percent of the #street wall# of the portion of the #building# located above a height of 75 feet need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide# #street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow# #street line# or sidewalk widening line, where applicable.

(g) Tower exclusion areas

No #building or other structure# may exceed a height of 75 feet within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.

128-40 - MANDATORY IMPROVEMENTS

LAST AMENDED
10/23/2008

128-41 - Sidewalks

LAST AMENDED
10/23/2008

Sidewalks with a depth of at least 12 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire #street# frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 12 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 12 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

128-42 - Planting Areas

LAST AMENDED
2/2/2011

The entire area of the #zoning lot# between the #street line# or sidewalk widening line, where applicable, and all #street walls# of the #building# and their prolongations, shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to, and exits from, the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

128-43 - Visual Corridors in the North Waterfront Subdistrict

LAST AMENDED
10/30/2013

The designated locations for #visual corridors#, as defined in Article VI, Chapter 2, are shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be provided in accordance with the standards of Sections 62-512 (Dimensions of visual corridors) and 62-513 (Permitted obstructions in visual corridors), except that:

(a) lighting fixtures in #visual corridors# shall be considered permitted obstructions; and

(b) within the #visual corridor# provided through Parcel 2 to the Pierhead line within the flexible location zone indicated on Map 5, a portion of a #building# shall be a permitted obstruction, provided that such obstruction is located no more than 14 feet above the reference plane of the #visual corridor#, and that such obstruction occupies no more than 185,000 cubic feet in total above the reference plane of the #visual corridor#.

128-50 - PARKING REGULATIONS

LAST AMENDED
10/23/2008

In the #Special St. George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

128-51 - Required Off-street Parking and Loading

LAST AMENDED
2/2/2011

In the #Special St. George District#, the following parking and loading regulations shall apply:

(a) In C4-2 Districts, the following special regulations shall apply:

(1) #Residential uses#

One off-street parking space shall be provided for each #dwelling unit# created after October 23, 2008, including any #dwelling units# within #buildings# #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), except that the provisions of Section 25-25 (Modification of Requirements for Income-restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-assisted Dwelling Units) shall apply to #income-restricted housing units#. However, where the total number of required spaces is five or fewer or, for #conversions#, where the total number of required spaces is 20 or fewer, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after October 28, 2008. The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to #conversions# where more than 20 parking spaces are required.

(2) #Commercial# #uses#

For #commercial# #uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that food stores with 2,000 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for places of assembly and hotels, the off-street parking and loading requirements of a C4-2 District shall apply.

(3) #Community facility use#

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the off-street parking requirements of a C4-3 District shall apply.

(b) In R7-3 Districts, the parking and loading regulations of an R7-2 District shall apply, except as modified by Sections 128-52 (Special Floor Area Regulations) through 128-56 (Curb Cuts on Commercial Streets).

(c) In C2-4 Districts mapped within R6 Districts, the underlying regulations shall apply, except as modified by Sections 128-52 through 128-56.

128-52 - Special Floor Area Regulations

LAST AMENDED
10/23/2008

The #floor area# of a #building# shall not include floor space used for off-street parking spaces provided in any #story# that complies with the provisions of Section 128-54 (Location of Accessory Off-street Parking Spaces).

128-53 - Use of Parking Facilities

LAST AMENDED
10/23/2008

All #accessory# off-street parking spaces may be provided within parking facilities, including #public parking garages#, on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

(a) such parking facilities are located within the #Special St. George District# ;

(b) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot# ; and

(c) the number of #accessory# parking spaces within such facility shall not exceed the combined number of spaces permitted on each #zoning lot# using such facility, less the number of spaces provided on each #zoning lot# using such facility.

128-54 - Location of Accessory Off-street Parking Spaces

LAST AMENDED
2/2/2011

No open parking areas shall be located between the #street wall# of a #building# and the #street line#, and no open parking area shall front upon a #commercial street#. All open parking areas, regardless of the number of parking spaces, shall comply with the perimeter screening requirements of Section 37-921.

All off-street parking spaces within structures shall be located within facilities that, except for entrances and exits, are:

(a) entirely below the level of each #street# upon which such facility fronts; or

(b) located, at every level above-grade, behind #floor area# or screening in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, #commercial streets# designated on Map 2 in Appendix A of this Chapter shall be considered designated retail #streets#; and

(c) no parking shall be permitted on the roof of such facilities.

128-55 - Special Requirements for Roofs of Parking Facilities

LAST AMENDED
2/2/2011

The roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. No parking spaces shall be provided on the roof of such facility. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. No less than 75 percent of such roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located; and no more than 25 percent may be accessible solely from an adjacent #dwelling unit#. Hard surfaced areas shall not cover more than 60 percent of such roof area.

128-56 - Curb Cuts on Commercial Streets

LAST AMENDED
10/23/2008

No curb cuts shall be permitted on #commercial streets# as shown on Map 2 in the Appendix to this Chapter. However, if access to a required #accessory# parking facility or loading berth is not possible because of such restriction, a curb cut may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such location is the only possible location for the facility or loading berth, is not hazardous to traffic safety, is at least 50 feet from the intersection of two

#street lines#, and is constructed so as to have minimal effect on the streetscape.

128-60 - SPECIAL APPROVALS

LAST AMENDED
10/30/2013

The special permit for North Waterfront sites set forth in Section 128-61 is established in order to guide and encourage appropriate #use# and #development# in a unique location within the #Special St. George District# that serves as a gateway between Staten Island and Manhattan for both visitors and daily commuters. Redevelopment of the North Waterfront sites pursuant to this special permit provides an appropriate means to address the special characteristics of these sites, while accommodating their continuing transportation function, as part of their transformation into a regional destination that will contribute to the revitalization of the #Special St. George District# and surrounding area.

The special permit for #buildings# in R7-3 Districts set forth in Section 128-62 is established to allow modification of #bulk# regulations and mandatory improvements, except #floor area ratio# provisions, in order to encourage better site planning, and streetscapes that are consistent with the goals of the Special District.

128-61 - Special Permit for North Waterfront Sites

LAST AMENDED
10/30/2013

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the publicly accessible waterfront open space, provided in connection with the #development# of such parcels, as applicable, the City Planning Commission may approve, by special permit, a development plan for each such parcel and an improvement plan for the publicly accessible waterfront open space. For any application for such special permit, the applicant shall provide plans to the Commission, including but not limited to a site plan, interim parking plan, signage plan, lighting plan and an improvement plan for the publicly accessible waterfront open space (the "Proposed Plans"). Such Proposed Plans shall be subject to the conditions set forth in paragraphs (a) through (e) and the findings set forth in paragraph (f) of this Section.

Pursuant to such Proposed Plans, the Commission may:

(a) permit the following #uses# :

(1) #commercial# #uses# as set forth in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) with no limitation on #floor area# per establishment;

(2) #uses# specified in Section 32-24 (Use Group 15);

(3) #public parking garages# with more than 150 spaces;

(4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, provided that:

(i) the applicable findings of Section 74-51 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas) are met by each such temporary public parking facility;

(ii) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# only as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to

more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to further approval by the City Planning Commission and referred to the applicable Community Board(s) for review; and

(iii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities on Parcel 2;

(b) where such #development# is located partially or entirely within a railroad or transit right-of-way or yard or in #railroad or transit air space#:

(1) permit that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development# ; and

(2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area# and #yards#;

(c) permit #signs# pursuant to a signage plan, subject to the following conditions:

(1) the #sign# regulations of a C4 District, as set forth in Section 32-60, shall apply, except as specifically modified by the conditions set forth in paragraphs (c)(2) through (c)(7), inclusive, of this Section;

(2) #flashing signs# shall not be permitted;

(3) the height of #signs# shall be measured from the #base plane# ;

(4) flags, banners or pennants, other than those that are #advertising signs#, shall be permitted without limitation;

(5) on Parcel 1:

(i) the total #surface area# of a #sign# affixed to a #building# frontage facing the #shoreline# or affixed to the base of a structure facing the #shoreline# shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 500 square feet, all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure; and

(ii) #signs# shall be permitted to be located on the deck of the railroad right-of-way, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs# ;

(6) on Parcel 2:

(i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;

(ii) #signs# shall not extend to a height greater than 60 feet above the #base plane# ; and

(iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 District, pursuant to an approved signage plan; and

(7) the total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the #shoreline#, shall not exceed:

(i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings# ; or

(ii) 250 square feet for #signs# located below the level of the first #story# ceiling of #buildings# ;

(d) through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:

Section 128-12 (Transparency Requirements);

Section 128-42 (Planting Areas);

Section 128-54 (Location of Accessory Off-street Parking Spaces) to the extent necessary to accommodate demand for parking within the North Waterfront Subdistrict;

Section 128-55 (Special Requirements for Roofs of Parking Facilities); and

(e) through approval of the Proposed Plans:

(1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and

(2) permit #floor area# to be distributed within the North Waterfront Subdistrict without regard for #zoning# #lot lines#, provided that if distribution is made to a #zoning lot#, subject to a special permit granted under this Section, from a #zoning lot# not subject to such special permit, Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

(f) The Commission shall find that the Proposed Plans:

(1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land #uses# in and around the #Special St. George District# ;

(2) provide a distribution of #floor area#, locations and heights of #buildings or other structures#, primary business entrances and open areas, that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well-designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and #shorelines# and will thus benefit the users of the site, the neighborhood and the City as a whole;

(3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#, and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks# ;

(4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;

(5) improve public access to the waterfront;

(6) improve, as applicable, the publicly accessible waterfront open space sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments# ;

(7) in connection with the improvement of the applicable portions of the publicly accessible waterfront open space, restore planted areas, trees and lighting in a way that is attractive and compatible with the design of the Waterfront Esplanade existing on October 30, 2013;

(8) provide adequate parking and loading to meet the demand for all users during peak utilization;

(9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;

(10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and that will not adversely affect the character of the surrounding neighborhood;

(11) for a #public parking garage# with more than 150 parking spaces, will ensure that:

(i) entrances are proposed in locations and with design features that minimize traffic congestion and conflicts with pedestrians;

(ii) adequate reservoir space has been provided at the vehicular entrances; and

(iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and

(12) for a #development# located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, that:

(i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the #development# located beyond the boundaries of such railroad or transit right-of-way or yard; and

(ii) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely within a railroad or transit right-of-way or yard, or in #railroad or transit air space#, the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority to indicate whether said agency has any plan to use that portion of any #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been discontinued.

The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans, and in a manner consistent with any additional conditions and safeguards prescribed by the Commission, shall be a condition to exercise of the special permit. Such restrictive declaration shall be recorded in the Office of the County Clerk. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a #development#, #enlargement# or change of #use#.

128-62 - Special Permit for Buildings in R7-3 Districts

LAST AMENDED11/10/2021

For any #zoning lot# in an R7-3 District, the City Planning Commission may permit modification of #bulk# regulations, except #floor area ratio# provisions, and modification of mandatory improvements, provided the Commission shall find that such modifications:

(a) will aid in achieving the general purposes and intent of the Special District;

(b) will enhance the distribution of #bulk# on the #zoning lot#;

(c) will not unduly obstruct access to light and air from surrounding #streets# and properties; and

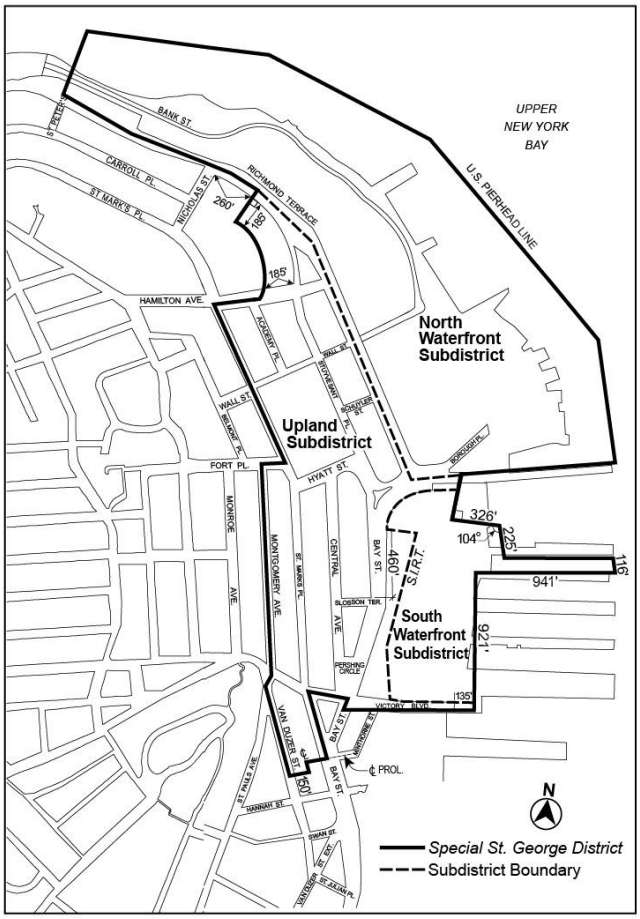
(d) will result in a better site plan and urban design relationship with adjacent #streets#, open areas, and the surrounding neighborhood.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

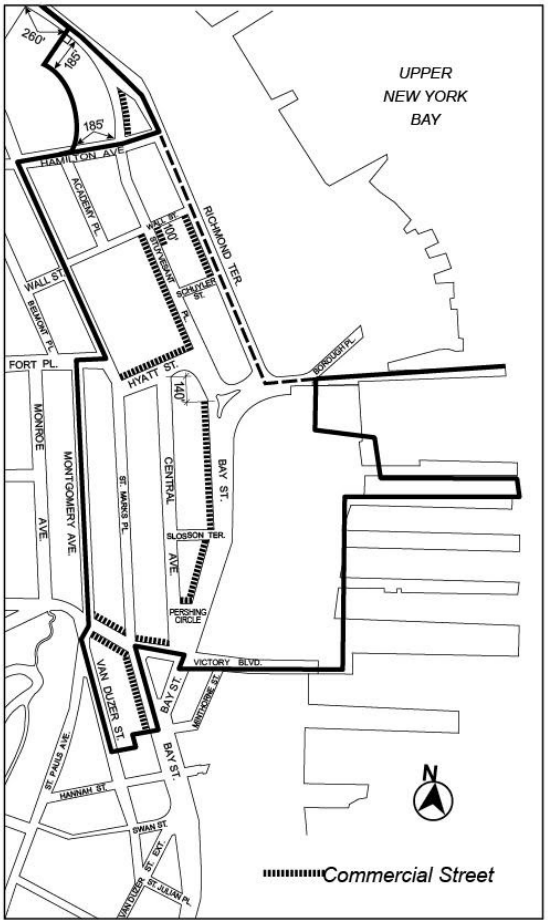
Appendix - Special St. George District Plan

LAST AMENDED11/10/2021

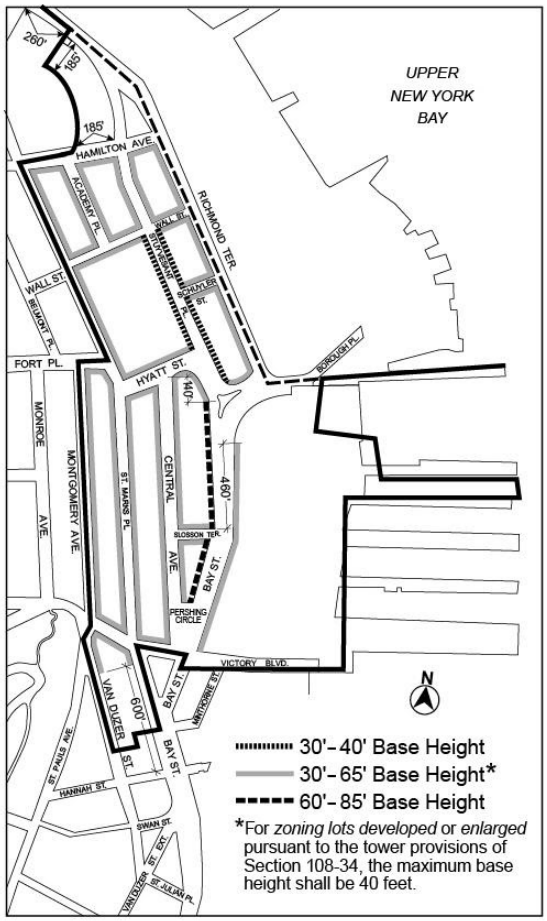
Map 1 - Special St. George District and Subdistricts (11/10/21)


UPPER
NEW YORK
BAY
U.S. PIERHEAD LINE
BANK ST.
CARROLL PL.
ST MARK'S PL.
NICHOLAS ST.
RICHMOND TERRACE
260'
185'
185'
HAMILTON AVE.
North
Waterfront
Subdistrict
ROSEBERY PL.
BALL ST.
REFUGEE PL.
BOSQUET ST.
WALL ST.
BELMONT PL.
Upland
Subdistrict
FORT PL.
HYATT ST.
BONDGOLD
326'
104°
225'
116'
941'
460'
S.I.R.T.
BAY ST.
MONROE
AVE.
MONTGOMERY AVE.
ST. MARKS PL.
CENTRAL
AVE.
BLOSSOM TER.
South
Waterfront
Subdistrict
921'
PERSHING
CIRCLE
VICTORY BLVD.
135'
VAN DUZEN ST.
150'
HYATT ST.
MONROE ST.
℄ PROL.
BAY ST.
ST PAUL AVE.
HANNAH ST.
SWAN ST.
SAN JUAN PL.
N
Special St. George District
Subdistrict Boundary

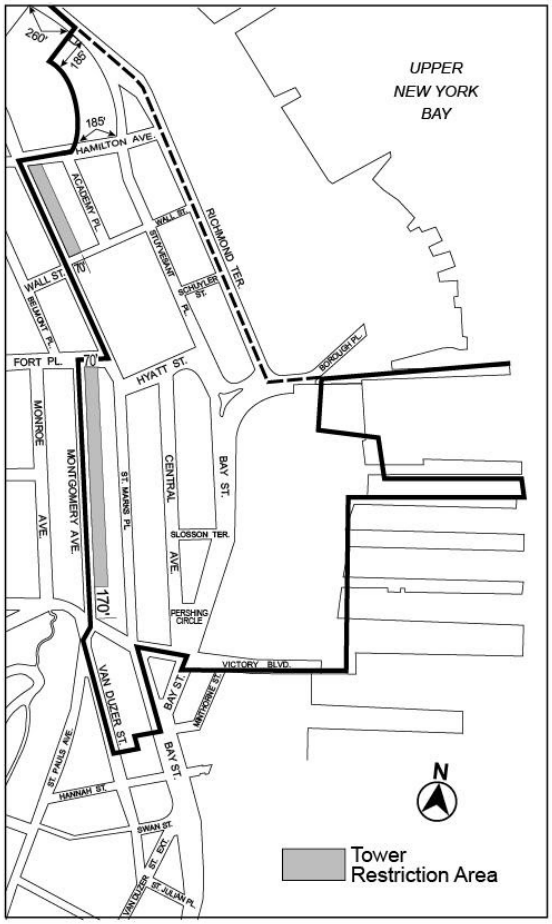
Map 2 – Commercial Streets (11/10/21)



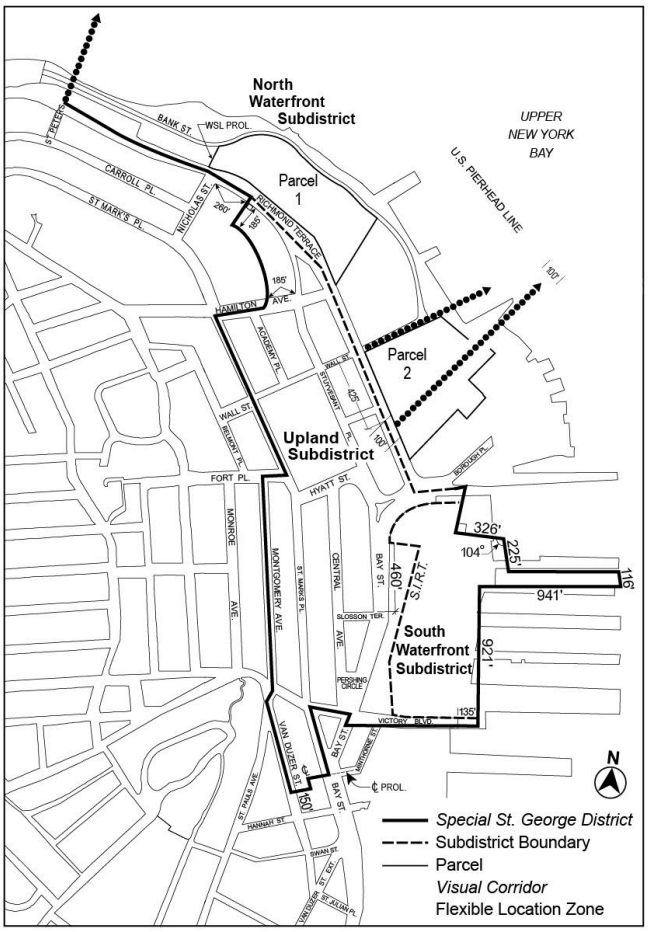
Map 3 – Minimum and Maximum Base Heights (11/10/21)



Map 4 – Tower Restriction Areas (11/10/21)



Map 5 – Visual Corridors and Parcels (11/10/21)



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article XIII - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Coney Island District (CI)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Coney Island District (CI)

131-00 - GENERAL PURPOSES

LAST AMENDED
7/29/2009

The "Special Coney Island District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;

(b) to facilitate and guide the development of a year-round amusement, entertainment and hotel district;

(c) to facilitate and guide the development of a residential and retail district;

(d) to provide a transition to the neighboring areas to the north and west;

(e) to provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;

(f) to control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;

(g) to promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

131-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

NOTE: Self-certification of sewer connection applications will not be permitted by the Department of Buildings or Department of Environmental Protection in connection with any proposed #development# or #enlargement# in the #Special Coney Island District# for which sewer connection approval is required. Prior to filing a House or Site Connection application, all applicants will be required to submit a site-specific hydraulic analysis to the Department of Environmental Protection for its review and approval, to establish the adequacy of existing sanitary and storm sewers to serve the proposed #development# or #enlargement#.

131-02 - District Plan and Maps

LAST AMENDED
7/29/2009

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix to this Chapter.

Map 1. Special Coney Island District and Subdistricts

Map 2. Mandatory Ground Floor Use Requirements

Map 3. Coney East Subdistrict Floor Area Ratios

Map 4. Street Wall Location

Map 5. Minimum and Maximum Base Heights

Map 6. Coney West Subdistrict Transition Heights

131-03 - Subdistricts

LAST AMENDED
7/29/2009

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

Coney East Subdistrict (CE)

Coney North Subdistrict (CN)

Coney West Subdistrict (CW)

Mermaid Avenue Subdistrict (MA)

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix to this Chapter.

131-04 - Applicability

LAST AMENDED
7/29/2009

131-041 - Applicability of Article I, Chapter 5

LAST AMENDED
3/28/2012

The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The change of non-#residential# #floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location Within Buildings).

131-042 - Applicability of Article VI, Chapter 2

LAST AMENDED
3/28/2012

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Coney Island District#.

131-043 - Applicability of Article VII, Chapter 4

LAST AMENDED
3/28/2012

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-044 - Modification of use and bulk regulations

LAST AMENDED
3/28/2012

(a) For zoning lots fronting upon Riegelmann Boardwalk, KeySpan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of Riegelmann Boardwalk, KeySpan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

(b) For multiple buildings on the same zoning lot

For the purposes of applying the special #use# and #bulk# regulations of this Chapter, #abutting# #buildings# on the same #zoning lot# may be considered one #building#.

131-10 - SPECIAL USE REGULATIONS

LAST AMENDED
7/29/2009

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying #Commercial Districts#, as applicable.

For the purposes of this Chapter, "ground floor level" shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open space.

131-11 - Use Group 5

LAST AMENDED
7/29/2009

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

131-12 - Use Groups A, B and C

LAST AMENDED
7/29/2009

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121 - Use Group A: Amusements

LAST AMENDED
7/29/2009

Use Group A consists of a group of #uses#, selected from Use Groups 12, 13 and 15, as modified in this Section, and may be open or enclosed:

Use Group A1

Amusement arcades

Amusement parks, with no limitation on floor area per establishment

Animal exhibits, circuses, carnivals or fairs of a temporary nature

Camps, overnight or day, #commercial# beaches or swimming pools

Dark rides, electronic or computer-supported games, including interactive entertainment facilities, laser tag and motion simulators

Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions

Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions

Miniature golf courses and model car hobby centers, including racing

Open booths with games of skill or chance, including shooting galleries

Water parks

Use Group A2

Arenas or auditoriums, with capacity limited to 2,000 seats

Billiard parlors or pool halls, table tennis halls or bowling alleys, with no limitation on number of bowling lanes per establishment

Gymnasiums or recreational sports facilities including, but not limited to, indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements

Skateboard parks, roller or ice skating rinks

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet, except that on #corner lots# one #street# frontage may extend up to 100 feet.

#Accessory# #uses# to the amusements listed in this Section, including the display and sale of goods or services, provided:

(a) such #accessory# #uses# are limited to not more that 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;

(b) such #accessory# #uses# shall be entered only through the principal amusement establishment;

(c) such #accessory# #uses# shall share common cash registers with the principal amusement #use#;

(d) such #accessory# #uses# shall have the same hours of operation as the principal amusement #use#; and

(e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

131-122 - Use Group B: Amusement and entertainment-enhancing uses

LAST AMENDED
7/29/2009

Use Group B consists of a group of #uses#, selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial

Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits

Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors

Radio or television studios

Wedding chapels

131-123 - Use Group C: Retail and service uses

LAST AMENDED
7/29/2009

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores

Clothing or clothing accessory

Clothing, custom manufacturing or altering for retail, including costume production and hair product manufacturing

Delicatessen stores

Fishing tackle or equipment, rental or sales

Gift shops

#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment

Jewelry manufacturing from precious metals

Musical instrument stores

Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

Toy stores

131-13 - Special Use Regulations in Subdistricts

LAST AMENDED
7/29/2009

131-131 - Coney East Subdistrict

LAST AMENDED
2/2/2011

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The provisions of Section 32-02 (Special Provisions for Hotels) are modified to apply in a C7 District. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

There shall be separate open establishments or enclosed ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

(1) on the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;

(2) on the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;

(3) on all other #block# fronts there shall be at least four establishments;

(4) the provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c), where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

(1) Where permitted pursuant to Section 32-02, #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.

(2) #Transient hotel# #use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.

(3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.

(4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory# #uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.

(5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor #uses#

All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of a #building#, located on #streets#, or portions of #streets#, shown on Map 2. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(g) Parcel 2

On Parcel 2, as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

(h) Parcel 3

On Parcel 3, as shown on Map 2, the provisions of the underlying C7 District shall apply, except as modified in this paragraph, (h). Only open amusement #uses# listed in Use Groups 13A and 15, as set forth in Sections 32-22 and 32-24, respectively, shall be permitted.

131-132 - Coney North and Coney West Subdistricts

LAST AMENDED
2/2/2011

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(a) Mandatory ground floor level #uses# along certain #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2.

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(2) #Streets# other than Riegelmann Boardwalk

At least 20 percent of the frontage of a #building# or of an open #use#, on a #street# specified on Map 2, shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining frontage of such #building# or open #use#, on a specified #street#, shall be allocated to #commercial# #uses# permitted by the underlying district regulations or, where permitted pursuant to Section 32-02, a #transient hotel#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a specified #street# frontage.

There shall be at least four separate ground floor or open #commercial# establishments fronting upon each #block# fronting on Surf Avenue.

All ground floor #commercial# #uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby, vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:

All #uses#

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, where permitted pursuant to Section 32-02

From Use Groups 6B, and 6E:

Offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C:

Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue

Electrolysis studios, frozen food lockers and loan offices

From Use Group 6D:

All #uses#

From Use Group 7:

All #uses#, except for bicycle rental or repair shops

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops

From Use Groups 8C, 8D and 8E:

All #uses#

From Use Groups 9A, 9B and 9C:

All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

From Use Groups 10A, 10B and 10C:

Depositories for storage, and wholesale offices or showrooms

Use Group 11:

All #uses#

Use Groups 12A and 12B:

Trade expositions

Use Groups 12C and 12D:

All #uses#

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

131-14 - Location of Uses Within Buildings

LAST AMENDED
7/29/2009

The provisions of Section 32-42 are modified to permit:

(a) #residential uses# on the same #story# as a #commercial# #use# or directly below a #commercial# #use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

(b) in the Coney North and Coney West Subdistricts, any #commercial# #use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#. Furthermore, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-15 - Transparency

LAST AMENDED
7/29/2009

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

However, in the Coney East Subdistrict and along Riegelmann Boardwalk and boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

131-16 - Authorization for Use Modifications

LAST AMENDED
2/2/2011

Along #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter, other than Riegelmann Boardwalk, the City Planning Commission may authorize establishments containing Use Group A, B or C #uses# within #buildings# with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-20 - SIGN REGULATIONS

LAST AMENDED
7/29/2009

(a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:

(1) no #advertising signs# shall be permitted above a height of 40 feet; and

(2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying Along District Boundaries) shall not apply.

(b) In the Coney North and Coney West Subdistricts, the underlying C2-4 District #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial# #use#.

131-30 - FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

LAST AMENDED
2/2/2011

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

131-31 - Coney East Subdistrict

LAST AMENDED
2/2/2011

(a) Except on Parcel 3, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios) in the Appendix to this Chapter, the maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block#, or portion thereof, as shown on Map 3. On Parcel 2, as shown on Map 3, the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

On Parcel 3, the maximum #floor area ratio# of the underlying C7 District shall apply. Furthermore, #floor area# attributable to Parcel 3 shall be used exclusively within Parcel 3.

(b) In the Coney East Subdistrict, no #rear yards# shall be required.

131-32 - Coney West, Coney North and Mermaid Avenue Subdistricts

LAST AMENDED
7/29/2009

131-321 - Special floor area regulations for residential uses

LAST AMENDED
10/9/2013

R7A R7D R7X

(a) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the table in this Section. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #affordable housing#, pursuant to the provisions for #Inclusionary Housing designated areas#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict/Parcels	Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels: A, B, C, D	R7D	4.35	5.8
Coney West Parcels: E, F	R7D	4.12	5.5
Coney North	R7X	3.75	5.0
Mermaid Avenue	R7A	3.45	4.6

(c) Coney West #floor area# distribution

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

In addition, #floor area# attributable to #block# 7071, lot 130, within Parcel B may be distributed anywhere within Parcels C or D.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

131-322 - Special floor area regulations for community facility uses

LAST AMENDED
7/29/2009

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323 - Special floor area ratio regulations for hotel uses

LAST AMENDED
7/29/2009

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324 - Lot coverage

LAST AMENDED
10/10/2013

In the #Special Coney Island District#, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

131-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
7/29/2009

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

131-41 - Rooftop Regulations

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

131-42 - Coney East Subdistrict

LAST AMENDED
2/2/2011

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. #Street wall# location rules and maximum base height rules shall apply only to #buildings#. Maximum heights shall apply to all #buildings or other structures#.

For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section.

A #building or other structure# that exceeds a height limit shall be permitted where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

131-421 - Coney East Subdistrict, south side of Surf Avenue

LAST AMENDED
5/12/2021

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street line# of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

(1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;

(2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and

(3) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

(1) Surf Avenue, west of West 12th Street

West of West 12th Street, the #street wall# of a #building# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with the requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

Any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with the location requirements of paragraph (d) of this Section.

(2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #building# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section shall be set back from the #street line# at least 20 feet except that, where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) West of West 12th Street

All portions of a #building# that exceed the maximum base height set forth in paragraph (b)(1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(2) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum #building# height after the required setbacks shall be 85 feet.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c)(1) and (c)(2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use# or to #buildings# where the Chairperson of the Department of City Planning certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #building# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph (d).

(1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46.

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422 - Coney East Subdistrict, north side of Surf Avenue

LAST AMENDED
7/29/2009

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423 - Along all other streets

LAST AMENDED
5/12/2021

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets#, and portions thereof, located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #building#, or portion thereof, shall be located within five feet of the #street line#;

(b) Maximum height

The #street wall# of a #building#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, provided that such portion is located within 150 feet of the intersection of two #street lines#. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall# may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

131-43 - Coney West Subdistrict

LAST AMENDED
7/29/2009

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431 - Coney West District, Surf Avenue

LAST AMENDED
5/12/2021

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

(1) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and

(2) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the #block# front bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building or other structure# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least 10 feet.

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Subdistrict towers).

131-432 - Along all other streets, other than Riegelmann Boardwalk

LAST AMENDED
5/12/2021

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of Riegelmann Boardwalk.

(a) #Street wall# location

The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line# except that, to allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# at least 10 feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

(1) above the maximum base height, #street walls# are set back a minimum distance of 10 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), at least 40 percent of the #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line# ;

(2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;

(3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least 10 feet, measured from the south-facing wall of the #story# directly below.

A #building or other structure# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

131-433 - Riegelmann Boardwalk and building line of Parcel F

LAST AMENDED
2/2/2011

A #street wall# shall be located on Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet, as shown on Map 5 (Minimum and Maximum Base Heights). Any #building or other structure# within 70 feet of Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of Riegelmann Boardwalk.

In addition, on Parcel F, a #street wall# shall be located on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 4 (Street Wall Location). Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

131-434 - Coney West Subdistrict towers

LAST AMENDED
2/2/2011

All #stories# of a #building# or portions of other structures located partially or wholly above an applicable transition height shall be considered a “tower” and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided either:

(1) the outermost wall of all tower #stories# are inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or

(2) the outermost wall of all tower #stories# below a height of 120 feet are inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet and, above such height, no side of such rectangle shall exceed a length of 100 feet. In addition, above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# fronting upon Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that where #affordable housing# is provided pursuant to Sections 23-90 and 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, Parcel E may include two towers and, where #affordable housing# is provided pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44 - Coney North Subdistrict

LAST AMENDED
2/2/2011

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum #building# height provisions of this Section, inclusive.

131-441 - Coney North Subdistrict, Surf Avenue

LAST AMENDED
5/12/2021

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

(1) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and

(2) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

The #street wall# of a #building# base fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# fronting on Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building or other structure# that exceed a height of 85 feet shall be set back from the #street line# at least 10 feet, and shall comply with the tower provisions of Section 131-444 (Coney North Towers).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-442 - Along all other streets, other than Stillwell Avenue

LAST AMENDED
2/2/2011

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line# except that, to allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be recessed 10 feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to, and exits from, the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least 10 feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the #street line#. All portions of #buildings or other structures# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443 - Mermaid and Stillwell Avenues

LAST AMENDED
5/12/2021

Within 100 feet of Mermaid Avenue and within 100 feet of Stillwell Avenue, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except that:

(a) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and

(b) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444 - Coney North Subdistrict towers

LAST AMENDED
2/2/2011

All #stories# of a #building# or portions of other structures located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a “tower” and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either:

(1) the outermost wall of all tower #stories# are inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or

(2) the outermost wall of all tower #stories#, below a height of 120 feet, are inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet, and above such height, no side of such rectangle shall exceed a length of 100 feet. In addition, above a height of 120 feet, the maximum floorplate shall be 80 percent of the #story# immediately below such height or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that where #affordable housing# is provided pursuant to Sections 23-90 and 131-321, a second tower shall be permitted anywhere on the #zoning lot# where such tower is entirely beyond 175 feet of Surf Avenue and 10 feet from any other #street#. All towers shall be located at least 10 feet from a #side lot line#.

131-45 - Mermaid Avenue Subdistrict

LAST AMENDED
5/12/2021

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

(a) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and

(b) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-46 - Tower Top Articulation

LAST AMENDED
7/29/2009

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less.

Such setbacks shall be located on either the north-facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north-facing or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least 18 inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47 - Design Requirements for Ground Level Setbacks

LAST AMENDED
2/2/2011

Wherever a #building# base below a tower is set back from the #street line#, and the #building# walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level #building# walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15, shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such #building# wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other #building# walls shall comply with one of the following provisions:

(i) such #building# walls shall be glazed with transparent materials in accordance with the transparency provisions of Section 37-34 (Minimum Transparency Requirements), except that such transparency shall be measured from the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or

(ii) such #building# walls shall be articulated with artwork or landscaping to a height of at least 10 feet.

(d) #Building# entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) Additional amenities

For setback areas of 500 square feet or more, there shall be the following additional amenities:

(1) an additional public entrance to the #building# that fronts upon such setback area; and

(2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48 - Street Trees

LAST AMENDED
7/29/2009

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

131-49 - Authorization for Exterior Ramps

LAST AMENDED
5/12/2021

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to allow exterior ramps for access from the public sidewalk to the lowest #story# above the #flood-resistant construction elevation#, as defined in Section 64-11 (Definitions), provided the Commission finds that the design of such ramps:

(a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;

(b) incorporates amenities such as seating and planting as the Commission may find appropriate; and

(c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

131-50 - OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
7/29/2009

The special provisions of this Section shall apply to all off-street parking spaces and loading facilities within the #Special Coney Island District#.

131-51 - Amount of Required and Permitted Parking

LAST AMENDED
2/2/2011

(a) #Residential# and #community facility# parking

The underlying regulations shall apply, except that the number of #accessory# off-street parking spaces required pursuant to Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require off-street parking spaces for at least 60 percent of #dwelling units# or #rooming units developed#, under single ownership or control, where group parking facilities are provided.

(b) #Commercial# parking

The underlying regulations shall apply, except that:

(1) For Use Group A #uses#

One off-street parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-street parking spaces per 1,000 square feet of #floor area# shall be provided.

(2) For #transient hotels#

One off-street parking space shall be provided for every six guest rooms or suites.

(c) Public parking facilities

In accordance with the provisions of Section 131-043 (Applicability of Article VII, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-52 - Use and Location of Parking Facilities

LAST AMENDED
2/2/2011

The following provisions shall apply to all parking facilities:

(a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupants of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.

(b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:

(1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.

(2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

(3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.

(c) All off-street parking facilities shall be located within facilities that, except for entrances and exits, are:

(1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or

(2) wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, Surf Avenue, Stillwell Avenue, Ocean Way, Parachute Way and Riegelmann Boardwalk shall be considered designated retail streets, and the wrapping provisions of paragraph (a) of Section 37-35 shall apply to such #street# frontages at all levels above grade. All such parking facilities shall be exempt from the definition of #floor area#.

(d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

131-53 - Curb Cuts

LAST AMENDED
2/2/2011

No curb cuts shall be permitted on Surf Avenue, Wonder Wheel Way or Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply.

131-60 - SPECIAL PERMIT FOR AUDITORIUMS

LAST AMENDED
12/19/2013

The special permit set forth in this Section is established to allow outdoor entertainment #uses# on a limited-term basis in a unique beachfront location within the #Special Coney Island District#. The development of such #uses# on a temporary basis pursuant to this special permit provides for the opportunity for a valuable public amenity to exist within an area that, while approved for future #residential development# pursuant to the #Special Coney Island District# plan, is currently underutilized and does not exhibit the characteristics of a well-developed #residential# neighborhood. Any special permit granted under this Section shall be subject to a term of years, in order to ensure that such #uses# are consistent with, and do not impede, the goal of long-term revitalization of the surrounding area, pursuant to the #Special Coney Island District# plan.

In the Coney West Subdistrict, for Parcels B and G, the City Planning Commission may approve, by special permit, open-air auditoriums with greater than 2,000 seats, for a term no greater than 10 years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued, provided that the proposed auditorium meets the conditions of paragraph (a) and the findings of paragraph (b) of this Section, in addition to the #sign# provisions of paragraph (c) and parking provisions of paragraph (d) of this Section.

For any application for such special permit, the applicant shall provide plans to the Commission including, but not limited to, a site plan, signage plan, parking and loading plan, lighting plan and an operations plan (the “Proposed Plans”).

(a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:

(1) at all times when Riegelmann Boardwalk is open to the public, all publicly accessible space, as shown on the Proposed Plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities. Any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;

(2) the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of Riegelmann Boardwalk;

(3) any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;

(4) the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively; and

(5) the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #use# as a #public park#.

(b) In granting such permit, the Commission shall find that:

(1) such open-air auditorium will not unduly impair the essential character or the future #use# or #development# of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;

(2) the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that the Proposed Plans include noise attenuation features and measures which serve to reduce the effect of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities# ;

(3) the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:

(i) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #uses# with an eating and drinking establishment or other #use# permitted on Parcel B; and

(ii) allow for such #building# to be operated, subsequent to the expiration of the special permit, for #uses# permitted on Parcel B, such as eating or drinking establishments with entertainment;

(4) appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22st Street to Riegelmann Boardwalk;

(5) the portions of the site not dedicated to the stage area or event seating are so designed to serve as a full time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;

(6) any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and Riegelmann Boardwalk;

(7) the operations plan, which shall include a protocol for queuing for concertgoers, demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and

(8) the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.

(c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air auditorium and not visible from Riegelmann Boardwalk or other public area shall be permitted.

In order to permit such #signs#, the Commission shall find that proposed signage is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

(d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking or loading requirements, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# surrounding the auditorium.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include, but are not limited to, restrictions on signage or requirements for soundproofing of auditoriums, shielding of floodlights or screening of open #uses#.

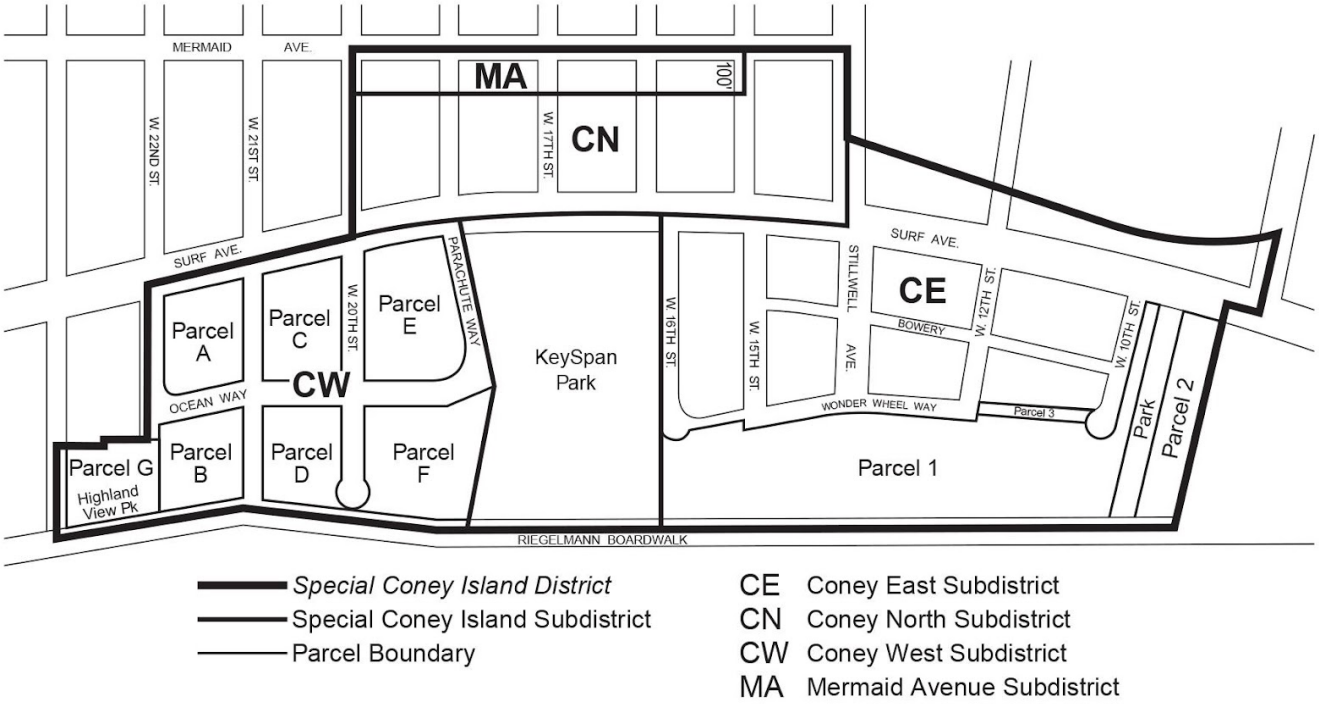
Upon the first issuance of this permit for an open-air auditorium, the effective period of the permit shall be 10 years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued. To establish the term of years for subsequent applications for this special permit, the Commission shall, in determining whether the finding of paragraph (b)(1) of this Section is met, take into account the existing character of the surrounding area, as well as

#residential# and #community facility development# proposed or under construction on surrounding #blocks#, and shall also consider whether continuation of such auditorium #use# within a proposed term of years would be compatible with or may hinder achievement of the goals and objectives of the #Special Coney Island District# plan. Subsequent applications for this special permit shall be filed no later than one year prior to expiration of the term of the permit then in effect.

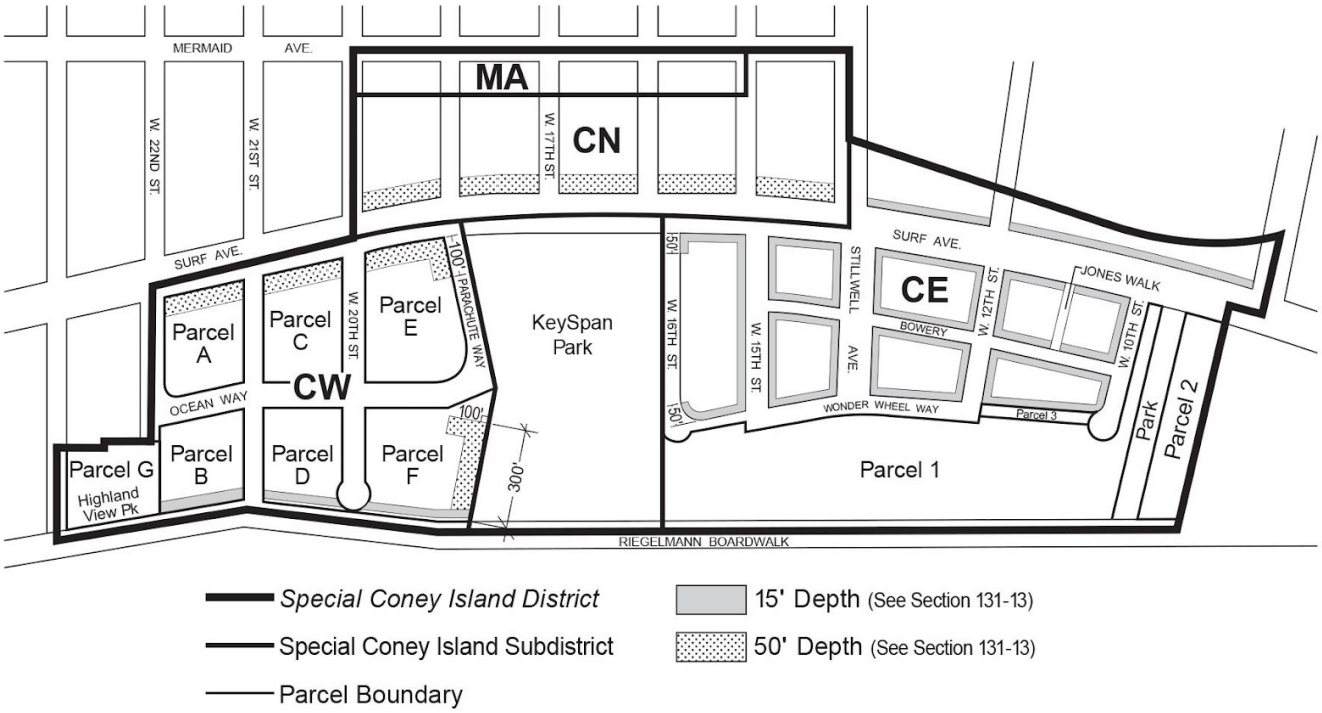
Appendix A - Coney Island District Plan

LAST AMENDED
12/19/2013

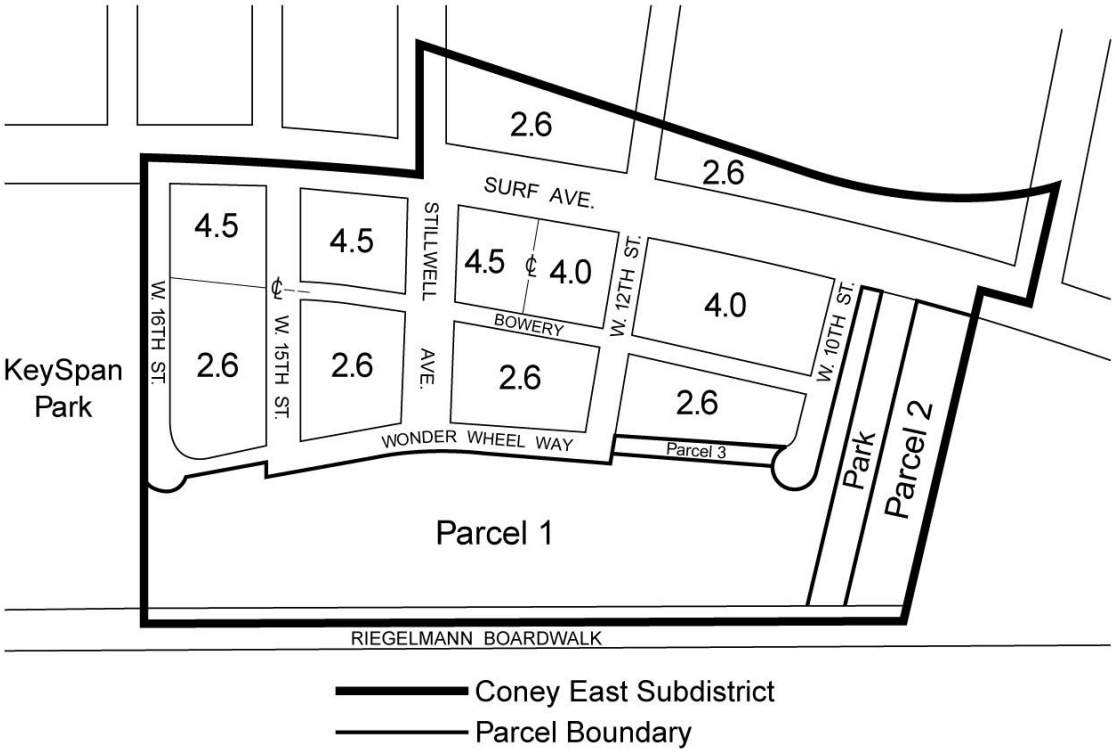
Map 1 - Special Coney Island District and Subdistricts



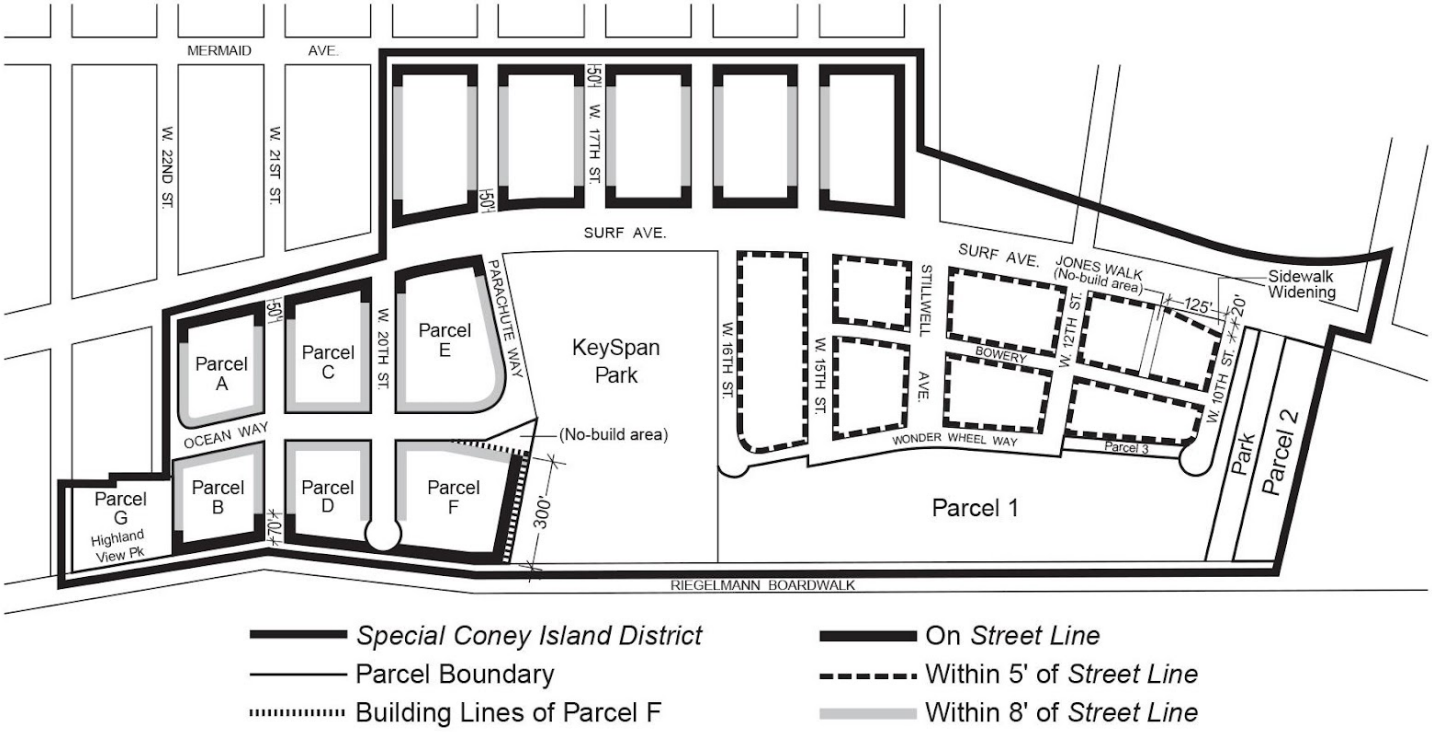
Map 2 - Mandatory Ground Floor Use Requirements



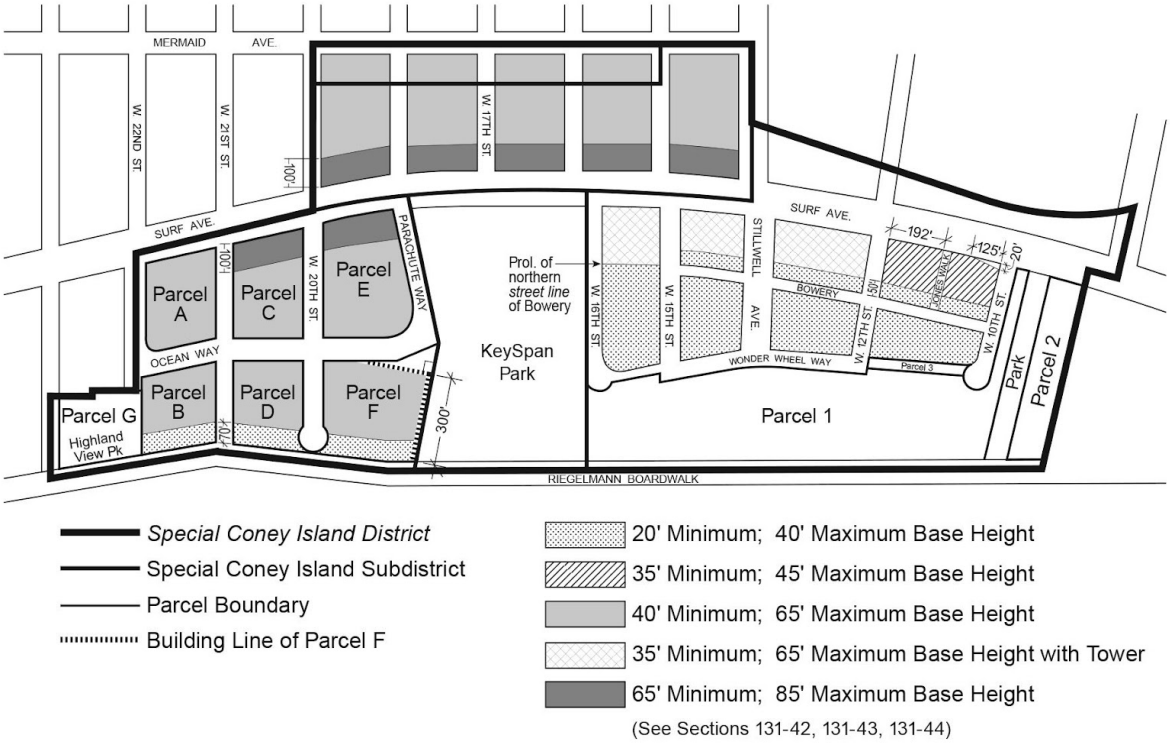
Map 3 - Coney East Subdistrict Floor Area Ratios



Map 4 - Street Wall Location



Map 5 - Minimum and Maximum Base Heights



Special Coney Island District

Special Coney Island Subdistrict

Parcel Boundary

Building Line of Parcel F

20' Minimum; 40' Maximum Base Height

35' Minimum; 45' Maximum Base Height

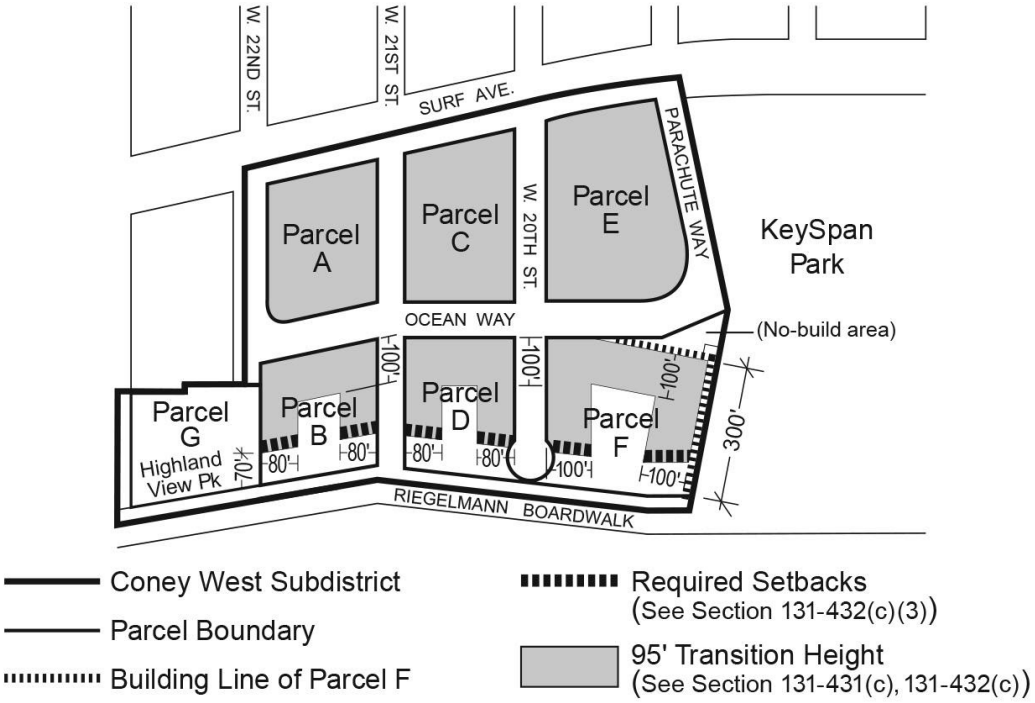
40' Minimum; 65' Maximum Base Height

35' Minimum; 65' Maximum Base Height with Tower

65' Minimum; 85' Maximum Base Height

(See Sections 131-42, 131-43, 131-44)

Map 6 - Coney West Subdistrict Transition Heights



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Enhanced Commercial District (EC)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Special Enhanced Commercial District (EC)

132-00 - GENERAL PURPOSES

LAST AMENDED
4/20/2016

The "Special Enhanced Commercial District," established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

(a) in "Special Enhanced Commercial District" 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;

(b) in "Special Enhanced Commercial District" 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;

(c) in "Special Enhanced Commercial District" 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;

(d) in "Special Enhanced Commercial District" 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages;

(e) in "Special Enhanced Commercial District" 5, to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;

(f) in "Special Enhanced Commercial District" 6, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

132-10 - GENERAL PROVISIONS

LAST AMENDED
6/28/2012

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

132-11 - Special Enhanced Commercial Districts Specified

†

LAST AMENDED
4/20/2016

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

(1) Fourth Avenue, in the Borough of Brooklyn, generally between 25th Street and 15th Street, and Pacific Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2

The #Special Enhanced Commercial District# 2 (EC-2) is established on June 28, 2012, on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

(1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and

(2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3

The #Special Enhanced Commercial District# 3 (EC-3) is established on June 28, 2012, the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

(1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4

The #Special Enhanced Commercial District# 4 (EC-4) is established on October 11, 2012, the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

(1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

(1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;

(2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;

(3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway and Van Sinderen Avenue; and

(4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

(1) Fulton Street, in the Borough of Brooklyn, between Sheffield Avenue and Euclid Avenue.

132-12 - Definitions

LAST AMENDED
6/28/2012

Designated commercial street

For the purposes of this Chapter, a “designated commercial street” shall be the portion of those #streets# specified in Section 132-11.

Ground floor level

For the purposes of this Chapter, “ground floor level” shall mean a #building’s# lowest #story# located within 30 feet of the #building’s# #street wall# along a #designated commercial street#.

132-13 - Applicability of Special Use, Transparency, Street Wall and Parking Regulations

LAST AMENDED
4/20/2016

The special #use#, transparency, street wall and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31 and 132-41.

SPECIAL REGULATIONS FOR ENHANCED COMMERCIAL DISTRICTS

#Special Enhanced Commercial District#	Mandatory Ground Floor #Use# Regulations			
	Minimum Percentage of #Commercial# #Uses# (132-22(a))	Mandatory Non-#Residential Uses# (132-22(b))	Other Permitted #Uses# (132-22(c))	Minimum Number of Establishments (132-23)
EC – 1 (Fourth Avenue, Brooklyn)	x		x	
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)				x
EC – 3 (Broadway, Manhattan)				
EC – 4 (Broadway, Brooklyn)		x	x	
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street, Brooklyn)		x	x	

EC – 6 (Fulton Street, Brooklyn)		x	x	

#Special Enhanced Commercial District#	Supplemental Ground Floor #Use# Regulations			
	Banks and Loan Offices (132-24(a))	Other Non-#Residential# Establishments (132-24(b))	Ground Floor Lobbies (37-33(a)(1))	Ground Floor Transparency (132-32)
EC – 1 (Fourth Avenue, Brooklyn)			x	x
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)	x	x	x	x
EC – 3 (Broadway, Manhattan)	x		x	x
EC – 4 (Broadway, Brooklyn)			x	x
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street Brooklyn)			x	x

EC – 6 (Fulton Street, Brooklyn)			x	x

#Special Enhanced Commercial District#	#Street Wall# Location (132-33)	Parking Regulations	
		Location of Parking Spaces (132-42)	Curb Cuts (132-43)
EC – 1 (Fourth Avenue, Brooklyn)		x	x
EC – 2 (Columbus and Amsterdam Avenues, Manhattan)			
EC – 3 (Broadway, Manhattan)			
EC – 4 (Broadway, Brooklyn)		x	x
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street, Brooklyn)		x	x

EC – 6 (Fulton Street, Brooklyn)	x	x	x

132-20 - SPECIAL USE REGULATIONS

LAST AMENDED
4/20/2016

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

In all #Special Enhanced Commercial Districts#:

(a) the finished floor of the #ground floor level#, for #developments# or #ground floor level# #enlargements#, shall be located not higher than two feet above, nor lower than two feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#; and

(b) where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to June 28, 2012, the finished floor of the #ground floor level# shall be located not higher than five feet above, nor lower than five feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#.

132-21 - Applicability of Use Regulations

LAST AMENDED
4/20/2016

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

(a) #Special Enhanced Commercial Districts# 1, 4, 5 and 6

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# 1, 4, 5 and 6, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings# #enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:

(1) November 29, 2011, in #Special Enhanced Commercial District# 1;

(2) October 11, 2012, in #Special Enhanced Commercial District# 4;

(3) April 20, 2016, in #Special Enhanced Commercial District# 5; and

(4) April 20, 2016, in #Special Enhanced Commercial District# 6.

(b) #Special Enhanced Commercial Districts# 2 and 3

In #Special Enhanced Commercial Districts# 2 and 3, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to all #buildings# with frontage along a #designated commercial street#, except that such provisions shall not apply to:

(1) the portion of a #ground floor level# of a #building# containing a #commercial use# continuously existing since June 28, 2012, where the average depth of such #commercial# #use# is less than 30 feet, as measured from the #street wall# of the #building# fronting upon the #designated commercial street#;

(2) any establishment which has been lawfully issued a building permit on or before June 28, 2012, authorizing "other construction," as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), that would create a #street wall# width exceeding the maximum #street wall# width set forth in Section 132-24, provided that such "other construction" is completed by December 28, 2012. However, where such establishment is located within a landmark #building# or within an Historic District designated by the Landmarks Preservation Commission, and a completed application has been filed at the Landmarks Preservation Commission on or before June 28, 2012, such "other construction" shall be completed within six months after a Certificate of Appropriateness or other permit approving the #building# design was obtained from the Landmarks Preservation Commission.

In the event that such "other construction" has been commenced but not completed before the applicable date set forth in this paragraph (b)(2), the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit pursuant to the provisions set forth in paragraph (b) of Section 11-332 (Extension of period to complete construction); and

(3) in #Special Enhanced Commercial District# 2, the portion of a #ground floor level# of a #building# containing a food store, as listed in Use Group 6A, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non food grocery products shall be distributed as follows:

(i) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and

(ii) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

132-211 - Non-conforming uses

LAST AMENDED
10/11/2012

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified, as follows:

(a) For the purposes of this Chapter, #non-conforming# #uses# shall include #ground floor level# #uses# exceeding the applicable maximum #street wall# widths set forth in Section 132-24.

(b) Any #ground floor level# #use# with a #non-conforming# #street wall# width may be continued or changed to another #use# permitted by the applicable district regulations, provided that such change of #use# does not create a new #non-conformance# or increase the degree of #non-conformance# with regard to the permitted #street wall# width of such

proposed #use#. The discontinuance provisions of Section 52-60 shall not apply to such change of #use# within establishments with #non-conforming# #street wall# widths.

132-22 - Mandatory Ground Floor Uses

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# #street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level# #street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's# #ground floor level# fronting upon a #designated commercial street#.

(a) Minimum percentage of #commercial# #uses#

Mandatory #commercial# #use# regulations shall apply to an area of a #building's# #ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's# #street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial# #uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.

(b) Mandatory non-#residential uses#

In the applicable #Special Enhanced Commercial Districts#, the #ground floor level# of a #building# fronting along a #designated commercial street# shall be occupied by any non-#residential use# permitted by the underlying district regulations or by other #uses# permitted pursuant to paragraph (c) of this Section.

(c) Other permitted #uses#

In the applicable #Special Enhanced Commercial Districts#, Type 1 lobbies, entrances and exits to #accessory# parking facilities and entryways to subway stations, where applicable, shall be permitted on the #ground floor level# of a #building# along a #designated commercial street#, in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses).

132-23 - Minimum Number of Establishments

LAST AMENDED
6/28/2012

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall comply with the minimum depth requirements of Section 37-32 (Ground

Floor Depth Requirements for Certain Uses).

132-24 - Maximum Street Wall Width

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

(a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's# #street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

(b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential# #ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

132-30 - SPECIAL TRANSPARENCY AND STREET WALL LOCATION REGULATIONS

LAST AMENDED
4/20/2016

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-31.

132-31 - Applicability of Transparency Regulations

LAST AMENDED
4/20/2016

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to #developments# and to #buildings# #enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

(a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:

(1) November 29, 2011, for #Special Enhanced Commercial District# 1;

(2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3;

(3) October 11, 2012, for #Special Enhanced Commercial District# 4; and

(4) April 20, 2016, for #Special Enhanced Commercial Districts# 5 and 6;

(b) in #Special Enhanced Commercial Districts# 1, 4, 5 and 6, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units#.

132-32 - Ground Floor Level Transparency Requirements

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the special transparency regulations of Section 37-34 (Minimum Transparency Requirements) shall apply to the #ground floor level# #street walls# of #buildings# fronting along a #designated commercial street#.

However, in #Special Enhanced Commercial Districts# 5 and 6, for #buildings# containing Use Groups 16, 17 and 18 at the #ground floor level#, up to 50 percent of the length of a #street wall# may be exempt from such regulations. Where the exempted portion is 50 feet or more in length and contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is less, such exempted portion shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. Where an #extension# or a #conversion# of the #ground floor level# results in a reduction of the exempted portion, provisions set forth in Section 37-34 shall apply to such reduced portion.

132-33 - Street Wall Location

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to a #street wall# or its prolongation fronting along a #designated commercial street#. The open area between the #street line# and #street wall#, or its prolongation, resulting from requirements set forth in this Section, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. When applying requirements set forth in this Section, two or more adjacent #developments# or #enlargements# under common ownership or control shall be considered a single #development# or #enlargement#.

In #Commercial# and #Manufacturing Districts#, other than C4-4L Districts, mapped within #Special Enhanced Commercial District# 6, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line# of the #designated commercial street#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

132-40 - SPECIAL PARKING REGULATIONS

LAST AMENDED
4/20/2016

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations).

132-41 - Applicability of Parking Regulations

LAST AMENDED
4/20/2016

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

132-42 - Locations of Parking Spaces

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

All off-street parking spaces shall be located within a #completely enclosed# #building# and shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements), as applicable.

Entrances to such spaces along a #designated commercial street# shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-43.

132-43 - Curb Cut Requirements

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

(a) is an #interior lot# fronting along a #designated commercial street#;

(b) existed on:

(1) November 29, 2011, in #Special Enhanced Commercial District# 1;

(2) October 11, 2012, in #Special Enhanced Commercial District# 4;

(3) April 20, 2016, in #Special Enhanced Commercial District# 5; or

(4) April 20, 2016, in #Special Enhanced Commercial District# 6;

(c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and

(d) has a #lot area# of at least 5,700 square feet.

132-50 - CERTIFICATIONS AND AUTHORIZATIONS

LAST AMENDED
6/28/2012

132-51 - Certification to Allow a Limited Increase in Street Wall Width

LAST AMENDED
6/28/2012

In #Special Enhanced Commercial District# 2, an establishment may #extend#, thereby exceeding the maximum #street wall# width for non-#residential# establishments set forth in paragraph (b) of Section 132-24, and may reduce the number of establishments required pursuant to 132-23 upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

(a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and

(b) the applicant has submitted an affidavit attesting to and including information that:

(1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and

(2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:

(i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;

(ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or

(iii) regulatory limitations; and

(c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment, either existing, or with an approved certification or authorization pursuant to Section 132-50 that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

(1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and

(2) provide at the time of application, pursuant to Section 132-50, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such

application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

132-52 - Authorization to Modify Maximum Street Wall Widths of Establishments

LAST AMENDED
6/28/2012

In #Special Enhanced Commercial Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in paragraphs (a) and (b) of Section 132-24, provided the Commission finds that:

(a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or

(b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special Southern Roosevelt Island District (SRI)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 3 - Special Southern Roosevelt Island District (SRI)

133-00 - GENERAL PURPOSES

LAST AMENDED
5/8/2013

The "Special Southern Roosevelt Island District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to provide opportunities for the development of an academic and research and development campus in a manner that benefits the surrounding community;

(b) to allow for a mix of residential, retail and other commercial uses to support the academic and research and development facilities and complement the urban fabric of Roosevelt Island;

(c) to establish a network of publicly accessible open areas that take advantage of the unique location of Roosevelt Island and that integrate the academic campus into the network of open spaces on Roosevelt Island and provide a community amenity;

(d) to strengthen visual and physical connections between the eastern and western shores of Roosevelt Island by establishing publicly accessible connections through the Special District and above-grade view corridors;

(e) to encourage alternative forms of transportation by eliminating required parking and placing a maximum cap on permitted parking;

(f) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street and surrounding waterfront open areas, and thus to encourage more attractive and innovative building forms; and

(g) to promote the most desirable use of land in this area and thus conserving the value of land and buildings, and thereby protecting the City's tax revenues.

133-01 - Definitions

LAST AMENDED
5/8/2013

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Base plane

The definition of #base plane# is hereby modified to mean elevation 19.0, which elevation reflects the measurement in feet above Belmont Island Datum, which is 2.265 feet below the mean sea level at Sandy Hook, N.J.

Development parcel

The "development parcel" is all of the property located within the boundaries of the #Loop Road#, as shown in the Appendix to this Chapter. The #development parcel# shall be deemed a single #zoning lot# for the purpose of applying all regulations of this

Resolution.

Loop Road - East Loop Road, North Loop Road, South Loop Road, West Loop Road

The “Loop Road” shall be comprised of the “East Loop Road”, the “North Loop Road”, the “South Loop Road”, and the “West Loop Road”, as shown in the Appendix to this Chapter. All such roads shall be deemed separate #streets# for the purpose of applying all regulations of this Chapter and shall not generate #floor area#.

133-02 - General Provisions

LAST AMENDED
5/8/2013

The provisions of this Chapter shall apply within the #Special Southern Roosevelt Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

133-03 - District Plan and Maps

LAST AMENDED
5/8/2013

The regulations of this Chapter are designed to implement the #Special Southern Roosevelt Island District# Plan.

The District Plan includes the following maps:

Map 1 – Special Southern Roosevelt Island District, Development Parcel and Loop Road

Map 2 – Public Access Areas.

The maps are located in Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. The maps are incorporated for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

133-04 - Applicability of Article III, Chapter 6

LAST AMENDED
5/8/2013

The provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, a maximum of 500 #accessory# parking spaces shall be permitted, which may be made available for public use.

However, bicycle parking shall be provided in accordance with the provisions of Section 36-70.

133-05 - Applicability of Special Regulations Applying in the Waterfront Area

LAST AMENDED
5/8/2013

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, the area between the #shoreline# and the western #street line# of the #West Loop Road# and the area between the #shoreline# and the eastern #street line# of the #East Loop Road# shall be used exclusively for open recreational uses, and shall be accessible to the public at all times.

133-10 - SPECIAL USE REGULATIONS

LAST AMENDED
5/8/2013

133-11 - Additional Uses

LAST AMENDED
5/8/2013

Within the #development parcel#, the provisions of Section 32-10 (USES PERMITTED AS-OF-RIGHT) are modified to permit Use Group 17B research, experimental or testing laboratories. Any Use Group 17B #uses# within the #development parcel# shall conform with the performance standards of Section 42-20, inclusive, applicable to such #use# in an M1 District.

133-12 - Location Within Buildings

LAST AMENDED
5/8/2013

Within the #development parcel#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply.

133-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/8/2013

Within the #development parcel#, the special #bulk# regulations of this Section, inclusive, shall apply.

133-21 - Floor Area Ratio

LAST AMENDED
5/8/2013

The #floor area# provisions of Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) shall be modified to permit a maximum #residential# #floor area ratio# of 3.44 without regard to a #height factor#. In addition, the maximum permitted #floor area ratio# for a Use Group 17B research, experimental or testing laboratory shall be 3.40.

133-22 - Lot Coverage

LAST AMENDED
5/8/2013

The #open space ratio# requirements of Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) and the #lot coverage# requirements of Sections 23-15 and 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage)

shall not apply. In lieu thereof, the aggregate #lot coverage# for all #buildings# shall comply with the following requirements:

(a) The maximum #lot coverage# from the #base plane# to a height that is 20 feet above the #base plane# shall be 70 percent.

(b) The maximum #lot coverage# from a height that is more than 20 feet above the #base plane# to a height that is 60 feet above the #base plane# shall be 60 percent.

(c) The maximum #lot coverage# from a height that is more than 60 feet above the #base plane# to a height that is 180 feet above the #base plane# shall be 45 percent.

(d) The maximum #lot coverage# above a height of 180 feet above the #base plane# shall be 25 percent.

The City Planning Commission may authorize an increase in the maximum #lot coverage# as set forth in paragraph (c) of this Section to up to 55 percent, upon finding that such increase is necessary to achieve the programmatic requirements of the development, and will not unduly restrict access of light and air to publicly accessible areas and #streets#.

133-23 - Height and Setback

LAST AMENDED
5/8/2013

The height and setback regulations of Sections 23-60, 24-50 and 33-40 shall apply, except as modified by this Section. All heights shall be measured from the #base plane#.

133-231 - Modification of height and setback controls

LAST AMENDED
5/8/2013

#Buildings or other structures# may exceed the underlying height and setback regulations for a percentage of the length of each #street line# of the #Loop Road#, as follows:

(a) #North Loop Road# - 65 percent

(b) #East Loop Road# - 35 percent

(c) #West Loop Road# - 35 percent

(d) #South Loop Road# - 65 percent.

Furthermore, the #street line# length percentages set forth in paragraphs (a) through (d) of this Section may be exceeded by one percentage point for every two percentage points that the #lot coverage# within 50 feet of a #street line# is less than the following percentage:

(1) #North Loop Road# - 50 percent

(2) #East Loop Road# - 30 percent

(3) #South Loop Road# - 50 percent

(4) #West Loop Road# - 30 percent.

All portions of #buildings or other structures# that exceed the underlying height and setback regulations in accordance with this

Section shall comply with the height regulations of Section 133-232.

133-232 - Height regulations

LAST AMENDED
5/8/2013

For the portion of any #building or other structure# exceeding the height and setback regulations set forth in Section 133-231, the maximum height of such portion located within 500 feet of the #North Loop Road# shall be 320 feet, exclusive of permitted obstructions allowed by the underlying height and setback regulations, and the maximum height for any such portion on the remainder of the #development parcel# shall be 280 feet, exclusive of such permitted obstructions.

133-233 - Maximum area of stories above a height of 180 feet

LAST AMENDED
5/8/2013

The gross area of any #story# located entirely above a height of 180 feet shall not exceed 15,000 square feet. Where a single #building# has two or more portions located above 180 feet that are entirely separate from one another above such height, each such portion shall not exceed a gross area of 15,000 square feet for any #story# located in whole or part above 180 feet.

133-234 - Permitted obstructions

LAST AMENDED
5/8/2013

Sections 23-62, 24-51 and 33-42 (Permitted Obstructions) shall be modified to allow #accessory# energy generating systems on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

133-24 - Distance Between Buildings

LAST AMENDED
5/8/2013

The requirements of Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-82 (Building Walls Regulated by Minimum Spacing Requirements) shall not apply, provided that if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings#, or such detached portions of #buildings#, shall at no point be less than eight feet apart at or below a height of 180 feet, and shall at no point be less than 60 feet apart above a height of 180 feet.

133-25 - Modification of Bulk Regulations

LAST AMENDED
5/8/2013

Within the #Special Southern Roosevelt Island District#, the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

(a) such modifications are necessary to achieve the programmatic requirements of the academic and research and

development campus;

(b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Southern Roosevelt Island District# and the surrounding neighborhood;

(c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and

(d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Southern Roosevelt Island District# to the detriment of the occupants or users of #buildings# in the Special District or on nearby #blocks#.

133-30 - PUBLIC ACCESS AREAS

LAST AMENDED
5/8/2013

At least 20 percent of the #lot area# of the #development parcel# shall be publicly accessible and shall include, but need not be limited to, a Central Open Area, a North-South Connection, and a Waterfront Connection Corridor, for which the size and location requirements are set forth in Section 133-31. Any supplemental public access areas provided in order to meet the minimum public access #lot area# requirements of this Section shall comply with the requirements of paragraph (d) of Section 133-31. Design and operational standards for such public access areas are set forth in Section 133-32.

133-31 - Size and Location of Public Access Areas

LAST AMENDED
5/8/2013

(a) Central Open Area

A Central Open Area shall front upon the #West Loop Road# for a minimum linear distance of 150 feet and be located at least 300 feet south of the #North Loop Road#, and at least 300 feet north of the #South Loop Road#. The Central Open Area shall be at least 30,000 square feet in area, with no portion having a dimension less than 20 feet in all directions counting toward such minimum area.

(b) North-South Connection

A continuous pedestrian connection shall be provided through the #development parcel# from the #North Loop Road#, or from the #West Loop Road# or #East Loop Road# within 200 feet of the #North Loop Road#, to the #South Loop Road#, or to the #West Loop Road# or #East Loop Road# within 200 feet of the #South Loop Road#. Such North-South Connection shall have a minimum width of 50 feet throughout its required length. The North-South Connection shall include at least one segment with a minimum length of 300 feet located more than 100 feet from both the #West Loop Road# and #East Loop Road#.

The North-South Connection shall connect to the Central Open Area either directly, or through a supplemental public access area having a minimum width of 30 feet. In the event that the North-South Connection traverses the Central Open Area, the area within the North-South Connection, as determined by its length and minimum required width, shall not be included in the 30,000 square foot minimum area of the Central Open Area.

There shall be at least one publicly accessible connection from the #East Loop Road# and from the #West Loop Road# to the North-South Connection. Such connections shall have a minimum width of 30 feet, and shall be located a

minimum of 300 feet south of the #North Loop Road# and a minimum of 300 feet north of the #South Loop Road#. In addition, such connections may be coterminous with the Waterfront Connection Corridor required by paragraph (c) of this Section.

(c) Waterfront Connection Corridor

A Waterfront Connection Corridor shall be provided through the #development parcel# allowing for pedestrian access between the western boundary of the #East Loop Road# and either the eastern boundary of the #West Loop Road# or the eastern boundary of the Central Open Area. Such corridor shall be located in its entirety in the area located 300 feet south of the #North Loop Road# and 300 feet north of the #South Loop Road#. The Waterfront Connection Corridor shall have a minimum width of 30 feet.

(d) Supplemental Public Access

Supplemental public access areas may be located anywhere within the #development parcel#, provided such areas have a minimum dimension of 20 feet in all directions and connect directly to one or more of the #Loop Roads#, the North-South Connection, the Central Open Space and the Waterfront Connection Corridor.

133-32 - Design Requirements for Public Access Areas

LAST AMENDED
5/8/2013

(a) Level of public access areas and limits on coverage

At least 80 percent of publicly accessible areas shall be located at grade level, or within five feet of grade level, as such grade level may change over the #development parcel#, and shall be open to the sky. The remainder of such publicly accessible areas may be enclosed, covered by a structure, or located more than five feet above or below grade level, provided that such publicly accessible areas are directly accessible from public access areas that are at grade level or within five feet of grade level, and in all cases have a minimum clear height of 15 feet.

At least 50 percent of the linear #street# frontage for the Central Open Area required under Section 133-31, paragraph (a), shall be located at the same elevation as the adjoining sidewalk of the #West Loop Road#. At least 80 percent of the area of the Central Open Area shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 30 feet shall be provided in any area of the Central Open Area covered by a #building or other structure#.

The northern and southern access points to the North-South Connection shall be located at the same elevation as the adjoining public sidewalk. The elevation of the North-South Connection may vary over the remainder of its length. At least 70 percent of the area of the North-South Connection shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 15 feet shall be provided in any area of the North-South Connection covered by a #building or other structure#.

Any portion of the Waterfront Connection Corridor that is covered by a #building# or located within a #building# shall have a minimum clear height of 30 feet, provided that overhead walkways, structures and lighting occupying in the aggregate no more than 10 percent of the area of the Waterfront Connection Corridor, as determined by the minimum required width, shall be permitted within the required clear height.

(b) Clear paths

The North-South Connection and the Waterfront Connection Corridor shall each have a clear path of 12 feet throughout their entire required lengths, including those connections required between the North-South Connection and the #East# and #West Loop Roads#. All such clear paths shall be accessible to persons with disabilities.

(c) Permitted obstructions

Permitted obstructions allowed under paragraph (a) of Section 62-611 may be located within any required public access area, provided that no such permitted obstructions shall be located within a required clear path. Furthermore, kiosks may be up to 500 square feet in area, and open air cafes may occupy not more than five percent of any required public access area.

(d) Seating

A minimum of one linear foot of seating shall be provided for each 200 square feet of required public access areas. Required seating types may be moveable seating, fixed individual seats, fixed benches with or without backs, and design-feature seating such as seat walls, planter edges or steps. All required seating shall comply with the following standards:

(1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(2) Seating shall have a height not less than 16 inches or greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (d)(5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.

(3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.

(4) Moveable seating shall be credited as 24 inches of linear seating per chair. All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the public access area is open to the public.

(5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of all required seating. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of a public access area.

Seating shall be provided in the Central Open Area in an amount equal to a minimum of one linear foot for every 100 square feet of the Central Open Area. Such seating shall include at least one moveable chair for every 500 square feet of the Central Open Area, and at least one other seating type. One table shall be provided for every four moveable chairs. At least 15 percent of the required seating shall be located within 20 feet of any #Loop Road#, and at least 10 percent of such required seating shall be located within 20 feet of the North-South Connection or any supplemental public access area that connects the Central Open Area to the North-South Connection.

Seating shall be provided in the North-South Connection in an amount equal to at least one linear foot for every 150 square feet of the North-South Connection. At least 20 linear feet of such seating shall be located within 20 feet of its northern entrance and an additional 20 linear feet of such seating shall be located within 20 feet of its southern entrance. There shall be at least two types of seating in the North-South Connection.

Seating for open air cafes may be used by members of the public regardless of whether such persons are patrons of a cafe when not being used for service.

(e) Planting

At least 20 percent of the required public access areas on the #development parcel# shall be comprised of planted areas, including planting beds and lawns.

At least 30 percent of the Central Open Area shall be planted with lawns, planting beds or a combination thereof.

(f) Hours

All required public access areas shall be open daily from 6:00 a.m. to 10:00 p.m. Signs stating that the North-South Connection is publicly accessible shall be posted at its northern and southern entrances. Signs indicating that the Central Open Space is publicly accessible shall be posted at its entrance from the #West Loop Road# and the North-South Connection.

133-40 - BUILDING PERMITS

LAST AMENDED
5/8/2013

The Department of Buildings shall not approve any application for a building permit for a #development# or #enlargement# unless such application shows the location of the Central Open Area, the North-South Connection and the Waterfront Connection Corridor, and any supplemental public access areas, for the purpose of demonstrating that the required amount of public access area, as set forth in Sections 133-30 and 133-31, is able to be accommodated on the #development parcel#.

133-50 - PHASING

LAST AMENDED
5/8/2013

The public access areas required pursuant to Section 133-30, inclusive, may be built out in phases on the #development parcel# in accordance with this Section.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 300,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 25,000 square feet of public access area is substantially complete and open to the public.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 500,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 40,000 square feet of public access area is substantially complete and open to the public. The Central Open Area shall be part of the public access area required to be substantially completed and open to the public under this paragraph.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for each additional 200,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that an additional 12,000 square feet of public access area is substantially completed and open to the public. A portion of the North-South Connection connecting at least one of the #Loop

Roads# and the Central Open Area shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 750,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel#. The Waterfront Connection shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 900,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel#.

Except as set forth above, the open space provided pursuant to this Section may include interim open space areas, provided that no temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 1,700,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that all of the Central Open Area, the North-South Connection and the Waterfront Connection are substantially complete and open to the public.

Not more than 20 percent of the #lot area# of the #development parcel# shall be required to be improved as public access areas, and the obligation to provide public access areas, in accordance with paragraphs (a), (b), (c) and (d) of this Section, shall terminate at such time as 20 percent of the #lot area# of the #development parcel# has been improved as public access areas and has been opened to the public.

133-60 - MODIFICATION OF PUBLIC ACCESS AREAS

LAST AMENDED
5/8/2013

Any public access area may be modified, eliminated or reconfigured over time, provided that such modification, elimination or reconfiguration does not reduce the amount of public access area required under Section 133-60 (PHASING) for the amount of #floor area# located on the #development parcel# at the time of such activity. Any modified or reconfigured public access area shall comply with the applicable provisions of Section 133-30, inclusive.

133-70 - NO-BUILD VOLUME

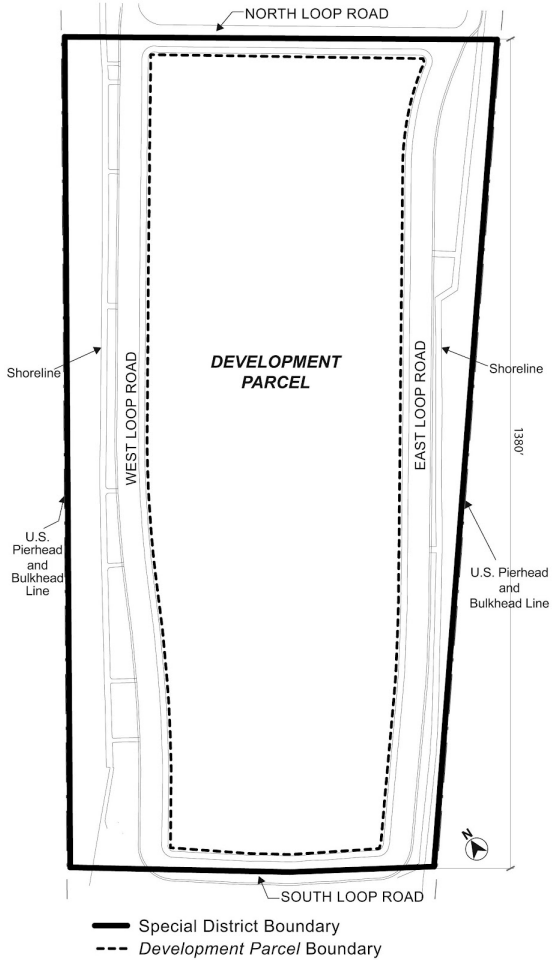
LAST AMENDED
5/8/2013

A volume shall be established on the #development parcel# between a line that is 300 feet south of the #North Loop Road# and a line that is 300 feet north of the #South Loop Road#. Such volume shall extend from the #East Loop Road# to the #West Loop Road# along a line that is within 30 degrees of the line connecting true east and true west. The minimum width of such volume shall be 50 feet, with its lowest level 60 feet above the #base plane#. Such volume shall be open to the sky. No obstructions of any kind shall be permitted within such volume.

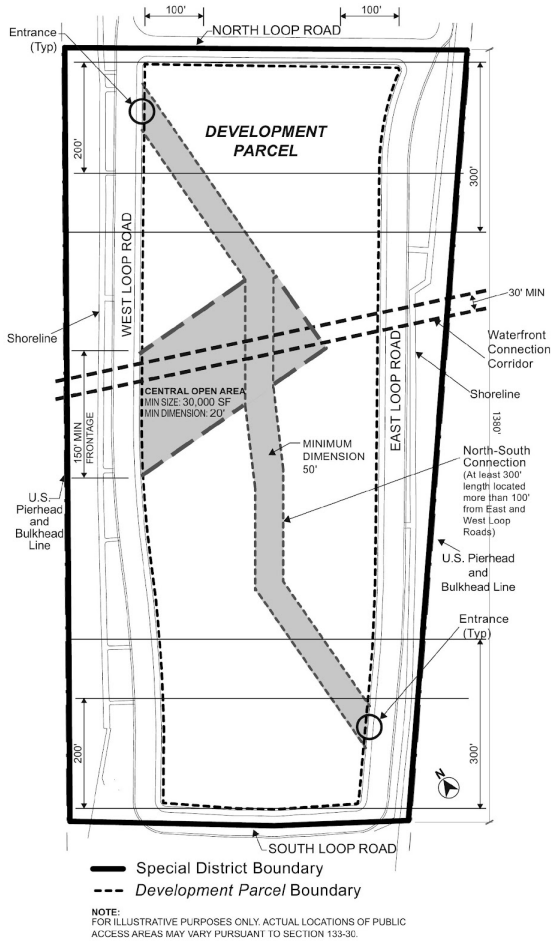
APPENDIX A - Special Southern Roosevelt Island District Plan

LAST AMENDED
5/8/2013

Map 1 – Special Southern Roosevelt Island District, Development Parcel and Loop Road


NORTH LOOP ROAD
Shoreline
WEST LOOP ROAD
DEVELOPMENT PARCEL
EAST LOOP ROAD
Shoreline
1380'
U.S. Pierhead and Bulkhead Line
U.S. Pierhead and Bulkhead Line
N
SOUTH LOOP ROAD
Special District Boundary
Development Parcel Boundary

Map 2 – Public Access Areas



NOTE:
FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL LOCATIONS OF PUBLIC ACCESS AREAS MAY VARY PURSUANT TO SECTION 133-30.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Governors Island District (GI)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 4 - Special Governors Island District (GI)

134-00 - GENERAL PURPOSES

LAST AMENDED
5/27/2021

The "Special Governors Island District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

(a) to promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;

(b) to encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;

(c) to promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;

(d) to preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural and commercial uses;

(e) to facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource;

(f) to provide additional opportunities for new development in defined areas of the southern part of the Island with connections to and an appropriate relationship with publicly accessible open spaces and the Governors Island Historic District;

(g) to provide flexibility of architectural design within limits established to preserve views and activate buildings along publicly accessible open spaces;

(h) to create a network of publicly accessible open spaces that provides pedestrian connections and view corridors and provides a community amenity that takes advantage of the unique geography of the Island; and

(i) to promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

134-01 - General Provisions

LAST AMENDED
5/27/2021

The provisions of this Chapter shall apply within the #Special Governors Island District#. Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and the other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

134-02 - District Plan and Maps

LAST AMENDED
5/27/2021

The regulations of this Chapter are designed to implement the #Special Governors Island District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Governors Island District, Subdistricts and Subareas

Map 2. Building Parcels, Primary Connection Locations and Esplanade

Map 3. Secondary Connection Locations

Map 4. Maximum Base Heights and Setbacks

The maps are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

134-03 - Subdistricts and Subareas

LAST AMENDED
5/27/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).

In order to carry out the provisions of this Chapter, two subdistricts are established, as follows:

Northern Subdistrict

Southern Subdistrict

In each of these Subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Governors Island District#. Within the Southern Subdistrict, three subareas are established, as follows:

Eastern Subarea

Containing #building parcels# E-1 through E-4

Western Subarea

Containing #building parcel# W-1

Open Space Subarea

The location and boundaries of the subdistricts, subareas, and #building parcels# are shown on Maps 1 and 2 in the Appendix to this Chapter.

134-04 - Definitions

LAST AMENDED

5/27/2021

Definitions specifically applicable to this Chapter are set forth in this Section. The definition of other defined terms is set forth in Section 12-10 (Definitions).

Building parcel

A “building parcel” is a portion of the #zoning lot# located within the Eastern Subarea or Western Subarea that is bounded on each side by #primary connections#, subarea boundaries or #Yankee Pier Plaza#. For the purposes of applying the regulations of this Resolution, other than #floor area ratio#, the boundary of any #building parcel# shall be considered a #street line# and a wall or portion of a wall of a #building# facing such #street line# shall be considered a #street wall#.

Esplanade

The “esplanade” is that portion of the Open Space Subarea along the #shoreline# identified on Map 2 in the Appendix to this Chapter, that includes the public way existing as of May 27, 2021.

Primary connection

A “primary connection” is a public way within one of the primary connection locations shown on Map 2 in the Appendix to this Chapter, that complies with the requirements of Section 134-41 (Primary Connections).

Secondary connection

A “secondary connection” is a public way within one of the secondary connection locations shown on Map 3 in the Appendix to this Chapter, that complies with the requirements of Section 134-42 (Secondary Connections).

Yankee Pier Plaza

The “Yankee Pier Plaza” is the portion of the Eastern Subarea designated to contain a publicly accessible open space, as shown on Map 2, that complies with the requirements of Section 134-43 (Yankee Pier Plaza).

134-05 - Applicability of Article VI, Chapter 2

LAST AMENDED
5/27/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply within the #Special Governors Island District#.

134-06 - Applicability of Article VII, Chapter 6

LAST AMENDED

5/27/2021

The provisions of Section 76-145 (Boundary Line Coinciding With Parks, Cemeteries or Navigable Waters) shall be modified such that where the zoning district boundaries shown on the applicable zoning map coincide with the #shoreline#, such zoning district boundaries shall be deemed to extend beyond the #shoreline# to also include any piers contained within the #Special Governors Island District#.

134-10 - SPECIAL USE REGULATIONS

LAST AMENDED
5/27/2021

The #use# regulations of the underlying districts are hereby superseded, modified or supplemented as set forth in this Section, inclusive

134-11 - Permitted Uses

LAST AMENDED
5/27/2021

134-111 - Permitted uses in subdistricts

LAST AMENDED
5/27/2021

In the Northern Subdistrict and the Southern Subdistrict, the following #uses# shall be permitted, except as otherwise specified in Section 134-112 (Permitted uses in the Open Space Subarea). In addition, in the Northern Subdistrict, the provisions of Section 134-14 (Certification for Large Commercial Establishments) shall apply to any #commercial# #use# exceeding 7,500 square feet of #floor area#.

From Use Groups 1 through 4, as set forth in Sections 22-11 through 22-14:

All #uses#.

From Use Group 5, as set forth in Section 32-14:

All #uses#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

From Use Group 6, as set forth in Section 32-15:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Group 7, as set forth in Section 32-16:

All #uses# in Use Group 7A, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

From Use Group 7B: bicycle rental or repair shops, sailmaking establishments, and sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

From Use Group 8A, as set forth in Section 32-17:

All #uses#.

From Use Group 9A, as set forth in Section 32-18:

All #uses#, except automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostatting establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs, or umbrella repair shops.

From Use Group 10A, as set forth in Section 32-19:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load; eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels; photographic or motion picture production studios; and radio or television studios.

Additionally, in the Southern Subdistrict only, carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment; and furniture stores, with no limitation on #floor area# per establishment.

From Use Group 11A, as set forth in Section 32-20:

In the Northern Subdistrict: all #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments; or orthopedic or medical appliances custom manufacturing.

In the Southern Subdistrict: all #uses#.

From Use Group 12, as set forth in Section 32-21:

In the Northern Subdistrict, from Use Group 12A: all #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or of any capacity with dancing; stadiums or trade expositions.

In the Southern Subdistrict, from Use Group 12A: all #uses#, except stadiums

In the Northern and Southern Subdistricts, from Use Groups 12B and 12C: all #uses#.

From Use Groups 13 and 14, as set forth in Sections 32-22 and 32-23:

All #uses#.

From Use Group 15, as set forth in Section 32-24:

Merry-go-rounds.

From Use Group 16, as set forth in Section 32-25:

In the Southern Subdistrict, from Use Group 16A: carpentry, custom woodworking or custom furniture making shops.

In the Southern Subdistrict, from Use Group 16C: warehouses.

From Use Group 17, as set forth in Section 42-14:

In the Southern Subdistrict, from Use Group 17B: research, experimental or testing laboratories; furniture manufacture; manufacture of pharmaceutical products, chemical compounding or packaging; manufacture of non-alcoholic beverages; food product manufacture (except slaughtering of meat or preparation of fish for packing); building and repair of boats of less than 200 feet in length.

In the Southern Subdistrict, from Use Group 17C: electric utility substations, enclosed, with no limitation as to size; and docks for vessels, other than passenger ocean vessels or gambling vessels.

From Use Group 18, as set forth in Section 42-15:

In the Southern Subdistrict, from Use Group 18A: the manufacture of alcoholic beverages and breweries, without limitation on size; sewage disposal plants.

In the Southern Subdistrict, from Use Group 18B: marine transfer stations.

Transit facilities, open or enclosed.

#Accessory uses#, open or enclosed.

134-112 - Permitted uses in the Open Space Subarea

LAST AMENDED
5/27/2021

In the Open Space Subarea of the Southern Subdistrict, the following #uses# shall be permitted.

(a) In locations of the Open Space Subarea other than piers, #uses# shall be limited to:

From Use Group 4, as set forth in Section 22-14:

#Public parks# or playgrounds or private parks.

From Use Group 6A, as set forth in Section 32-15:

Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or fewer.

From Use Group 13, as set forth in Section 32-22:

All open #uses# in Use Group 13A.

Transit facilities, open or enclosed.

#Accessory# #uses#, open or enclosed.

#Uses# otherwise permitted in the Southern Subdistrict pursuant to Section 134-111 (Permitted uses in subdistricts) may be located in #cellars# within the Open Space Subarea.

(b) On any pier in the Open Space Subarea, #uses# shall be limited to the following:

From Use Group 4, as set forth in Section 22-14:

Clubs, limited to non-profit private beach clubs and non-profit private boat clubs.

From Use Group 6, as set forth in Section 32-15:

Docks for water taxis, with a vessel capacity of up to 99 passengers.

From Use Group 7, as set forth in Section 32-16:

#Boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

From Use Group 9, as set forth in Section 32-18:

Docks for sightseeing, excursion or sport fishing vessels, other than gambling vessels.

From Use Group 10, as set forth in Section 32-19:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load.

From Use Group 14, as set forth in Section 32-23:

Boat launching facilities for non-commercial pleasure boats; boat rental establishments, open or enclosed; boat storage, repair, or painting establishments.

From Use Group 16, as set forth in Section 32-25:

Warehouses.

From Use Group 18, as set forth in Section 42-15:

Sewage disposal plants; marine transfer stations.

#Accessory# #uses#, open or enclosed.

134-12 - Applicability of Performance Standards

LAST AMENDED
5/27/2021

In all districts, any #use# listed in Use Group 16, 17, or 18 shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28, inclusive, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to the manufacture of alcoholic beverages and breweries.

134-14 - Certification for Large Commercial Establishments

LAST AMENDED
5/27/2021

In the Northern Subdistrict, any #commercial# #use# larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

In the Northern Subdistrict, no building permit shall be issued with respect to a #commercial# #use# larger than 7,500 square feet of #floor area# unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial# #uses# permitted pursuant to Section 134-15 (Authorization for Certain Commercial Uses).

134-15 - Authorization for Certain Commercial Uses

LAST AMENDED
5/27/2021

The City Planning Commission may authorize any #commercial# #use# not allowed pursuant to Section 134-11, inclusive, to locate within the Northern Subdistrict, Eastern Subarea or the Western Subarea of the #Special Governors Island District#, provided that such #commercial# #use#:

(a) will promote the goals of the #Special Governors Island District#;

(b) will complement existing #uses# within the special district; and

(c) is compatible with the nature, scale and character of other #uses# within its subdistrict.

Any application to authorize a #commercial# #use# in the Eastern Subarea or Western Subarea pursuant to this Section shall be referred to the local community board. The City Planning Commission shall not grant such authorization prior to forty-five (45) days after the referral.

134-16 - Special Supplemental Use Regulations

LAST AMENDED
5/27/2021

In the Southern Subdistrict, special supplemental #use# regulations shall apply to all #buildings# as set forth in this Section, inclusive.

134-161 - Location of uses

LAST AMENDED
5/27/2021

(a) Buildings containing #commercial# and #residential uses#

In any #mixed building#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply, except that #dwelling units# shall be permitted on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#.

However, #commercial# #uses# may be located on a higher #story# than any #dwelling units#, including over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#. Any application to authorize such a modification shall be referred to the local community board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

(b) Buildings containing certain #commercial# or industrial #uses#

No #dwelling units# shall be permitted within any #building# which also contains a #use# listed in Use Groups 16, 17, or 18.

(c) Limitation on access to #dwelling units#

In any #building# containing #residential uses#, no direct access shall be provided from the exterior of the #building# to an individual #dwelling unit#. However, access to #dwelling units# shall be permitted through shared entrances, lobbies or #courts#.

134-162 - Enclosure of uses

LAST AMENDED
5/27/2021

In the #Special Governors Island District#, the underlying supplemental #use# regulations of Section 32-412 (In other Commercial Districts) shall be modified to also apply to any permitted #manufacturing uses#.

134-17 - Special Signage Regulations

LAST AMENDED
5/27/2021

In the #Special Governors Island District#, the #sign# regulations shall apply as follows:

(a) In the Northern Subdistrict, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

(b) In the Southern Subdistrict, the #sign# regulations of a C4 District shall apply, except that no #flashing signs# shall be permitted.

(c) No #signs# shall be permitted on any pier within the Southern Subdistrict. However, such restriction shall not apply to informational or wayfinding signs not exceeding 25 square feet each, or to signage identifying “Governors Island” or a pier from the waterway.

134-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/27/2021

In the Northern Subdistrict, the underlying #bulk# regulations shall apply, as superseded, modified, or supplemented by this Section, inclusive. The #bulk# regulations of a C1 District mapped within an R3-2 District shall apply to all #commercial# #uses#.

In the Southern Subdistrict, the underlying #bulk# regulations shall not apply. In lieu thereof, the provisions of this Section, inclusive, shall apply. All heights within the Southern Subdistrict shall be measured from the #base plane#, except as otherwise provided for by the provisions of Article VI, Chapter 4 (Regulations Applying in Special Flood Hazard Areas).

For the purposes of applying the regulations of this Section, inclusive, to the #esplanade#, the open area required by paragraph (d) of Section 134-44 shall be considered part of the # esplanade#.

134-21 - Floor Area Regulations

LAST AMENDED
5/27/2021

134-211 - Floor Area Regulations in the Northern Subdistrict

LAST AMENDED
5/27/2021

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Northern Subdistrict shall be considered a single #zoning lot#.

Within the Northern Subdistrict, the underlying #floor area ratios# shall apply to all permitted #uses#.

134-212 - Floor Area Regulations in the Southern Subdistrict

LAST AMENDED
5/27/2021

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Eastern and Western Subarea of the Southern Subdistrict shall, in combination, be considered a single #zoning lot#. No #floor area# may be generated from the Open Space Subarea.

Within the Southern Subdistrict, the maximum #floor area ratios# permitted for #residential# and non-#residential uses# on a #zoning lot#, along with the total #floor area ratio# permitted on a #zoning lot#, shall be as set forth in the following table:

MAXIMUM FLOOR AREA RATIO IN SOUTHERN SUBDISTRICT

Use Group 3 & 4 (exclusive of ambulatory diagnostic or treatment health care facilities)	2.63
All other #uses#	2.0
#residential uses#	0.5
Use Group 5	0.313
total maximum FAR	2.63

In addition, the following provisions shall apply:

(a) the aggregate #lot area# of the Eastern and Western Subareas, shall be considered to be 1,436,930 square feet. #Floor area# shall be permitted to be located anywhere within such subareas without regard to the #lot area# of a subarea or the separation of the subareas by the Open Space Subarea;

(b) no #floor area# shall be generated within the Open Space Subarea, but the #floor area# contained in any #buildings or other structures# permitted as obstructions within the Open Space Subarea pursuant to paragraph (b)(5) of Section 134-24 (Height and Setback Regulations) shall be included in the calculation of aggregate #floor area# for the purposes of paragraph (c) of this Section; and

(c) in no event shall the aggregate #floor area# in the Southern Subdistrict exceed 3,775,000 square feet.

134-22 - Lot Coverage

LAST AMENDED
5/27/2021

For the purposes of determining the permitted #lot coverage# pursuant to this Section, each #building parcel# shall be considered a separate #zoning lot#. Within the Eastern and Western Subareas, the maximum #lot coverage# shall be as set forth in the following table:

MAXIMUM LOT COVERAGE

height above #base plane# (in feet)	#lot coverage# (in percent)
Below 60	80
60 to 125	50
above 125	30

In the Open Space Subarea, no #lot coverage# regulations shall apply.

134-23 - Yard Regulations

LAST AMENDED
5/27/2021

Within the Southern Subdistrict, no #yard# regulations shall apply.

134-24 - Height and Setback Regulations

LAST AMENDED
5/27/2021

(a) Northern Subdistrict

The underlying district height and setback regulations of Article II (Residence District Regulations) are applicable or modified as follows:

(1) For #buildings# containing #residences#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for in #buildings# in which 75 percent or more of the #floor area# is #community facility# #floor area#.

(2) For #buildings# in which 75 percent or more of the #floor area# is #community facility# #floor area#, the underlying height and setback regulations shall not apply. In lieu thereof, any portion of a #building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet.

(3) For #buildings# containing #commercial# #uses#, the underlying height and setback regulations for #commercial# #uses# are modified as follows: no #building# containing #commercial# #uses# shall exceed a height of 30 feet, except for #buildings# subject to paragraphs (a)(1) or (a)(2) of this Section.

(4) All structures other than #buildings# shall be limited to a height of 35 feet.

(b) Southern Subdistrict

Within the Southern Subdistrict, the following height and setback regulations shall apply.

Where heights are measured from the #base plane#, the #base plane# shall be established at 12.348 feet above Manhattan Datum.

(1) #Street wall# location

On #building parcel# E-2, where any portion of a #building# is located within 60 feet of #Yankee Pier Plaza#:

(i) at least 65 percent of the #street wall# facing #Yankee Pier Plaza# shall be located within 15 feet of the #street line# adjoining #Yankee Pier Plaza#, and shall rise to a minimum base height of 30 feet; and

(ii) where any portion of such #building# exceeds 125 feet in height, at least 50 percent of the #street wall# facing the #esplanade# shall rise to a minimum base height of 30 feet and be located within 30 feet of the #esplanade#.

On all other #building parcels# and for the #street lines# on #building parcel# E-2 other than the #street lines# facing #Yankee Pier Plaza# and the #esplanade#, no #street wall# location requirements shall apply.

(2) Maximum base height and required setback

Within 15 feet of the #street line#, or as otherwise specified in Map 4 of the Appendix to this Chapter, the height of a #building# shall not exceed the maximum base heights set forth in Map 4 for the applicable frontage of a #building parcel#.

(3) Maximum #building# height

The maximum height of a #building or other structure# shall not exceed the height set forth in the following table for the applicable #building parcel#:

MAXIMUM HEIGHT

#Building parcel#	Height above #base plane# (in feet)
E-1	125
E-2	225
E-3	175

E-4	125
W-1	200

In addition, the following shall apply:

(i) In the Eastern Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within 150 feet of the boundary of the Northern Subdistrict.

(ii) In the Eastern Subarea, no portion of a #building or other structure# may be located in the open area required by paragraph (d) of Section 134-44 (Other Open Areas).

(iii) In the Western Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within:

(a) 100 feet of the #esplanade#;

(b) 150 feet of the boundary of the Northern Subdistrict; or

(c) 100 feet of the southern end of #building parcel# W-1.

For the purposes of this Section, the southern end of #building parcel# W-1 shall be measured from a line drawn perpendicular to the #esplanade# and intersecting #building parcel# W-1.

(iv) In the Open Space Subarea, no portion of a #building or other structure# shall be permitted above #base plane#, except as provided in paragraph (b)(5) of this Section.

(4) Permitted obstructions in the Eastern Subarea and Western Subarea

In the Eastern Subarea and Western Subarea, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, modified as follows:

(i) the obstructions permitted by paragraph (f) of Section 33-42 may exceed the maximum #building# height by 40 feet with no restriction on area; and

(ii) no such obstructions shall be permitted within the setback required by paragraph (b)(2) of this Section.

(5) Permitted obstructions in the Open Space Subarea

In the Open Space Subarea, permitted obstructions shall include:

(i) #buildings or other structures# containing permitted #uses#, up to a height of not more than 25 feet;

(ii) #buildings or other structures# containing permitted theater #uses#, up to a height of not more than 35 feet; and

(iii) equipment and appurtenances associated with public parks and playgrounds, including, but not limited to, sculptures, works of art and other amenities referenced in Section 37-726 (Permitted obstructions).

The permitted obstructions set forth in paragraphs (b)(5)(i) and (b)(5)(ii) of this Section shall occupy no more than 20 percent of the Open Space Subarea.

134-25 - Maximum Floor Plate Size

LAST AMENDED
5/27/2021

Within the Southern Subdistrict, the maximum area and length of any #story# shall be as specified in this Section, as applicable.

Within the Eastern Subarea, the maximum length of a #building# at any height shall be 400 feet, as measured parallel to the #street line#. For the purposes of the Section, #abutting# #buildings# shall be considered a single #building#. However, #buildings# that only #abut# via an enclosed bridge that is located at least 30 feet above the adjoining grade, and that has a width of not more than 30 feet, length of not more than 60 feet and a height not exceeding 15 feet, shall not be considered a single #building#.

For any #story# fully above a height of 125 feet, the following provisions shall apply. Where a #building# has multiple portions above such height, the maximum size requirements shall apply to each portion separately.

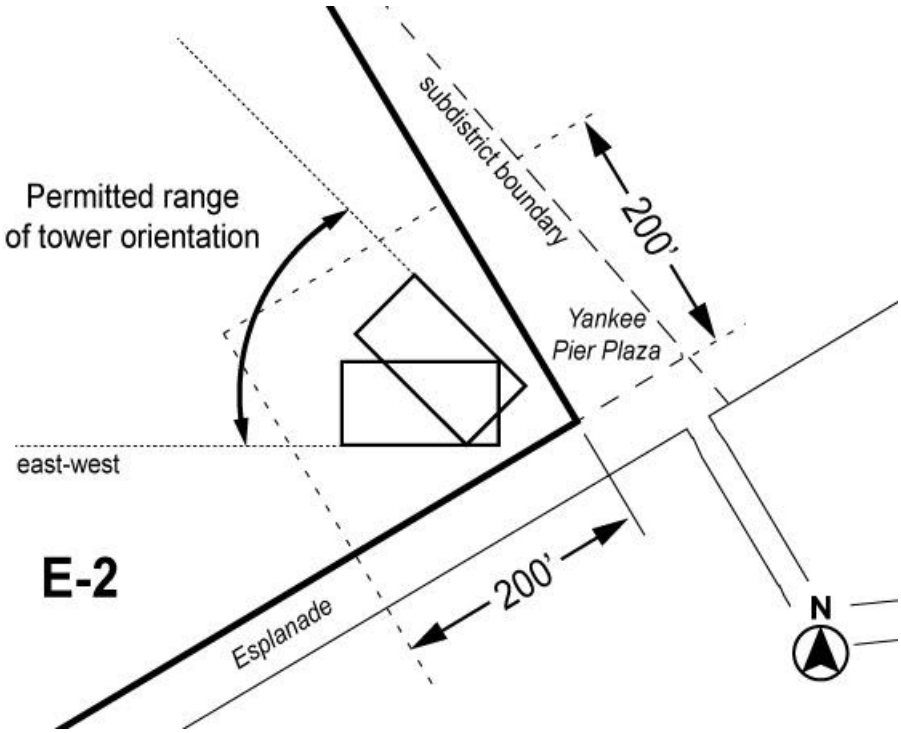
(a) In the Eastern Subarea, no #story# shall be permitted to have a gross area in excess of 30,000 square feet.

(b) In the Western Subarea, no #story# shall be permitted to have a gross area in excess of 27,000 square feet.

134-26 - Orientation and Maximum Widths of Upper Portions of Buildings

LAST AMENDED
5/27/2021

On #building parcel# E-2, within 200 feet of #Yankee Pier Plaza# and 200 feet of the #esplanade#, the longest side of any portion of a #building# located within this area, and above a height of 125 feet, shall be oriented parallel to the boundary of the Northern Subdistrict, true East-West, or anywhere between these two directions.

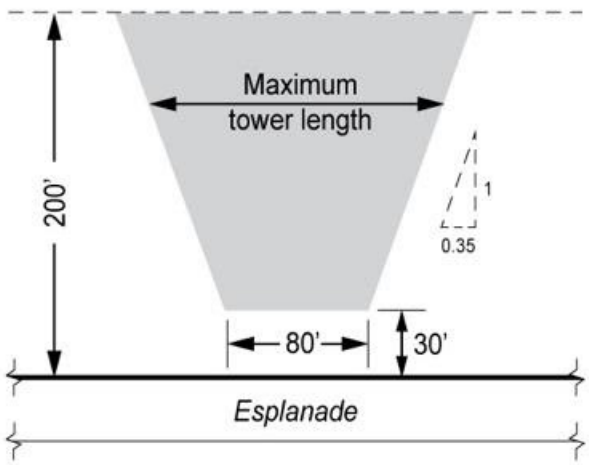


On the portion of #building parcel# E-2 that is beyond 200 feet of #Yankee Pier Plaza#, and on #building parcels# E-3 and E-4, for portions of #buildings# above a height of 125 feet, the provisions of paragraph (a) of this Section shall apply where no

#story# within such portion has a gross area greater than or equal to 20,000 square feet, and the provisions of paragraph (b) shall apply where any #story# within such portion has a gross area greater than 20,000 square feet.

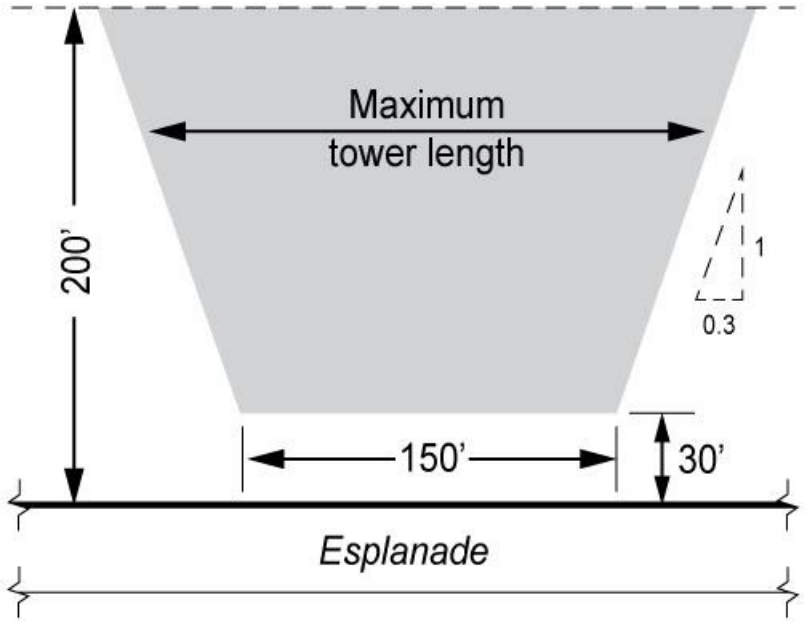
(a) For floor plates less than 20,000 square feet

Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 80 feet along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.35 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



(b) For floor plates equal to or greater than 20,000 square feet

Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 150 feet along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.3 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



134-27 - Minimum Distance Between Buildings

LAST AMENDED
5/27/2021

Within the Southern Subdistrict, the requirements of this Section shall apply to all #buildings#.

(a) No separation shall be required between portions of #buildings# that are less than or equal to a height of 75 feet, except as set forth in paragraph (d) of this Section.

However, in the Eastern Subarea, where the total #street wall# width of all #buildings# along a single #street line# exceeds 400 feet along such #street line#, such #buildings# shall be at least 30 feet apart.

(b) Portions of #buildings# located above a height of 75 feet and below 125 feet shall at no point be located less than 60 feet apart.

(c) Portions of #buildings# located at or above a height of 125 feet shall at no point be located less than 90 feet apart.

(d) The regulations of Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS) shall apply to any portion of a #building# containing #residences# or #community facility uses# containing living accommodations with required windows, except where more stringent requirements apply pursuant to paragraphs (a) through (c) of this Section.

134-28 - Building Articulation

LAST AMENDED
5/27/2021

Within the Southern Subdistrict, any portion of a #building# that is located at or below a height of 75 feet, and has a #street wall# width greater than 200 feet, as measured parallel to the #street line#, shall provide recesses in accordance with the following requirements:

(a) recesses shall be required to extend along at least 25 percent of the #street wall# width that is in excess of 200 feet. No required recess shall have a width of less than 10 feet;

(b) such recesses shall have an average depth of at least 10 feet;

(c) such recesses may be of varying dimensions and heights, provided that the requirements of this Section are met at each level of the #building#.

No articulation shall be required where frontage requirements apply pursuant to paragraph (b)(1) of Section 134-24 (Height and Setback Regulations).

134-29 - Authorization for Bulk Modifications in the Southern Subdistrict

LAST AMENDED
5/27/2021

The City Planning Commission may authorize modification of the provisions of Sections 134-25 through 134-28, provided that the Commission finds that such modification:

(a) will promote the goals of the #Special Governors Island District#; and

(b) will result in a superior urban design relationship with surrounding ways, #buildings# and public open areas or provide

an equivalent or better distribution of #bulk# on the #building parcel#.

Any application pursuant to this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

134-30 - SPECIAL GROUND FLOOR AND STREETSCAPE REQUIREMENTS

LAST AMENDED
5/27/2021

In the Southern Subdistrict, the ground floor and streetscape requirements of this Section, inclusive, shall apply to all #buildings#.

134-31 - Transparency Requirements

LAST AMENDED
5/27/2021

(a) Facing #Yankee Pier Plaza#

On #building parcel# E-2, the ground floor level #street wall# facing #Yankee Pier Plaza# shall comply with the requirements of Section 37-34 (Minimum Transparency Requirements). For the purpose of applying these requirements, such ground floor level #street wall# shall be considered a #primary street frontage#, as that term is defined in Section 37-311 (Definitions).

(b) Enclosed #secondary connections#

For any entrance to a #secondary connection# that is enclosed at the point of entry, 50 percent of the surface area of the #street wall# of such #secondary connection# between a height of two feet and the height of the #secondary connection# at the point of entry shall be glazed with transparent materials.

134-32 - Mechanical Screening Requirements

LAST AMENDED
5/27/2021

Mechanical equipment located on top of #buildings#, and below the maximum base height or maximum #building# height, shall be screened with plantings, solid walls, or fences from the Open Space Subarea, as well as from any connections and open spaces required pursuant to Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive.

134-40 - REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS

LAST AMENDED
5/27/2021

In the Southern Subdistrict, connections and open spaces shall be provided as set forth in this Section, inclusive.

(a) No building permit shall be issued by the Department of Buildings for a #development# or #enlargement# on a #building parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a site plan designating the location of any connection or open area required within or adjacent to such #building parcel# by Sections 134-41 through 134-44, has been approved by the Chairperson.

Notwithstanding the foregoing, the Chairperson shall allow for the phased development of such connections or open area within each #building parcel#, or portion thereof, upon certification to the Commissioner of Buildings that a site plan has been submitted that provides for the location of any connection or open space required by Sections 134-41 through 134-44, in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

(b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the connections and open area, or portions thereof, in the phase that is subject to the application, which shall demonstrate that:

(1) any partial connections and open areas are of sufficient length and width to provide adequate site access for the benefit of residents and workers in the phase to which they relate, as well as for the general public;

(2) the site plan is consistent with, and appropriate in relation to, any previously approved plan for other phases; and

(3) the site plan is consistent with the requirements set forth in this Section, inclusive.

(c) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are substantially complete in accordance with the site plan, and are useable by the public.

(d) No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are fully complete in accordance with the site plan.

134-41 - Primary Connections

LAST AMENDED
5/27/2021

The Eastern Subarea shall be subdivided by #primary connections# within the flexible locations identified on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

#Primary connections# shall comply with the following requirements:

(a) a #primary connection# shall have a minimum width of 60 feet;

(b) a #primary connection# shall be open to the sky for its full length and width, except that awnings or canopies of less than 250 square feet per awning or canopy shall be permitted at #building# entrances. Awnings and canopies, and associated structural supports extending from the #street wall#, shall extend no farther than 15 feet, and shall be located not less than 15 feet above grade and no vertical supports shall be permitted;

(c) an unobstructed path having a width of at least 24 feet shall be provided for the full length of each #primary connection#. Such clear path shall be designed for pedestrian use, and may additionally be designed for, and crossed by, pathways for bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path; and

(d) #primary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public.

134-42 - Secondary Connections

LAST AMENDED

#Secondary connections# shall be provided in the locations identified on Map 3 (Secondary Connection Locations) in the Appendix to this Chapter. #Secondary connections# shall comply with the following requirements:

(a) one #secondary connection# shall be provided within each of the #building parcels# W-1 and E-2;

(b) one #secondary connection# shall be provided within #building parcel# E-3, except that where the #primary connections# abutting #building parcel# E-3 are less than 500 feet apart, the #secondary connection# may instead be provided within #building parcel# E-4;

(c) a #secondary connection# may be open, covered, enclosed, or some combination thereof;

(d) a #secondary connection# shall have a minimum width of 30 feet;

(e) any portion of a #secondary connection# that is enclosed or covered shall have a minimum clear height of 30 feet;

(f) an unobstructed path having a width of at least 12 feet shall be provided for the full length of each #secondary connection#. Such clear path shall permit pedestrian use, and may additionally permit bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path;

(g) open or covered #secondary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public. Enclosed #secondary connections# shall be open to the public at all times that the Open Space Subarea, other than the #esplanade#, is open to the public; and

(h) signage shall be located at each point of entry to a #secondary connection# and shall state that the #secondary connection# is "OPEN TO THE PUBLIC," list its hours of operation, and include a public space symbol exactly matching the symbol provided in the Required Signage Symbols file on the Department of City Planning website.

134-43 - Yankee Pier Plaza

LAST AMENDED
5/27/2021

The Eastern Subarea shall include a public open area, within the location designated as #Yankee Pier Plaza# on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

Such plaza:

(a) shall have a minimum area of 25,000 square feet;

(b) shall provide connections between Yankee Pier, the Northern Subdistrict and portions of the Open Space Subarea north of the Eastern Subarea;

(c) shall be open to the public at all times that the Southern Subdistrict is open to the public;

(d) may have areas designed and designated for vehicular and pedestrian access; and

(e) may include stairs, ramps, planted areas, open or enclosed facilities for ferry passengers, kiosks containing no more than 250 square feet of #floor area#, ticket machines, information booths, temporary structures not exceeding one #story#, bicycle parking, #cellars#, and other amenities not containing #floor area#, as permitted obstructions.

134-44 - Other Open Areas

LAST AMENDED
5/27/2021

(a) Adjacent to #Yankee Pier Plaza#

Open areas between #Yankee Pier Plaza# and any wall of a #building# or open #commercial# #use# that is within 60 feet of #Yankee Pier Plaza# shall be provided as publicly accessible open area and subject to the requirements of paragraphs (c) through (e) of Section 134-43 (Yankee Pier Plaza).

(b) Adjacent to #primary connections#

Open areas between a #primary connection# and any wall of a #building# or open #commercial# #use# that is within 50 feet of such #primary connection# shall be provided as publicly accessible open areas, and shall be open to the public at all times that such adjoining #primary connection# is open to the public. In addition, open areas beyond 50 feet of a #primary connection# may be provided as publicly accessible open areas. All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(c) Adjacent to portions of the Open Space Subarea

Open areas located between a #building# or open #commercial# #uses# and the Open Space Subarea or an open area required by paragraph (d) of this Section, shall be provided as publicly accessible open areas, and shall be open to the public at all times that the adjoining portion of the Open Space Subarea is open to the public.

Where portions of such open areas are located beyond 50 feet of the Open Space Subarea or an open area required by paragraph (d), such portions may be provided as publicly accessible open areas.

All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(d) Adjacent to the eastern #esplanade#

Within the Eastern Subarea, on all #building parcels#, an open area with a depth of 20 feet shall be provided along the entire portion of the #esplanade# which #abuts# the #building parcel#. This open area shall be provided as a publicly accessible widening of the #esplanade#, and shall be open to the public at all times that the Open Space Subarea is open to the public.

134-45 - Fences

LAST AMENDED
5/27/2021

Fences, where provided, shall be considered permitted obstructions within any of the connections or open spaces required by Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive, provided they comply with the requirements of this Section:

(a) no fence shall be permitted within any clear circulation path required by Section 134-40, inclusive;

(b) within any required connection or open space, fences shall only be permitted:

(1) at the perimeter of recreation spaces, such as any playgrounds, tot lots, or dog runs, provided within such connection of open space; and

(2) along the boundary of an adjoining open #commercial# #use# or other private area;

(c) a fence shall have a maximum height of four feet measured from the adjoining grade level, and must be at least 70 percent open; and

(d) chain link fencing or barbed or razor wire fencing shall not be permitted.

The City Planning Commission may authorize modification of provisions of paragraphs (a) and (b) of this Section, upon a finding that such modification is necessary to facilitate site safety and operations, and does not adversely impact access to the required connection or open s[pace during operable hours. Fences which are permitted pursuant to this authorization may rise to a maximum height of five feet measured from the adjoining grade.

Any application to authorize modification of the provisions of paragraphs (a) and (b) of this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

134-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
5/27/2021

The off-street parking and loading regulations of the underlying districts shall not apply, exclusive of bicycle parking, in the #Special Governors Island District#. In lieu thereof, the provisions of this Section 134-50, inclusive, shall apply.

No accessory off-street parking facilities or loading berths shall be required for any #development# or #enlargement# within the #Special Governors Island District#.

#Accessory# off-street parking spaces may be provided for all permitted #uses#. Within the Southern Subdistrict a maximum of 200 such spaces shall be permitted.

#Accessory# off-street loading berths may be provided for all permitted #uses#. All loading berths within the Southern Subdistrict shall either be enclosed or screened from the Open Space Subarea, as well as any connections and open spaces required pursuant to Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive, with planting, solid walls or fences, except that screening may be interrupted by vehicular and pedestrian entrances.

No more than two entrances to enclosed facilities containing off-street parking spaces, loading berths, or a combination thereof shall be permitted on #street walls# facing the Open Space Subarea, per #building parcel#. Such limitation shall not apply to #street walls# facing a #primary connection# or #secondary connection#.

The underlying bicycle parking regulations of Section 25-80, inclusive and Section 36-70 (BICYCLE PARKING), inclusive, shall apply in the #Special Governors Island District#. For any #use# permitted in the Southern Subdistrict where the number of required bicycle parking spaces is not provided in the tables in Sections 25-811 or 36-711 (Enclosed bicycle parking spaces), the required number of bicycle parking spaces for such #use# shall be one per 10,000 square feet of #floor area#.

134-51 - Certification for Additional Access to Accessory Off-Street Parking Spaces and Loading Berths

LAST AMENDED
5/27/2021

In the Southern Subdistrict, if access to #accessory# off-street parking spaces or loading berths is necessary beyond the number of entrances to loading berths permitted pursuant to Section 134-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), an additional entrance may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:

(a) such #accessory# off-street parking spaces or loading berths cannot be practically accessed from existing entrances along the #esplanade#;

(b) the proposed entrance location will not be hazardous to pedestrian safety;

(c) the proposed entrance will be located not less than 50 feet from the intersection of a #primary connection# or #Yankee Pier Plaza#;

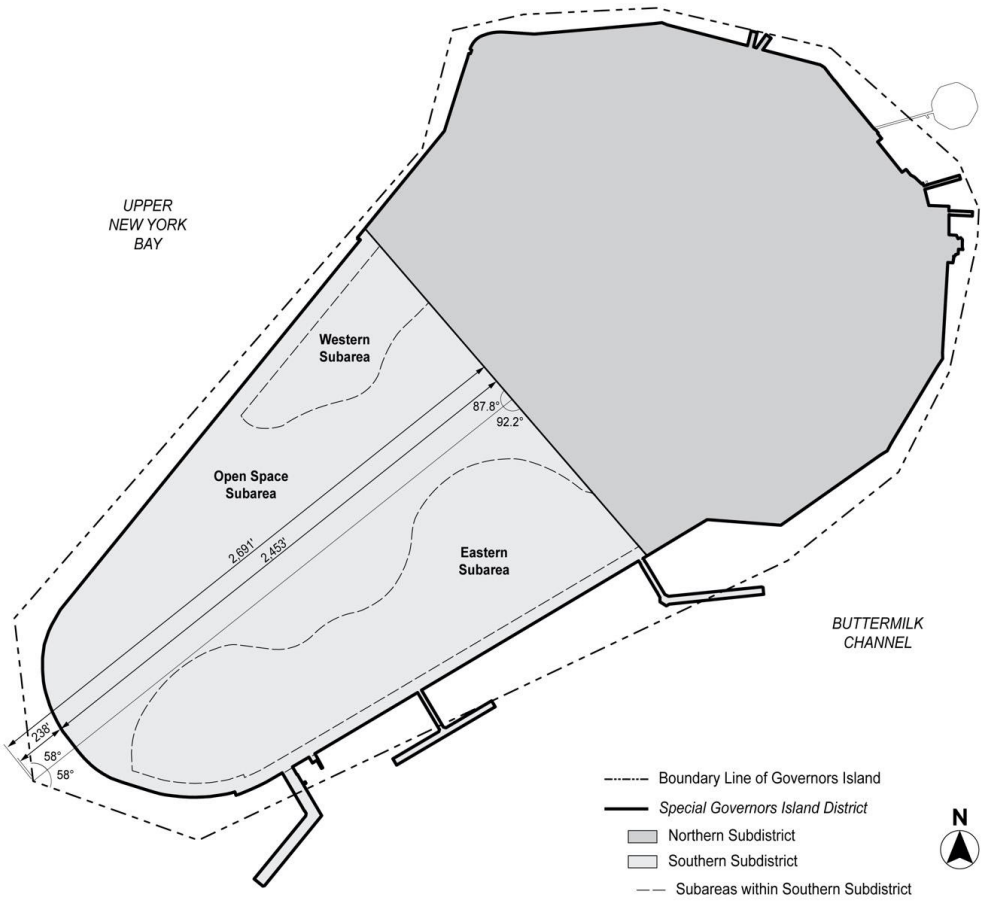
(d) the proposed entrance will be screened, constructed and maintained so as to have a minimal effect on the streetscape; and

(e) the entrance, if allowed, shall be no greater than 20 feet in width.

APPENDIX - Special Governors Island District Plan

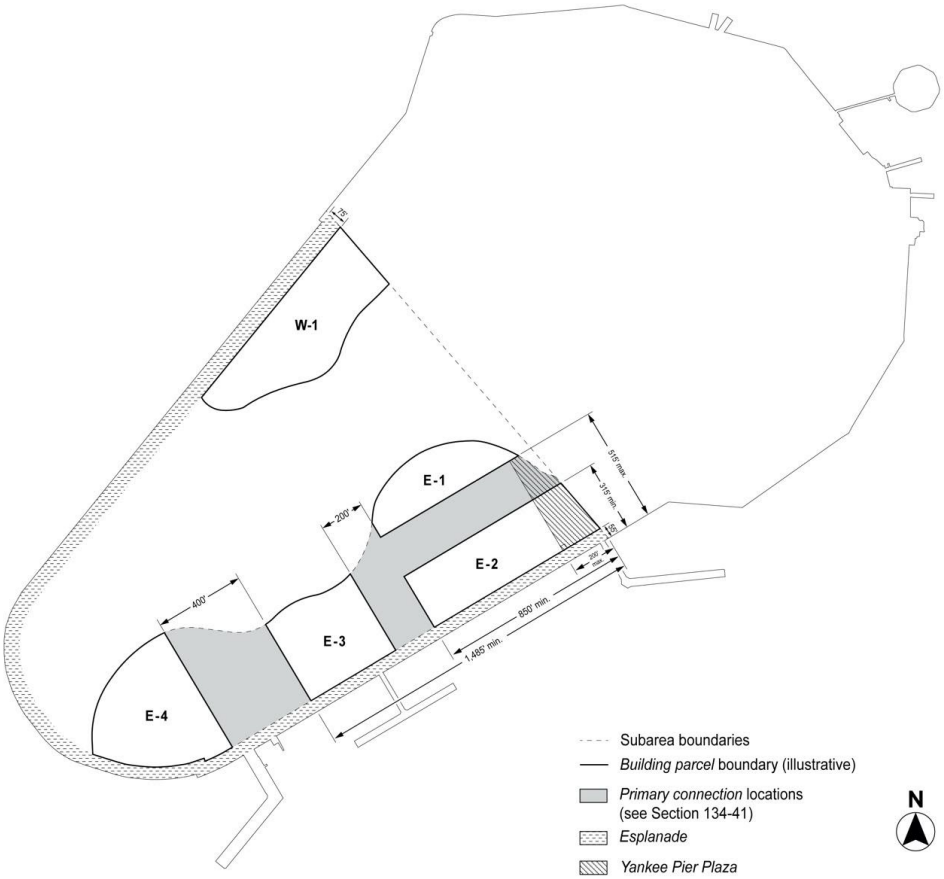
LAST AMENDED5/27/2021

Map 1 - Special Governors Island District, Subdistricts, and Subareas



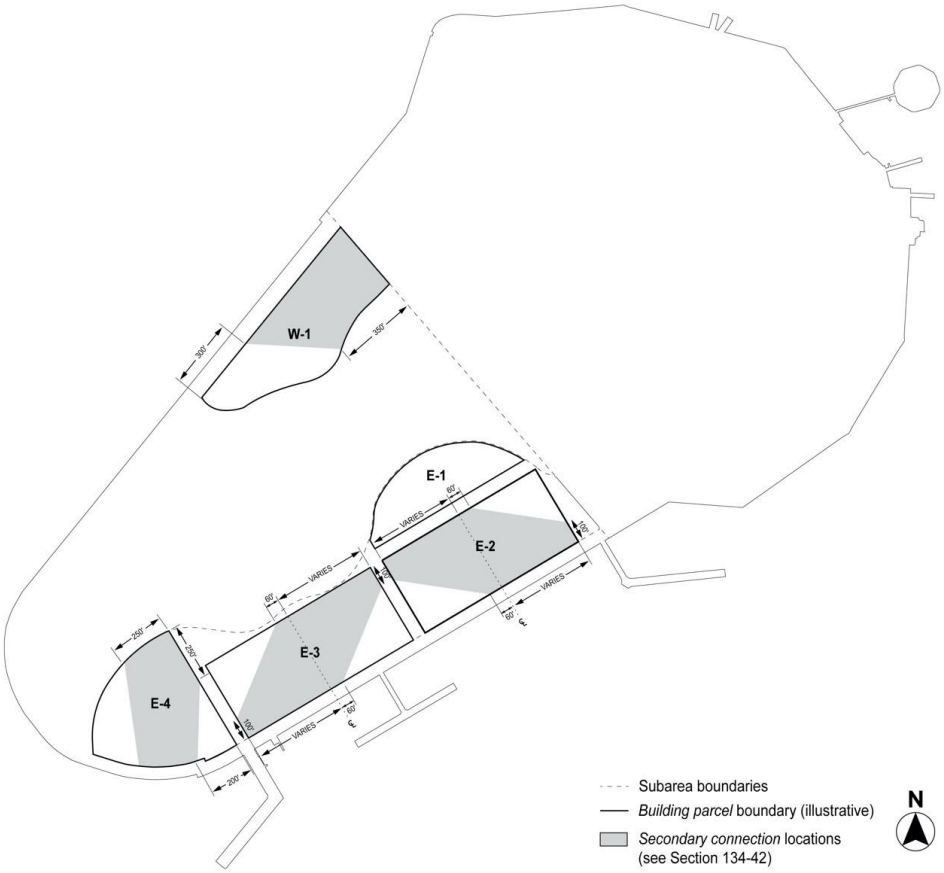
For the purpose of dimensioning the subareas illustrated above, the dimensions shall be as shown on the surveys dated April 17, 2020, available on the Department of City Planning website.

Map 2 - Building Parcels, Primary Connection Locations and Esplanade

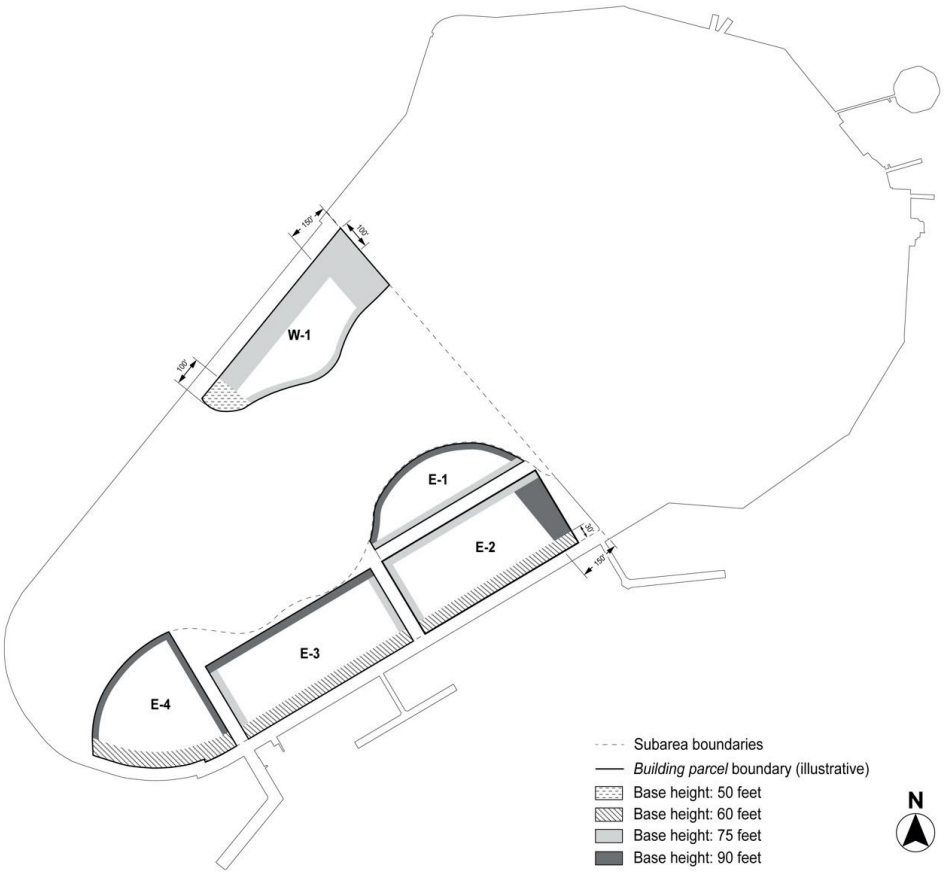


For the purpose of dimensioning the esplanade, the dimensions shall be as shown on the surveys dated April 17, 2020, available on the Department of City Planning website.

Map 3 - Secondary Connection Locations



Map 4 – Maximum Base Heights and Setbacks



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special Bay Street Corridor District (BSC)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 5 - Special Bay Street Corridor District (BSC)

135-00 - GENERAL PURPOSES

LAST AMENDED

The "Special Bay Street Corridor District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage well-designed buildings that complement the built character of the St. George, Stapleton and Tompkinsville neighborhoods;

(b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;

(c) to maintain and reestablish physical and visual public access to the Stapleton neighborhood and to the waterfront;

(d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(e) to provide flexibility to attract new commercial and retail uses and support the existing businesses that define the area;

(f) to create a livable community combining housing, retail and other uses throughout the district;

(g) to create a walkable, urban streetscape environment through a mix of ground floor uses that connect the town centers of St. George and Stapleton;

(h) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

(i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

(j) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

135-01 - General Provisions

LAST AMENDED

The provisions of this Chapter shall apply within the #Special Bay Street Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

135-02 - District Plan and Maps

LAST AMENDED

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 - Special Bay Street Corridor District, Subdistricts and Subareas

Map 2 - Location of Visual Corridors

135-025 - Applicability of Article VI, Chapter 6

LAST AMENDED11/23/2021

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

135-03 - Subdistricts

LAST AMENDED

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established as follows:

Subdistrict A
Subdistrict B
Subdistrict C
Subdistrict D
Subdistrict E

Within Subdistrict B, subareas are established as follows:

Subarea B1
Subarea B2

Within Subdistrict D, subareas are established as follows:

Subarea D1
Subarea D2

The location and boundaries of these subdistricts are shown on Map 1 (Special Bay Street Corridor District and Subdistricts) in Appendix A of this Chapter.

135-04 - Applicability

LAST AMENDED

135-041 - Applicability of Article I, Chapter 2

LAST AMENDED

The definition of “lower density growth management area” in Section 12-10 shall exclude all districts within the #Special Bay

Street Corridor District#.

135-042 - Applicability of the Quality Housing Program

LAST AMENDED

Any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building#, and shall comply with the provisions of Article II, Chapter 8 (The Quality Housing Program).

135-043 - Applicability of the Inclusionary Housing Program

LAST AMENDED

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90, the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

135-044 - Applicability of Article VI, Chapter 4

LAST AMENDED
5/12/2021

Notwithstanding the general provisions of Section 135-01, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

135-045 - Applicability of Article VI, Chapter 6

LAST AMENDED

Notwithstanding the general provisions of Section 135-01, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

135-046 - Applicability of this Chapter to certain zoning lots in Subdistrict D

LAST AMENDED10/7/2021

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

135-10 - SPECIAL USE REGULATIONS

LAST AMENDED

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

135-11 - Ground Floor Use Regulations

LAST AMENDED
5/12/2021

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30, any portion of a #ground floor level# #street# frontage along Bay Street, as well as any #street# frontage within 50 feet of Bay Street, shall be considered a #primary street frontage#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, inclusive, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

For #zoning lots# with a #lot area# of less than 5,000 square feet existing both on June 26, 2019 and on the date of application for a building permit, the provisions of this paragraph (a) shall not apply. In lieu thereof, the provisions of paragraph (b) of this Section shall apply.

In #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section 37-361 (Blank wall thresholds).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

135-13 - Breweries

LAST AMENDED
5/12/2021

Within the #Special Bay Street Corridor District#, breweries, as listed in Use Group 18A, shall be permitted in Commercial Districts provided that:

(a) the size of such brewery does not exceed 30,000 square feet; and

(b) any brewery #developed# or #enlarged# after June 26, 2019, shall contain an #accessory# eating or drinking establishment.

For the purposes of applying the underlying regulations, such brewery shall be considered a Use Group 11A #use# and shall be within parking requirement category PRC-F. The performance standards for an M1 District set forth in Section 42-20, inclusive, shall apply to such breweries.

135-14 - Modification of Supplemental Use Provisions

LAST AMENDED
5/12/2021

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

(a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;

(b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply; and

(c) Any brewery #developed# or #enlarged# in accordance with the provisions of Section 135-14, shall be subject to the provisions of Section 32-421.

135-20 - SPECIAL BULK REGULATIONS

LAST AMENDED

The underlying #floor area#, #yard#, #street wall# location and height and setback regulations are modified by the provisions of this Section.

135-21 - Special Floor Area Regulations

LAST AMENDED

The underlying #floor area# regulations are modified by the provisions of this Section. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

The table below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict. Column 1 sets forth the maximum #floor area ratio# for #commercial# #uses# other than offices, as listed in Use Group 6B, and Column 2 sets forth the maximum #floor area ratio# for offices. Column 3 sets forth the maximum #floor area ratio# for #residences#, other than #MIH sites# and #affordable independent residences for seniors#, that are subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing). Column 4 sets forth the maximum #residential# #floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section 23-154, or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. Column 4 also sets forth the maximum #floor area ratio# for #community facility uses#, other than #long-term care facilities#. Column 5 sets forth the maximum #floor area ratio# for #zoning lots# containing #affordable independent residences for seniors# or #long-term care facilities#.

For #zoning lots# with #buildings# containing multiple #uses# or for #zoning lots# with multiple #buildings# containing different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the table, and the maximum #floor area ratio# for the #zoning lot# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

MAXIMUM #FLOOR AREA RATIO#

	Column 1	Column 2	Column 3	Column 4	Column 5
Subdistrict, or Subarea, as applicable	For #commercial# #uses# other than offices	For offices	For #residences# other than #MIH sites# and #affordable independent residences for seniors#	For #MIH sites# and #community facility uses# other than #long-term care facilities#	For #affordable independent residences for seniors# or #long-term care facilities#
A	2.0	4.0	3.6	4.0	4.6
B	2.0	3.6	3.0	3.6	3.9
C	2.0	3.0	2.5	3.0	3.25
D1	2.0	2.0	2.5	3.0	3.25
D2	2.0	2.0	2.25	2.75	3.0
E	2.0	2.0	2.0	2.2	2.2

135-22 - Special Lot Coverage Regulations

LAST AMENDED

The underlying #lot coverage# regulations are modified by the provisions of this Section.

The maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

135-23 - Special Yard Regulations

LAST AMENDED

The underlying #yard# regulations are modified by the provisions of this Section.

In Subdistrict A, no #rear yard# or #rear yard equivalent# need be provided for #commercial buildings#, #community facility buildings#, or the portion of a #mixed building# containing #commercial# or #community facility uses#.

135-24 - Special Street Wall Location Regulations

LAST AMENDED
5/12/2021

The underlying #street wall# location provisions are modified by the provisions of this Section.

(a) Along Bay Street

Along Bay Street, and along #streets# within 50 feet of their intersection with Bay Street, the following #street wall# regulations shall apply:

(1) At least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#, and shall rise without setback up to at least the minimum base height specified in Section 135-25 (Special Height and Setback Regulations), or the height of the #building#, whichever is lower. Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.

(2) For #developments# or horizontal #enlargements# of #buildings#, or portions thereof, within the #flood zone# where no transparent materials are provided on the #ground floor level# #street wall# below a height of four feet above the level of the adjoining sidewalk, pursuant to the provisions of Sections 135-11 (Ground Floor Use Regulations) and 37-34 (Minimum Transparency Requirements) for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#. Such #street wall# shall not be located beyond five feet of the #street line#. Such #street wall# shall provide visual mitigation elements in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds), and any area between the #street wall# and the sidewalk that does not contain any planting material pursuant to the provisions of Section 37-362 (Mitigation elements) shall be improved to Department of Transportation standards for sidewalks.

(3) A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection of two #street lines#.

(b) Along Van Duzer Street

Along Van Duzer Street, and along #streets# within 50 feet of their intersection with Van Duzer Street, the underlying #street wall# location regulations shall apply.

(c) Along all other #streets#

Along all #streets# that are not subject to paragraphs (a) or (b) of this Section, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line#. The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet are located within an #outer court#. Where the #street wall# of a #building#, or an individual segment thereof, exceeds the maximum base height established in Section 135-25, such #street wall# shall rise without setback to at least the minimum base height specified in Section 135-25.

The underlying allowances for #street wall# articulation, set forth in paragraph (d) of Section 23-661 or paragraph (e) of Section 35-651, as applicable, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section.

135-25 - Special Height and Setback Regulations

LAST AMENDED

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(a) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, where applicable, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings# in the #Special Bay Street Corridor District#.

In all subdistricts, a setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the subdistrict, and shall be provided in accordance with paragraph (b) of this Section.

In Subdistrict A and Subarea B1, any portion of a #building or other structure# located above the maximum transition height, and in Subarea B2 and Subdistrict C, any portion of a #building or other structure# located above the maximum base height, shall be subject to the maximum #street wall# width restrictions set forth in paragraph (c) of this Section.

MAXIMUM BASE HEIGHTS AND MAXIMUM #BUILDING# HEIGHTS

Subdistrict or Subarea, as applicable	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Transition Height (in feet)	Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)	Maximum Number of #Stories#
A	40	65	85	125	12
B1	40	65	85	125	12
B2	40	65	N/A	125	12
C	40	65	N/A	85	8
D1	40	65	N/A	75	7
D2	40	65	N/A	65	6

E	30	45	N/A	55	5

(b) Required setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in the table in paragraph (a), a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, and a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(c) Maximum #street wall# width in Subdistricts A, B and C

In Subdistricts A, B and C, the maximum #building# height set forth in the table in paragraph (a) shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in Subdistrict A and Subarea B2, such maximum #building# height shall be permitted beyond 100 feet of #streets# intersecting Bay Street, provided that the maximum #street wall# width above the maximum base height does not exceed 100 feet.

In all such Subdistricts, at least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

(d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

135-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS

LAST AMENDED

135-31 - Special Visual Corridor Requirements

LAST AMENDED

Within the #Special Bay Street Corridor District#, visual corridors shall be provided east of Bay Street, prolonging Swan Street, Clinton Street, and Grant Street, as shown on Map 2 in the Appendix to this Chapter. The location of the visual corridor prolonging Grant Street may be located anywhere within the flexible location designated on Map 2.

(a) General Requirements

The boundaries of visual corridors shall be considered #street lines# for the purposes of applying the #use#, #bulk# and parking provisions of this Resolution, except that such portion of the #zoning lot#:

(1) shall continue to generate #floor area# ;

(2) may be included for the purposes of calculating #lot coverage# ; and

(3) shall be permitted to accommodate open, unscreened, tandem (one behind the other) #accessory# off-street parking spaces, provided that any such parking spaces are provided in accordance with DOT standards for on-street parking.

Such visual corridors shall be a minimum of 60 feet wide and shall be improved in accordance with paragraph (b) of this Section

(b) Required improvements

All required visual corridors shall be improved as follows:

(1) Where a visual corridor is utilized to provide access to #accessory# off-street parking, such visual corridor shall be improved to the minimum Department of Transportation (DOT) standards for public #streets#, from its intersection with Bay Street to at least the curb cut provided to such #accessory# off-street parking, or as deep as necessary to accommodate any parking located on the visual corridor, as applicable. Any remaining portion of the visual corridor may be improved in accordance with the standards in paragraph (b)(2)(ii) of this Section.

(2) Where a visual corridor does not provide access to #accessory# off-street parking, such visual corridors, may either:

(i) be improved to the minimum DOT standards for public #streets#; or

(ii) be improved to provide an open area, as follows:

(a) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;

(b) the remainder of the open area, as applicable, may contain any combination of:

(1) streetscape amenities including, but not limited to, benches or tables and chairs;

(2) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks;

(3) unenclosed eating or drinking establishments; or

(4) streetscape-enhancing amenities including, but not limited to, lighting or sculptural artwork.

(c) In no event shall fencing be permitted in any open area of the visual corridor, except along the portion of a #lot line# adjacent to a railroad right-of-way.

135-40 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED

The underlying parking provisions are modified by the provisions of this Section.

135-41 - Commercial Parking Requirements

LAST AMENDED

In #mixed buildings#, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for #commercial# #uses# other than offices, as listed in Use Group 6B, the equivalent of 0.5 #floor area ratio#, or the amount of non-office #commercial# #floor area# in the #building#, whichever is less, may be deducted from the #floor area# used to determine such #commercial# parking calculation.

135-42 - Residential Parking Waivers

LAST AMENDED

The underlying #residential# parking waivers shall apply only to #zoning lots# existing both on June 26, 2019, and on the date of application for a building permit.

135-43 - Location of Parking Spaces

LAST AMENDED

All #accessory# off-street parking spaces may be provided within #public parking garages#. Such spaces may also be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

(a) such parking facilities are located either:

(1) within the #Special Bay Street Corridor District#; or

(2) outside the #Special Bay Street Corridor District#, subject to the underlying provisions for off-site parking spaces set forth in Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-42 (Off-site Spaces for Residences) or 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable;

(b) each off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and

(c) in no event shall the number of #accessory# parking spaces within such facility exceed that permitted in accordance with the underlying regulations.

135-44 - Special Loading Regulations

LAST AMENDED

For the purposes of applying the underlying loading regulations, the requirements for C2 Districts mapped within an R7 District shall apply to all #Commercial Districts# in the #Special Bay Street Corridor District#.

In addition, the underlying loading regulations shall be modified as follows:

(a) the requirements of Section 36-60, inclusive, shall not apply to changes of #uses#;

(b) the provisions of Sections 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses) shall not apply; and

(c) the minimum length requirements for loading berths #accessory# to #commercial# #uses#, other than funeral establishments, set forth in Section 36-681 (Size of required berths) shall be increased to 37 feet.

135-45 - Location of Curb Cuts

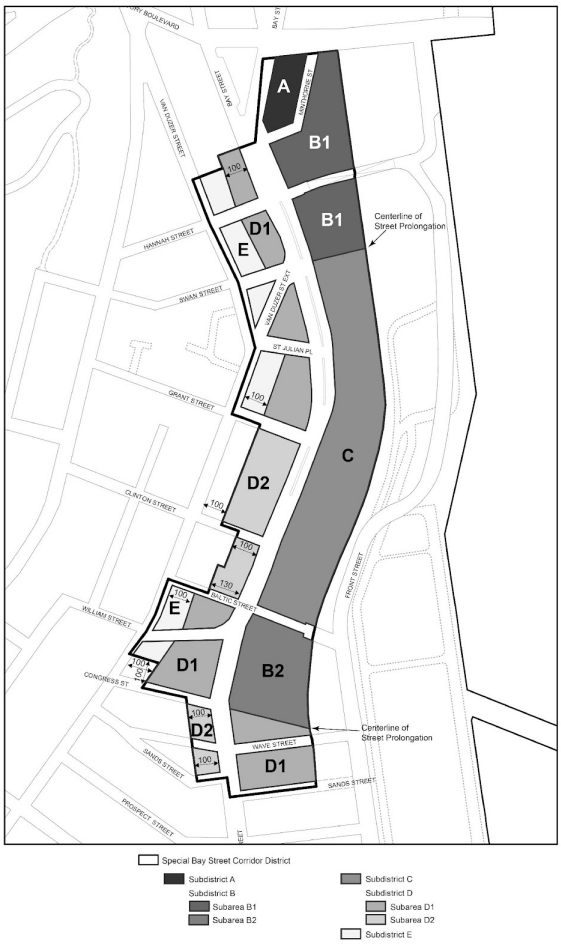
LAST AMENDED

For #zoning lots# existing on June 26, 2019, with frontage along Bay Street and along another #street# frontage, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along Bay Street.

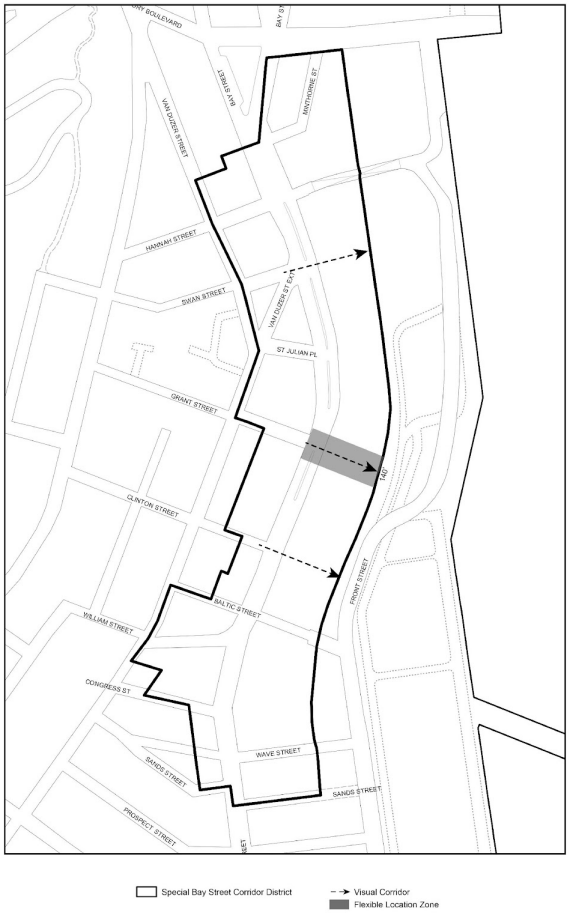
APPENDIX A - SPECIAL BAY STREET CORRIDOR DISTRICT

LAST AMENDED

Map 1 – Special Bay Street Corridor District, Subdistricts and Subareas



Map 2 – Location of visual corridors



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 6 - Special Downtown Far Rockaway District (DFR)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 6 - Special Downtown Far Rockaway District (DFR)

136-00 - GENERAL PURPOSES

LAST AMENDED
9/7/2017

The "Special Downtown Far Rockaway District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Downtown Far Rockaway community. These general goals include, among others, the following specific purposes:

(a) to strengthen the commercial core of Downtown Far Rockaway by improving the working and living environments;

(b) to support the development of vacant and underutilized parcels in Downtown Far Rockaway with a mix of residential, commercial and community facility uses;

(c) to encourage the design of new buildings to blend into the existing neighborhood fabric by providing a transition in height between the downtown commercial core and the lower-scale residential communities;

(d) to establish a center to the downtown with lively new gathering and civic spaces along Mott Avenue that complement and strengthen the existing neighborhood;

(e) to encourage the development of affordable housing;

(f) to expand the retail, entertainment and commercial character of areas around transit nodes to enhance the area's role as a local transportation hub;

(g) to integrate new roadways into an improved pedestrian and vehicular network with key north-south and east-west connections;

(h) to ensure the provision of adequate accessory parking that reflects both the automobile ownership patterns of the neighborhood and public transit access;

(i) to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and

(j) to promote the most desirable use of land and building development and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

136-01 - General Provisions

LAST AMENDED
5/12/2021

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

136-02 - Definitions

LAST AMENDED
9/7/2017

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Open Space A

"Open Space A" shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as "Flexible Open Space A Location" on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

Open Space B

"Open Space B" shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as "Flexible Open Space B Location" on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

136-03 - District Plan and Maps

LAST AMENDED
9/7/2017

The regulations of this Chapter implement the #Special Downtown Far Rockaway District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1 - Special Downtown Far Rockaway District and Subdistrict

Map 2 - Commercial Core

Map 3 - Ground Floor Use and Transparency Requirements

Map 4 - Maximum Building Height

Map 5 - Maximum Building Height Within Subdistrict A

Map 6 - Publicly Accessible Private Streets

Map 7 - Mandatory Street Walls and Flexible Public Open Space Locations

Map 8 - Sidewalk Widenings

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

136-04 - Subdistricts

LAST AMENDED
9/7/2017

In order to carry out the purposes and provisions of this Chapter, Subdistrict A is established. The location of Subdistrict A is shown on Map 1 in the Appendix to this Chapter.

136-05 - Applicability of District Regulations

LAST AMENDED
9/7/2017

136-051 - Applicability of the Quality Housing Program

LAST AMENDED
9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building# and shall comply with the provisions of Article II, Chapter 8 (The Quality Housing Program) of this Resolution.

136-052 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the regulations for a #Mandatory Inclusionary Housing area# shall apply. The locations of #Mandatory Inclusionary Housing areas# are shown on the maps in APPENDIX F of this Resolution.

136-06 - Private Streets and Publicly Accessible Open Spaces

LAST AMENDED
9/7/2017

Except as otherwise provided herein, private streets that are in accordance with the provisions of this Chapter within the locations shown on Map 6 (Publicly Accessible Private Streets) in Appendix A of this Chapter, and publicly accessible open spaces that are in accordance with the provisions of this Chapter within the locations shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in Appendix A, shall be considered #streets# for the purposes of establishing the #use#, #bulk# and parking regulations of this Resolution. However, for the purposes of #floor area# regulations, such private streets and publicly accessible open spaces shall be considered part of a #zoning lot#. In addition, for the purpose of determining minimum and maximum base heights and minimum setback depth pursuant to paragraph (a) of Section 136-313 (Minimum and maximum base height), private streets and publicly accessible open spaces shall be distinguished from #streets#.

136-10 - SPECIAL USE REGULATIONS

LAST AMENDED
9/7/2017

The #use# regulations of the underlying district shall apply except as modified in Section 136-10, inclusive.

136-11 - Location Within Buildings

LAST AMENDED
9/7/2017

Within the locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall not apply. In lieu thereof, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply.

136-12 - Use Groups 10A and 12 in C2 Districts

LAST AMENDED
9/7/2017

Within the locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the provisions of Sections 32-19 (Use Group 10) and 32-21 (Use Group 12) shall be modified to allow Use Groups 10A and 12 in C2 Districts.

136-13 - Ground Floor Use Regulations

LAST AMENDED
9/7/2017

The special ground floor #use# provisions of this Section shall apply to any portion of a #building#:

(a) fronting on a designated #street#, as shown on Map 3 (Ground Floor Use and Transparency Requirements); or

(b) located within 175 feet of Mott Avenue and fronting on #Open Space A#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, shall be limited to non-#residential uses#. The #street# frontage of a #building# shall be allocated exclusively to such #uses#, except for Type 1 lobby space, entrances and exits to #accessory# off-street parking facilities, and entryways or entrances to subway stations in accordance with Section 37-33 (Maximum Width of Certain Uses). Such non-#residential uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

136-14 - Transparency and Parking Wrap Requirements

LAST AMENDED
9/7/2017

The provisions of this Section shall apply to #buildings# #developed# or #enlarged# after September 7, 2017, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter. These provisions shall also apply to the frontage of #buildings# located along #Open Space A#. The ground floor #street wall# of such #building# or portion thereof shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

The provisions of Section 37-35 (Parking Wrap and Screening Requirements) shall apply along designated #streets# as shown on Map 3 and along #Open Space A#. In addition, the screening requirements of paragraph (b) of Section 37-35 shall apply along intersecting #streets# within 50 feet of designated #streets#, and along intersecting #streets# or private streets within 50 feet of #Open Space A#.

136-15 - Special Use Regulations Within Subdistrict A

LAST AMENDED
9/7/2017

The following additional special #use# provisions of Section 136-15, inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter.

136-151 - Modification of Supplemental Use Provisions

LAST AMENDED
9/7/2017

For #mixed buildings#, the underlying provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) shall not apply. In lieu thereof, Use Groups 6, 7, 8, 9 or 14, other than offices listed in Use Group 6B, shall not be located above the level of the second #story# ceiling. Offices shall be permitted above the level of the second #story#, provided that where any floor space allocated to such offices is located on the same #story# as a #dwelling unit#, no access exists between such #uses#, and further provided that no floor space allocated to such offices is located directly over #dwelling units#.

136-152 - Location of entrances

LAST AMENDED
9/7/2017

(a) Non-#residential# entrances

Within Subdistrict A, on designated #streets#, as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter, the requirements of this paragraph (a) shall apply to any #building or other structure# fronting on such #streets#. These provisions shall also apply to the frontage of #buildings# along #Open Space A#. Access to each ground floor #commercial# establishment or #community facility# establishment shall be provided directly from a #street# or from #Open Space A#.

(b) #Residential# entrances

Eighty percent of all ground floor #dwelling units# with frontage only on Redfern Avenue shall have a #primary entrance# directly accessible from Redfern Avenue.

136-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
9/7/2017

The #bulk# regulations of the underlying district shall apply except as modified in Section 136-20, inclusive.

136-21 - Lot Coverage

LAST AMENDED
9/7/2017

The #residential# portion of a #building# shall comply with the maximum #lot coverage# provisions of the underlying district applicable to #Quality Housing buildings#.

136-22 - Height and Setback Regulations

LAST AMENDED
9/7/2017

For #residential buildings#, #mixed buildings# and #commercial buildings#, the height and setback regulations of the underlying district shall be modified by the regulations of Section 136-22, inclusive. The provisions of Sections 23-952 (Height and setback in Mandatory Inclusionary Housing areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply within the #Special Downtown Far Rockaway District#.

All heights shall be measured from the #base plane#.

136-221 - Street wall location

LAST AMENDED
9/7/2017

In C2 Districts, the #street wall# location regulations of the underlying district shall apply except as modified in this Section.

(a) In C2 Districts mapped within R6 and R7-1 Districts, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Section 136-222 (Minimum and maximum base height), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.

(b) In C2 Districts mapped within R5 Districts, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to a height of 30 feet, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.

(c) Below a height of 15 feet or the height of the second #story# floor, whichever is lower, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except recesses that do not exceed a depth of 12 inches.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a) and (b) of this Section.

Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.

136-222 - Minimum and maximum base height

LAST AMENDED
9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 136-221 (Street wall location) shall be as set forth in the following table:

District	Minimum Base Height (feet)	Maximum Base Height (feet)
R6	30	55
R7-1	40	55

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district in this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

136-223 - Maximum building height

LAST AMENDED
9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the height of a #building or other structure# shall not exceed the maximum height or the maximum number of #stories#, whichever is less, as shown on Map 4 (Maximum Building Height) in the Appendix to this Chapter.

136-30 - SPECIAL REGULATIONS WITHIN SUBDISTRICT A

LAST AMENDED
9/7/2017

The regulations of Section 136-30, inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter. The regulations of the #Special Downtown Far Rockaway District# shall apply, except as modified by the regulations of Section 136-30, inclusive.

136-31 - Special Height and Setback Regulations Within Subdistrict A

LAST AMENDED
9/7/2017

136-311 - Street wall location

LAST AMENDED
9/7/2017

The provisions of Section 136-221 (Street wall location) shall apply within Subdistrict A, except as provided in this Section.

(a) For portions of #buildings# or #building segments# with frontage on Redfern Avenue located between the prolongation of the northerly #street line# of Dix Avenue and a line 150 feet south of and parallel to Nameoke Street, the #street wall# location rules of Section 136-221 shall not apply. In lieu thereof, paragraph (b) of Section 23-661 (Street wall location) shall apply.

(b) For Street Wall A and Street Wall B, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter, the provisions of Section 136-221 shall not apply. In lieu thereof, the provisions of this Section shall apply.

(1) Street Wall A

#Buildings# on the west side of #Open Space A# shall have a #street wall# located along the required sidewalk widening on Mott Avenue, shown as a line designated A1 on Map 7, except that #street wall# articulation set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted. Beyond 112 feet of Redfern Avenue, the #street wall# shall be located no closer to Central Avenue than the line designated A2 as shown on Map 7.

(2) Street Wall B

#Street walls# fronting #Open Space A# shall be located no closer to Redfern Avenue than as shown as a line designated B1 on Map 7. The #street walls# of #buildings# on the east side of #Open Space A# with frontage on Mott Avenue shall be located no closer to Mott Avenue than as shown as lines designated B2 and B3 on Map 7. Portions of #street walls# with frontage on Mott Avenue, located so that a line drawn perpendicular to the line designated B3 intersects such #street walls#, shall be located no further than 30 feet from B3. #Street walls# fronting Central Avenue shall be located no closer to Central Avenue than as shown for the line designated B4 on Map 7, and shall be located no further than 30 feet from B4.

(c) For #blocks# with a dimension of less than 100 feet between #streets# or private streets that are parallel or do not intersect, the provisions of Section 136-221 shall be modified to require a minimum of 40 percent of the #aggregate width of street walls# to be located within eight feet of the #street line# and to extend to at least the minimum base height specified in Section 136-222 (Minimum and maximum base height), or the height of the #building#, whichever is less.

All #street walls# governed by this Section shall extend to the minimum base height specified in Section 136-313 (Minimum and maximum base height), or the height of the #building#, whichever is less.

136-312 - Street wall recesses

LAST AMENDED
9/7/2017

For each #building# within Subdistrict A, where the #aggregate width of street walls# is greater than 90 feet, a minimum of 20 percent of the surface area of #street walls# below the maximum base height and above the level of the first #story# shall be recessed beyond three feet of the #street line#. Portions of #street lines# with no #street walls# may be counted towards the recess requirements of this Section. No portion of such minimum recessed area shall be located within 30 feet of the intersection

of two #street lines#. However, such minimum recessed area shall be permitted within 30 feet of Redfern Avenue, except at the intersection of Redfern Avenue and Mott Avenue.

136-313 - Minimum and maximum base height

LAST AMENDED9/7/2017

Within Subdistrict A, the provisions of Section 136-222 (Minimum and maximum base height) shall not apply. In lieu thereof, for #residential buildings#, #mixed buildings# and #commercial buildings#, the provisions of this Section shall apply. The #street wall# height and setback regulations of the underlying district shall apply except as modified in this Section.

(a) The minimum and maximum heights before setback of a #street wall# required pursuant to Section 136-221 (Street wall location), shall be as set forth in the following table:

Condition	Minimum Base Height (feet)	Maximum Base Height (feet)	Minimum Setback Depth (feet)
Fronting on, or within 100 feet of, a #street#, other than a private street or publicly accessible open space	40[1]	65	10
Fronting on a private street or a publicly accessible open space and beyond 100 feet of a #street# that is not a private street or publicly accessible open space	40[1]	85	7
Fronting on Redfern Avenue	30[1]	45[2]	10

[1] Within 300 feet of Mott Avenue, the minimum base height shall be 20 feet

[2] The maximum base height for the portion of a #building# subject to the 65 foot or six story maximum height provisions of Section 136-314 shall be 65 feet

(b) Dormers

The provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall be modified to allow dormers as a permitted obstruction within the required front setback distance above a maximum base height, as follows:

(1) Within 75 feet of intersecting #streets#, dormers shall be permitted without limitation on width.

(2) Where dormers are provided pursuant to paragraph (b)(1) of this Section, and such dormers exceed the maximum width permitted pursuant to paragraph (c) of Section 23-621, for any portion of a #building# with an #aggregate width of street walls# greater than 75 feet, a setback shall be provided above the maximum base height between such dormer and any other dormer for a width of at least 20 feet, or the remaining width of such #street wall#, as applicable.

(3) Beyond 75 feet of intersecting #streets#, the provisions of paragraph (c) of Section 23-621 shall apply. The width of any dormers provided pursuant to the provisions of paragraph (b)(1) of this Section shall be included in the aggregate width of all dormers.

However, the provisions of this paragraph (b) shall not apply to portions of #buildings# with frontage on Redfern Avenue, except that these provisions shall apply to portions of #buildings# with frontage on both Redfern Avenue and Mott Avenue.

136-314 - Maximum building height

LAST AMENDED
9/7/2017

The height of a #building or other structure# shall not exceed the maximum #building# height or the maximum number of #stories#, whichever is less, as shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter. However, within 75 feet of the intersection of the southerly cross street with Redfern Avenue, and within 75 feet of the intersection of the northerly cross street with Redfern Avenue, the maximum height for #buildings or other structures# shall be six #stories# or 65 feet, whichever is less. Any such 65 foot or six story maximum #building# height limit falling within 300 feet of Mott Avenue shall only extend to a depth of 25 feet from Redfern Avenue, after which the maximum #building# height and maximum number of #stories# shown on Map 5 shall apply.

136-315 - Maximum building height and horizontal dimension for tall buildings

LAST AMENDED
9/7/2017

Within the Tower Location Area shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter, the height of a #building# may exceed the height limits specified in Section 136-314 (Maximum building height) only as set forth in this Section. Any portion of a #building# above a height of 125 feet shall hereinafter be referred to as a “tower.”

(a) Towers shall be located within portions of #zoning lots# bounded by intersecting #street lines# and lines parallel to and 200 feet from each intersecting #street line#.

(b) Towers shall be separated from one another by a minimum distance of 60 feet, measured in all horizontal directions.

(c) The outermost walls of each #story# of a #building# located entirely above a height of 125 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of such rectangle shall be 170 feet. The maximum length of any other side of such rectangle shall be 100 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 125 feet shall be considered a single tower.

(d) To permit portions of a #building# to rise from grade to a tower portion without setback, the setback provisions of Section 136-313 (Minimum and maximum base height) shall not apply to any portion of a #building# located within 100 feet of intersecting #street lines#.

(e) The maximum height of a tower shall be 155 feet or 15 #stories#, whichever is lower.

(f) No more than two towers shall be permitted within Subdistrict A.

136-316 - Maximum length of buildings

LAST AMENDED
9/7/2017

The outermost walls of each #story# of a #building# located entirely above a height of 95 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of any side of such rectangle shall be 170 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 95 feet shall be considered a single #building#.

136-32 - Streets and public open spaces

LAST AMENDED
9/7/2017

136-321 - Certification

LAST AMENDED
9/7/2017

The requirements of this Section shall apply to #zoning lots# containing #developments# or #enlargements# within the current or former Downtown Far Rockaway Urban Renewal Area.

No building permit shall be issued for any #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #development# or #enlargement# complies with the provisions of this Section.

The Chairperson shall certify that:

(a) all publicly accessible open spaces adjacent to the proposed #development# or #enlargement# comply with the provisions of Section 136-324 (Publicly accessible open space requirements);

(b) the location of private streets adjacent to the proposed #development# or #enlargement# complies with the provisions of Section 136-323 (Private streets); and

(c) for any portion of Subdistrict A outside the area of the proposed #development# or #enlargement# for which a certification pursuant to this Section has not been obtained, the applicant has submitted sufficient documentation showing that the #development# or #enlargement# that is the subject of this certification, and any associated private streets and publicly accessible open spaces required to be constructed in conjunction with such #development# or #enlargement#, shall not preclude such undeveloped portions of Subdistrict A from complying with the provisions of Sections 136-323 and 136-324 under future certifications pursuant to this Section.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including provisions for the maintenance and operation of such private streets and publicly accessible open spaces, indexed against the property, binding the owners, successors and assigns to provide and maintain such private streets and publicly accessible open spaces in accordance with the plans certified by the Chairperson. Such declaration, or any maintenance and operation agreement with the City or its designee executed in connection with such declaration, shall require that adequate security be provided to ensure that the private streets and public access areas are maintained in accordance with the declaration and any related maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York

shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building#, as indicated in the plans certified by the Chairperson, shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the declaration of restrictions shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

The property owner shall be responsible for the construction and maintenance of all required private streets and publicly accessible open spaces on the #zoning lot#. No temporary or final certificate of occupancy shall be issued for any #building# adjacent to such private street or publicly accessible open space until all required improvements are completed, except as set forth in a phasing plan that has been incorporated in a signed and duly recorded declaration of restrictions, and that has provided for interim improvements and access where these do not present conflicts with construction, staging or public safety.

136-322 - Sidewalk widening

LAST AMENDED
9/7/2017

For #buildings# #developed# or #enlarged# after September 7, 2017, where the #development# or horizontal #enlargement# fronts upon designated #streets# as shown on Map 8 (Sidewalk Widenings) in the Appendix to this Chapter, the provisions of this Section shall apply.

A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot#, located within the #zoning lot#. A sidewalk widening shall be provided along #streets# as shown on Map 8, to the extent necessary, so that a minimum sidewalk width of 13 feet or 18 feet, as applicable, is achieved, including portions within and beyond the #zoning lot#. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and shall be directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk widening to less than such minimum required depth.

Lighting shall be provided with a minimum level of illumination of not less than two horizontal foot candles throughout the entire mandatory sidewalk widening. Lighting fixtures installed by the Department of Transportation within the #street# adjacent to such sidewalk widening shall be included in the calculation of the required level of illumination.

Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening within the #zoning lot# shall be considered to be the #street line# for the purposes of Sections 136-22 (Height and Setback Regulations) and 136-31 (Special Height and Setback Regulations Within Subdistrict A).

136-323 - Private streets

LAST AMENDED
9/7/2017

In Subdistrict A, private streets shall be accessible to the public at all times, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area. Private streets shall have a minimum width of 60 feet. Private streets shall be constructed to Department of Transportation standards for public #streets#. Sidewalks shall have a minimum clear path of seven feet on each side of such private streets along their entire length. Such private streets shall be located as shown on Map 6 (Publicly Accessible Private Streets) in the Appendix to this Chapter. One street tree shall be planted for every 25 feet of curb length of each private street. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length

of the curb of the private street.

The private street network shall be established as follows:

(a) a central street shall connect #Open Space A# with Nameoke Avenue, as shown on Map 6. However, if the centerline of the new street is not within five feet of the extended centerline of Brunswick Avenue, then the easterly curb of the new street shall be greater than 50 feet from the extended line of the westerly curb of Brunswick Avenue;

(b) a southerly cross street shall connect Redfern Avenue with the central street, intersecting Redfern Avenue within the area shown on Map 6. However, if the centerline of the new street is not within five feet of the extended centerline of Dix Avenue, then the northerly curb of the new street shall be greater than 50 feet from the extended line of the southerly curb of Dix Avenue;

(c) a northerly cross street shall connect Birdsall Avenue with Bayport Place, intersecting Redfern Avenue so that the centerline of the new street is within five feet of the extended centerline of Birdsall Avenue and within five feet of the centerline of Bayport Place.

136-324 - Publicly accessible open space requirements

LAST AMENDED
9/7/2017

Publicly accessible open spaces shall be provided within Flexible Open Space A Location and Flexible Open Space B Location, as applicable, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter. #Open Space A# shall contain a minimum of 23,000 square feet, and #Open Space B# shall contain a minimum of 7,000 square feet.

(a) A portion of the required publicly accessible open space located within #Open Space A# shall have a minimum width of 80 feet within 55 feet of Mott Avenue. #Open Space A# shall extend from Mott Avenue to the nearest private street required pursuant to Section 136-323 (Private streets), and shall maintain a minimum width of 60 feet.

(b) Publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-727 (Hours of access) 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes), 37-74 (Amenities) and 37-75 (Signs), except for the following modifications:

(1) Section 37-73 (Kiosks and Open Air Cafes) shall be modified as follows:

(i) paragraph (a) of Section 37-73 shall be modified to permit a kiosk to occupy an area no greater than 400 square feet within #Open Space A#, provided that such kiosk has a maximum width, measured along the same axis as the minimum width of #Open Space A# pursuant to paragraph (a) of this Section, of 20 feet, and provided that any canopies, awnings or other sun control devices extending from such kiosk shall be limited to a distance of five feet from such kiosk;

(ii) paragraph (b) of Section 37-73 shall be modified to limit the aggregate area of open air cafes to no more than 40 percent of the publicly accessible open space, to allow open air cafes to occupy up to 50 percent of #street# frontage along Mott Avenue, and to eliminate the requirement that open air cafes be located along the edge of the publicly accessible open space; and

(iii) paragraphs (c) and (d) of Section 37-73 shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;

(2) Section 37-741 (Seating) shall be modified as follows:

(i) the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;

(ii) the requirement of one linear foot of seating for each 30 square feet of #public plaza# area shall be modified to one linear foot of seating for each 60 square feet of publicly accessible open space; and

(iii) seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 50 percent of the linear seating capacity is provided through other seating types;

(3) For #Open Space A#, Section 37-742 (Planting and trees) shall be modified to require that at least 15 percent of the area of the publicly accessible open space shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls. For #Open Space B#, Section 37-742 (Planting and trees) shall be modified to eliminate the requirement for such planting beds;

(4) Section 37-743 (Lighting) shall be modified to provide that for publicly accessible open spaces fronting on Mott Avenue, the lighting fixtures installed by the Department of Transportation within the #street# shall be included in the calculation of the required level of illumination;

(5) Section 37-744 (Litter receptacles) shall be modified to require a minimum of one litter receptacle per 5,000 square feet of publicly accessible open space;

(6) Entry plaques for publicly accessible open spaces shall be provided as described in paragraph (a) of Section 37-751 (Public space signage systems), except that one such plaque shall be located at each point of entry from a #street# to such publicly accessible open space; and

(7) Section 37-753 (Accessory signs) shall be modified as follows:

(i) paragraphs (a), (c) and (d) shall not apply;

(ii) paragraph (b) shall be modified to permit non-#illuminated# or #illuminated accessory signs#, and the permitted #surface area# of such #signs# shall be as permitted by the underlying district, as if the publicly accessible open space were a #street#; and

(iii) paragraph (e) shall be modified to permit any number of #accessory signs# within the publicly accessible open space, subject to the remaining provisions of such paragraph (e).

136-40 - SPECIAL OFF-STREET PARKING REGULATIONS

LAST AMENDED
9/7/2017

136-41 - Parking Regulations

LAST AMENDED
9/7/2017

The off-street parking regulations shall be modified, as follows:

(a) The regulations of Section 25-027 (Applicability of regulations in Community District 14, Queens) shall not apply. In lieu thereof, the regulations of the applicable underlying district shall apply, as modified by the provisions of this

Section.

(b) In a C2 District mapped within an R7-1 District, the regulations of Section 25-251 (Income-restricted housing units) shall be modified to require an #accessory# off-street parking requirement of 25 percent per #income-restricted housing unit#.

(c) For #commercial# #uses# in Parking Requirement Categories PRC-A, PRC-B, PRC-B1 and PRC-C, the provisions of Section 36-21 (General Provisions) shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the provisions of Sections 25-31 (General Provisions) and 36-21 shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

(d) Within Subdistrict A, parking spaces provided on private streets shall count towards the number of #accessory# off-street parking spaces required by the provisions of Sections 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) and 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS). For such parking spaces located within private streets, the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING) shall not apply.

136-50 - AUTHORIZATIONS

LAST AMENDED
9/7/2017

136-51 - Authorization to Modify Provisions for Publicly Accessible Open Spaces and Private Streets

LAST AMENDED
9/7/2017

The City Planning Commission may authorize modification of the provisions of Sections 136-323 (Private streets) and 136-324 (Publicly accessible open space requirements), provided that the Commission shall find that:

(a) the usefulness and attractiveness of the publicly accessible open space will be improved by the proposed design and layout;

(b) such modification to private street provisions will result in a private street network that will ensure pedestrian and vehicular mobility and safety and will be well integrated with the surrounding #streets#; and

(c) such modification will result in a superior urban design relationship with surrounding #buildings# and open areas, including #streets# and private streets.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such publicly accessible open spaces and private streets to surrounding #buildings# and open areas.

136-52 - Authorization to Modify Bulk Regulations for Income-Restricted Housing Units

LAST AMENDED
9/7/2017

For #developments# or #enlargements# containing only #income-restricted housing units#, #affordable independent residences for seniors#, or other government-assisted #dwelling units#, the City Planning Commission may authorize modifications of:

(a) #yard# regulations;

(b) regulations governing the minimum required distance between #buildings# on the same #zoning lot#, provided that no waiver shall authorize a minimum distance of less than 40 feet; and

(c) regulations governing the minimum required distance between #legally required windows# and walls or #lot lines#, provided that no waiver shall authorize a minimum of less than 20 feet between #legally required windows# and walls or #lot lines#.

The Commission shall find that such modifications:

(1) will aid in achieving the general purposes and intent of this Chapter as set forth in Section 136-00 (GENERAL PURPOSES);

(2) will provide a better distribution of #bulk# on the #zoning lot#, resulting in a superior site plan, in which the #buildings# subject to this authorization and any associated open areas will relate harmoniously with one another and with adjacent #buildings# and open areas; and

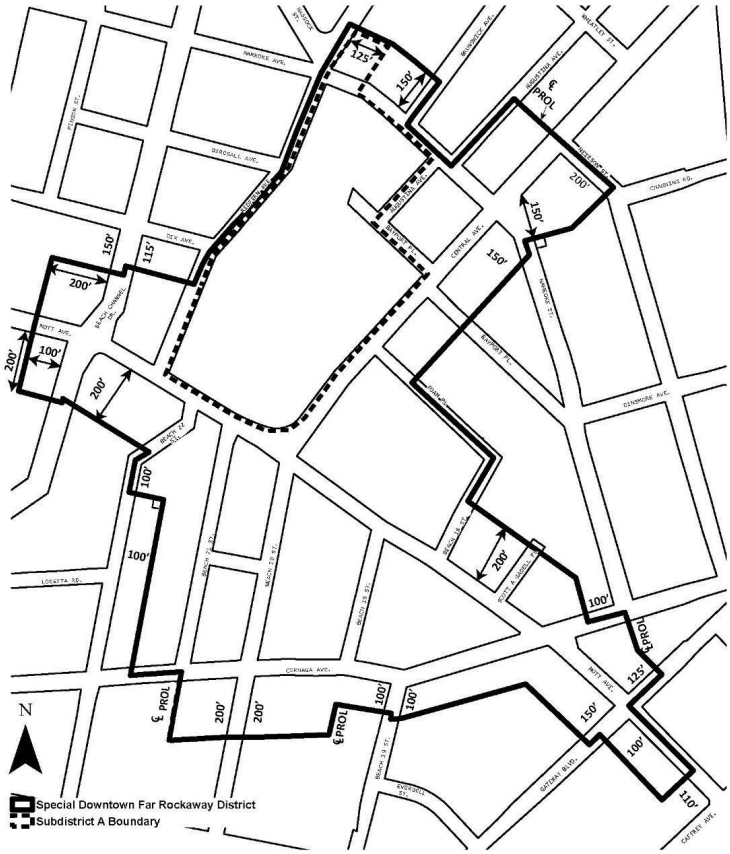
(3) will not unduly increase the #bulk# of any #building# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX - Special Downtown Far Rockaway District Maps

LAST AMENDED9/7/2017

Map 1 - Special Downtown Far Rockaway District and Subdistrict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Special Downtown Far Rockaway District
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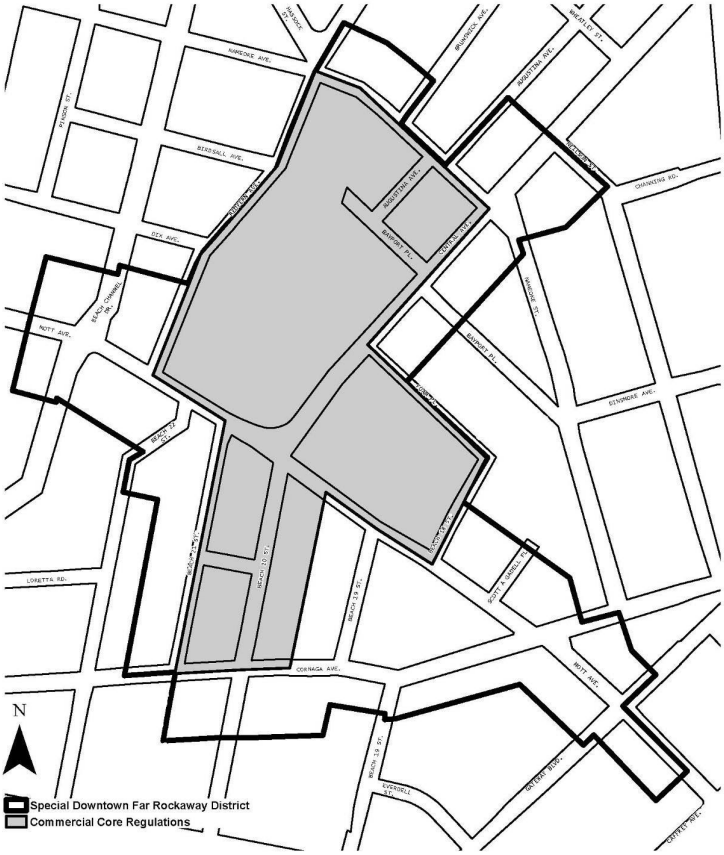
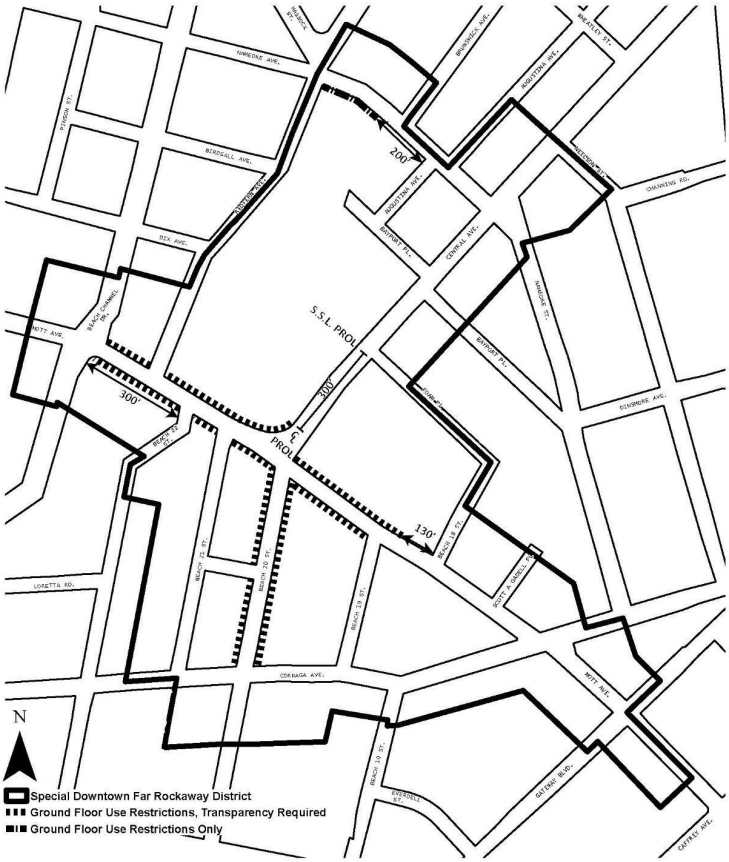
BEACH 11 ST.
BEACH 10

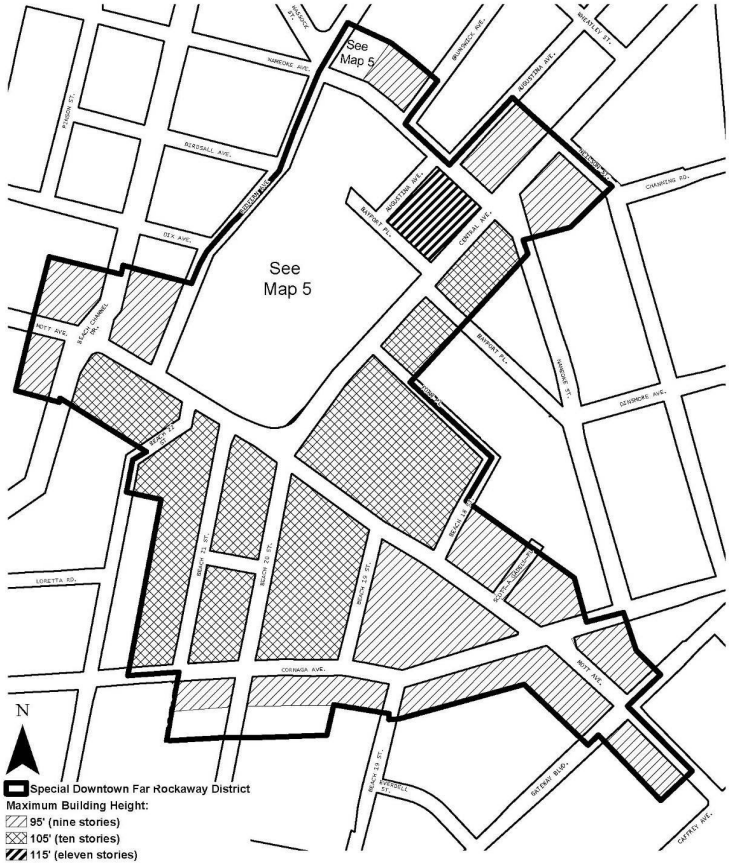
Map 2 – Commercial Core



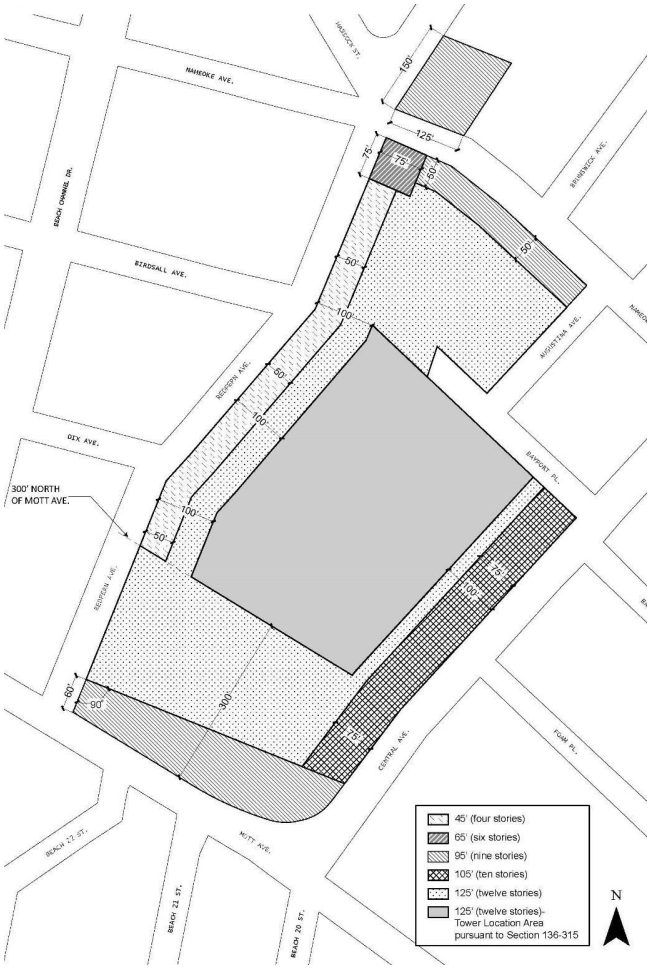
Map 3 – Ground Floor Use and Transparency Requirements



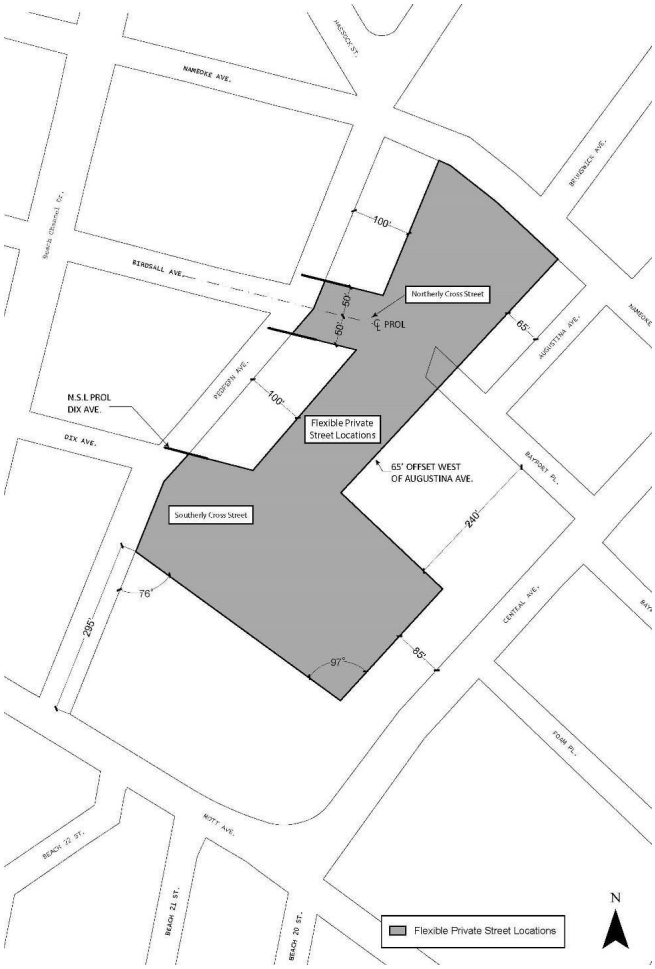
Map 4 – Maximum Building Height



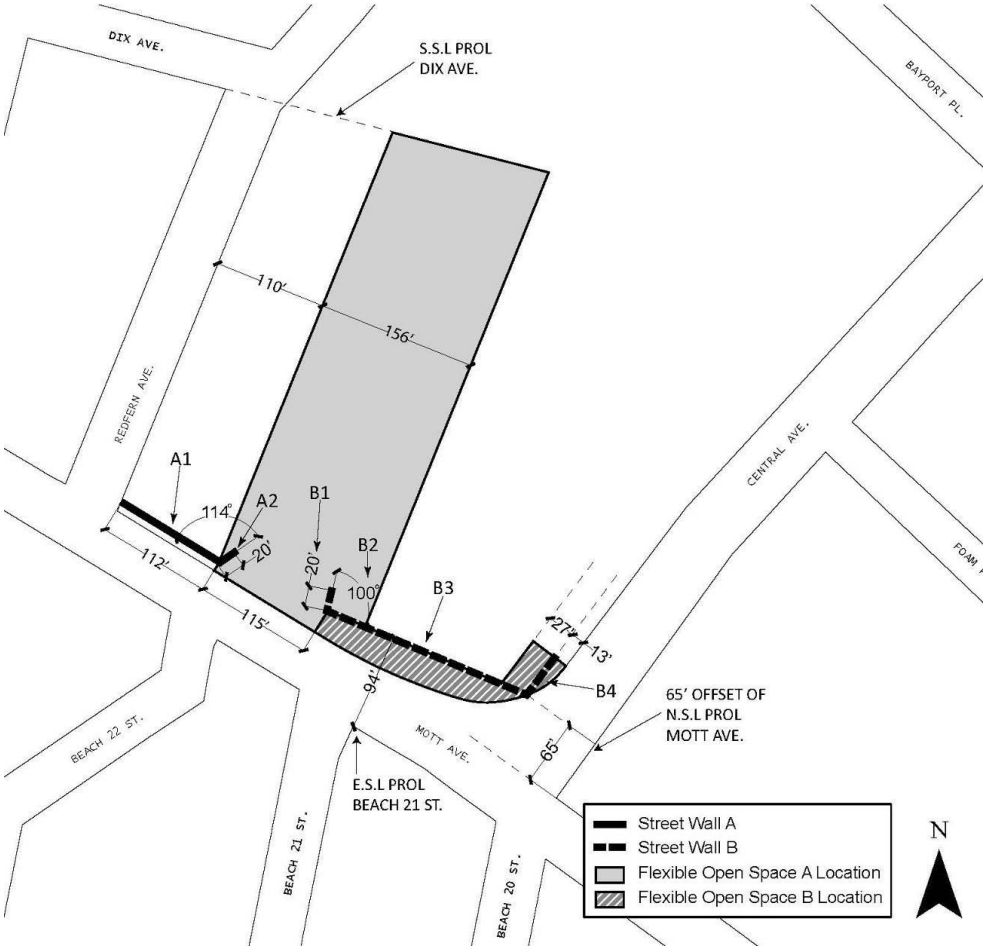
Map 5 – Maximum Building Height Within Subdistrict A



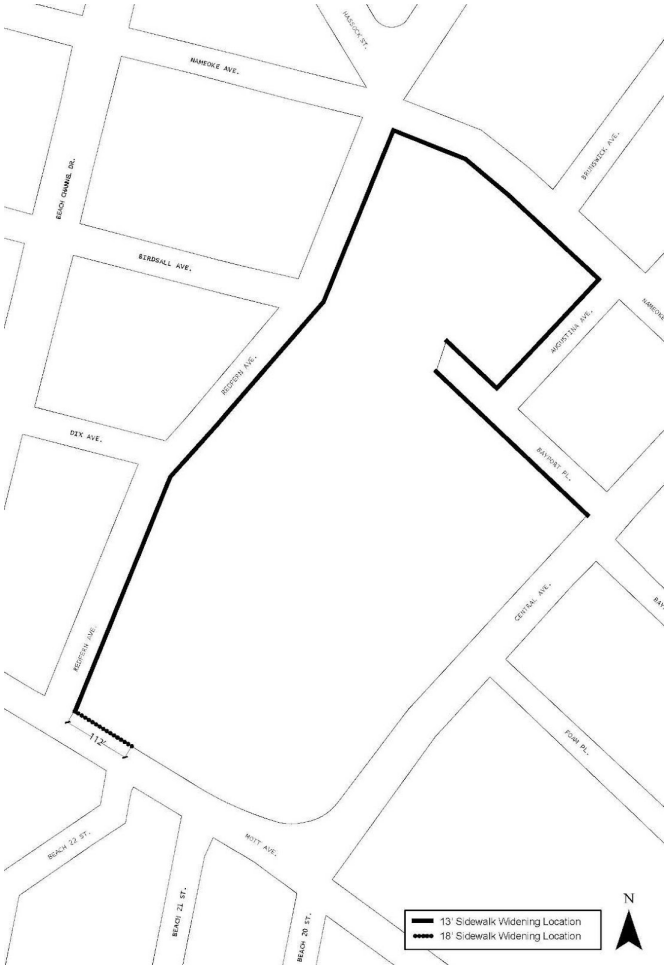
Map 6 – Publicly Accessible Private Streets



Map 7 – Mandatory Street walls and Flexible Public Open Space Locations



Map 8 – Sidewalk Widenings



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 7 - Special Coastal Risk District (CR)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 7 - Special Coastal Risk District (CR)

137-00 - GENERAL PURPOSES

LAST AMENDED
9/7/2017

The "Special Coastal Risk District" established in this Resolution is designed to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding and may face greater risk in the future. These general goals include, among others, the following specific purposes:

(a) to limit the population in areas that are vulnerable to frequent flooding, including those areas exceptionally at risk from projected future tidal flooding;

(b) to reduce the potential for property damage and disruption from regular flood events and support the City's capacity to provide infrastructure and services;

(c) to promote consistency with planned improvements, neighborhood plans, and other measures to promote drainage, coastal protection, open space and other public purposes;

(d) provide sound planning in areas that have historically been occupied by wetlands and, where plans exist, for such areas to be maintained as open space; and

(e) to promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenue.

137-10 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply in the #Special Coastal Risk District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control, except as specifically modified in this Chapter.

137-11 - District Plan and Maps

LAST AMENDED
5/12/2021

The District Maps are located in the Appendix to this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

Map 1 #Special Coastal Risk District# 1 (CR-1), in Broad Channel, Community District 14, Borough of Queens

Map 2 #Special Coastal Risk District# 2 (CR-2), in Hamilton Beach, Community District 10, Borough of Queens

Map 3 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island

Map 4 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island

Map 5 #Special Coastal Risk District# 4 (CR-4), in Gerritsen Beach, Community District 15, Borough of Brooklyn.

137-12 - Applicability of Special Regulations

LAST AMENDED
5/12/2021

The special #use# and #bulk# regulations of this Chapter shall apply in the #Special Coastal Risk District# as set forth in the following table:

SPECIAL REGULATIONS

#Special Coastal Risk District#	#Residential Use# (137-21)	#Community Facility Use# (137-22)	Modified #Bulk# Requirements (137-31)	Modifications to Article V (137-40)	Special Requirements (137-50)
CR–1 (Broad Channel, Queens)	x	x			
CR–2 (Hamilton Beach, Queens)	x	x	x		
CR–3 (buyout areas, Staten Island)	x	x		x	x
CR–4 (Gerritsen Beach, Brooklyn)	x	x	x		

137-20 - SPECIAL USE REGULATIONS

LAST AMENDED
6/21/2017

The special #use# regulations of this Section 137-20, inclusive, shall apply in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-21 - Residential Use

LAST AMENDED
5/12/2021

In #Special Coastal Risk Districts# 1 and 3, #residential uses# shall be limited to #single-family# #detached residences#.

In #Special Coastal Risk District# 2, #residential uses# shall be limited to #single-# or #two-family# #detached residences#.

In #Special Coastal Risk District# 4, #residential uses# shall be permitted as follows:

(a) for #zoning lots# with a #lot area# of less than 3,000 square feet, #residential uses# shall be limited to #detached# or #semi-detached# #single-family residences#; and

(b) for #zoning lots# with a #lot area# of 3,000 square feet or more, #residential uses# shall be limited to #detached# or #semi-detached# #single-# or #two-family residences#.

The inclusion of #accessory# #residential uses# shall not be precluded by the provisions of this Section.

137-22 - Community Facility Use

LAST AMENDED
9/7/2017

In #Special Coastal Risk Districts#, #community facilities# with sleeping accommodations shall not be permitted.

In #lower density growth management areas# in #Special Coastal Risk District# 3, the regulations for #community facility uses# of the underlying districts shall be modified as follows:

(a) ambulatory diagnostic or treatment health care facilities shall be limited on any #zoning lot# to 1,500 square feet of #floor area#, including #cellar# space; and

(b) all #community facility uses# shall be subject to the maximum #floor area ratio#, and special #floor area# limitations, applicable to R3-2 Districts set forth in Section 24-162 (Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts).

137-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
6/21/2017

The special #bulk# regulations of this Section 137-30, inclusive, shall apply to #buildings# in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-31 - Minimum Lot Width

LAST AMENDED

In #Special Coastal Risk District# 2, the regulations of Section 23-32 (Minimum Lot Area or Lot Width for Residences) are modified such that the minimum #lot width# for a #two-family detached residence# in an R3A District shall be 40 feet.

137-32 - Height and Setback Regulations

LAST AMENDED
5/12/2021

In #Special Coastal Risk District# 4, all #detached# or #semi-detached# #single-# or #two-family residences# shall be subject to the height and setback provisions set forth in Section 64-333 (Height and setback regulations for cottage envelope buildings).

137-40 - SPECIAL APPLICABILITY OF ARTICLE V

LAST AMENDED
5/12/2021

In #Special Coastal Risk District# 3, the provisions of Article V, Chapter 2 (Non-conforming Uses) shall be modified as set forth in this Section. In addition, the provisions of Article VI, Chapter 5 (Special Regulations Applying in Designated Recovery Areas) and Section 64-61 (Special Provisions for Non-conforming Uses) shall not apply.

#Non-conforming# #uses# may not be #enlarged# or #extended#. In addition, should 50 percent or more of the #floor area# of a #building# containing a #non-conforming# #use# be damaged or destroyed after September 7, 2017, the #building# may be repaired, #incidentally altered# or reconstructed only for a #conforming# #use#.

137-50 - SPECIAL REQUIREMENTS FOR DEVELOPMENTS AND ENLARGEMENTS

LAST AMENDED
5/12/2021

In #Special Coastal Risk District# 3, no #development# or horizontal #enlargement# shall occur, except where authorized by the City Planning Commission pursuant to Sections 137-51 (Authorization for Development of Single Buildings and Enlargements) or 137-52 (Authorization for Development of Multiple Buildings), as applicable. In addition, the provisions of Article VI, Chapter 5 (Special Regulations Applying in Designated Recovery Areas) and Section 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) shall not apply.

For the purposes of determining which authorization shall be applicable, the #zoning lot# upon which the #development# shall occur shall be considered to be a tract of land that existed under separate ownership from all adjoining tracts of land on April 24, 2017.

For the purposes of such authorizations, the alteration of any existing #building# resulting in the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

The provisions of Section 137-50, inclusive, shall not apply to the reconstruction of a garage #accessory# to a #single-family residence# or #two-family residence#.

The provisions of Section 73-71 (Special Permit for Modification of Certain Zoning Regulations) shall be inapplicable to a

#building# that is #developed# pursuant to this Section, inclusive.

137-51 - Authorization for Development of Single Buildings and Enlargements

LAST AMENDED
9/7/2017

The City Planning Commission may authorize a horizontal #enlargement#, or a #development# consisting of no more than one #building# containing a non-#accessory# #use#, on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

(a) the site plan, to the extent practicable, minimizes the need for new paving and impervious surfaces upon the #zoning lot#;

(b) the site plan provides access to the new or #enlarged building# using #streets# that were improved and open to traffic on the date of application for an authorization, and which serve other occupied #buildings#;

(c) the site plan, to the extent practicable, minimizes adverse effects on wetlands, planned open space, drainage, or other functions in the surrounding area;

(d) the resulting #building# and other site improvements would not impair the essential ecological character of the surrounding area for its future use as open space;

(e) the site plan and resulting #building# incorporate such measures as are reasonable to minimize risks to public safety from natural hazards such as flooding and wildfires; and

(f) where the Commission is modifying #bulk# regulations, such modifications are the minimum necessary to protect, or provide buffering from, wetlands or wetland-adjacent areas.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

137-52 - Authorization for Development of Multiple Buildings

LAST AMENDED
9/7/2017

The City Planning Commission may authorize a #development# consisting of more than one #building# on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

(a) all #zoning lots# comprising such #development# together provide a minimum of 9,500 square feet of #lot area# per #building#, where no portion of such #lot area# shall contain delineated wetland on a wetland survey reviewed by the New York State Department of Environmental Conservation (NYSDEC). Such review by the NYSDEC shall have occurred no more than two years prior to the date of application for this authorization;

(b) the #development# satisfies the findings of paragraphs (a) through (e) of Section 137-51 (Authorization for Development of Single Buildings and Enlargements);

(c) where the Commission is modifying #bulk# regulations, such modifications shall:

(1) facilitate the configuration of #buildings# in order to protect, or provide buffering from, adjacent wetlands, open space and natural resources;

(2) facilitate, to the extent practicable, the configuration of #buildings# in proximity to the location of existing

#buildings# within the area;

(3) limit the need for new paving and impermeable surfaces; and

(4) be consistent with the scale and character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX - Special Coastal Risk District Plan

LAST AMENDED9/7/2017

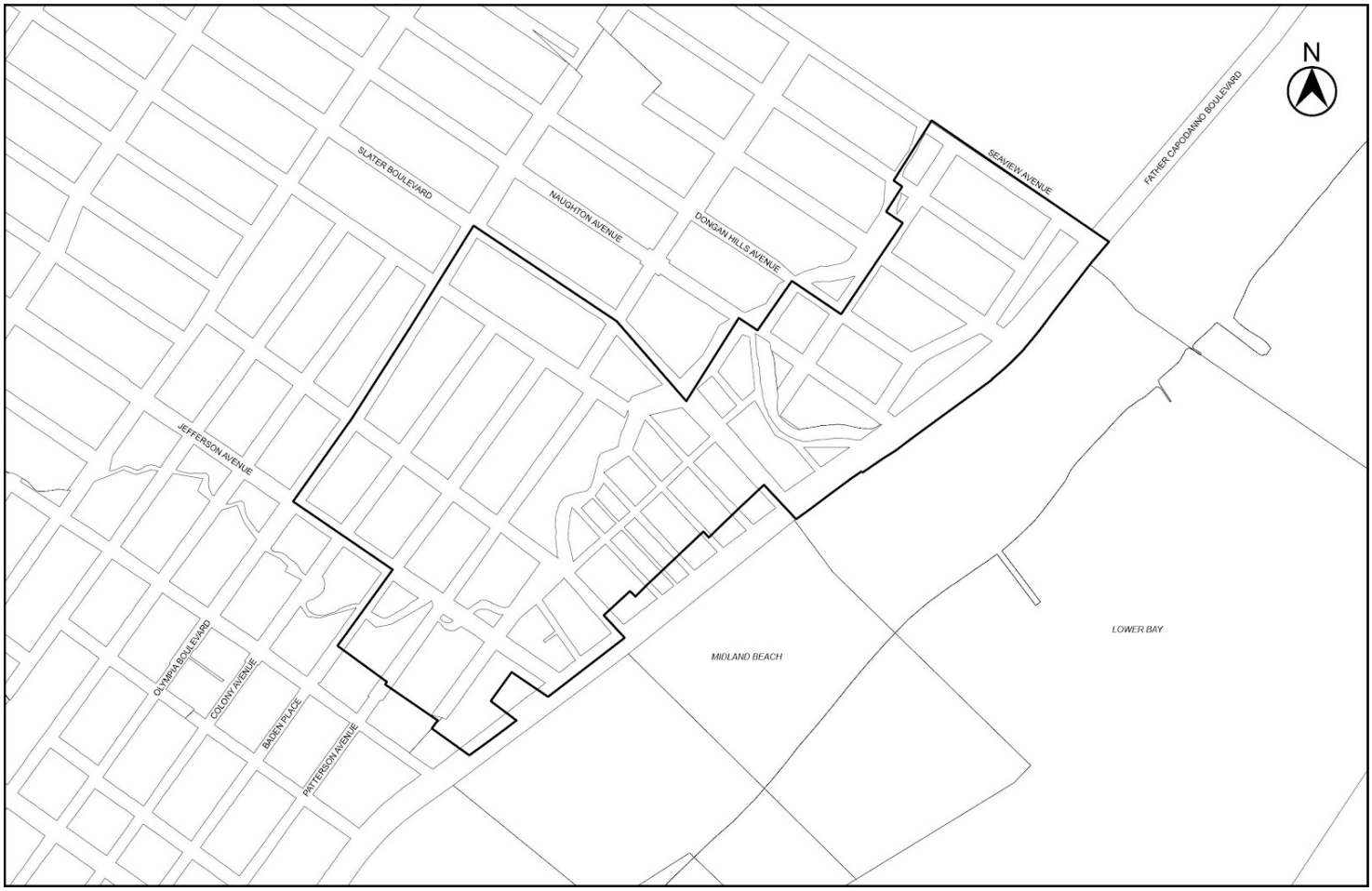
Map 1 - Special Coastal Risk District 1, in Broad Channel, Community District 14, Borough of Queens (6/21/17)

District Boundary

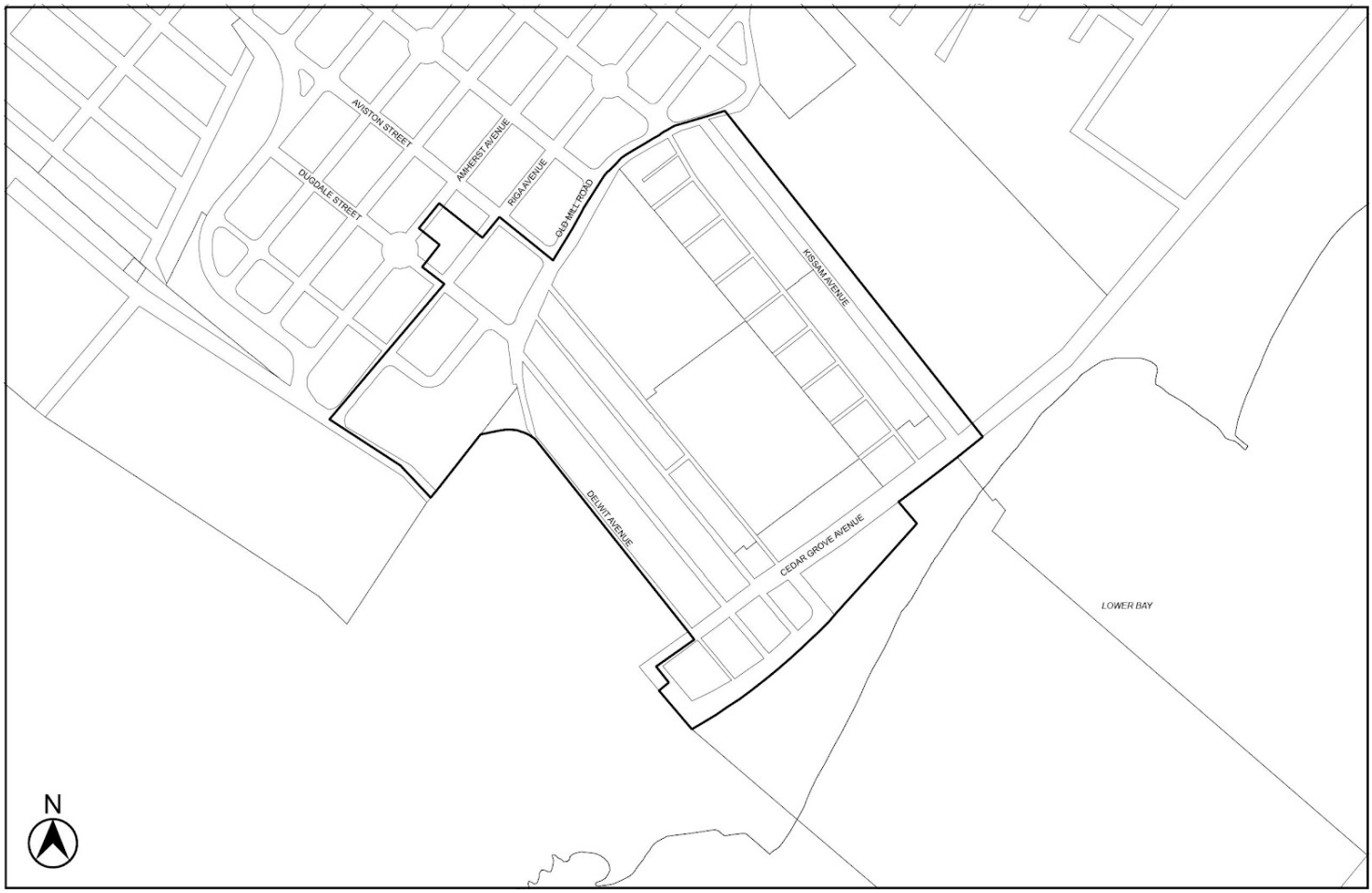
Map 2 - Special Coastal Risk District 2, in Hamilton Beach, Community District 10, Borough of Queens (6/21/17)

District Boundary

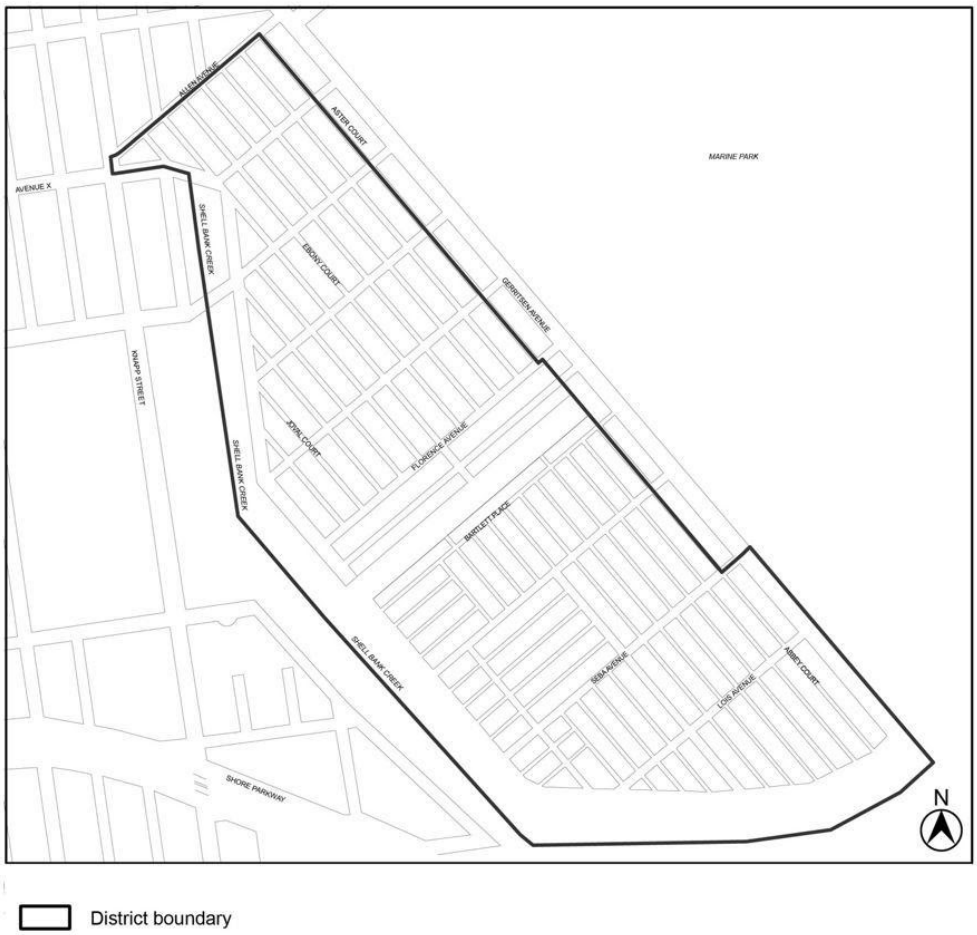
Map 3 - Special Coastal Risk District 3, encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island (9/7/17)



Map 4 - Special Coastal Risk District 3, encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island (9/7/17)



Map 5 – Special Coastal Risk District 4, in Gerritsen Beach, Community District 15, Borough of Brooklyn (5/12/21)



District boundary

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special East Harlem Corridors District (EHC)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 8 - Special East Harlem Corridors District (EHC)

138-00 - GENERAL PURPOSES

LAST AMENDED
11/30/2017

The "Special East Harlem Corridors District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;

(b) to encourage the development of residential uses along appropriate corridors;

(c) to encourage the development of permanently affordable housing;

(d) to facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections;

(e) to enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;

(f) to ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

138-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

138-02 - District Plan and Maps

LAST AMENDED
11/30/2017

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

138-03 - Subdistrict

LAST AMENDED
11/30/2017

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

138-04 - Applicability

LAST AMENDED
11/30/2017

138-041 - Applicability of Article IX, Chapter 5

LAST AMENDED
11/30/2017

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

138-042 - Applicability of Article XII, Chapter 3

LAST AMENDED
11/30/2017

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

138-043 - Applicability of the Quality Housing Program

LAST AMENDED
11/30/2017

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

138-044 - Applicability of the Inclusionary Housing Program

LAST AMENDED
11/30/2017

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the

#Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

138-10 - SPECIAL USE REGULATIONS

LAST AMENDED
11/30/2017

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

138-11 - Location of Residential Use Within Buildings

LAST AMENDED
11/30/2017

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

138-12 - Public Parking Garages

LAST AMENDED
11/30/2017

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the regulations set forth for C2-4 Districts shall apply.

138-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
11/30/2017

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 District, the height and setback provisions set forth in Section 138-24 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

138-21 - Floor Area Regulations

LAST AMENDED
11/30/2017

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations shall apply as modified in this Section, inclusive.

138-211 - Special floor area regulations

LAST AMENDED
5/29/2019

(a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:

(1) for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;

(2) for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

(3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and

(4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

(b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.

(c) For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

138-212 - Additional floor area regulations in the Park Avenue Subdistrict

LAST AMENDED
11/30/2017

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section 138-211 are further modified in this Section.

(a) Required non-#residential# #floor area ratio#

Where a #development# or #enlargement# of a #building# on a #zoning lot#, or portion thereof, located within the Park Avenue Subdistrict contains #residentia# #floor area#, such #zoning lot# shall provide a minimum non-#residential# #floor area ratio# as set forth below:

(1) in M1-6 Districts paired with an R9 District, a minimum non-#residential# #floor area ratio# of 1.0 shall be provided;

(2) in C6-4 Districts, and in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 10.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided; and

(3) in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 12.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided.

(b) Maximum #floor area ratio# for #zoning lots# within M1-6 Districts paired with an R9 District

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# for any #use#, or any combination of #uses#, shall not exceed 8.5.

(c) Modified maximum #floor area ratio# for certain #zoning lots#

The #floor area ratios# set forth in paragraphs (a) and (b) of this Section, and in Section 138-211, shall be modified, as follows:

(1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet;

(2) for #zoning lots# subject to paragraph (c)(1) of this Section, the maximum #floor area ratio# for all #uses# shall be set forth as follows:

Maximum #floor area ratio# shown on Map 2	Modified maximum #floor area ratio#
8.5	7.52
10.0	9.0

138-22 - Street Wall Regulations

LAST AMENDED
5/12/2021

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

(1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#; and

(2) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (b)(1) of Section 37-362 (Mitigation elements) for at least 70 percent of the linear footage, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 37-362 for at least 70 percent of the linear footage of such area per 50 feet of frontage.

138-23 - Height and Setback Regulations in Commercial Districts

LAST AMENDED
5/29/2019

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-

652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that:

(1) the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations);

(2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to such Section shall be 21;

(3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of Sections 35-652 or 35-654 for R9 Districts shall apply, except that the minimum base height set forth in Section 138-22 shall apply, the maximum #building# height for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to Section 35-654 shall be 21;

(4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions of Section 35-654 shall be modified to 125 feet and the maximum number of stories permitted pursuant to such Section shall be 12; and

(5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

The regulations of paragraph (b)(2) of Section 35-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential# #floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

(i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.

(ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:

(a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section 95-032 (Determination of transit easement at other stations); and

(b) 215 feet for #zoning lots# which include only transit facilities specified in Section 95-032 other than ancillary facilities with emergency egress and/or ventilation structures.

138-24 - Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

LAST AMENDED
11/30/2017

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (b) of Section 138-22 (Street Wall Regulations) shall apply, and the applicable maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations), inclusive, shall apply as modified in this Section.

(a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). The maximum #building# height shall be 215 feet;

(b) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 10.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 275 feet; and

(c) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 12.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 295 feet.

138-30 - STREETSCAPE REQUIREMENTS

LAST AMENDED
5/29/2019

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level# #enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a #ground floor level# that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5, or any portion of a #ground floor level# that contains a subway entrance required pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair), need not comply with the streetscape requirements of this Section, inclusive.

138-31 - Ground Floor Use Regulations

LAST AMENDED
5/12/2021

The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level# #street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:

(1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level# #street wall# width may be exempt from such regulations, provided that planting or screening in accordance with the provisions of paragraphs (a)(1) or (b)(1) of Section 37-362 (Mitigation elements) is provided pursuant to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds); and

(2) in #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section 37-361.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

138-32 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
5/12/2021

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet that fronts on a portion of sidewalk containing a stairway entrance or entrances into the 116th Street Station of the Lexington Avenue subway line, such #development# or #enlargement# shall be subject to the regulations of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

138-40 - OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
11/30/2017

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section 123-70 (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

138-41 - Accessory Off-street Parking Spaces for Residences

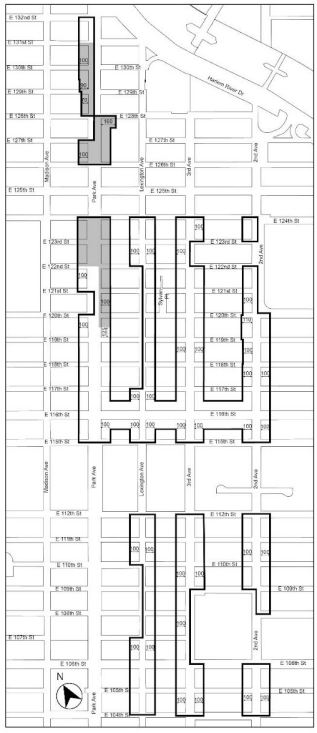
LAST AMENDED
11/30/2017

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.

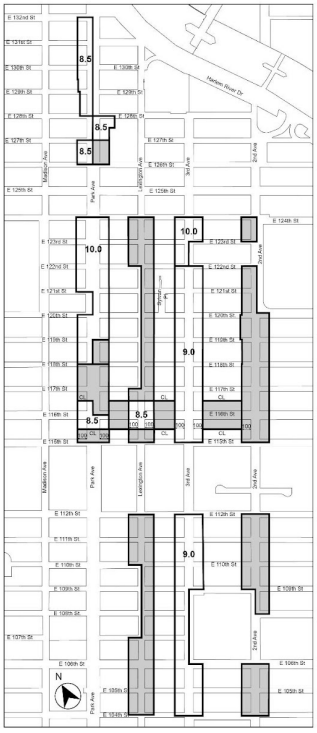
Appendix - SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

LAST AMENDED11/30/2017

Map 1: Special East Harlem Corridors District and Subdistrict (11/30/17)



Map 2: Maximum Residential Floor Area Ratio (11/30/17)

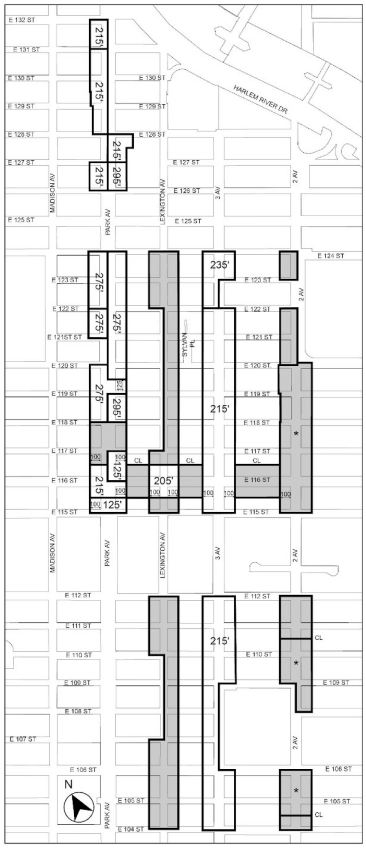


EAST HARLEM DISTRICT PLAN

MAP 2. MAXIMUM RESIDENTIAL FAR

Underlying FAR Applies

Map 3: Maximum Height (5/29/19)



EAST HARLEM DISTRICT PLAN

MAP 3. MAXIMUM HEIGHT

* Subject to Section 138-23(b)(3)(ii)

Underlying Maximum Height Applies

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 9 - Special Gowanus Mixed Use District (G)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 9 - Special Gowanus Mixed Use District (G)

139-00 - GENERAL PURPOSES

LAST AMENDED11/23/2021

The "Special Gowanus Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Gowanus neighborhood and the greater community. These general goals include, among others, the following specific purposes:

(a) to recognize and enhance the vitality and character of an existing mixed use neighborhood;

(b) to encourage stability and growth in the Gowanus neighborhood by permitting compatible light manufacturing and residential uses to coexist;

(c) to encourage investment in a mixed use neighborhood by permitting the expansion and new development of a wide variety of uses in a manner that ensures the health and safety of residents and employees;

(d) to improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;

(e) to promote and enhance visual and physical access to and around the Gowanus Canal;

(f) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(g) to expand local employment opportunities and to promote the opportunity for workers to live in the vicinity of their work; and

(h) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

139-01 - Definitions

LAST AMENDED11/23/2021

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Sections 12-10, 37-311, 62-11 and 66-11. The definition of #development# shall be as set forth in Section 12-10, except where otherwise specified.

Gowanus mix uses

"Gowanus mix uses" are #community facility#, #commercial#, and #manufacturing uses# set forth in Section 139-12 (Gowanus Mix Uses).

Gowanus retail and entertainment uses

"Gowanus retail and entertainment uses" are #community facility# and #commercial uses# set forth in Section 139-13 (Gowanus Retail and Entertainment Uses).

Mixed use district

In the #Special Gowanus Mixed Use District#, a "mixed use district" shall be any M1 District paired with a #Residence District#, as indicated on the #zoning maps#. For the purposes of applying provisions of districts adjacent to a #mixed use district#, a #mixed use district# shall be considered a #Manufacturing District#.

Select community facility uses

For the purposes of this Chapter, the following #community facility uses# shall also be considered "select community facility uses":

Houses of worship, rectories or parish houses; and

Health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.

139-02 - General Provisions

LAST AMENDED11/23/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Gowanus Mixed Use District#, the regulations of this Chapter shall apply within the #Special Gowanus Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

139-021 - Applicability of regulations to the Gowanus Canal

LAST AMENDED11/23/2021

In the #Special Gowanus Mixed Use District#, all #blocks# bounding the Gowanus Canal shall be considered #waterfront blocks# within the #waterfront area#, and the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), as modified by the provisions of this Chapter, shall apply.

All #zoning lots# having a boundary within or coincident with the boundaries of the Gowanus Canal, shall be considered #waterfront zoning lots#. All portions of such a #zoning lot# shall be included as part of the #upland lot# and deemed to be #lot area#, regardless of the location of the #shoreline#.

For the purposes of this Chapter, the boundaries of the Gowanus Canal shall be as shown on the City Map, and shall include the First Street Basin.

139-022 - Applicability of the Inclusionary Housing Program

LAST AMENDED11/23/2021

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90 (INCLUSIONARY HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Gowanus Mixed Use District# are shown on the maps in APPENDIX F (Inclusionary Housing Areas and Mandatory Inclusionary Housing Areas) of this Resolution. Such provisions are modified by the provisions of this Chapter.

139-023 - Applicability of the Quality Housing Program

LAST AMENDED11/23/2021

In the #Special Gowanus Mixed Use District#, all #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 (The Quality Housing Program) shall apply. Such #buildings# shall be considered #Quality Housing buildings#

139-024 - Applicability of Article VI, Chapter 4

LAST AMENDED11/23/2021

In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

139-025 - Applicability of Article VI, Chapter 6

LAST AMENDED11/23/2021

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

139-026 - Applicability of Article XII, Chapter 3

LAST AMENDED11/23/2021

In #Mixed Use Districts#, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

Notwithstanding the provisions of Section 123-10, in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

139-03 - District Plan and Maps

LAST AMENDED11/23/2021

The regulations of this Chapter are designed to implement the #Special Gowanus Mixed Use District# Plan. The district plan includes the following maps in the Appendices to this Chapter:

Appendix A – #Special Gowanus Mixed Use District# Plan

Map 1 Subdistricts

Map 2 Subareas

Map 3 Ground Floor Use Requirements

Map 4 Sidewalk Widening Lines

Appendix B – Gowanus Canal Waterfront Access Plan

Map 1 Parcel Designation

Map 2 Public Access Elements

Map 3 Designated Visual Corridors

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

139-04 - Subdistricts

LAST AMENDED11/23/2021

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established within the #Special Gowanus Mixed Use District#. In addition, subareas are established within Subdistricts B and D.

Subdistrict A – Fourth Avenue Subdistrict

Subdistrict B – Upland Blocks Subdistrict

Subarea B1

Subarea B2

Subdistrict C – North Canal Corridor Subdistrict

Subdistrict D – South Canal Corridor Subdistrict

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

Subarea D6

Subdistrict E – First Street Subdistrict

The boundaries of the subdistricts are shown on Map 1 and the boundaries of the subareas are shown on Map 2 in Appendix A of this Chapter.

139-10 - SPECIAL USE REGULATIONS

LAST AMENDED11/23/2021

In Subdistricts A, B, C, and D the underlying #use# regulations shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying district regulations shall apply.

139-11 - Permitted Uses

LAST AMENDED11/23/2021

139-111 - Permitted Uses in Manufacturing Districts

LAST AMENDED11/23/2021

In all #Manufacturing Districts#, in addition to the #uses# specified in Article IV, Chapter 2, the following #uses# shall also be permitted:

(a) colleges or universities, including professional schools but excluding business colleges or trade schools, libraries, museums, or non-commercial art galleries, and #schools# listed in Use Group 3, as set forth in Section 22-13;

(b) community centers or settlement houses, non-commercial recreation centers, philanthropic or non-profit institutions without sleeping accommodations, hospitals, and agricultural #uses# listed in Use Group 4, as set forth in Section 22-14;

(c) food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section 32-15 (Use Group 6), without limitation as to #floor area# per establishment; and

(d) the manufacture of alcoholic beverages and breweries, as set forth in Section 42-15 (Use Group 18), without limitation as to #floor area# per establishment. The provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.

139-112 - Permitted Uses in Mixed Use Districts

LAST AMENDED11/23/2021

In all #Mixed Use Districts#, in addition to the #uses# specified in Article XII, Chapter 3, the following #uses# shall also be permitted:

(a) food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section 32-15 (Use Group 6), without limitation as to #floor area# per establishment;

(b) all uses in Use Group 10A, as specified in Section 32-19, limited to 25,000 square feet of #lot area# per establishment; and

(c) the manufacture of alcoholic beverages and breweries, as set forth in Section 42-15 (Use Group 18), without limitation as to #floor area# per establishment. The provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.

139-12 - Gowanus Mix Uses

LAST AMENDED11/23/2021

For the purposes of applying the special #bulk# regulations of Section 139-212 (Gowanus mix), the following #community facility#, #commercial#, and #manufacturing uses# shall also be considered #Gowanus mix uses#:

From Use Group 3, as set forth in Section 22-13:

libraries, museums, and non-commercial art galleries, as listed in Use Group 3A;

From Use Group 4, as set forth in Section 22-14:

community centers or settlement houses and non-profit institutions without sleeping accommodations as listed in Use Group 4A;

agriculture, including greenhouses, nurseries, and truck gardens as listed in use Group 4B;

From Use Group 6, as set forth in Section 32-15:

custom tailoring, as listed in Use Group 6A;

From Use Group 7, as set forth in Section 32-16:

bike rental or repair, sailmaking stores, sign painting shops, and taxidermy shops as listed in Use Group 7B;

From Use Group 8: as set forth in Section 32-17:

lumber stores and home appliance repair shops as listed in Use Group 8B;

From Use Group 9, as set forth in Section 32-18:

blueprinting; costume rental; instrument repair; printing establishments; studios, art, music, dancing or theatrical; trade schools for adults; and umbrella repair shops as listed in Use Group 9A;

photographic printing or developing as listed in Use Group 9B;

From Use Group 10, as set forth in Section 32-19:

photographic or motion picture production studios; radio or television studios;

From Use Group 11, as set forth in Section 32-20:

all #uses# listed in Use Groups 11A;

From Use Group 14, as set forth in Section 32-23:

bicycle rental or repair, and boat storage, repair, and painting, as listed in Use Group 14A;

From Use Group 16, as set forth in Section 32-25:

blacksmith shops; carpentry or custom woodworking; custom furniture making; building contractor supply stores; fuel, ice, oil, coal, wood sales; household and office equipment or machinery repair shops; machinery rental or sales establishments; mirror silvering or glass cutting shops; and tool, die, and pattern making shops as listed in Use Group 16A;

From Use Group 17, as set forth in Section 42-14:

all #uses# listed in Use Group 17B;

From Use Group 18, as set forth in Section 42-15:

breweries and alcoholic beverage manufacturing.

139-13 - Gowanus Retail and Entertainment Uses

LAST AMENDED12/9/2021

For the purposes of applying the basic #floor area ratio# regulations of Section 139-21, the following #community facility# and #commercial uses# shall also be considered #Gowanus retail and entertainment uses#:

From Use Group 3, as set forth in Section 22-13:

non-commercial art galleries;

From Use Group 6, as set forth in Section 32-15:

all #uses# listed in Use Group 6A, 6C, and 6E;

From Use Group 8, as set forth in Section 32-17:

all #uses# listed in Use Group 8A;

From Use Group 9, as set forth in Section 32-18

automobile, motorcycle, trailer, or boat showrooms or sales, banquet halls, catering establishments, gymnasiums, #physical culture or health establishments#;

From Use Group 10, as set forth in Section 32-19:

all #uses# listed in Use Group 10A;

From Use Group 12, as set forth in Section 32-21:

all #uses# listed in Use Groups 12A and 12B;

From Use Group 13, as set forth in Section 32-22:

all #uses# in Use Group 13A and 13B;

From Use Group 14, as set forth in Section 32-23:

bicycle sales; candy or ice cream stores; and non-commercial clubs without restrictions on activities or facilities.

139-14 - Supplementary Use Regulations

LAST AMENDED11/23/2021

139-141 - Location of commercial uses in mixed buildings

LAST AMENDED11/23/2021

(a) Commercial Districts

In #Commercial Districts#, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged# after November 23, 2021, to permit #dwelling units# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

(b) Mixed Use Districts

In #Mixed Use Districts#, the provisions of paragraph (c)(2) of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings) shall be modified to allow #commercial# and #manufacturing uses# to be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from such #uses# exists within the #building#.

139-142 - Enclosure of uses

LAST AMENDED11/23/2021

In #Manufacturing Districts#, the underlying regulations of Section 42-40 (SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) shall apply, except that all storage of materials or products shall be located within #completely enclosed buildings# regardless of distance from a #Residence District#.

139-15 - Special Sign Regulations

LAST AMENDED11/23/2021

In the #Special Gowanus Mixed Use District#, the underlying #sign# regulations shall apply, except that:

(a) in #Manufacturing Districts#, the #sign# regulations of a C6-1 District, as set forth in Section 32-60, shall apply; and

(b) any #accessory signs# that are provided adjacent to a #shore public walkway# shall be governed by the provisions of Section 139-55 (Special Signage Regulations).

139-20 - SPECIAL BULK REGULATIONS

LAST AMENDED11/23/2021

In Subdistricts A, B, C and D, the #bulk# regulations of the applicable underlying districts shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying regulations shall apply.

In Subdistrict A, the provisions of Section 34-112 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) and paragraph (b) of Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5, or C6 Districts) shall be modified so that, in C4-4D Districts, the applicable #Residence District# shall be an R9A District, as modified by the provisions of this Chapter.

139-21 - Floor Area Regulations

LAST AMENDED11/23/2021

Basic #floor area# regulations are established in Section 139-211. Such regulations may be modified by the provisions of this Section, inclusive.

The basic maximum #floor area ratios# may be increased for certain #zoning lots# pursuant to Sections 139-212 (Gowanus mix) and 139-213 (Special floor area provisions for transit improvements).

Special regulations for #community facility floor area# on #zoning lots# containing #schools# are set forth in Section 139-214 (Special floor area provisions for zoning lots containing schools).

Special regulations for certain #zoning lots# are set forth in Section 139-215 (Special floor area provisions for zoning lots containing comfort stations) and 139-216 (Special floor area provisions for street improvements).

For the purposes of applying the provisions of Section 64-322 (Special floor area modifications for flood-resistant buildings), #primary street frontages# shall be the locations designated on Map 3 in the Appendix to this Chapter.

139-211 - Basic floor area regulations

LAST AMENDED11/23/2021

The maximum #floor area# regulations for each district in the #Special Gowanus Mixed Use District# shall be as set forth in the table in this Section.

Row A establishes the maximum #residential# #floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section 23-154 (Inclusionary Housing), or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. For #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154, the maximum #floor area ratio# shall be as set forth in Section 23-153 (For Quality Housing buildings)

Row B establishes a maximum #floor area ratio# for #community facility uses#, other than #select community facility uses#.

Row C sets forth the maximum #floor area ratio# for #select community facility uses# only. In addition, special regulations for #schools# are set forth in Section 139-214.

Row D establishes a maximum #floor area ratio# for #Gowanus retail and entertainment uses# only.

Row E establishes a maximum #floor area ratio# for all #commercial uses#, inclusive of #Gowanus retail and entertainment uses# .

Row F sets forth the maximum #floor area ratio# for #manufacturing# uses.

MAXIMUM FLOOR AREA RATIO

		C4-4D	M1-4		M1-4 / R6B	M1-4 / R6A	M1-4 / R7A	M1-4 / R7-2	M1-4 / R7X
			Subarea B1	Subarea B2					
A	Maximum #FAR# for #residential uses# for #MIH Sites#	8.5	-	-	2.2	3.6	4.6	4.4	5.4
B	Maximum #FAR# for #community facility uses#	6.5	3.6	2.7	2.0	3.0	4.0	4.0	5.0

C	Maximum #FAR# for #select community facility uses#	6.5	4.8	4.8	2.0	3.0	4.0	4.0	5.0
D	Maximum #FAR# for #Gowanus retail and entertainment uses#	3.4	2.0	2.0	2.0	2.0	2.0	2.0	2.0
E	Maximum #FAR# for #commercial uses#	3.4	3.6[1]	2.7[2]	2.0	3.0	3.0	3.0	4.0
F	Maximum #FAR# for #manufacturing uses#	-	3.6[1]	2.7[2]	2.0	3.0	3.0	3.0	4.0

[1] In #Manufacturing Districts# within Subarea B1, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 4.0.

[2] In #Manufacturing Districts# within Subarea B2, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 3.0.

139-212 - Gowanus mix

LAST AMENDED11/23/2021

In M1 Districts paired with R7-2 or R7X Districts, the provisions of this Section may be utilized to increase the maximum #floor area ratio# set forth Section 139-211 (Basic floor area regulations).

(a) Inclusion of #Gowanus mix uses#

For #zoning lots# with #buildings# containing both #residential# #uses# and #Gowanus mix uses#, the maximum #floor area ratio# may be increased by the amount of #Gowanus mix uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(b) Inclusion of both #Gowanus mix uses# and non-#residential# #uses#

For #zoning lots# utilizing the provisions of paragraph (a) of this Section, the maximum #floor area ratio# may be further increased by the amount of non-#residential# #uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(c) Compliance and recordation

A Notice of Restrictions, the form and content of which shall be satisfactory to the City Planning Commission, for a property subject to inclusion of #Gowanus mix uses# pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect.

(d) Annual reporting for #Gowanus mix uses#

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which the first temporary or final certificate of occupancy was issued for a #building# utilizing the provisions of paragraph (b) of this Section, the #building# owner shall submit annually to the Chairperson of the City Planning Commission, Speaker of the City Council, and Brooklyn Community Board 6, a report on the existing conditions of #floor area# designated for #Gowanus mix uses# and include the information specified below:

(1) the date of the most recent update of this information;

(2) total #floor area# of the #Gowanus mix uses# in the #development#, pursuant to paragraph (b) of this Section;

(3) the name of each establishment occupying #floor area# reserved for #Gowanus mix uses#. Such establishment name shall include that name by which the establishment does business and is known to the public. For each establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(4) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(5) all prior periodic notification information required pursuant to the provisions of this paragraph.

The report shall be submitted by any method, including e-mail or other electronic means, acceptable to the Chairperson of the City Planning Commission.

#Floor area# provided to satisfy the requirements of Section 139-41 (Ground Floor Level Requirements) may not be utilized to satisfy the requirements of this Section.

139-213 - Special floor area provisions for transit improvements

LAST AMENDED

In #Commercial Districts#, the #floor area ratios# set forth in Section 139-211 (Basic floor area regulations) may be increased by up to 20 percent, pursuant to the provisions of Section 139-46 (Certification for Transit Improvements). Where the #residential# #floor area ratio# is increased, such additional #floor area# shall be exempt from the requirements of paragraph (d) of Section 23-154.

139-214 - Special floor area provisions for zoning lots containing schools

LAST AMENDED11/23/2021

(a) As-of-right provisions

The provisions of this paragraph (a) shall apply to #zoning lots# with a #lot area# greater than 30,000 square feet, and which contain #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

On such #zoning lots#, up to 60,000 square feet of floor space within such #school# or, in Subarea D4 up to 100,000 square feet of floor space within such #school#, shall be exempt from the definition of #floor area#.

(b) Special permit provisions

In #Manufacturing Districts# within Subareas B1 or B2, the Board of Standards and Appeals may permit the allowable #community facility# #floor area ratio# for #schools# to be increased to 4.8, provided that the Board finds that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access to light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-215 - Special floor area provisions for zoning lots containing comfort stations

LAST AMENDED11/23/2021

For #zoning lots# containing a comfort station provided in accordance with the provisions of paragraph (c)(2) of Section 139-51 (Area-wide Modifications), an area equal to 200 percent of the floor space within such comfort station may be exempted from the definition of #floor area#.

139-216 - Special floor area provisions for street improvements

LAST AMENDED11/23/2021

In Subareas D4, D5, and D6, for #zoning lots# containing mapped #streets#, where such mapped #streets# will be improved and opened to the public, the provisions of this Section may apply.

(a) Street area

The #lot area# of a #zoning lot# adjacent to newly improved #street# may be considered to be increased by an amount equal to the area contained within the bed of such #street#, as measured from the centerline of such #street# to the #street line# adjoining the #zoning lot#.

(b) Transfer of #floor area#

#Residential floor area# may be transferred from a granting site to a receiving site located directly across the newly improved #street#, and may exceed the maximum #floor area ratio# permitted on the receiving site, provided that:

(1) the owners of the granting site and the receiving site shall jointly notify the Department of City Planning, in writing, of their intent to transfer #residential# #floor area#. Such notification shall include a site plan showing the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;

(2) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #residential# #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning comply with the requirements of this Section; and

(3) no certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #residential# #floor area# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #building# has been constructed in accordance with the plan certified by the Chairperson pursuant to paragraph (b)(2) of this Section.

Notices of restrictions shall be filed by the owners of the granting site and the receiving site in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance of a building permit for a #building# on the receiving site containing any such transferred #residential# #floor area#.

The transfer of #residential# #floor area#, once completed, shall irrevocably reduce the maximum #residential# #floor area# permitted on the granting site. Any #building# on a receiving site that uses the #residential# #floor area# so transferred shall comply with all other applicable #bulk# regulations of this Chapter.

139-22 - Special Yard Regulations

LAST AMENDED11/23/2021

The underlying #yard# and #rear yard equivalent# regulations shall apply, as modified by the provisions of this Section, inclusive.

139-221 - Permitted obstructions in required yards

LAST AMENDED11/23/2021

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(3) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

139-222 - Rear yards and rear yard equivalents

LAST AMENDED11/23/2021

In all #Manufacturing Districts#, the provisions of 43-26 (Minimum Required Rear Yards) and 43-261 (Beyond one hundred feet of a street line) shall not apply. In lieu thereof, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10
Above 65 feet and below 125 feet	15

Above 125 feet	20

In addition, in all #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-28 (Special Provisions for Through Lots) shall be modified such that no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

139-223 - Required yards along district boundaries

LAST AMENDED11/23/2021

In #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-304 (Required front yards along district boundary located in a street) shall not apply.

In #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the underlying yard requirements applying along district boundaries of Sections 33-292 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots), 33-293 (Required yards along district boundary coincident with side lot line of zoning lot in a Commercial District), 43-302 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District), shall be superseded by the provisions of this Section as follows:

(a) When #side# or #rear lot lines# coincide with a #side lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level#, and at least eight feet in depth, shall be provided; and

(b) Where #side# or #rear lot lines# coincide with the #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than 30 feet above #base plane# and at least 20 feet in depth, shall be provided.

139-224 - Waterfront yards

LAST AMENDED11/23/2021

The provisions of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall be modified such that a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards) on all #waterfront zoning lots#, as that term is defined in Section 62-11, regardless of #use#.

The depth of the #waterfront yard# shall be measured from the #zoning lot line# adjoining the Gowanus Canal, or where the provisions of paragraph (f) of Section 139-51 (Area-wide Modifications) are utilized, from the bulkhead. The depth of the #waterfront yard# may be reduced as set forth in Section 62-332.

139-23 - Special Height and Setback Regulations

LAST AMENDED11/23/2021

The height and setback regulations of the applicable underlying districts are modified as follows:

(a) In #Commercial Districts#, the height and setback regulations of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS) shall apply to all #buildings#, as modified by the provisions of this Section, inclusive.

(b) In #Mixed Use Districts#, the height and setback regulations of Section 123-60 (SPECIAL BULK REGULATIONS) shall apply, as modified by the provisions of this Section, inclusive.

(c) In #Manufacturing Districts#, the underlying height and setback regulations of Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks), and 43-45 (Tower Regulations) shall not apply. In lieu thereof, minimum and maximum base heights and maximum heights for #buildings or other structures# shall be as set forth in this Section, inclusive. The other underlying regulations of Article IV, Chapter 3 (Bulk Regulations) shall apply, as modified by the provisions of this Section, inclusive.

(d) The special #bulk# regulations applicable in the #waterfront area# of Section 62-30 (SPECIAL BULK REGULATIONS) shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall control.

The height of all #buildings or other structures# shall be measured from the #base plane#.

139-231 - General provisions

LAST AMENDED11/23/2021

For the purposes of applying the applicable #bulk# regulations, the boundaries of #waterfront public access areas#, as well as #lot lines# abutting #public parks#, shall be considered #narrow# #street lines #.

Where a continuous sidewalk widening is provided along the entire frontage of a #zoning lot#, the interior boundary of such widening shall be considered a #street line# for the purpose of applying the height and setback regulations of this Chapter, except that where a sidewalk widening is provided pursuant to Section 139-43 (Sidewalk Widening Requirements), any setback required by this Section may be reduced by one foot for each foot by which the sidewalk is widened, provided that no setback shall be less than seven feet in depth.

Where a provision of this Chapter allows a modification to the maximum #building# height, and multiple modifications apply to a #building#, such modifications shall be applied cumulatively.

139-232 - Permitted obstructions

LAST AMENDED11/23/2021

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

(a) Solar energy systems

The underlying permitted obstruction regulations shall be modified to permit solar energy systems as a permitted obstruction up to a #lot coverage# of 100 percent of the #lot coverage# of the roof.

(b) Balconies

Unenclosed balconies complying with the provisions of Section 23-132 (Balconies in R6 through R10 Districts) may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section 139-51 (Area-wide Modifications).

(c) Dormers

Above the maximum base height, dormers shall be permitted to encroach into a required setback area, except setback areas adjoining tower portions of #buildings# and setback areas facing #waterfront public access areas#, provided that:

(1) the aggregate width of all dormers does not exceed 50 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height;

(2) the aggregate width of all dormers with a depth exceeding seven feet does not exceed 30 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height.

Such dormers need not decrease in width as the height above the maximum base height increases.

139-233 - Special height and setback regulations in Subdistrict A

LAST AMENDED11/23/2021

In Subdistrict A, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

The #street wall# location requirements of paragraph (b) of Section 35-651 (Street wall location) shall apply to all #buildings#.

(b) Base heights and setback requirements

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable.

In addition, for all non-#residential# #buildings#, the provisions of paragraph (b)(1) of Section 35-652 shall be modified such that the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# shall be as set forth in paragraph (b) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors).

139-234 - Special height and setback regulations in Subdistrict B

LAST AMENDED11/23/2021

In Subdistrict B, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

In #Manufacturing Districts#, 30 percent of the #street wall# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

In #Mixed Use Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in paragraph (b) of this Section or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

(b) Minimum and maximum base heights

In all districts, #street walls# shall rise without setback to a minimum base height set forth in this paragraph (b) or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). In #Manufacturing Districts#, minimum and maximum base heights and maximum heights of #buildings or other structures# shall be as set forth in Table 1 below. In #Mixed Use Districts#, such regulations shall be as set forth in Table 2.

Table 1

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR M1-4 DISTRICTS

(in feet)

	Minimum base height	Maximum base height	Maximum #building# height
in Subarea B1	15	95	115
in Subarea B2	15	65	85

Table 2

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR MIXED USE DISTRICTS

(in feet)

	Minimum base height	Maximum base height	Maximum #building# height
M1-4/R6B	30	45	55
M1-4/R6A	40	65	85
M1-4/R7A	40	75	95
M1-4/R7X	60	105	145

However, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, and located in a #Manufacturing District#, a #building# containing non-#residential uses# may exceed the maximum #building# heights established in Table 1 by 30 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided which complies with the requirements of paragraph (c) of Section 23-662.

139-235 - Special height and setback regulations in Subdistrict C

LAST AMENDED11/23/2021

(a) Street wall location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

Except as otherwise specified in this paragraph (b), #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). However, no minimum base height shall be required for #street walls# facing a #shore public walkway#.

(1) Along Bond Street, the minimum base height shall be 30 feet, and the maximum base height shall be 55 feet. No portion of a #building# located within 65 feet of Bond Street may rise above a height of 65 feet.

(2) Along Union Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(3) Along Degraw Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(4) Along all other #streets#, as well as along the Gowanus Canal, the maximum base height shall be 65 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback with a minimum depth of 15 feet shall be provided. Such setback shall also comply with the requirements of paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations).

(d) Tower regulations

Where #waterfront public access areas# are considered #streets#, such #streets# shall be considered the boundaries of #blocks# for the purposes of this paragraph.

(1) Tower location

Any portion of a #building# located above a height of 85 feet shall be considered a "tower". No portion of a tower may be located:

(i) within 30 feet of the #street line# of Nevins Street;

(ii) within 65 feet of Bond Street;

(iii) for #buildings# with only one tower portion, south of the centerline of the #block#; or

(iv) within 30 feet of a #waterfront yard#.

However, for #zoning lots# located south of Carroll Street, any tower may be located south of the centerline of the #block#, and within 30 feet of the #waterfront yard# adjoining the First Street Basin, provided such tower portion is located at least 10 feet from the #waterfront yard# adjoining the First Street Basin.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, for #zoning lots# located south of Carroll Street, the combined #street wall# width of all towers located west of the required #visual corridor# shall not exceed 150 feet.

(3) Tower coverage

Above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

The maximum height of a tower shall be 225 feet.

(5) Regulations for multiple towers

For #buildings# with two tower portions, there shall be a difference in height between such towers of at least 50 feet. The taller of the two towers shall be located north of the centerline of the #block#, except that:

(i) for #zoning lots# located south of Carroll Street, the taller of the two towers shall be located west of the required #visual corridor#. The shorter of the two towers shall be located east of the required #visual corridor#, and no less than 65 feet from Carroll Street; and

(ii) for the #zoning lot# adjoining the intersection of Degraw Street and Nevins Street, for any #building# located north of Sackett Street, the shorter of the two towers shall be located

north of the centerline of the #block#, and shall not exceed a height of 125 feet.

139-236 - Special height and setback regulations in Subdistrict D

LAST AMENDED11/23/2021

(a) Street wall location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

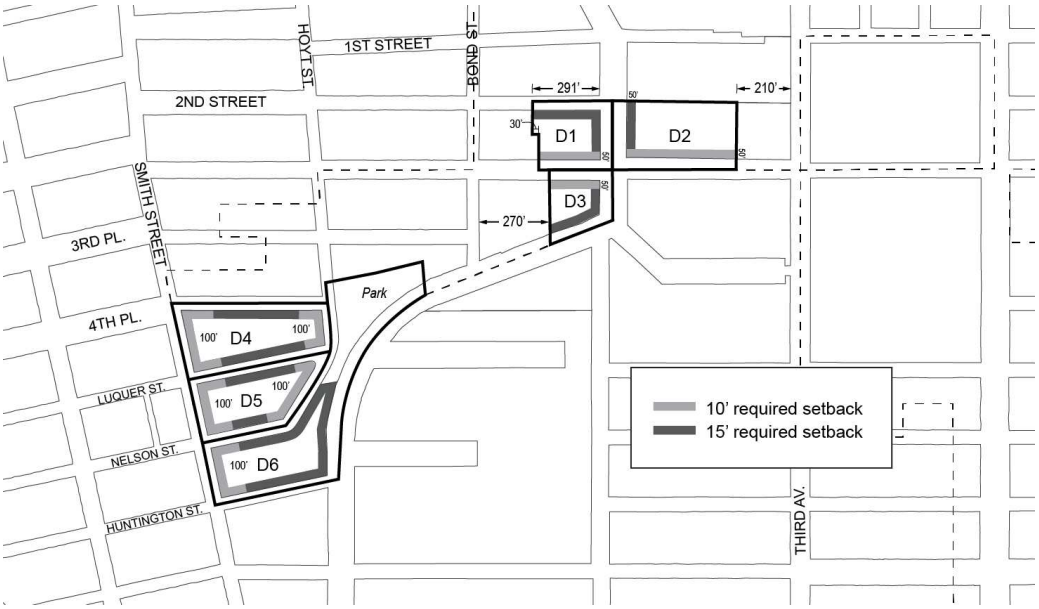
(b) Minimum and maximum base heights

For #zoning lots# in Subareas D1 through D6, #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in the map in this paragraph (b). However, this requirement shall not apply to the #aggregate width of street walls# facing a #shore public walkway#.

(c) Setback requirements

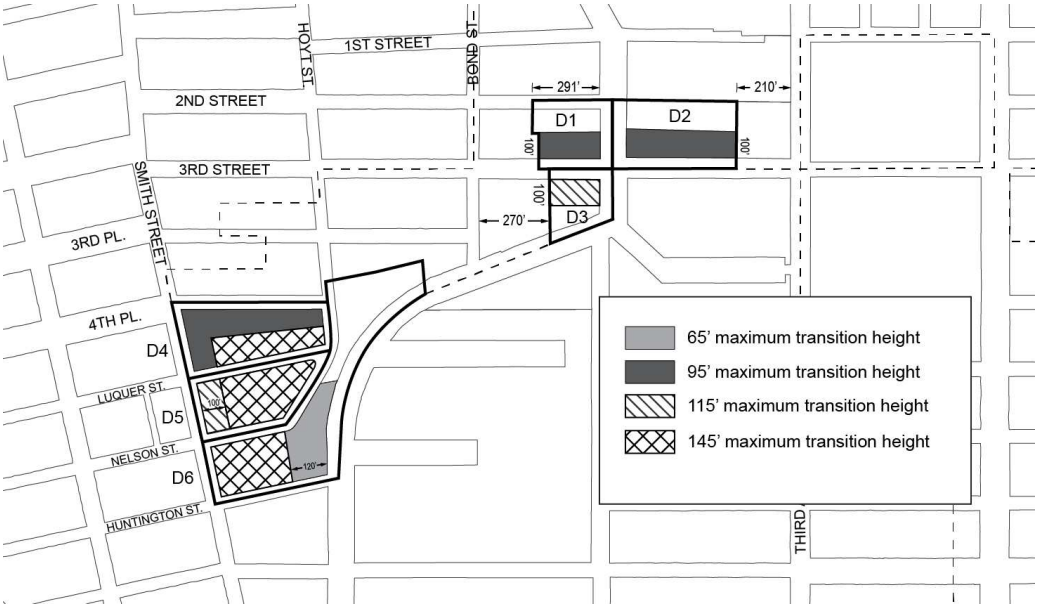
At a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided with a minimum depth as set forth in the map in this paragraph (c).

Such setbacks shall also comply with the provisions of paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations).



(d) Transition heights

Any portion of a #building# located above the setback required by paragraph (c) of this Section shall be permitted to rise to a maximum "transition height" as set forth in this paragraph (d). Any portion of a #building# located above the maximum transition height shall be considered a "tower" and shall comply with the provisions of paragraph (e) of this Section. Except as otherwise set forth in the map in this paragraph (d), such maximum transition height shall be 85 feet.



(e) Tower regulations

(1) Tower location

Any portion of a #building# located above the maximum transition height set forth in paragraph (d) shall be considered a "tower". No portion of a tower may be located:

(i) in Subarea D4, within 150 feet of Smith Street or within 150 feet of Hoyt Street;

(ii) in Subarea D5, within 80 feet of Smith Street or within 200 feet of Smith Street north of the mid-#block# line; or

(iii) within 30 feet of a #waterfront yard#.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, in Subarea D4, where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 170 feet.

(3) Tower coverage

In Subareas D1, D2, and D3, above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

In Subareas D5 and D6, the portion of any tower containing the top four #stories# of such tower shall set back such that it occupies a # lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

Except as otherwise specified in this paragraph (e)(4), the maximum height of a tower shall be 225 feet.

(i) In Subarea D4, towers shall be permitted to rise to a height of 285 feet.

(ii) In Subarea D5, towers shall be permitted to rise to a height of 245 feet.

(iii) In Subarea D6, towers shall be permitted to rise to a height of 305 feet.

(5) Regulations for multiple towers

(i) In Subareas D1 and D2, no more than two towers shall be permitted on a #zoning lot#.

(ii) In Subareas D4 and D5, no more than two towers shall be permitted in each subarea.

(iii) In Subareas D3 and D6, no more than one tower shall be permitted in the subarea.

(iv) Wherever two towers are provided on the same #zoning lot#, there shall be a difference in height between such towers of at least 50 feet.

In addition, in Subarea D1, the taller of the two towers shall be located within 100 feet of Third Street.

139-237 - Special street wall articulation requirements

LAST AMENDED11/23/2021

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such recess or projection shall be considered a permitted obstruction into a required setback, and the depth of such recess or projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of paragraph (c) of Section 23-621 shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

139-238 - Special height regulations for zoning lots containing schools

LAST AMENDED11/23/2021

In Subdistrict C, and in Subareas D1, D2, and D3, for #zoning lots# containing #schools# regulated by Section 139-214 (Special floor area provisions for zoning lots containing schools), the maximum tower height specified by the regulations in this Section, inclusive, may be increased as-of-right by 40 feet. This allowance may be further modified by the provisions of Section 139-47 (Authorization for sites containing schools).

139-30 - SPECIAL PARKING REGULATIONS

LAST AMENDED11/23/2021

In Subdistricts A, B, C, and D, the underlying parking and loading regulations shall be modified by the provisions of this Section. On #waterfront blocks#, the provisions of Section 62-40 shall not apply. In Subdistrict E, the underlying regulations shall apply.

139-31 - Special Accessory Off-street Parking Regulations

LAST AMENDED11/23/2021

139-311 - Reduction of parking requirements for residences

LAST AMENDED11/23/2021

In all districts, for the purposes of applying the provisions of Sections 36-33 (Requirements Where Group Parking Facilities Are Provided) and 123-72 (Residential and Community Facility Uses), the provisions of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require that #accessory# off-street parking spaces be provided for at least 20 percent of #residences# on a #zoning lot#.

For the purposes of applying waivers, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) shall be modified so that the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces.

Notwithstanding the above, in Subarea D4, and in Subarea D5 north of the mid-#block# line, no #accessory# off-street parking spaces for #residences# shall be required.

139-312 - Elimination of parking requirements for non-residential uses

LAST AMENDED11/23/2021

In all districts, no #accessory# off-street parking spaces shall be required for #manufacturing#, #commercial#, or #community facility uses#.

139-313 - Off-site parking facilities

LAST AMENDED11/23/2021

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections 25-51 and 36-42 (Off-site Spaces for Residences) shall be modified to allow the #zoning lot# containing required #accessory# off-street parking spaces for #residences# to be located in any zoning district, as well as anywhere within the #Special Gowanus Mixed Use District#.

139-314 - Joint facilities

LAST AMENDED11/23/2021

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections 25-541 and 36-441 (Joint facilities) shall not apply. In lieu thereof, the provisions of this Section shall apply.

Required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that the number of spaces in such joint facilities shall be not less than that required for the combined number of #dwelling units# in such #buildings# or #zoning lots#, and provided that the design and layout of such joint facilities meets the standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

139-315 - Use of parking facilities for car sharing vehicles

LAST AMENDED11/23/2021

The underlying regulations regarding the occupation of #accessory# or required off-street parking spaces by #car sharing vehicles# shall modified so that, in all districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 20 percent of all spaces in a #group parking facility#.

139-316 - Use of parking facilities for public parking

LAST AMENDED11/23/2021

All #accessory# off-street parking spaces may be made available for public use. However, parking spaces #accessory# to #residences# shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord.

139-32 - Special Permitted Off-street Parking Regulations

LAST AMENDED11/23/2021

For portions of an #automated parking facility#, as that term is defined in Section 13-02, each tray upon which a vehicle is stored shall be considered one parking space, regardless of its size. In addition, at a height in excess of 23 feet above #curb level# each parking tray shall be considered #floor area# in an amount of 153 square feet or the size of such lifted tray, whichever is greater.

139-33 - Special Loading Regulations

LAST AMENDED11/23/2021

In all districts, the loading regulations of an M1-5 District shall apply, and shall be further modified as follows:

(a) the requirements of Section 44-50 (GENERAL PURPOSES), inclusive, shall not apply to changes of #uses#;

(b) the provisions of Section 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), and Sections 36-64 and 44-54 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses), shall not apply; and

(c) the minimum length requirements for loading berths #accessory# to #commercial uses#, other than funeral establishments, set forth in Section 44-581 (Size of required loading berths) shall be increased to 37 feet.

139-34 - Special Curb Cut Regulations

LAST AMENDED11/23/2021

For #zoning lots# existing on or after November 23, 2021, with frontage along both a #primary street frontage# and a #secondary street frontage#, as set forth in Section 139-41 (Ground Floor Level Requirements), curb cuts accessing off-street parking spaces and loading berths shall not be permitted along the #primary street frontage#. In addition, no curb cut shall be permitted within 40 feet of a #waterfront public access area#.

Curb cuts prohibited by this Section may be authorized by the City Planning Commission provided the Commission finds that a curb cut at such a location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;

(c) will not adversely affect pedestrian movement;

(d) will not interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities; and

(e) will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED11/23/2021

In all Subdistricts, the provisions of this Section shall apply to all #zoning lots#, as specified below.

139-41 - Ground Floor Level Requirements

LAST AMENDED11/23/2021

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, the portion of a #ground floor level street# frontage considered a #primary street frontage# shall be as shown on Map 3 (Ground Floor Use Requirements) in Appendix A of this Chapter. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

(1) Type 1 #primary street frontages#

For #buildings#, or portions thereof, with Type 1 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to #Gowanus retail and entertainment uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). Group parking facilities located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(2) Type 2 #primary street frontages#

For #buildings#, or portions thereof, with Type 2 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32, shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33. #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35. #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35. Entrances and exits to accessory parking facilities shall be subject to the provisions of paragraph (b) of Section 37-33.

(c) For blank walls

In all districts, any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions of Section 37-36 (Special Requirements for Blank Walls).

139-42 - Street Tree Requirements

LAST AMENDED11/23/2021

In all districts, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

In addition, for #zoning lots# with over 100 feet of street frontage, wherever two required #street# tree pits will be separated by less than 25 feet, such tree pits shall be combined and designed as a single continuous tree pit.

139-43 - Sidewalk Widening Requirements

LAST AMENDED11/23/2021

For #developments# along the portions of #streets# designated on Map 4 (Sidewalk Widening Lines) in Appendix A of this Chapter, a sidewalk widening shall be required, providing a total sidewalk width of:

(a) 17 feet along Third Avenue;

(b) 15 feet along Nevins Street; and

(c) 13 feet along Fifth Street.

The total sidewalk width shall be measured perpendicular from the #street line#. Such sidewalk shall be improved to Department of Transportation standards and shall be provided at the same level as the adjoining public sidewalk and be accessible to the public at all times.

Awnings and canopies shall be considered permitted obstructions within a sidewalk widening provided that no structural posts or supports may be located within any portion of the sidewalk or such widening.

139-44 - Bridge Connection Requirements

LAST AMENDED11/23/2021

For all #zoning lots# abutting bridge structures supporting #streets# which cross the Gowanus Canal at Union Street, Carroll Street, and Third Street, and are subject to #waterfront public access area# requirements, such #waterfront public access area# shall be designed to provide pedestrian connection to the #street# adjacent to the terminus of the bridge structure.

The requirements of this Section may be waived where the Commissioner of the Department of Buildings determines, in consultation with the Department of Transportation, that such a pedestrian connection to the #street# would result in a hazard to pedestrian or traffic safety.

139-45 - Waterfront Public Access Area Requirements

LAST AMENDED11/23/2021

For all #waterfront zoning lots#, the exemptions from #waterfront public access area# requirements listed in paragraph (a) of Section 62-52 shall not apply.

(a) Reduced requirement for certain manufacturing uses

For #zoning lots# with #developments#, #enlargements#, or #conversions# comprised of #predominantly# Use Group 18 #uses#, as listed in Section 42-15, the reduced design requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments) shall apply to #waterfront public access areas#.

(b) Authorization for incompatible uses

For #zoning lots# comprised #predominantly# of Use Group 16, 17, or 18 #uses#, the City Planning Commission may authorize the waiver of #waterfront public access area# requirements, provided the Commission finds that:

(1) such #uses# produce objectionable effects on its surroundings such that the #uses# are incompatible with a waterfront public access requirement; or

(2) such #uses# have demonstrable operational requirements which would be incompatible with waterfront public access requirements; and

(3) such waiver is the least necessary to accommodate the proposed #uses#.

Such waivers shall be in effect for as long as the proposed #use# remains on the #zoning lot#. Upon #development# of the #zoning lot# following cessation of the #use# for a period of more than two years, full compliance with #waterfront public access area# requirements, as may be modified by future approvals, is required.

139-46 - Certification for Transit Improvements

LAST AMENDED11/23/2021

(a) In #Commercial Districts# with a residential equivalent of an R9 District, for #developments# on #zoning lots# that are located within 500 feet of the Union Street subway station, the Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow a #development# to:

(1) receive a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by Section 139-211 (Basic floor area regulations); and

(2) further modify additional height permitted pursuant to paragraph (c) of Section 66-234 (Special height and setback modifications) provided the total combined modification does not exceed 30 feet;

where a major improvement to the Union Street subway station consisting of one new off-street station entrance with an accessible route for persons with physical disabilities between two levels servicing the southbound platform is provided.

(b) Prior to issuing such a certification, the following requirements shall be met.

(1) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (b)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of

restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

139-47 - Authorization for sites containing schools

LAST AMENDED11/23/2021

For #zoning lots# containing #schools# regulated by the provisions of Section 139-214 (Special floor area provisions for zoning lots containing schools), the City Planning Commission may authorize the modification of any #bulk# regulation, including the amount of floor space exempted from the definition of #floor area# by Section 139-214, in order to better accommodate a #school# upon such #zoning lot#.

(a) Conditions

(1) No modification to the maximum #building# height shall exceed 30 feet; and

(2) No modification to the amount of floor space exempted from the definition of #floor area# shall exceed an additional 60,000 square feet of floor space.

(b) Findings

In determining such modifications, the Commission shall find:

(1) such modification is the least modification required to achieve the purpose for which it is granted;

(2) the proposed modification does not impair the essential character of the surrounding area; and

(3) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

139-48 - Authorization for Large Mixed-use Sites

LAST AMENDED11/23/2021

In Subdistrict B, for #developments# on #zoning lots# located in a #Mixed-Use District#, on a #zoning lot# greater than 40,000 square feet in #lot area#, the City Planning Commission may authorize the modifications set forth in paragraph (a) of this Section, provided that the conditions in paragraph (b) and findings in paragraph (c) are met.

(a) Modifications

The Commission may modify the following regulations:

(1) the #use# regulations of this Chapter, limited to ground floor #use# regulations and supplemental #use# regulations;

(2) the #bulk# regulations of this Chapter, except #floor area ratio# regulations, provided that any modifications to height and setback regulations do not exceed the heights permitted in an M1-4 District as set forth in Section 43-43; and

(3) the parking regulations related to the number of required #accessory# off-street parking spaces and the location and spacing of curb cuts.

(b) Conditions

As conditions for the granting of an authorization pursuant to this Section:

(1) the #development# shall result in a mix of #uses# on the #zoning lot# where the predominant amount of #floor area# is associated with non-#residential# #uses#; or

(2) the #development# shall:

(i) result in a mix of #uses# on the #zoning lot# where at least 20 percent of the #floor area# is associated with #Gowanus mix uses#;

(ii) not exceed 300 feet in height; and

(iii) be located on a #zoning lot# where existing #buildings# will occupy at least 20 percent of the #lot coverage#.

(c) Findings

In order to grant such authorization, the Commission shall find that:

(1) where modifying #bulk# regulations, such modifications shall result in a superior configuration of non-#residential# #uses# on the #zoning lot# than would be feasible by applying the #Special Gowanus Mixed Use District# regulations;

(2) where modifying ground floor #use# regulations, the advantages of an off-street loading and access outweigh the disadvantages incurred by the interruption of retail continuity; and

(3) where modifying supplemental #use# and parking regulations, that such modifications would present a limited interruption and would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

Upon completion of the #development#, the #zoning lot# shall remain in compliance with the conditions set forth in paragraph (b) of this Section. Such requirements shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-50 - GOWANUS CANAL WATERFRONT ACCESS PLAN

LAST AMENDED11/23/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

The boundaries of the area comprising the Gowanus Canal Waterfront Access Plan, and the location of certain features mandated or permitted by the Plan, are shown on the maps in Appendix B of this Chapter.

The waterfront access plan has been divided into Parcels as shown on Map 1 of Appendix B of this Chapter, consisting of tax #blocks# and lots existing on September 22, 2021, as follows:

Parcel 1: Block 417, Lots 1, 10, 14, 21

Parcel 2: Block 424, Lots 1, 20

Parcel 3: Block 431, Lots 1, 2, 5, 6, 7, 12, 17, 43

Parcel 4: Block 425, Lot 1

Block 432, Lots 15, 25, 7501

Parcel 5: Block 439, Lot 1

Parcel 6a: Block 438, Lot 7

Parcel 6b: Block 438, Lots 1, 2, 3

Block 445, Lots 1, 7, 8, 11, 20, 50

Parcel 7: Block 452, Lots 1, 5, 19

Block 458, Lot 1

Parcel 8a: Block 453, Lots 1, 21

Parcel 8b: Block 453, Lot 26

Parcel 8c: Block 453, Lots 30, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, 44, 45, 46, 48, 49, 50, 51

Parcel 8d: Block 453, Lot 54

Parcel 9: Block 967, Lot 1

Parcel 10: Block 967, Lot 24

Parcel 11: Block 972, Lots 1, 43, 58

Parcel 12a: Block 462, Lots 12, 14

Parcel 12b: Block 462, Lots 6, 8, 9, 42, 44

Parcel 12c: Block 462, Lots 1, 3, 4, 5, 50, 51

Parcel 13: Block 466, Lot 19

Parcel 14a: Block 466, Lots 17, 60

Parcel 14b: Block 466: Lot 1

Parcel 14c: Block 466, Lot 46

Parcel 15a: Block 471, Lot 125

Parcel 15b: Block 471, Lot 104, 110, 114, 116

Parcel 16: Block 471, Lots 1,100

Parcel 17: Block 471, Lot 200

For the purposes of this Section, inclusive, the definition of #development# shall be as set forth in Section 62-11 (Definitions).

139-51 - Area-wide Modifications

LAST AMENDED11/23/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall be modified in the area comprising the Gowanus Canal Waterfront Access Plan by the provisions of this Section.

(a) All #waterfront public access areas#

(1) Balconies

Balconies complying with the provisions of Section 23-132 (Balconies in R6 through R10 Districts) shall be permitted obstructions in #waterfront public access areas#, provided the depth of obstruction is limited to four feet, and provided they are located at or above the floor level of the third #story# above grade of the #building#.

(2) Sun control devices

Awnings and other sun control devices shall be permitted obstructions in #waterfront public access areas#. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project.

(3) Kiosks

Where a #supplemental public access area# exceeds 15,000 square feet, a kiosk shall be a permitted obstruction in such #supplemental public access area# with an area up to 400 square feet, including roofed areas.

(b) #Shore public walkways#

(1) Width of circulation paths

#Shore public walkways# shall provide a required circulation path with a minimum clear width of 10 feet. Secondary paths, where provided, shall have a minimum clear width of at least 4 feet, 6 inches.

(2) Level of circulation paths

At least 80 percent of a required circulation path shall be located at a level no less than six feet above the #shoreline#. However, up to 40 percent of such required circulation path may be provided below such level when providing access to a "get-down" located no more than two feet above the level of the #shoreline#.

(3) Access to circulation paths

The provisions of paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall apply, except that where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# which has not been improved with a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# may be located within 40 feet of the shoreline.

In addition, for #zoning lots# adjoining #streets# containing bridge structures, the required connection of circulation paths to such a #street# may be waived by certification by the Department of Transportation, pursuant to Section 139-44 (Bridge Connection Requirements).

(4) Grading

The provisions of paragraph (d)(2) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas) shall be modified so that within five feet of the edge of any planting area, the grade level of such planting area shall be no more than 36 inches higher or lower than the adjoining level of the pedestrian circulation path.

(c) #Supplemental public access areas#

(1) Required Area

The provisions of Section 62-57 (Requirements for Supplemental Public Access Areas) are modified so that, in #mixed use districts#, a total #waterfront public access area# equivalent to 20 percent of the #lot area# is required.

(2) Lawns

The provisions of paragraph (c)(1) of Section 62-62 shall be modified so that a lawn shall only be required where a #supplemental public access area# is greater than 15,000 square feet. The Commission may authorize use of artificial turf within a lawn pursuant to Section 62-822 (Modification of waterfront public access areas and visual corridor requirements).

Where required, a lawn may be substituted for an athletic field of equivalent size, which may be unplanted, and shall be suitable for active recreational use.

(3) Comfort stations

Where a publicly accessible comfort station is provided as part of a #development#, the amount of #supplemental public access area# may be reduced by an amount equal to the size of the comfort station, provided that:

(i) the comfort station has an entrance fronting upon a #waterfront public access area#; and

(ii) a restrictive declaration, acceptable to the Department of City Planning and Department of Parks and Recreation, shall be executed and recorded, binding the owners, successors and assigns to provide and maintain such comfort station for the life of the #development#.

(d) Screening

Wherever a screening buffer is required to be provided, the minimum width of such buffer shall be four feet.

In addition to the waiver allowances of paragraph (c)(2)(iii) of Section 62-62, no screening buffer shall be required along the upland boundary, or portion thereof, which is adjacent to an unenclosed seating area #accessory# to a #Gowanus retail and entertainment use#. Where a screening buffer is so waived, design features shall be utilized to demarcate the #shore public walkway# or #supplemental public access area# from the non-publicly accessible area, which may include, but shall not be limited to, railings, fences, planting boxes, and distinct paving materials.

(e) #Street# treatment

For #streets#, or portions thereof, located within the Gowanus Canal Waterfront Access Plan, the portion of the #street# that is adjacent to a #shore public walkway# shall be improved as upland access, for a depth equivalent to the adjacent #shore public walkway#. This upland access area shall be designed to include, at a minimum, the following design elements:

(1) a foot path with a minimum clear width of ten feet, providing a connection to both the sidewalk located in the #street# as well as to the adjacent #zoning lot#;

(2) eight linear feet of seating complying with Section 62-652 (Seating) for every 30 feet of #shoreline# upon which the #street# fronts; and

(3) planted areas, containing planting or trees complying with Section 62-655 (Planting and trees) and occupying no less than 25 percent of the continuation area.

The provisions of this paragraph (e) shall not apply to portions of #streets# which will be improved pursuant to a site plan approved prior to November 23, 2021.

(f) Bulkheads

Wherever the United States Environmental Protection Agency requires the installation of a bulkhead in a location seaward of the #zoning lot line#, the area located between the #lot line# and bulkhead may be utilized for the purposes of satisfying the #waterfront public access area# requirements of the #zoning lot#. Where the provisions of this paragraph (f) are utilized, the location of the bulkhead shall be considered the #shoreline# for the purposes of providing the required #waterfront public access areas#.

(g) Issuance of foundation permits

Notwithstanding the provisions of Section 62-811 (Waterfront public access and visual corridors), within 18 months of November 23, 2021, a foundation permit may be issued for any #development# within the Waterfront Access Plan, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings or Department of Business Services, as applicable, that:

(1) a remedial action plan has been submitted to the Office of Environmental Remediation or the New York State Department of Environmental Conservation, which includes the #zoning lot# containing the #development#; and

(2) a site plan has been submitted to the Department of City Planning, depicting that the proposed foundation will not conflict with the basic dimensional requirements of any required #waterfront public access area# or #visual corridor#, and, in addition, that the proposed foundation shall not conflict with any of the site-specific provisions below, based on the applicable Parcel number and Type:

(i) Type 1

For #developments# on Parcels 1, 2, 3, and 9, the site plan shall additionally designate all other potential locations where a #supplemental public access area# could be located, including:

(a) adjoining each #street# abutting the #shore public walkway#; and

(b) adjoining the #shore public walkway#.

In addition, for all #developments# on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

(ii) Type 2

For #developments# on Parcels 4, 5, and 12a, the site plan shall additionally designate any area located landward of the #shore public walkway# as necessary to achieve a 50-foot buffer from the #shoreline#.

(iii) Type 3

For #developments# on Parcels 6a, 6b, 8a, 8b, 8d, 11, 13, 14, 15, and 17, where the #developments# are on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

An application made pursuant to this paragraph (g) shall include a survey of the #zoning lot# and additional documentation set forth Section 62-80 (SPECIAL REVIEW PROVISIONS), inclusive. Except for excavation and foundation permits permitted by this paragraph (g), no other building permits shall be issued except pursuant to Section 62-811.

139-52 - Special Public Access Provisions

LAST AMENDED11/23/2021

The provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map 1 in Appendix B of this Chapter.

139-521 - Parcels 4, 5, 13, 14 and 15

LAST AMENDED11/23/2021

On Parcels 4, 5, 13, 14 and 15, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet. The required minimum depth of a #waterfront yard# shall be 30 feet.

139-522 - Parcel 8

LAST AMENDED11/23/2021

On Parcels 8a, 8b, and 8d, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet, except that for #shore public walkways# adjoining the First Street Basin, the minimum width shall be 20 feet. The required minimum depth of a #waterfront yard# shall be 30 feet, except that for #waterfront yards# adjoining the First Street Basin, the minimum depth shall be 20 feet. An area equal to at least 25 percent of the area of the #shore public walkway# shall be planted, and one linear foot of seating shall be provided for every 125 feet of frontage along the Gowanus Canal.

139-523 - Parcel 12

LAST AMENDED11/23/2021

On Parcel 12, where a #supplemental public access area# adjoining an #upland connection# or #street# is provided, such #supplemental public access area# shall be permitted to be provided with a maximum width to depth ratio of 3:1, and the longest side shall be permitted to adjoin the #street#.

139-524 - Parcel 14

LAST AMENDED11/23/2021

On Parcel 14a, a #supplemental public access area# shall be provided along the entire length of the #lot line# adjoining Parcel 13, connecting the #street# to the #shore public walkway#, and shall comply with the design reference standards applicable to a Type 1 #upland connection# set forth in Section 62-64 (Design Requirements for Upland Connections). Such #supplemental public access area# may coincide with a #visual corridor# required pursuant to Section 139-53 (Special Visual Corridor Provisions).

139-525 - Parcel 17

LAST AMENDED11/23/2021

On Parcel 17, the total #lot area# utilized in the calculation of required #supplemental public access area# shall include all #zoning lot# portions located within Parcel 17, including portions of a #zoning lot# located within a #street#.

139-53 - Special Visual Corridor Provisions

LAST AMENDED11/23/2021

The provisions of Section 62-512 (Dimensions of visual corridors) shall be modified by the provisions of this Section.

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation five feet above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (b) of Section 62-332 (Rear yards and waterfront yards), or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation five feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (b) of Section 62-332, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

139-54 - Special Design Standards

LAST AMENDED11/23/2021

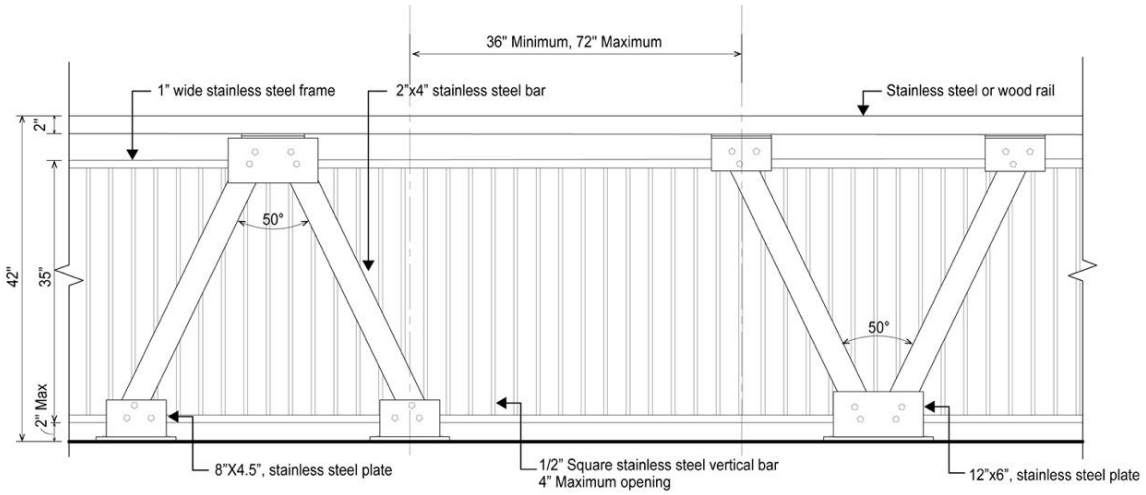
The design requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified by the provisions of this Section, inclusive.

139-541 - Special design standards for guardrails

LAST AMENDED11/23/2021

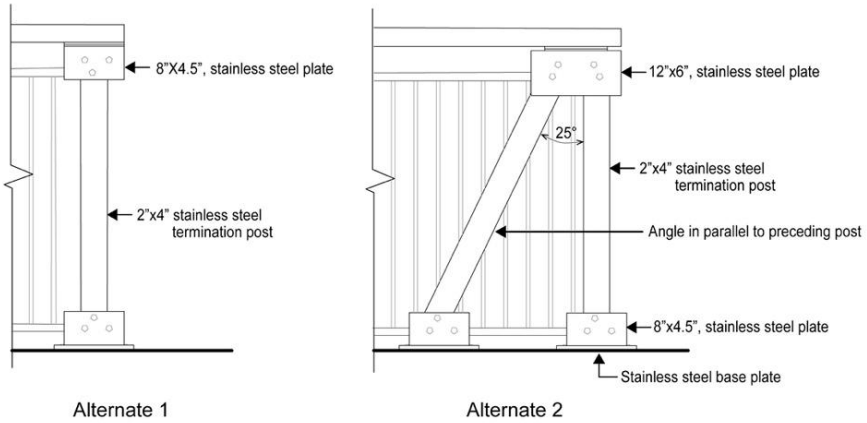
In addition to the provisions of paragraph (a) of Section 62-651 (Guardrails, gates and other protective barriers), guardrails shall comply with the illustrations provided in either paragraph (a) or (b) of this Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chairperson of the City Planning Commission in consultation with the Department of Parks and Recreation (DPR).

(a) Option 1: vertical bar guardrail

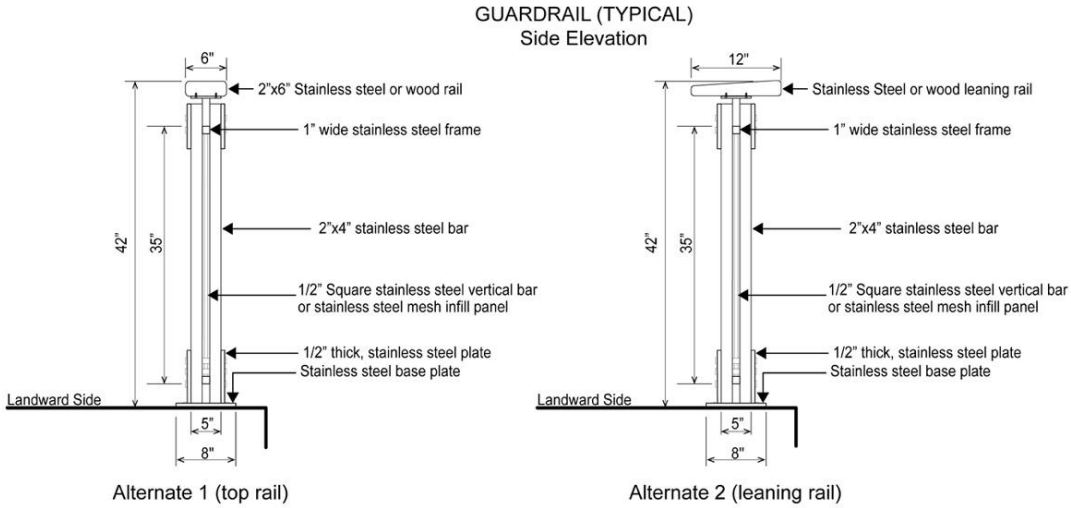


GUARDRAIL (TYPICAL)
Front Elevation

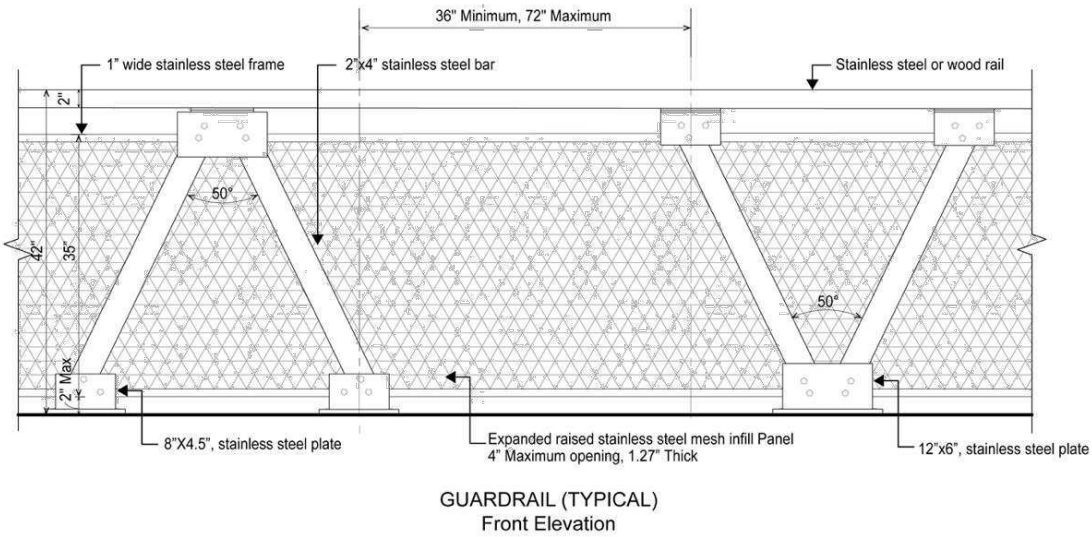
GUARDRAIL TERMINATION
Front Elevation

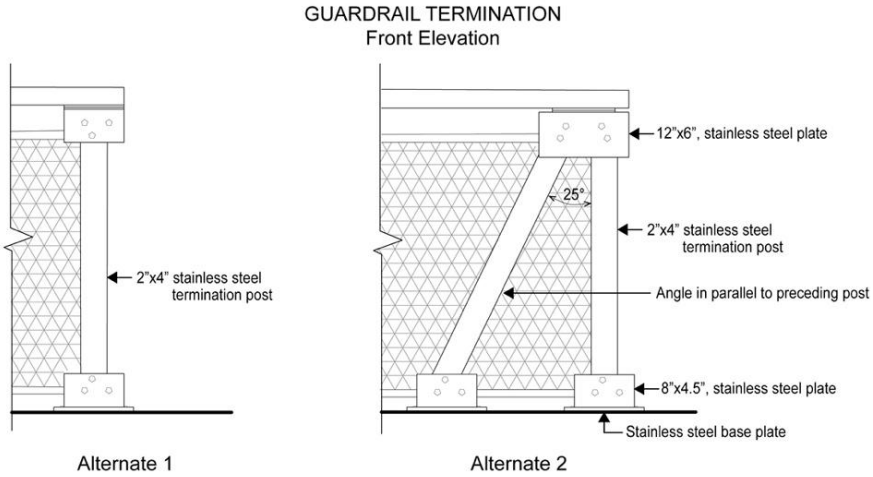


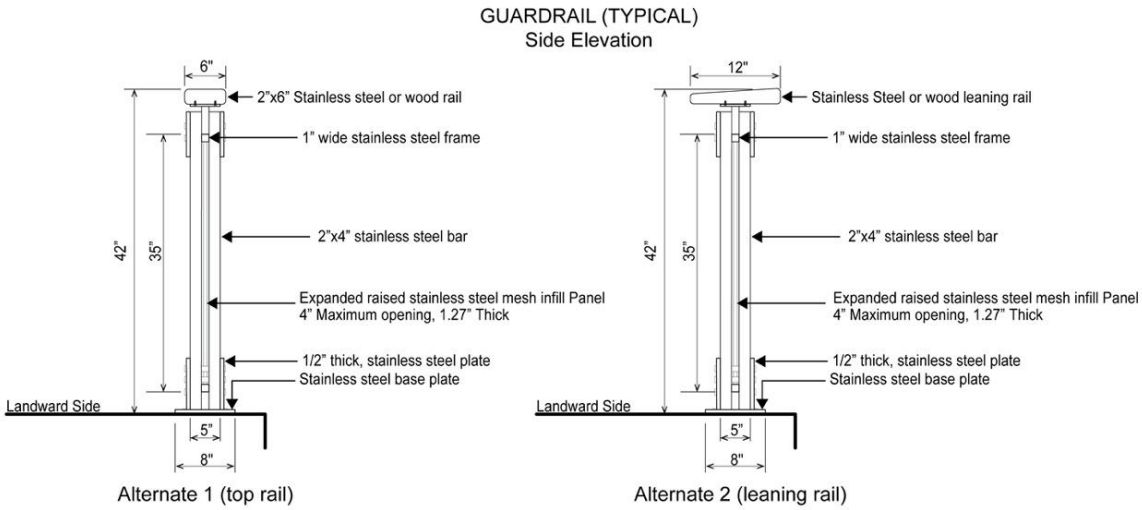
Alternate 1 Alternate 2



(b) Option 2: mesh guardrail







All guardrail components and hardware shall be in unpainted stainless steel and shall conform to any additional standards set forth by DPR.

139-542 - Special design standards for seating

LAST AMENDED11/23/2021

The design requirements of paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of 62-652 (Seating) shall be modified as follows:

(a) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 50 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(b) Seating depth

For all #waterfront public access areas#, the minimum seat depth requirement of paragraph (b) of Section 62-652 shall be modified to 16 inches.

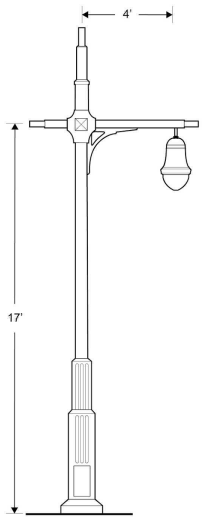
139-543 - Special design standards for lighting

LAST AMENDED11/23/2021

The lighting requirements of 62-653 (Lighting) shall be modified such that an average maintained level of illumination not less than 0.5 horizontal foot candle (lumens per foot) shall be provided throughout all walkable areas, and the average illumination to minimum foot candle uniformity ratio shall be no greater than 6:1 within any #waterfront public access area#.

In addition, fixtures providing the required lighting along any public access area shall comply with the lightpost illustration in this Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chairperson of the City Planning Commission in consultation with the by the New York City Department of Transportation (DOT).

Fixtures providing supplemental lighting beyond the requirements of this Section need not comply with this illustration.



LIGHTPOST
Side Elevation

The lightpost shall conform to the street lighting standard drawings for a 17 foot “TBTA” short pole with “Tear Drop Luminare” set forth by the DOT.

139-544 - Special design standards for planting

LAST AMENDED11/23/2021

The design requirements of paragraph (c)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of Section 62-655 (Planting and trees) shall be modified as follows:

(a) Reduction in planting requirement

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted. Such planting area may be reduced to 30 percent if an amenity is provided in accordance with the following tables:

TABLE 1

Amenity	Reduction per feature (in square feet)
Picnic tables	22 square feet
Historic interpretation elements	20 square feet
Public art pieces	100 square feet
Fountains and water features	150 square feet

TABLE 2

Amenity	Ratio of reduction to size of feature (in square feet)
Active recreation courts	1:1
Tot-lots and playgrounds	1:1
Dog runs	1:1
Boat or kayak launches	1:1.5
Interactive water features	1:1.5

(b) Shade tree substitution

Where shade trees are required, no more than one required shade tree may be substituted by a shading element covering at least 450 square feet, when viewed in plan.

139-545 - Special design standards for paving

LAST AMENDED11/23/2021

The design reference standards of Section 62-656 (Paving) shall be modified as follows:

(a) #Upland connections#

Paving for driveways and pedestrian paths located within Type 2 #upland connections# shall be subject to the “shared street” standards of the New York City Department of Transportation for roadbeds and sidewalks.

In addition, where a Type 2 #upland connection# is provided with a vehicular turnaround, the paved area of the vehicular turnaround shall be designed with at least two different paving materials, or a single material with at least two different unit paver or slab sizes.

(b) Dimensional requirements

The maximum sizes for unit pavers or concrete slabs shall not apply.

139-55 - Special Signage Regulations

LAST AMENDED11/23/2021

Any #accessory sign# that is provided adjacent to any #waterfront public access area# shall be limited to a single non-illuminated #sign#, indicating only the name or address of the #building# or commercial establishment to which it is #accessory#, not exceeding 16 inches in height.

139-56 - Special Maintenance and Operation Regulations

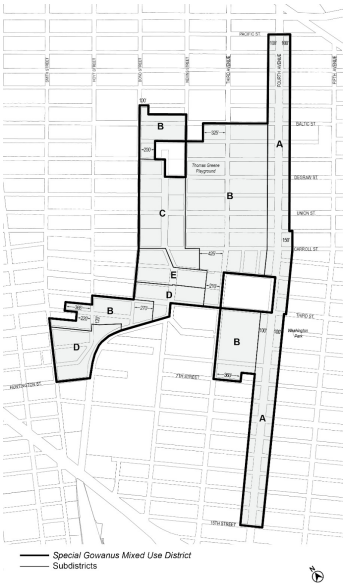
The owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson of the City Planning Commission for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72 (Performance and Maintenance Requirements), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

(1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and

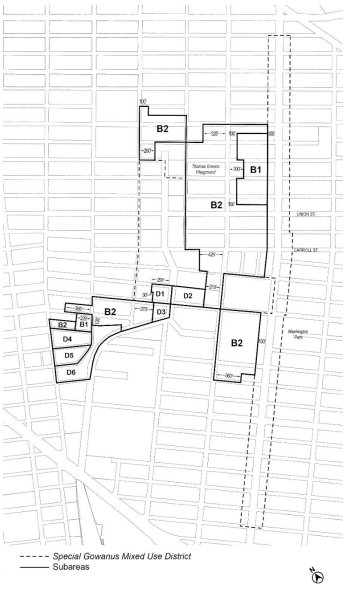
(2) participation in the plan is available to owners of contiguous parcels identified in the Gowanus Canal Waterfront Access Plan on an equal basis.

Appendix A: Special Gowanus Mixed Use District Plan

Map 1: Subdistricts (11/23/21)



Map 2: Subareas (11/23/21)



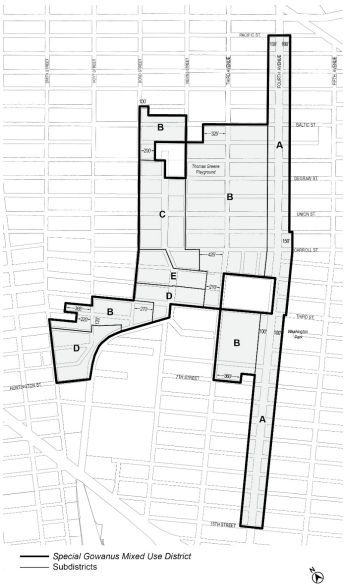
Map 3: Ground Floor Use Requirements (11/23/21)

Map 4: Sidewalk Widening Lines (11/23/21)

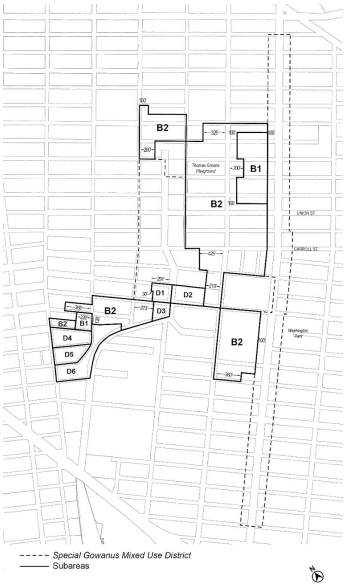
Appendix A - Special Gowanus Mixed Use District Plan

LAST AMENDED11/23/2021

Map 1: Subdistricts (11/23/21)


PROSPECT PL
BAY 11 STREET
BAY 12 STREET
BAY RIDGE AVENUE
FOURTH AVENUE
FIFTH AVENUE
BALTIC ST
DEGRAW ST
LINCOLN ST
CARROLL ST
THIRD PL
Thomas Greene Playground
Washington Park
7TH STREET
NORTHWESTERN ST
10TH STREET
A
B
C
D
E
Special Gowanus Mixed Use District
Subdistricts

Map 2: Subareas (11/23/21)



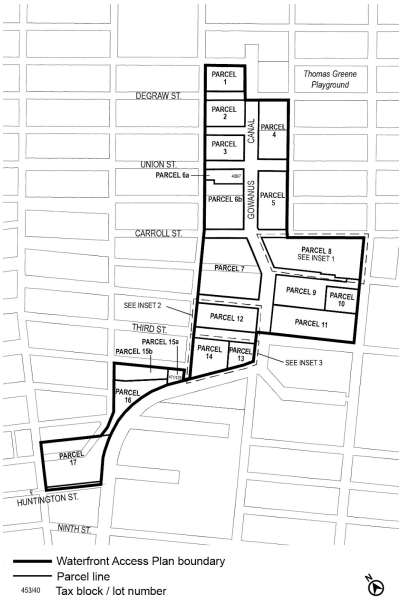
Map 3: Ground Floor Use Requirements (11/23/21)

Map 4: Sidewalk Widening Lines (11/23/21)

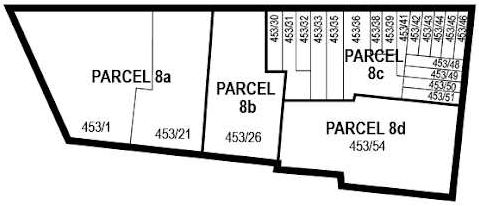
Appendix B - Gowanus Canal Waterfront Access Plan

LAST AMENDED11/23/2021

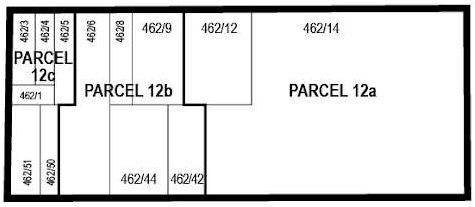
Map 1: Parcel Designation (11/23/21)



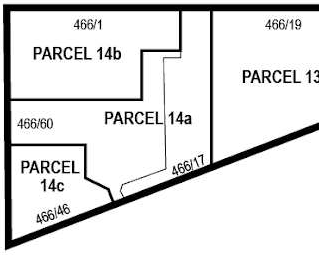
INSET 1



INSET 2



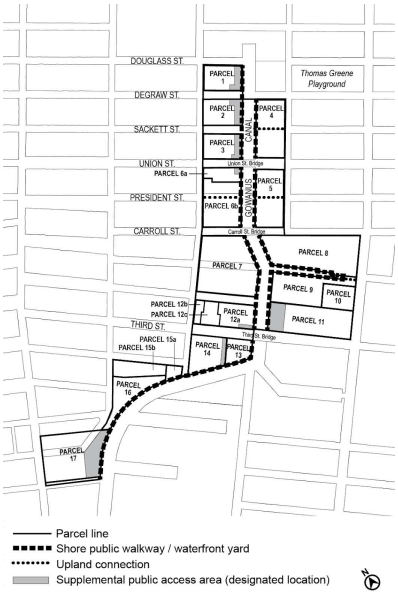
INSET 3



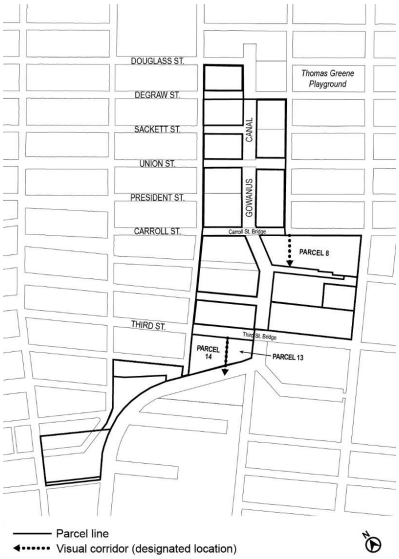
Tax lot line

453/40 Tax block / lot number

Map 2: Public Access Elements (11/23/21)



Map 3: Designated Visual Corridors (11/23/21)



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Article XIV - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 3/22/2022

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 1 - Special Jerome Corridor District (J)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 1 - Special Jerome Corridor District (J)

141-00 - GENERAL PURPOSES

LAST AMENDED
3/22/2018

The "Special Jerome Corridor District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage well-designed buildings that complement the built character of the Highbridge, Concourse, Mount Eden, Mount Hope, Morris Heights and University Heights neighborhoods;

(b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;

(c) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(d) to create a livable community combining housing, retail and other uses throughout the district;

(e) to create a walkable, urban streetscape environment through a mix of ground floor uses;

(f) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

(g) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms on zoning lots with irregular shapes and on zoning lots fronting on the elevated rail structure along Jerome and River Avenues; and

(h) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

141-01 - General Provisions

LAST AMENDED
3/22/2018

The provisions of this Chapter shall apply within the #Special Jerome Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

141-02 - District Plan and Maps

LAST AMENDED
3/22/2018

In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1. Special Jerome Corridor District, Subdistrict and Subareas

Map 2. Designated locations for street wall continuity and ground floor requirements in Subarea A1

Map 3. Designated locations for street wall continuity and ground floor requirements in Subarea A2

Map 4. Designated locations for street wall continuity requirements in Subarea A3

Map 5. Boundary of Subarea A4

141-03 - Subdistricts and Subareas

LAST AMENDED
3/22/2018

To carry out the provisions of this Chapter, Subdistrict A, comprised of Subareas A1, A2, A3 and A4, is established. The location and boundaries of this Subdistrict and Subareas are shown on Map 1 (Special Jerome Corridor District, Subdistrict and Subareas) in the Appendix to this Chapter.

141-04 - Applicability of the Inclusionary Housing Program

LAST AMENDED
3/22/2018

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special Jerome Corridor District# are shown on the maps in APPENDIX F of this Resolution.

141-10 - SPECIAL USE REGULATIONS

LAST AMENDED
3/22/2018

Within the #Special Jerome Corridor District#, the underlying #use# regulations are modified by the provisions of this Section.

141-11 - Modification of Supplemental Use Provisions

LAST AMENDED
3/22/2018

For #mixed buildings# constructed after March 22, 2018, on #zoning lots# in C1 or C2 Districts mapped within R7 or R8 Districts with #street lines# along the elevated rail structure on Jerome or River Avenues, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to allow #commercial# #uses# listed in Use Groups 6, 7, 8, 9 or 14 to occupy the lowest two #stories#.

141-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/22/2018

The underlying #bulk# regulations are modified by the provisions of this Section.

141-21 - Special Yard Regulations

LAST AMENDED
3/22/2018

In #Commercial Districts#, for #zoning lots# or portions thereof, with #street lines# along the elevated rail structure on Jerome or River Avenues and within 100 feet of such #street lines#, the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to permit any #building# or portion of a #building# used for any permitted #use# other than #residences#, to be a permitted obstruction within a required #yard#, #rear yard equivalent# or other #open space# required pursuant to the provisions of Section 33-20 (YARD REGULATIONS), inclusive, or Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), inclusive, provided that the height of such portion of a #building# shall not exceed two #stories#, excluding #basement#, nor in any event 30 feet above #curb level#.

141-22 - Special Floor Area Regulations in R8A Districts

LAST AMENDED
3/22/2018

For #zoning lots# in R8A Districts, or C1 or C2 Districts mapped within R8A Districts, or in #Commercial Districts# with an R8A residential equivalent, within 100 feet of a #wide street# located outside of #Mandatory Inclusionary Housing areas#, the maximum #residential# #floor area ratio# shall be 7.2.

141-23 - Special Height and Setback Regulations Along the Elevated Rail Structure Outside Subdistrict A

LAST AMENDED
3/22/2018

For #zoning lots#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, and located outside Subdistrict A, the underlying height and setback provisions are modified by the provisions of this Section.

(a) #Street wall# location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 15 feet, or the height of the #building#, whichever is lower. The remaining #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

Any open space between a #street wall# and a #street line# along the elevated rail structure on Jerome or River Avenues shall comply with the special open space provisions of paragraph (a) of Section 141-33.

(b) Base heights, maximum #building# heights and maximum number of #stories#

The table in this Section sets forth, by zoning district, the minimum and maximum base height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings#, or portions thereof. For #zoning

lots# in a #Commercial District# the applicable district shall be the #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

Separate maximum base heights are established in the table in this Section for #street walls# of #buildings# facing #streets# intersecting Jerome or River Avenues, and for #street walls# facing the elevated rail structure. The maximum base heights along intersecting #streets# shall also apply to #street walls# facing the elevated rail structure on Jerome or River Avenues within 75 feet of the corner.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district, and shall be provided at a height not lower than the minimum base height or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

BASE HEIGHTS, MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STORIES

District	Maximum Base Height Along Elevated Rail Structure, beyond 75 feet of the corner (in feet)	Maximum Base Height on Intersecting Streets, and within 75 feet of the corner (in feet)	Maximum Height of #Buildings or Other Structures# (in feet)	Maximum Number of #Stories#
R7A	30	75	115	11
R7D	30	95	135	13
R8A	30	105	165	16
R9A	30	125	195	19

(c) Required and permitted articulation

For #street walls# fronting the elevated rail structure on Jerome or River Avenues with widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, and the depth of such projections along the elevated rail structure shall not exceed three feet.

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 shall be modified for portions of #buildings# facing the elevated rail structure, so that above the maximum base height set forth in paragraph (b) of this Section, dormers shall be permitted only within 75 feet of a corner.

141-24 - Special Height and Setback Regulations in Subdistrict A

LAST AMENDED
3/22/2018

In Subdistrict A, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback provisions are modified by the provisions of this Section.

(a) #Street wall# location

(1) Along the elevated rail structure

For #street walls#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, the provisions of paragraph (a) of Section 141-23 shall apply.

(2) Along designated #streets#

In Subareas A1 through A3, along the #streets# designated on Maps 2 through 4 in the Appendix to this Chapter, the following shall apply:

(i) In #Commercial Districts#

For #street walls#, or portions thereof, located in #Commercial Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least a height of 30 feet, or the height of the #building#, whichever is lower. In addition, above a height of 30 feet, at least 50 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 60 feet, or the height of the #building#, whichever is lower.

The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

In the corner locations designated on Maps 2 and 3, an open space may be provided within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(ii) In #Residence Districts#

For #street walls#, or portions thereof, located in #Residence Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and shall extend to at least the minimum base height set forth in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

In the corner locations designated on Map 4, an open space may be provided within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(3) Along other #streets#

In Subareas A1 through A3, along #streets# that are not designated on Maps 2 through 4, and in Subarea A4, along all #streets#, no #street wall# location provisions shall apply, and no minimum base heights shall apply.

(b) Base heights, maximum #building# heights, and maximum number of #stories#

The table in this Section sets forth, by zoning district, the maximum base height, the maximum transition height, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings#.

However, for #street walls# facing the elevated rail structure along Jerome or River Avenues beyond 75 feet of the corner, the maximum base height shall be 30 feet.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district, and shall be provided at a height not lower than the minimum base height, where applicable, or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, for portions of #buildings or other structures# along Cromwell Avenue located beyond 200 feet from a corner, a minimum setback with a depth of at least 30 feet shall be provided. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to all such setbacks.

In R9A Districts, or #Commercial Districts# mapped over an R9A District, above the required setback, the height of a #building# shall not exceed the maximum transition height set forth in the table in this Section, except that where the #lot coverage# of all #buildings# on the #zoning lot# above the maximum transition height has been reduced to 50 percent on #zoning lots# with a #lot area# less than or equal to 15,000 square feet, 40 percent on #zoning lots# with a #lot area# greater than 15,000 square feet but less than 30,000 square feet, and 30 percent for all other #zoning lots#, a #building# may rise to the maximum height of the #building or other structure# set forth in the table in this Section. The maximum #street wall# width of any #story# above the maximum transition height shall not exceed 165 feet and, where two or more non-contiguous portions of a #building# exist at the same level above the maximum transition height, such portions shall provide a minimum distance of 60 feet between facing walls at any point.

BASE HEIGHTS, MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STORIES

District	Maximum Base Height (in feet)	Maximum Transition Height (in feet)	Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)	Maximum Number of #Stories#

R8A	105	N/A	145	14
R9A	125	175	225	22

(c) Required and permitted articulation

In Subareas A1 through A3, along #streets# designated in Maps 2, 3 and 4 in the Appendix to this Chapter, for #street wall# widths exceeding 100 feet, a minimum of 20 percent of the surface area of #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, provided that any projections with a depth greater than five feet shall be considered a dormer.

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 shall apply, except that in Subareas A1 through A3, for #street walls# intersecting within 100 feet of the corners designated on Maps 2, 3 and 4, and irrespective of the width of the #street wall# below the maximum base height, dormers shall be permitted within 100 feet of such intersecting #street walls#. Such dormers need not decrease in width as the height above the maximum base height increases.

Any dormers or projections provided in accordance with this paragraph need not be included in the maximum #lot coverage# permitted above the maximum transition height, nor be included in the maximum #street wall# width of a #story#.

141-25 - Special Height and Setback Regulations in R8A Districts

LAST AMENDED
3/22/2018

For #zoning lots# in R8A Districts or in C1 or C2 Districts mapped within R8A Districts, or in #Commercial Districts# with an R8A residential equivalent, within 100 feet of a #wide street# located outside of #Mandatory Inclusionary Housing areas#, the height and setback provisions of Sections 23-662 (Maximum height of buildings and setback regulations) or 35-652 (Maximum height of buildings and setback regulations), respectively, shall be modified as follows: the maximum base height shall be 105 feet, the maximum height of a #building or other structure# without a #qualifying ground floor# shall be 140 feet, the maximum height of a #building or other structure# with a #qualifying ground floor# shall be 145 feet, and the maximum number of #stories# shall be 14.

141-30 - SPECIAL STREETSCAPE REGULATIONS

LAST AMENDED
3/22/2018

141-31 - Applicability of Underlying Ground Floor Use Regulations

LAST AMENDED
3/22/2018

In C2 Districts mapped within R7D Districts, the underlying supplemental #use# regulations of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. In lieu thereof, the provisions of Section 141-32

(Ground Floor Use Regulations) shall apply.

141-32 - Ground Floor Use Regulations

LAST AMENDED
3/22/2018

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30, any portion of a #ground floor level# #street# frontage of a #zoning lot# in a #Commercial District# located within 50 feet of #street lines# along the elevated rail structure on Jerome or River Avenues and, in Subdistrict A, for Subareas A1 or A2, a #ground floor level# #street# frontage along #streets#, or portions thereof, designated on Maps 2 and 3 in the Appendix to this Chapter, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

For #buildings# with #primary street frontage#, or portions thereof, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings# with #secondary street frontage#, or portions thereof, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

141-33 - Special Open Space Provisions

LAST AMENDED
3/22/2018

Along the elevated rail structure on Jerome or River Avenues, where open space is provided between the #street line# of the #zoning lot# and the #street wall# of a #building# facing the elevated rail structure, or in Subdistrict A, for Subareas A1 through A3, where open space is provided between the #street wall# and the corner at a location designated on Maps 2, 3 or 4 in the Appendix to this Chapter, the provisions of Section 28-23 (Planting Areas) shall apply to all #buildings#, whether the ground floor is occupied by #residential uses# or non- #residential uses#, subject to the modifications of this Section.

(a) Along the elevated rail structure

Along the elevated rail structure on Jerome or River Avenues, a sidewalk widening, built to Department of

Transportation standards, may be provided as an alternative to planting, provided that the area that would otherwise be allocated to planting, measured in square feet, is allocated to streetscape amenities, including, but not limited to, trees, bicycle racks, benches or wall treatment, that are provided along such sidewalk widening, as set forth below.

Where benches are provided as an alternative to such planting, the length of such benches shall not exceed, in the aggregate, 15 feet per every 50 feet of #street wall# frontage. Where bicycle racks are provided, such racks shall be oriented so that the bicycles are placed parallel to the #street wall#, and the width of such bicycle racks shall not exceed, in the aggregate, 10 feet per every 50 feet of #street wall# frontage. Such benches or bicycle racks shall be located entirely within the #zoning lot#, and each bench or bicycle rack so provided shall be equivalent to 15 square feet of planted area.

Where trees, and associated tree pits are provided as an alternative, the minimum depth of any open space between the #street wall# and #street line# shall be eight feet. Each tree provided shall be equivalent to 15 square feet of planted area.

Where a wall treatment is provided as an alternative, it shall be in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material along the #street wall#. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and shall have a minimum width of 10 feet, as measured parallel to the #street wall#. Portions of a #street wall# providing such wall treatment may be exempt from the ground floor glazing requirements of paragraph (a) of Section 141-32, provided that the exempted area not exceed 50 percent of the #street wall#, or a #street wall# width of 20 feet, whichever is less. The portion of the #street wall# allocated to a wall treatment shall satisfy the planting requirement directly in front of such #street wall#.

Where planting is provided, the minimum depth of open space between the #street line# and the #street wall# shall not be less than three feet.

(b) In Subdistrict A

In Subdistrict A, where open space is provided between the #street wall# and the intersection of two #streets#, pursuant to paragraph (a)(2) of Section 141-23, streetscape amenities may be provided as an alternative to planting, provided that the area that would otherwise be allocated to planting, measured in square feet, is allocated to trees, benches, or tables and chairs, as set forth below. However, planting shall not be reduced to less than 20 percent of the area of the open space.

Each bench provided shall be equivalent to 10 square feet of planted area, and each set of tables and at least two chairs shall be equivalent to 15 square feet of planted area. Seating shall be publicly accessible, unless tables and chairs are associated with an open eating or drinking establishment on the #zoning lot#. The area under such seating shall be paved with permeable materials and shall either abut the adjoining sidewalk or be connected to such sidewalk by a circulation path at least five feet wide that is also paved with permeable materials.

Each tree and associated tree pits provided shall be equivalent to 15 square feet of planted area, and shall be located at least 10 feet from any #building wall# or the adjoining sidewalk.

Where planting is provided, the minimum depth of a planted bed shall not be less than three feet.

In no event shall chain link fencing or barbed or razor wire be permitted in any open space provided pursuant to this Section.

141-40 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED

The underlying parking provisions are modified by the provisions of this Section.

141-41 - Location of Curb Cuts

LAST AMENDED
3/22/2018

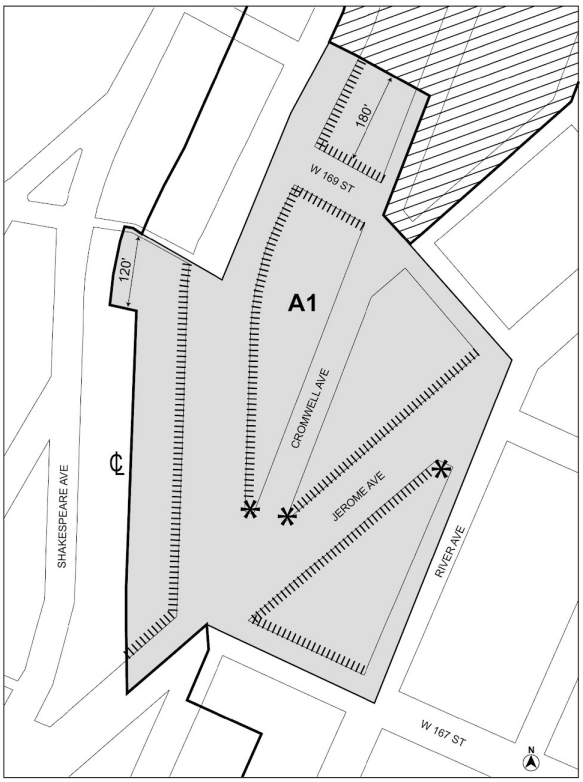
In all districts, for #zoning lots# existing on March 22, 2018, with frontage along Edward L. Grant Highway, West 170th Street, or the portions of Jerome or River Avenues with an elevated rail structure, and fronting along other #streets#, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along such #streets#, as applicable.

APPENDIX -

LAST AMENDED3/22/2018

Map 1. Special Jerome Corridor District, Subdistrict and Subareas

Map 2. Designated locations for street wall continuity and ground floor requirements in Subarea A1



Special Jerome Corridor District

Subdistrict A

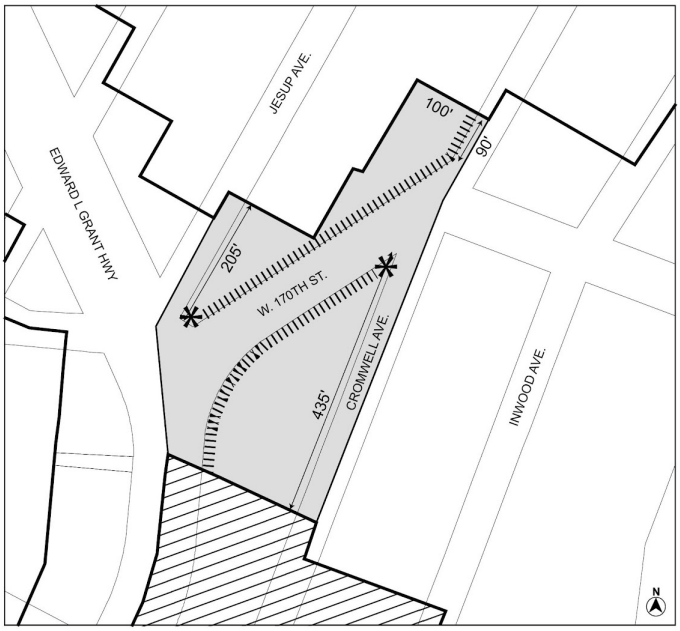
Excluded Area

Designated street frontages

* Locations where open space (Section 141-33 (a)) and modified dormers (Section 141-23 (c)) are permitted

Map 3. Designated locations for street wall continuity and ground floor requirements in Subarea A2

Map 3. Designated locations for street wall continutity and ground floor requirements in Subarea A2



Special Jerome Corridor District

Subdistrict A

Excluded Area

Designated street frontages

* Locations where open space (Section 141-33 (a)) and modified dormers (Section 141-23 (c)) are permitted

Map 4. Designated locations for street wall continuity requirements in Subarea A3

Special Jerome Corridor District

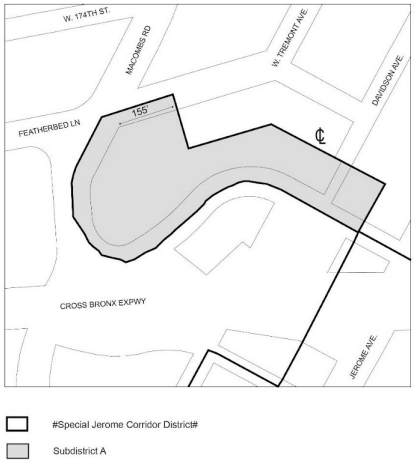
Subdistrict A

Excluded Area

Designated street frontages

Locations where open space (Section 141-33 (a)) and modified dormers (Section 141-23 (c)) are permitted

Map 5 Boundary of Subarea A4



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Inwood District (IN)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 2 - Special Inwood District (IN)

142-00 - GENERAL PURPOSES

LAST AMENDED8/8/2018

The "Special Inwood District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(b) to encourage well-designed #development# that complements and enhances the built character of the neighborhood;

(c) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;

(d) to maintain and establish physical and visual public access to and along the waterfront;

(e) to promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;

(f) to take advantage of the waterfront along the Harlem River, Sherman Creek, and the North Cove and create a public open space network;

(g) to focus higher-density development in appropriate locations along wide, mixed-use corridors with good access to transit;

(h) to provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; and

(i) to promote the most desirable use of land and development in accordance with the District Plan for the Inwood waterfront, and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

142-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special Inwood District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

142-02 - District Plan and Maps

LAST AMENDED8/8/2018

The regulations of this Chapter are designed to implement the #Special Inwood District# Plan. The District Plan, including Map 1 (Special Inwood District – Subdistricts and Subareas), Map 2 (Special Inwood District – Ground Floor Use and Curb

Cut Regulations), and Map 3 (Special Inwood District – Transit Easement Zones) is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply. In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1. Special Inwood District – Subdistricts and Subareas

Map 2. Special Inwood District – Ground Floor Use and Curb Cut Regulations

Map 3. Special Inwood District – Transit Easement Zones

Map 4. Waterfront Access Plan: Parcel Designation

Map 5. Waterfront Access Plan: Public Access Areas

Map 6. Waterfront Access Plan: Visual Corridors

142-03 - Subdistricts and Subareas

LAST AMENDED8/8/2018

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

Sherman Creek Subdistrict A

Tip of Manhattan Subdistrict B

Library Subdistrict C

Upland Area Subdistrict D

Infrastructure Zone Subdistrict E

Commercial “U” Subdistrict F

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Inwood District#. Within certain subdistricts, subareas are established, as follows:

Within Sherman Creek Subdistrict A:

Subarea A1

Subarea A2

Subarea A3

Within Tip of Manhattan Subdistrict B:

Subarea B1

Subarea B2

Subarea B3

Subarea B4

Within Upland Area Subdistrict D

Subarea D1

Subarea D2

Subarea D3

Subarea D4

The location and boundaries of subdistricts and subareas are outlined on Map 1 (Special Inwood District - Subdistricts and Subareas) in the Appendix to this Chapter.

142-04 - Definitions

LAST AMENDED8/8/2018

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 37-311 (Definitions) and in this Section.

Shoreline adjacent lot

For the purposes of this Chapter, a “shoreline adjacent lot” shall refer to a #waterfront zoning lot# with a #shoreline# length of more than 100 feet, or any #zoning lot# that has entered into a binding agreement to improve and maintain a #waterfront public access area# for an adjoining #waterfront zoning lot#.

142-05 - Applicability

LAST AMENDED8/8/2018

142-051 - Applicability of the Quality Housing Program

LAST AMENDED8/8/2018

In the #Special Inwood District#, except within Subdistrict F, any #building# containing #residences#, or any #building# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

Within Subdistrict F, the provisions of Section 23-011 shall apply. Where the optional regulations for #Quality Housing buildings# are utilized, the regulations of Article II, Chapter 8 shall apply, and the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

142-052 - Applicability of the Inclusionary Housing Program

LAST AMENDED8/8/2018

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 and 23-90, #Mandatory Inclusionary Housing areas# within the #Special Inwood District# are shown in APPENDIX F of this Resolution.

142-053 - Applicability of Article XII, Chapter 3

LAST AMENDED8/8/2018

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

142-06 - Modification of Use and Bulk Regulations for Zoning Lots Fronting on Former West 208th Street

LAST AMENDED8/8/2018

Where the #lot line# of a #zoning lot# coincides with the former boundary of West 208th Street, as shown on Map 1 in the Appendix to this Chapter, such #lot line# shall be considered a #street line# for the purpose of applying all #use# and #bulk# regulations of this Resolution.

142-07 - Development over a Street in Subarea A1

LAST AMENDED8/8/2018

In Subarea A1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, when a volume above a #street#, or portion thereof, has been eliminated, discontinued or closed, such volume may, at the option of an owner of a #zoning lot# adjoining such volume, be considered part of the adjoining #zoning lot#, and a #development# or #enlargement# may be located within such volume that is part of or connected to a #building# on the adjoining #zoning lot# utilizing #floor area# generated by the adjoining #zoning lot#, provided that the #street# below the volume is provided with lighting in accordance with Department of Transportation standards. In no event shall such volume contribute to the amount of #lot area# of any #zoning lot# for the purposes of generating #floor area#.

142-08 - Shoreline Boundary

LAST AMENDED8/8/2018

For the purposes of this Chapter, the #shoreline# shall be as shown on a survey available on the Department of City Planning website.

142-09 - Off-street Relocation of Subway Station Entrances

LAST AMENDED10/7/2021

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District – Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

142-10 - SPECIAL USE REGULATIONS

LAST AMENDED8/8/2018

The underlying #use# regulations are modified by the provisions of this Section, inclusive. In M1-4/R7A and M1-4/R9A Districts, the #use# regulations of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Section, inclusive.

142-11 - Permitted Uses

LAST AMENDED12/9/2021

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

142-111 - Regulations for manufacturing uses in Subareas B2 and B3

LAST AMENDED12/9/2021

In Subareas B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive.

142-12 - Location of Uses

LAST AMENDED8/8/2018

In C2 Districts mapped within R7 or R8 Districts, for #buildings# constructed after August 8, 2018, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial# #uses# listed in Use Groups 6, 7, 8, 9 or 14 on the second #story# of a #building# occupied on one or more of its upper #stories# by #residential uses# or by #community facility uses#, and provided no #commercial# #uses# are located directly over any #dwelling units#.

Within the portion of the C2-4 District mapped within an R8A District and the portion of the C2-4 District mapped within an R9A District, located east of Tenth Avenue, south of West 207th Street, west of Ninth Avenue and north of West 206th Street, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be inapplicable. In lieu thereof, Section 32-422 (Location of floors occupied by commercial uses) shall apply.

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units#, and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

In Subareas A1, B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, no #uses# listed in Use Group 6A, 6C or 10A shall be permitted above the ground floor level.

142-13 - Enclosure Requirements in Subdistrict E

LAST AMENDED8/8/2018

In Subdistrict E, #commercial# and #manufacturing# activities and storage #uses# shall not be subject to the provisions of Section 42-41 (Enclosure of Commercial and Manufacturing Activities) or Section 42-42 (Enclosure or Screening of Storage).

142-14 - Ground Floor Level Requirements

LAST AMENDED
5/12/2021

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level# #street# frontage along #streets# designated on Map 2 (Ground Floor Use and Curb Cut Regulations) in the Appendix to this Chapter shall be considered #primary street frontages#, and shall consist of Type 1, Type 2 and Type 3 #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage# except for frontages located within Subdistrict F. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

(1) Type 1 #primary street frontages#

For #buildings#, or portions thereof, with Type 1 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). Group parking facilities located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(2) Type 2 #primary street frontages#

For #buildings#, or portions thereof, with Type 2 #primary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that group parking facilities located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35.

(3) Type 3 #primary street frontages#

For #buildings#, or portions thereof, with Type 3 #primary street frontage#, the following regulations shall apply to the #ground floor level# to a depth of 30 feet from the #street line#:

(i) the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, shall not exceed 25 feet.

However, in Subarea A1 or B1, as shown on Map 1, for #buildings# containing predominantly commercial or public utility vehicle storage, including #accessory# fuel pumps, as listed in Use Group 16C, the screening provisions of paragraph (b) of Section 37-35 may be utilized as an alternative to such wrapping requirement and any transparency requirements need not apply.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35. Entrances and exits to accessory parking facilities shall be subject to the provisions of paragraph (b) of Section 37-33.

(c) For blank walls

In #Commercial Districts# or #Manufacturing Districts#, except for portions of #zoning lots# located within Subdistrict F, planting or wall treatment in accordance with the provisions of paragraphs (a)(1) or (b)(2) of Section 37-362 (Mitigation elements) shall be provided pursuant to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

In C4-5D Districts, and in C2 Districts mapped within R7D Districts, the provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

142-20 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED8/8/2018

The underlying #floor area# regulations are modified by the provisions of this Section, inclusive.

142-21 - Floor Area Regulations on Waterfront Blocks

LAST AMENDED8/8/2018

On #waterfront blocks#, the provisions of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall be modified so that #lot area# that is seaward of the #shoreline# shall not be included for the purpose of determining allowable #floor area# or to satisfy any other #bulk# regulation.

142-22 - Floor Area Regulations in Subareas A2, A3 and B1

LAST AMENDED8/8/2018

In Subareas A2, A3 and B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the #floor area# regulations shall be modified as follows:

For #zoning lots# other than #shoreline adjacent lots# the maximum #residential# #floor area ratio# shall be 4.6. For #shoreline adjacent lots#, the maximum #residential# #floor area ratio# shall be as set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) for the particular district.

For #zoning lots# that are divided by zoning district boundary lines, #floor area# may be distributed within a #zoning lot# without regard to zoning district boundary lines.

#Accessory# parking located below a height of 33 feet shall be exempt from the definition of #floor area#.

142-23 - Floor Area Regulations in Subareas B2 and B3

LAST AMENDED8/8/2018

In Subarea B2, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, all permitted #uses# shall have a permitted #floor area ratio# of 2.0. In Subarea B3, as shown on Map 1, the base #floor area ratio# shall be 5.0, and may be increased only in accordance with the provisions of this Section.

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# from a #zoning lot# located in Subarea B2 to a #zoning lot# located in Subarea B3 provided that the provisions of this Section are met. For the purpose of this Section, a “granting lot” shall mean a #zoning lot# within Subarea B2 that transfers #floor area# pursuant to this Section, and a “receiving lot” shall mean a #zoning lot# within Subarea B3 that receives additional #floor area# pursuant to this Section.

Such certification for a transfer of #floor area# shall be subject to the following conditions:

(a) the maximum amount of #floor area# that may be transferred from a granting lot shall be based on a #floor area ratio# of 2.0, less the total #floor area# of all existing #buildings# on the granting lot and any previously transferred #floor area#;

(b) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the granting lot by the amount of #floor area# transferred;

(c) for #developments# or #enlargements#, which in the aggregate for both the granting lot and the receiving lot, involve an increase in the #floor area# of more than 20,000 square feet of the amount existing on August 8, 2018, a waterfront certification pursuant to Section 62-811 (Waterfront public access and visual corridors) has been granted; and

(d) prior to the issuance of a building permit, as set forth in this Section, the owners of the granting lot and the receiving lot shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the granting lot and the receiving lot shall be filed by the owners of the respective lots in the Office of the Register of the City of New York

(County of New York). Proof of recordation shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by #block# and lot numbers, the granting lot and the receiving lot that are a party to such transfer.

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the granting lot and the receiving lot, and shall include site plans and zoning calculations for the granting lot and receiving lot showing the additional #floor area# associated with the transfer, and any such other information as may be required by the Chairperson.

The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this Section have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

A separate application shall be filed for each transfer of #floor area# to any #zoning lot# pursuant to this Section.

142-24 - Floor Area Regulations in Subdistrict D

LAST AMENDED8/8/2018

For #zoning lots# that are located partially in a #Commercial District# mapped within an R8A District and partially in a #Commercial District# mapped within an R9A District, #residential# #floor area# may transfer across the zoning district boundary from the #Commercial District# mapped within an R8A District to the #Commercial District# mapped within an R9A District.

142-30 - SPECIAL YARD REGULATIONS

LAST AMENDED8/8/2018

The underlying #yard# regulations are modified by the provisions of this Section.

In M1-4/R7A and M1-4/R9A Districts, in Subareas A1 and B3 as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, and in the portion of the C2-4 District mapped within an R8A District or the portion of the C2-4 District mapped within an R9A District, located east of Tenth Avenue, south of West 207th Street, west of Ninth Avenue, and north of West 206th Street, no #rear yard equivalents# are required for #through lots# or #through lot# portions of a #zoning lot#.

In Subdistrict D, no #rear yard# is required along any portion of a #rear lot line# that is coincident with a #lot line# of the rail yard for the Metropolitan Transportation Authority located east of Tenth Avenue between West 207th Street and West 215th Street.

A #waterfront yard#, as defined in Section 62-11 (Definitions), shall be provided on any portion of a #zoning lot# located within 40 feet of the #shoreline#. Any other #yard# regulations shall be inapplicable within such portion of a #zoning lot#.

142-40 - SPECIAL HEIGHT AND SETBACK REGULATIONS

LAST AMENDED8/8/2018

In Subareas A1 and B2, and in Subdistrict E, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the height and setback regulations of the underlying districts shall apply.

In Subareas A2, A3, B1, B3 and B4, the height and setback regulations of the underlying district regulations are modified by Sections 142-41 through 142-47 shall apply, and all heights shall be measured from the #base plane#.

In Subdistricts C, D and F, the height and setback regulations of the underlying district regulations are modified by Sections 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) and 142-49 (Height and Setback for Certain Zoning Lots in Subdistricts C and D), as applicable.

142-41 - Permitted Obstructions in Subareas A2, A3, B1, B3 and B4

LAST AMENDED8/8/2018

In Subareas A2, A3, B1, B3 and B4, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, along all #street# frontages, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts), and balconies shall be permitted in conjunction with #residential uses# as set forth in Section 23-132 (Balconies in R6 through R10 Districts).

142-42 - Height and Setback for Non-Shoreline Adjacent Lots in Subareas A2, A3 and B1

LAST AMENDED8/8/2018

In Subareas A2, A3 and B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #zoning lots# other than #shoreline adjacent lots#, the height and setback regulations for R7A Districts set forth in Sections 23-662 (Maximum height of buildings and setback regulations) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, shall apply.

The #street wall# location requirements of paragraph (b) of Section 35-651 shall apply to #street# frontages along and within 50 feet of Ninth Avenue, and the #street wall# requirements of paragraphs (a)(1) and (2) of Section 35-651 shall apply along all other #street# frontages of the #zoning lot#. The #street wall# articulation provisions of paragraph (e) of Section 35-651 shall apply along all #street# frontages.

142-43 - Height and Setback for Shoreline Adjacent Lots in Subarea A2

LAST AMENDED8/8/2018

In Subarea A2, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the following height and setback regulations shall apply:

(a) #Street wall# location

The #street wall# location requirements of paragraph (b) of Section 35-651 shall apply to #street# frontages along and within 50 feet of Ninth Avenue, and the #street wall# requirements of paragraphs (a)(1) and (2) of Section 35-651 shall apply along all other #street# frontages of the #zoning lot#. For the purposes of applying such regulations, all #street walls# shall extend to at least the minimum base height set forth in paragraph (b) of this Section, or the height of the #building#, whichever is less. The #street wall# articulation provisions of paragraph (e) of Section 35-651 shall apply along all #street# frontages.

(b) Base height and setbacks

The minimum base height shall be 60 feet on all #street# frontages. Within R9A Districts, or C1 or C2 Districts mapped

within R9A Districts, the maximum base height shall be 105 feet. Within R8 Districts, or C1 or C2 Districts mapped within R8 Districts, the maximum base height before setback shall be 105 feet if the #building's# maximum overall height does not exceed 155 feet, or 85 feet if a #building# is developed with a tower in accordance with the regulations of paragraph (e) of this Section.

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district, a setback with a minimum depth of 10 feet shall be provided from the #street wall# of the base. The provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(c) Within 70 feet of the #shoreline#

Within 70 feet of the #shoreline#, the height of a #building# along 30 percent of the length of a #zoning lot#, as measured parallel to Ninth Avenue, shall be limited to a maximum height of 30 feet, and the height along the remaining 70 percent may rise to a maximum height of 85 feet.

(d) Maximum #building# height

The maximum #building# height shall be 155 feet, except where towers are provided in accordance with paragraph (e) of this Section.

(e) Optional tower regulations

For #zoning lots# that have a #lot area# of more than one acre, a "tower" shall be permitted above a height of 125 feet, provided that:

(1) the gross area of any #story# shall not exceed 9,000 square feet, except that any dormers provided within the setback area shall not be included in such gross area;

(2) the gross area of any #story# above 205 feet shall not exceed 90 percent of the gross area of the highest #story# that is located entirely below a height of 205 feet;

(3) no portion of such tower shall be located within 80 feet of the #shoreline#;

(4) the width of such tower shall not exceed 100 feet, as measured parallel to Ninth Avenue. Such width shall be measured in plan and shall include the total width of the combined #lot coverage# of all #stories# above 125 feet; and

(5) The maximum height of such tower shall not exceed 245 feet.

#Zoning lots# with a #lot area# in excess of 1.5 acres may contain a second tower, provided that the heights of the two towers differ by at least 50 feet from each other, and provided that the combined width of the towers does not exceed 140 feet, as measured parallel to Ninth Avenue. Such width shall be measured in plan and shall include the total width of the combined #lot coverage# of all #stories# above 125 feet.

142-44 - Height and Setback for Shoreline Adjacent Lots in Subarea A3

LAST AMENDED8/8/2018

In Subarea A3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the height and setback regulations of this Section shall apply:

(a) Base along West 207th Street and Ninth Avenue

Along the West 207th Street and Ninth Avenue frontages, all #buildings# shall have a minimum base height of 60 feet, or the height of the #building#, whichever is less, and a maximum base height of 105 feet. The #street wall# location requirements of paragraph (a)(1) and (2) of Section 35-651 shall apply along both #streets#. The boundary of any easement required for a #street# or sidewalk widening pursuant to Section 142-64 shall be considered the #street line# for the purpose of this Section.

At a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet shall be provided from the #street wall# of the base. The provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(b) Within 70 feet of the #shoreline#

Within 70 feet of the #shoreline#, the maximum #building# height shall be 85 feet.

(c) Within 30 feet of former West 208th Street

Within 30 feet of Former West 208th Street, as shown on Map 1 in the Appendix to this Chapter, the height of a #building# along 30 percent of the length of a #zoning lot#, as measured along the former extent of West 208th Street, shall not exceed 30 feet, and the height of the remaining 70 percent may rise to a maximum height of 85 feet.

(d) Maximum #building# height

Within the portion of the #zoning lot# that is beyond 100 feet of West 207th Street, the maximum #building# height shall be limited to 145 feet. Within the portion of the #zoning lot# that is within 100 feet of West 207th Street, the maximum #building# height shall be 175 feet, except where towers are provided in accordance with paragraph (e) of this Section.

(e) Optional tower regulations

For #zoning lots# that have a #lot area# of more than one acre, a “tower” shall be permitted above a height of 175 feet within the portion of the #zoning lot# that is within 100 feet of West 207th Street, provided that:

(1) the gross area of any #story# shall not exceed 10,000 square feet, except that any dormers provided within the setback area shall not be included in such gross area;

(2) the gross area of any #story# above 255 feet shall not exceed 90 percent of the gross area of the highest #story# that is located entirely below a height of 255 feet; and

(3) The maximum height of such tower shall not exceed 295 feet.

142-45 - Height and Setback for Shoreline Adjacent Lots in Subarea B1

LAST AMENDED8/8/2018

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the height and setback regulations of Section 142-43 (Height and Setback for Sites in Subarea A2 With More Than 100 Feet of Shoreline) shall apply, except that paragraph (e) of such Section shall be modified to allow the gross area of any #story# in a tower to be up to 10,000 square feet and to rise to a height of 265 feet, provided that the gross area of any #story# above 225 feet shall not exceed 90 percent of the gross area of the highest #story# that is located entirely below 225 feet.

The #visual corridor# located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline established by Section 142-60 (INWOOD WATERFRONT ACCESS PLAN) shall be treated as a narrow #street line# for the purposes of applying all height and setback regulations.

142-46 - Height and Setback in Subarea B3

LAST AMENDED8/8/2018

In Subarea B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the maximum #building# height shall be 125 feet within 10 feet of a #street line#. Beyond 10 feet of a #street line#, the maximum #building# height shall be 265 feet.

142-47 - Height and Setback in Subarea B4

LAST AMENDED8/8/2018

In Subarea B4, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the height of a #building# within 10 feet of a #street line# shall not exceed 125 feet. Portions of #buildings# located beyond 10 feet of a #street line# may rise to a maximum height of 210 feet. Any #development# or #enlargement# with frontage on West 218th Street must provide a sidewalk widening with a minimum depth of five feet along such frontage. Any #development# or #enlargement# with frontage on Ninth Avenue must provide a sidewalk widening with a minimum depth of five feet along such frontage.

142-48 - Special Regulations for Certain Sites in Subdistricts C and F

LAST AMENDED8/8/2018

In Subdistrict C, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, and in Subdistrict F, for #buildings# #developed# pursuant to the #bulk# regulations for #Quality Housing buildings#, the underlying height and setback provisions shall be modified for #zoning lots# that share a #side lot line# with an adjacent #zoning lot# that is #developed# with a #building# constructed prior to December 15, 1961 that contain #residences# with #legally required windows# facing and located within 15 feet of the shared #side lot line#.

The #street wall# location provisions of paragraph (b)(1) of Section 35-651 shall apply except that where an adjoining #zoning lot# contains #residences# with #legally required windows# facing and within 15 feet of a shared #side lot line#, the #street wall# of a #building# need not extend along the entire #street# frontage of such a #zoning lot# if an open area is provided above the level of the first #story# or a height of 15 feet, whichever is lower, along the entire shared #side lot line#. Where such an open area is provided, the #street# frontage of such open area may be excluded for the purpose of applying the #street wall# location provisions of paragraph (b)(2) of Section 35-651.

In addition, where an open area with a depth of at least 15 feet, as measured perpendicular from the shared #side lot line#, and is provided in the form of a recess, #court# or other open area is provided along shared #side lot line#, and such open area is provided adjacent to all portions of a #building# on an adjoining #zoning lot# that contain #legally required windows# facing and located within 15 feet of the shared #side lot line#, the maximum height for the #building# set forth in Section 23-662, 23-664, 35-652 or 35-654, as applicable, may be increased by 10 feet; and the maximum number of #stories#, if applicable, may be increased by one.

#Zoning lots# may apply the regulations of this Section along multiple #side lot lines# where applicable, but in no case shall the permitted #building# height be increased by more than one #story# or 10 feet, whichever is lower.

142-49 - Height and Setback for Certain Zoning Lots in Subdistricts C and D

LAST AMENDED8/8/2018

In Subdistricts C and D, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, all non-#residential# #buildings# in C4 and C6 Districts shall follow the height and setback regulations of paragraph (b) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) for the applicable residential equivalent.

In Subdistrict D, all #developments# or #enlargements# on #zoning lots# within M1-4/R7A and M1-4/R9A Districts shall follow the height and setback regulations of paragraph (b) of Section 23-664, for the applicable #Residence District#, except portions of #zoning lots# that are located within 30 feet of West 201st Street shall be limited to a maximum #building# height to 85 feet.

In Subdistrict D, for portions of #zoning lots# located within 100 feet of a #street# that contains an elevated rail line, the underlying height and setback regulations shall be modified as follows, and as set forth in Section 142-491:

(a) the minimum required base height shall be 25 feet;

(b) the maximum permitted #building# height shall be 165 feet and the maximum number of #stories# shall be 16 in C6-2A, C4-4D, and in C2 Districts mapped within R8A Districts;

(c) the maximum permitted #building# height shall be 135 feet and the maximum number of stories shall be 13 in C4-5D Districts; and

(d) along the frontage of a #street# that contains an elevated rail line, the #street wall# location regulations of paragraph (a)(1) of Section 35-651 shall apply.

142-491 - Special base height regulations for certain zoning lots within Subdistrict D

LAST AMENDED8/8/2018

The underlying height and setback regulations shall be further modified for the following areas within Subdistrict D:

(a) for portions of #zoning lots# located in Subarea D2, the maximum permitted base height shall be 75 feet;

(b) for portions of #zoning lots# located in Subarea D3, the maximum permitted base height shall be 65 feet; and

(c) for portions of #zoning lots# located in Subarea D4, the maximum permitted base height shall be 85 feet, and for portions of a #development# or #enlargement# containing #residences#, the maximum permitted base height shall be 65 feet.

142-50 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED8/8/2018

The underlying off-street parking and loading regulations are modified by the provisions of this Section, inclusive.

142-51 - Required Accessory Parking Spaces for Residences

LAST AMENDED8/8/2018

Except for within Subdistrict F, as shown on Map 1 (Special Inwood District-Subdistricts and Subareas) in the Appendix to this Chapter, the requirements of Sections 25-23 (Requirements Where Group Parking Facilities Are Provided) are modified to require #accessory# #residential# off-street parking spaces for a minimum of 20 percent of new #residences#. The number of #accessory# off-street parking spaces required may be reduced or waived as set forth in the underlying district regulations, including as set forth in Sections 25-251 through 25-253.

Within Subdistrict F, for #buildings developed# pursuant to the Quality Housing #bulk regulations#, if at least 20 percent of the #residential# #floor area# of the #development# consists of #income-restricted housing units#, the requirements of Sections 25-23 are modified to require #accessory# #residential# off-street parking spaces for a minimum of 20 percent of new #residences#. For purposes of this Section, the definition of #income-restricted housing units# shall be modified such that the #income-restricted housing units# must be affordable to households with incomes at or below 60 percent of the #income index#. The number of #accessory# off-street parking spaces required may be reduced or waived as set forth in the underlying district regulations, including as set forth in Sections 25-251 through 25-253. Prior to issuance of a building permit for such #development#, the Department of Housing Preservation and Development shall certify to the Department of Buildings that such #development# complies with the affordability provisions of this Section.

142-52 - Required Accessory Parking Spaces for Commercial or Community Facility Uses in Certain Districts

LAST AMENDED8/8/2018

In Subdistricts A, B, C, D, and E, no #accessory# parking is required for new #commercial# or #community facility uses# in #mixed buildings# in C2-4 and C4 Districts.

In Subdistrict F, no #accessory# parking is required for #commercial# or #community facility uses# in #mixed buildings# #developed# after August 8, 2018, pursuant to the Quality Housing #bulk# regulations in C2-4 and C4 Districts.

142-53 - Public Use of Accessory Parking

LAST AMENDED8/8/2018

All required or permitted #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request for such space is made to the landlord.

142-54 - Accessory Parking on a Roof in Subarea A1

LAST AMENDED8/8/2018

In Subarea A1, the underlying off-street parking regulations of Section 44-11 (General Provisions) are modified to permit #accessory# parking to be located on the roof of any #story# of a #building#.

142-55 - Curb Cuts

LAST AMENDED8/8/2018

Curb cuts accessing off-street parking facilities or loading berths shall not be permitted along the #streets# specified as a Type 1 or Type 2 primary street on Map 2 (Special Inwood District – Ground Floor Use and Curb Cut Regulations) in the Appendix to this Chapter on #zoning lots# that also have frontage on a #street# that is not specified on Map 2.

142-60 - INWOOD WATERFRONT ACCESS PLAN

LAST AMENDED8/8/2018

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Map 4 (Waterfront Access Plan: Parcel Designation), Map 5 (Waterfront Access Plan: Public Access Areas) and Map 6 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter show the boundaries of the area comprising the Inwood Waterfront Access Plan, boundaries of parcels within the Plan and the location of certain features mandated or permitted by the Plan.

The Plan has been divided into parcels consisting of tax blocks and lots and other lands as established on August 8, 2018, as follows:

Parcel 1:	block 2215, lots 877 and 885; and block 2197, lots 67, 71, 74 and 174
Parcel 2/3:	block 2197, lots 47 and 75
Parcel 4:	block 2197, portion of lot 1
Parcel 5:	block 2188, lot 1
Parcel 6:	block 2187, lots 1, 5, 7 and 20
Parcel 7:	block 2185, lots 25, 36 and 51
Parcel 8:	block 2185, lots 1 and 10
Parcel 9:	block 2184, lots 20 and 40

Within the #Special Inwood District#, the parcels of land designated in this Section need not be contiguous for the area to be considered to be a Waterfront Access Plan pursuant to Section 62-911.

For the purposes of this Section, inclusive, defined terms shall include those listed in Section 12-10 (DEFINITIONS) and Section 62-11 (Definitions).

142-61 - Lot area and waterfront public access area requirements

LAST AMENDED8/8/2018

For the purposes of determining requirements for #waterfront public access areas#, #lot area# shall not include any portion of a #zoning lot# that is seaward of the #shoreline#. For the purposes of determining the applicability of #waterfront public access area# requirements, pursuant to Section 62-52, all #zoning lots# with portions located within 40 feet of the #shoreline# shall be considered #waterfront zoning lots#.

On Parcel 1, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter, for the purposes of calculating the total #waterfront public access area# requirements on a “granting lot,” as described in Section 142-23 (Floor Regulations in Subarea B2 and B3), #lot area# shall be the combined #lot area# of all “granting lots” and all “receiving lots.”

142-62 - Tip of Manhattan, Subdistrict B

LAST AMENDED8/8/2018

In Tip of Manhattan Subdistrict B, for Parcels 1 and 2/3, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter, the following regulations shall apply.

(a) Applicability of #waterfront public access area# requirements to Use Group 16

In Subarea B1, as shown on Map 1, #developments# of #buildings# containing exclusively commercial or public utility vehicle storage, including #accessory# fuel pumps, as listed in Use Group 16C, shall be exempted from #waterfront public access area# requirements.

(b) #Shore public walkways#

On Parcel 1, no #shore public walkway# shall be required.

(c) #Upland connections#

On Parcel 2/3, #upland connections# shall be provided along the shared boundary between Parcels 1 and 2/3, and within the area located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline.

(d) #Supplemental public access areas#

(1) on Parcel 1, #supplemental public access area# shall be bounded by Ninth Avenue to the west, the shared boundary of Parcels 1 and 2/3 to the south, and the stabilized shore to the east. Section 62-571 (Location and area requirements for supplemental public access areas) shall not apply to such #supplemental public access area#;

(2) on Parcel 2/3, #supplemental public access area#, if required, shall be located at the intersection of the #upland connection# and the #shore public walkway#. Section 62-571 shall be modified to allow the longest side of such #supplemental public access area# to adjoin the #upland connection# provided that the maximum depth measured perpendicular to the #upland connection# does not exceed 1.5 times the width measured parallel to the #upland connection#.

(e) #Visual corridors#

#Visual corridors# shall be provided at three locations as shown on Map 6 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter:

(1) within the prolongation of the #street lines# of West 220th Street;

(2) within the prolongation of the #street lines# of Ninth Avenue;

(3) within the area located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline. In the event that such #visual corridor# #abuts# an open area with a minimum depth of 20 feet along the entire length of such #visual corridor#, and an easement for such open area has been recorded against the property, the minimum dimension of a #visual corridor# set forth in Section 62-512 (Dimensions of visual corridors) may be reduced to 30 feet.

142-63 - Sherman Creek Subdistrict A

LAST AMENDED8/8/2018

In the Sherman Creek Subdistrict A, Parcels 5, 6, 7, 8 and 9, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter, the following regulations shall apply.

(a) #Shore public walkways#

(1) #Waterfront zoning lots# that have a #shoreline# measuring more than 100 feet shall provide a #shore public walkway# as required by Section 62-53 (Requirements for Shore Public Walkways).

(2) #Zoning lots# within or partially within 40 feet of the #shoreline# that do not #abut# the #shoreline#, or that contain a #shoreline# measuring 100 feet or less shall provide either:

(i) a #shore public walkway#, located partly on the #zoning lot# and partly on an adjoining #waterfront zoning lot#; or

(ii) a #shore public walkway# on any portion of the #zoning lot# within 40 feet of the #shoreline#. Such #shore public walkway# shall have a minimum width of 14 feet, and its pedestrian circulation path shall connect to and provide access from adjoining public #streets#, parks or public places. Such #shore public walkway# shall extend beyond 40 feet of the #shoreline# as necessary to satisfy the minimum dimensional requirements, but the total area of the #shore public walkway# need not exceed an area equivalent to that portion of the #zoning lot# within 40 feet of the #shoreline#. The provisions of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be modified to allow the circulation path to have a minimum width of 10 feet and to be located entirely beyond 10 feet from the #shoreline#. In addition, for Parcels 6, 7 or 8, the planting requirements set forth in paragraph (c)(1) of Section 62-62 need not apply.

Where the #zoning lot# does not include all of the adjacent #shoreline#, the design of the #shore public walkway# shall be compatible with the future improvement of public access areas on the land between the #zoning lot# and the #shoreline#.

(3) The primary circulation path required pursuant to Section 62-62 shall be provided at a minimum elevation of 7.5 feet above the #shoreline#, except that such requirement need not include portions of a circulation path that slope downward to meet the elevation of an existing publicly accessible sidewalk.

(b) #Supplemental public access areas#

On Parcel 5, no #supplemental public access area# shall be required.

142-64 - Special Regulations on Parcel 5

LAST AMENDED8/8/2018

(a) Section 62-811 (Waterfront public access and visual corridors) shall not apply to Parcel 5, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter. In lieu thereof, the following regulations shall apply:

Required Certification

No excavation or building permit shall be issued for any #development# on Parcel 5 until the Chairperson of the City Planning Commission has certified to the Department of Buildings, that:

(1) a site plan has been submitted showing compliance with the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) as modified by Section 142-60 (INWOOD WATERFRONT ACCESS PLAN);

(2) the Chairperson has certified that an easement, the requirements for which shall be determined in consultation with the Department of Transportation, has been provided to enlarge the adjoining mapped #streets#, an instrument creating such easement has been recorded in the Office of the City Register, and a certified copy of such easement has been submitted to the Department of City Planning; and

(3) an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

(b) Buildout of Adjoining #Streets#

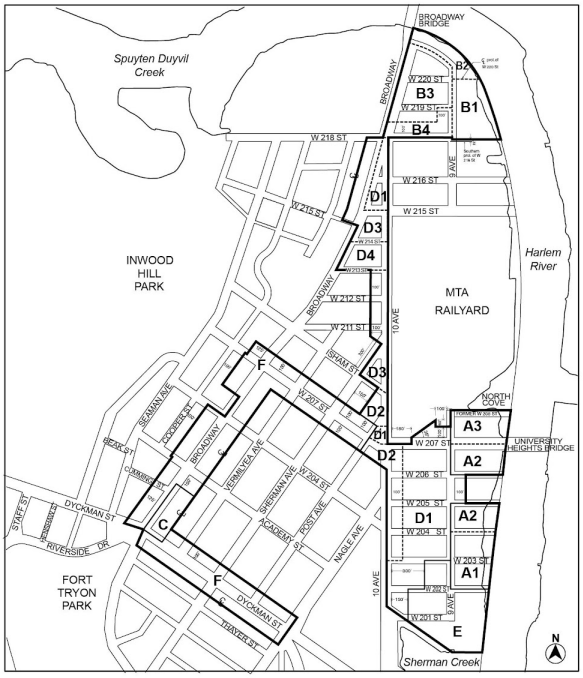
No certificate of occupancy for any #development# on Parcel 5 shall be issued until the Department of Buildings has been furnished with a certification by the Department of Transportation that adjoining mapped #streets# have been built out to Department of Transportation standards.

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

APPENDIX - Special Inwood District Plan

LAST AMENDED8/8/2018

Map 1. Special Inwood District – Subdistricts and Subareas



Special Inwood District
Subdistricts
Subareas within Subdistricts

SUBDISTRICTS AND SUBAREAS:

A – Sherman Creek Subdistrict A
- Subarea **A1**
- Subarea **A2**
- Subarea **A3**

B – Tip of Manhattan Subdistrict B
- Subarea **B1**
- Subarea **B2**
- Subarea **B3**
- Subarea **B4**

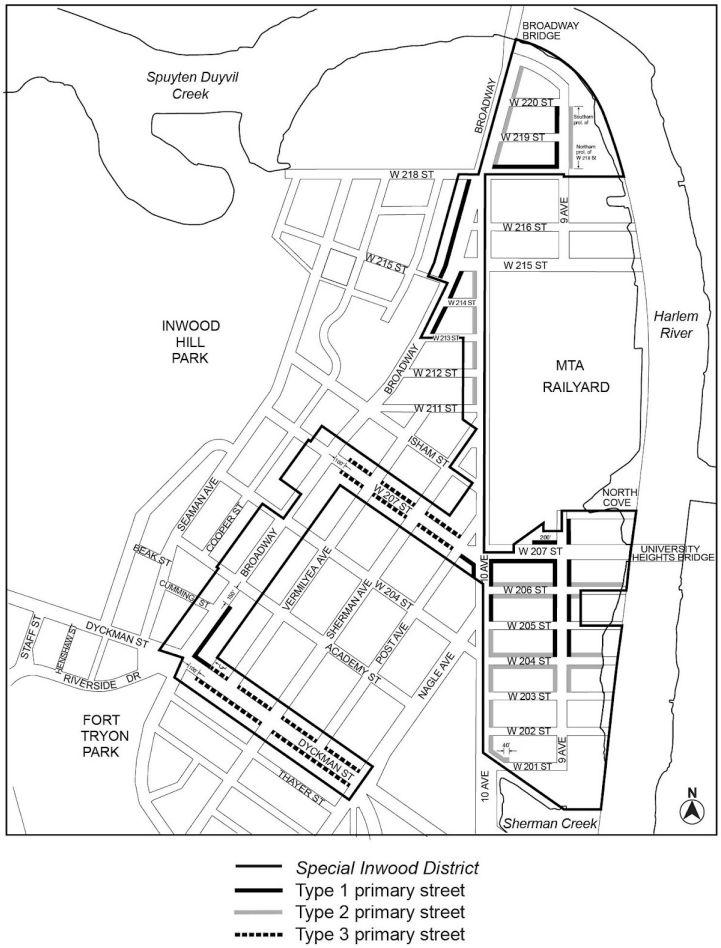
C – Library Subdistrict C

D – Upland Area Subdistrict D
- Subarea **D1**
- Subarea **D2**
- Subarea **D3**
- Subarea **D4**

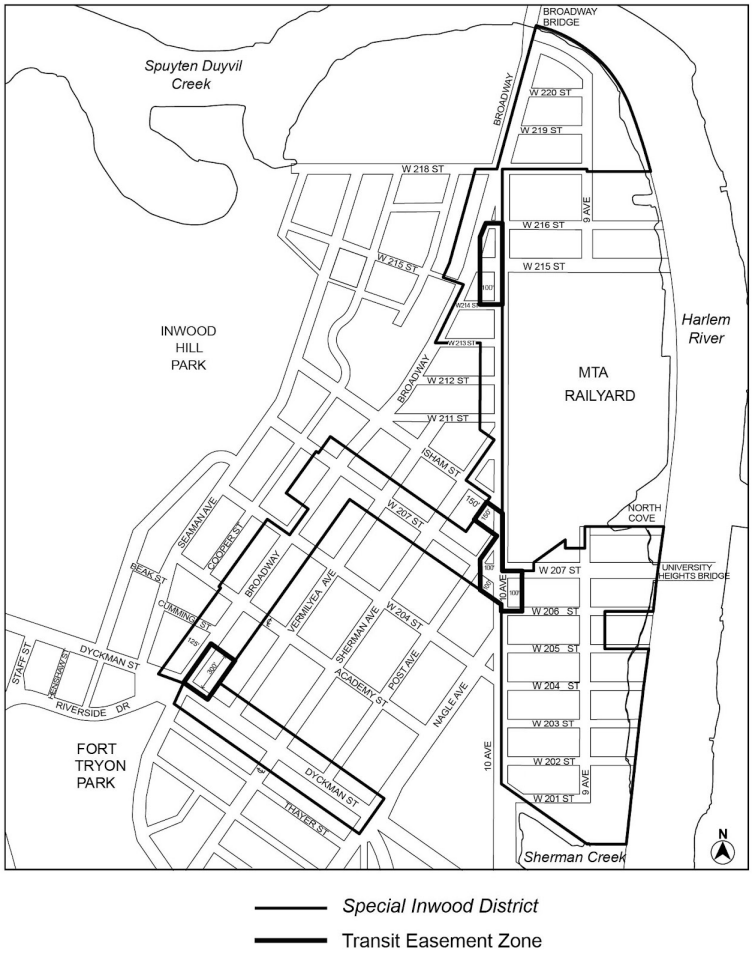
E – Infrastructure Zone Subdistrict E

F – Commercial "U" Subdistrict F

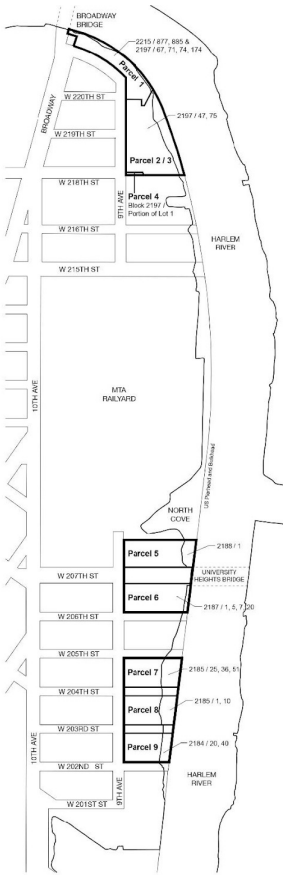
Map 2. Special Inwood District – Ground Floor Use and Curb Cut Regulations



Map 3. Special Inwood District – Transit Easement Zones



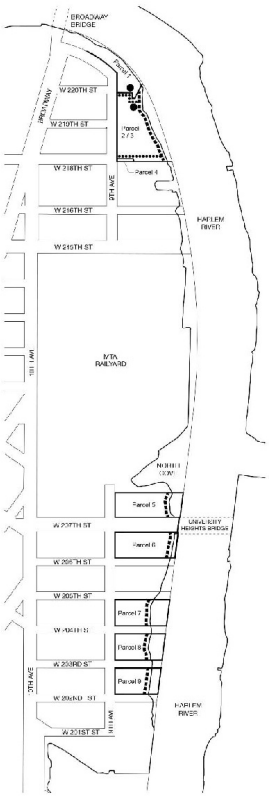
Map 4. Waterfront Access Plan: Parcel Designation



Parcel Designation

WAP boundary
Parcel line
2185 / 1, 10 Tax *Block* / *Lot* numbers

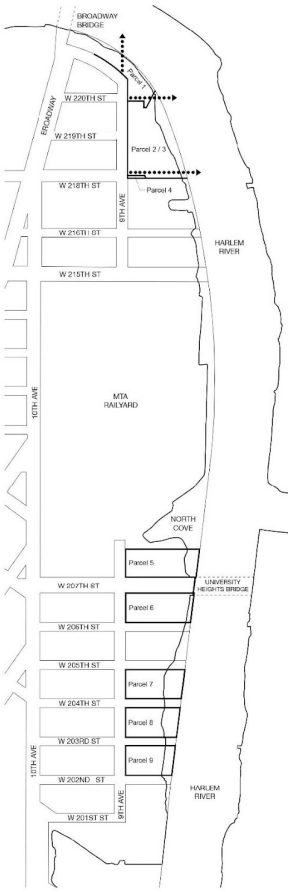
Map 5. Waterfront Access Plan: Public Access Areas



Public Access Areas

- Parcel line
- Shore Public Walkway - 40-ft minimum required, or as modified by Section 142-63(a)
- Supplemental Public Access Area
- Upland Connection (Designated Location)

Map 6. Waterfront Access Plan: Visual Corridors



Visual Corridors

Parcel line
Visual Corridor

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 3 - Special SoHo-NoHo Mixed Use District (SNX)

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Chapter 3 - Special SoHo-NoHo Mixed Use District (SNX)

143-00 - GENERAL PURPOSES

LAST AMENDED12/15/2021

The "Special SoHo-NoHo Mixed Use District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;

(b) to reinforce the longstanding mixed-use character of the area by allowing a wider range of residential, commercial and community facility uses while retaining significant concentration of commercial and manufacturing space;

(c) to ensure the development of buildings is compatible with existing neighborhood character;

(d) to sustain SoHo/NoHo's cultural legacy and support New York City's creative economy with provisions that support arts, cultural and creative uses, organizations and their broader public audience;

(e) to retain jobs within New York City; and

(f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

143-01 - General Provisions

LAST AMENDED

The provisions of this Chapter shall apply within the ***Special SoHo-NoHo Mixed Use District***. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

143-02 - Definitions

LAST AMENDED12/15/2021

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS).

Qualifying building

For the purposes of this Chapter, a "qualifying building" shall be any #building# where, prior to December 15, 2021:

(a) such #building# contained at least 60,000 square feet of #floor area#; and

(b) at least 20 percent of the #floor area# within such #building# was allocated to non-#residential floor area#, as such term is utilized in Section 143-14.

SoHo-NoHo Arts Fund

For the purposes of this Chapter, the "SoHo-NoHo Arts Fund" (the "Arts Fund") shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# in accordance with the provisions of Section 143-13 (Joint Living-Work Quarters for Artists). Funds within the #SoHo-NoHo Arts Fund# shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker detailing the amount of money deposited into the #SoHo-NoHo Arts Fund# and any expenditure of funds.

143-03 - District Plan and Map

LAST AMENDED12/15/2021

In order to carry out the purposes and provisions of this Chapter, a district map is located in the Appendix to this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply:

Appendix A

Map 1. Ground Floor Use Requirements

Such map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

143-04 - Applicability of the Inclusionary Housing Program

LAST AMENDED12/15/2021

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special SoHo-NoHo Mixed Use District# are shown on the maps in APPENDIX F of this Resolution. Such provisions are modified as follows:

(a) #Conversions# from #joint living-work quarters for artists# to #residences#, as set forth in Section 143-13 (Joint Living-Work Quarters for Artists), shall not be subject to the provisions of paragraph (d)(1) of Section 23-154.

(b) The provisions of paragraph (d)(4)(i) of Section 23-154 shall apply:

(1) in M1 districts paired with R7D districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less #floor area# equivalent to a #floor area ratio# of 0.6, does not exceed 12,500 square feet; and

(2) in all other districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less the #lot area#, does not exceed 12,500 square feet.

(c) For #conversions# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to paragraph (d)(3)

(v) of Section 23-154, the Board of Standards and Appeals may permit a contribution to the #affordable housing fund#, pursuant to the provisions of Section 73-625.

143-05 - Applicability of Article VI, Chapters 4 and 6

LAST AMENDED12/15/2021

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

143-06 - Applicability of Article XII, Chapter 3

LAST AMENDED12/15/2021

In the #Special SoHo-NoHo Mixed Use District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

Notwithstanding the provisions of Section 123-10 (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

143-07 - Applicability of Quality Housing Regulations

LAST AMENDED12/15/2021

All #buildings# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

143-08 - Applicability of Article I, Chapter 5

LAST AMENDED12/15/2021

The provisions of Article I, Chapter 5 shall apply to the #conversion# of non-#residential floor area# to #residences#, except where such regulations are modified by the provisions of this Chapter. Where the regulations in effect prior to the establishment of this Chapter were utilized to provide #floor area# for #joint living-work quarters for artists# in a manner not otherwise permitted by Article I, Chapter 5, such provisions may continue to apply in order to #convert# such #floor area# to #residences#, provided that light and air provisions of Section 15-23, and #conversion# provisions of Section 143-13 are met.

143-10 - SPECIAL USE REGULATIONS

LAST AMENDED12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the #use# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-11 - Modifications for certain uses

LAST AMENDED

Within the #Special SoHo-NoHo Mixed Use District#, the following #use# modifications shall apply:

(a) the following #uses# listed in Use Group 3A shall not be permitted:

colleges or universities, including professional schools but excluding business colleges or trade schools

college or school student dormitories and fraternity or sorority student houses;

(b) eating or drinking establishments, as set forth in Use Groups 6A, 6C, 10A or 12A, shall be limited to 8,500 square feet of #floor area# per establishment; and

(c) all #uses# listed in Use Group 10A shall be permitted, provided that retail #uses# do not exceed the following size limitations:

(1) for establishments with a #primary entrance# along a #wide street#, 25,000 square feet of #floor area# per establishment; and

(2) for all other establishments, 10,000 square feet of #floor area# per establishment.

However, the City Planning Commission may, by special permit, allow retail #uses# in Use Group 10A that exceed the size limitations of this Section, pursuant to Section 143-31 (Special Permit for Certain Retail #Uses#).

143-12 - Home Occupation

LAST AMENDED

The #home occupation# provisions of Section 12-10 (DEFINITIONS - Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#, and such #home occupation# may occupy more than 500 square feet of #floor area#.

In addition, in connection with such #home occupation#, up to three persons not residing in such #dwelling unit# may be employed, and a #home occupation# may include any permitted #commercial use#, subject to the limitations set forth in paragraph (b) of the definition of #home occupation#.

143-13 - Joint Living-Work Quarters for Artists

LAST AMENDED12/15/2021

#Conversions# to #joint living-work quarters for artists#, as listed in Use Group 17D, shall not be permitted after December 15, 2021, within the #Special SoHo-NoHo Mixed Use District#.

For #developments#, #enlargements#or #conversions#, for the purposes of applying Section 123-21, Use Group 17D #joint living-work quarters for artists# shall not be considered an existing #manufacturing# or #commercial use#.

For #joint living-work quarters for artists# existing on December 15, 2021, any #conversion# to a #residence# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Building that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #SoHo-NoHo Arts Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing the

#conversion# a #joint living-work quarters for artists# to a #residence#.

The contribution amount shall be $100.00 per square foot of #floor area# to be #converted# from a #joint living-work quarters for artists# to a #residential use# as of December 15, 2021, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the 12 months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received.

143-14 - Non-residential Retention for Qualifying Buildings

LAST AMENDED12/15/2021

For #developments#, #enlargements#, and #conversions# on #zoning lots# with #qualifying buildings# existing on December 15, 2021, #residential uses# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Buildings that the #zoning lot#, as it existed on December 15, 2021, will contain at least the amount of non-#residential# #floor area# that existed within such #qualifying buildings# on the #zoning lot# on December 15, 2021, or where the #qualifying building# will be #converted# to #residences# that are exclusively #income-restricted housing units#. For the purposes of this Section, non-#residential floor area# shall not include #residences#, including #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7-C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980, #joint living-work quarters for artists#, #community facility uses# with sleeping accommodations or #transient hotels#, where permitted.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within #qualifying buildings# on December 15, 2021, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register.

143-15 - Ground Floor Use Requirements

LAST AMENDED12/15/2021

The provisions of this Section shall apply to #developments# and #ground floor level enlargements#.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along #streets# designated on Map 1 in the Appendix to this Chapter shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

Any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall

thresholds).

143-20 - SPECIAL BULK REGULATIONS

LAST AMENDED12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the #bulk# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-21 - Special Floor Area Regulations

LAST AMENDED12/15/2021

The applicable #floor area# regulations shall be modified as follows:

(a) the #floor area ratio# for #community facility uses# shall be 6.5; and

(b) in M1-6 Districts paired with an R10 District east of Broadway and north of Great Jones Street, the #floor area ratio# for all other non-#residential uses# shall be 7.0.

143-22 - Density

LAST AMENDED12/15/2021

For all #residential buildings#, or portions thereof, including those existing on December 15, 1961, the factor to determine the maximum number of #dwelling units# shall be 680.

Where a #joint living-work quarters for artists# has utilized the provisions of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) as alternative density provisions, such provisions shall remain in effect for any subsequent #conversion# to #dwelling units#. However, in applying such provisions, the #dwelling unit# factor provisions of this Section shall apply in lieu of Section 15-111 (Number of permitted dwelling units).

143-23 - Special Yard Regulations

LAST AMENDED12/15/2021

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

(a) Permitted obstructions

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 43-42 (Permitted

Obstructions), shall be permitted above such height limitations.

(b) Required #rear yards#

For all #uses#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, except as follows:

(1) no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less;

(2) whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#; and

(3) for #interior lots# where the depth of such #zoning lot#, or a portion thereof, is less than 90 feet, and such shallow depth was in existence on December 15, 1961 and on the date of application for a #building# permit, the required #rear yard# for such #interior lot#, or portion thereof, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 90 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

(c) Required #rear yard equivalents#

For #buildings#, or portions thereof, containing non-#residential uses#, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

For #buildings#, or portions thereof, containing #residential uses#, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# where the depth of such #zoning lot#, or a portion thereof, is less than 180 feet, and such shallow depth was in existence on December 15, 1961 and on the date of application for a building permit, the required #rear yard equivalent# for such #through lot#, or portion thereof, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 20 feet.

(d) Along district boundaries

The provisions of 43-30 (Special Provisions Applying Along District Boundaries), shall not apply along the district boundaries of two M1 Districts paired with #Residence Districts#.

143-24 - Special Height and Setback Regulations

■

LAST AMENDED12/15/2021

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

(a) #Street wall# location

Along all #street# frontages, the #street wall# regulations applicable to #Quality Housing buildings# on a #wide street# in a C6 District, as set forth in Section 35-651 (Street wall location), shall apply. On #through lots#, the additional regulations set forth in paragraph (b) of Section 35-655 shall not apply.

For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be those set forth in paragraph (b) of this Section.

(b) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, and maximum #building# height for all #buildings#.

A setback is required for all portions of a #building# that exceed the maximum base height specified for the applicable district and shall be provided in accordance with paragraph (c) of this Section.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
AND MAXIMUM BUILDING HEIGHTS

District	Minimum base height (in feet)	Maximum base height (in feet)	Maximum #building# height (in feet)
M1-5/R7D	60	105	115
M1-5/R7X	60	105	145
M1-5/R9A	60	125	175
M1-5/R9X, north of East Houston Street	60	125	195
M1-5/R9X, south of East Houston Street	85	145	205
M1-5/R10 and M1-6/R10	125	155	275

However, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum and maximum base heights may be modified as follows:

(1) the minimum base height of a #street wall# may vary between the minimum height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and

(2) the maximum base height of a #street wall# may vary between the maximum base height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height.

(c) Setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in the table in paragraph (b) of this Section, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(d) Dormers

As an alternative to the dormer provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

143-25 - Additional Bulk Modifications

LAST AMENDED12/15/2021

For #buildings# containing #residences#, or portions thereof, the following additional #bulk# modifications shall apply.

(a) #Outer court# modifications

For #outer courts# containing #legally required windows#, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. If an #outer court# is 20 feet or more in width, it may extend to any depth.

(b) #Inner court# modifications

For #inner courts# containing #legally required windows#, the area shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet.

The minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 20 feet.

(c) Distance between #legally required windows# and #lot lines#

The minimum distance between a #legally required window# and:

(1) any wall;

(2) a #rear lot line#, or vertical projection thereof; or

(3) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

(d) Distance between #buildings#

The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall be 40 feet below a height of 125 feet. Portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.

143-30 - SPECIAL PERMITS

LAST AMENDED12/15/2021

143-31 - Special Permit for Certain Retail Uses

LAST AMENDED12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the City Planning Commission may, by special permit, allow retail #uses# in Use Group 10A that exceed the size limitations of Section 143-11, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

For #buildings# that do not contain #accessory# off-street loading berths, the application shall include a delivery plan for the retail #use#. Such loading plans shall be based upon a traffic and curbside management study prepared by a qualified professional, outlining and identifying the operational needs of the tenant as well as adjacent #uses#.

(b) Findings

The Commission shall find that:

(1) in consultation with the Department of Transportation, where a loading plan is provided, such plan will incorporate sustainable best practices in loading, consolidating, timing of deliveries and other delivery methods and procedures;

(2) such retail #use# will not create or contribute to serious safety concerns, unduly inhibit pedestrian, cyclist or vehicular movement adjacent to the site; and

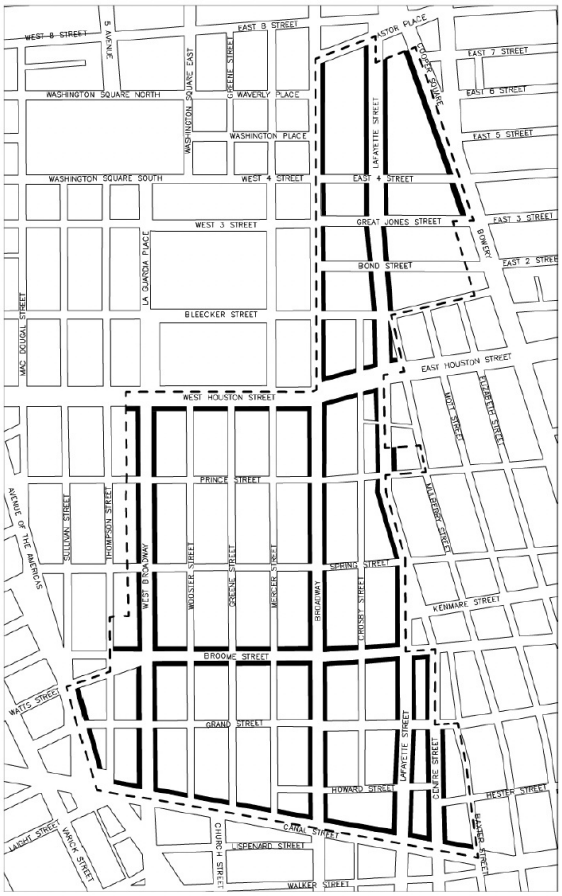
(3) such retail #use# will not impair the character or the future #use# or #development# of the surrounding mixed-use neighborhood.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX A - Special SoHo-NoHo Mixed Use District Plan

LAST AMENDED12/15/2021

Map 1: Ground Floor Use Requirements (12/15/21)



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 4 - Special Brooklyn Navy Yard District (BNY)

File generated by https://zr.planning.nyc.gov on 3/22/2022

Chapter 4 - Special Brooklyn Navy Yard District (BNY)

144-00 - GENERAL PURPOSES

LAST AMENDED12/15/2021

The "Special Brooklyn Navy Yard District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

(a) to encourage investment in the Brooklyn Navy Yard and facilitate the expansion of the Brooklyn Navy Yard as a modern manufacturing complex;

(b) to promote job growth;

(c) to allow for a mix of office, community facility, retail, and other commercial uses to complement the industrial and manufacturing facilities at the Brooklyn Navy Yard;

(d) to use traffic management planning to meet loading and parking needs including through alternate means of travel;

(e) to better integrate the Brooklyn Navy Yard with the urban fabric of surrounding residential and mixed-use communities and to introduce publicly accessible open space areas within the perimeter of the Yard; and

(f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

144-01 - Definitions

LAST AMENDED12/15/2021

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where a term in italics is defined in both Section 12-10 and in this Chapter, the definitions in this Chapter shall govern. The terms #pier#, #platform#, and #floating structure# shall have the meaning set forth in Section 62-11 (Definitions).

Barge Basin

"Barge Basin" shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

Shoreline

The definition of #shoreline# set forth in Section 12-10 is modified for the purposes of this Chapter to mean the shoreline on a survey available on the Department of City Planning website.

144-02 - General Provisions

LAST AMENDED12/15/2021

The provisions of this Chapter shall apply within the #Special Brooklyn Navy Yard District#. The regulations of all other

Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

144-03 - District Plan and Maps

LAST AMENDED12/15/2021

The regulations of this Chapter are designed to implement the #Special Brooklyn Navy Yard District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

Map 1 Special Brooklyn Navy Yard District and Subdistricts

Map 2 Barge Basin Subareas

Map 3 Navy Street Central Subarea

Map 4 Flushing Avenue Subareas and View Corridors

Map 5 Street Line Locations in the Barge Basin Subdistrict

Map 6 Primary Street Frontages

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

144-04 - Subdistricts and Subareas

LAST AMENDED12/15/2021

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Brooklyn Navy Yard District# comprised of three perimeter subdistricts and one core subdistrict for the remainder of the Yard. In addition, one subarea is established within the Navy Street Subdistrict, two subareas are established within the Flushing Subdistrict and two subareas are established within the Barge Basin Subdistrict.

Perimeter Subdistricts

Navy Street Subdistrict

Navy Street Central Subarea

Flushing Subdistrict

Flushing West Subarea

Flushing East Subarea

Barge Basin Subdistrict

Barge Basin East Subarea

Barge Basin West Subarea

Core Subdistrict

The boundaries of the Subdistricts are shown in Map 1 and the boundaries of the Subareas are shown on Maps 2 through 4 in the Appendix to this Chapter.

144-05 - Applicability of Special Regulations Applying in the Waterfront Area

LAST AMENDED12/15/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Brooklyn Navy Yard District# except as expressly provided in this Chapter.

144-06 - Single Zoning Lot

LAST AMENDED12/15/2021

For all purposes of this Chapter, the #Special Brooklyn Navy Yard District# shall be deemed to be a single #zoning lot# except where expressly provided otherwise in this Chapter. #Floor area# attributable to the #zoning lot# may be located anywhere on the #zoning lot# without regard to Subdistrict boundary lines, and all #floor area# located within a Subdistrict shall be subject to the #use# and #bulk# requirements of such Subdistrict.

144-10 - SPECIAL USE REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, the #use# provisions of Article IV, Chapter 2 are modified by the provisions of this Section, inclusive.

144-11 - Additional Uses Permitted in All Districts

LAST AMENDED12/15/2021

In all districts, the underlying #use# regulations are modified as follows:

(a) Alcoholic beverages and breweries

The manufacture of alcoholic beverages and breweries, as specified in Section 42-15 (Use Group 18), shall be permitted, subject to the applicable performance standards, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply.

(b) Water-dependent #uses#

The provisions of Section 62-21 (Classification of Uses in the Waterfront Area), Section 62-22 (Commercial Docking Facilities), Section 62-24 (Uses on Piers and Platforms), and Section 62-25 (Uses on Floating Structures) shall apply, provided that all #uses# existing on #piers# and #platforms# as of December 15, 2021, shall be deemed conforming #uses#.

144-12 - Additional Uses Permitted in M2-1 Districts

LAST AMENDED12/15/2021

The provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section 144-212 (Floor area limitations on additional uses):

(a) all Use Group 3A #uses#, as set forth in Section 22-13, not otherwise permitted by the underlying regulations other than #uses# containing sleeping accommodations; and

(b) all Use Group 6C, 9A, 10A and 12B #uses#, as set forth in Sections 32-15, 32-18, 32-19 and 32-21, respectively, not otherwise permitted by the underlying regulations.

144-13 - Additional Uses in M3-1 Districts

LAST AMENDED12/15/2021

Within M3-1 Districts, the City Planning Commission may allow, by authorization, #schools#, colleges or universities, without sleeping accommodations, as listed in Use Group 3A, provided that the Commission finds that:

(a) such #school#, college or university has an academic program compatible with a tenant or industrial operation in the #Special Brooklyn Navy Yard District#; and

(b) the location of the #school#, college or university will not interfere with any #manufacturing use# or alter the essential industrial character of the #Special Brooklyn Navy Yard District#.

The Commission may impose appropriate conditions and safeguards to minimize adverse impacts effects on the character of the surrounding area.

144-14 - Special Sign Regulations

LAST AMENDED12/15/2021

In the #Special Brooklyn Navy Yard District#, the underlying #sign# regulations of Section 42-50 (SIGN REGULATIONS) shall apply, except as modified by the provisions of Section 144-141 (Illuminated non-flashing signage) through Section 144-143 (Special provisions near certain parks).

144-141 - Illuminated non-flashing signage

LAST AMENDED12/15/2021

The provisions of Section 42-533 (Illuminated or flashing signs) shall be modified to allow one #accessory# non-#flashing# #illuminated sign# to have a #surface area# of 750 square feet in each of the following Subareas: the Navy Street Central Subarea, the Flushing East Subarea, between Clinton Avenue and Washington Avenue, the Barge Basin East Subarea, and the Barge Basin West Subarea. All other #illuminated signs# shall comply with the requirements of Section 42-533 (Illuminated or flashing signs).

144-142 - Special provisions along district boundaries

LAST AMENDED12/15/2021

The provisions of Section 42-56 (Special Provisions Applying Along District Boundaries) shall be modified as follows:

(a) within the Flushing East Subarea, the provisions of Section 42-561 (Restrictions along the district boundary located in a street) shall not apply to any #sign# provided in accordance with Section 144-141 (Illuminated non-flashing signage); and

(b) within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict, the orientation provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply to #signs# provided in accordance with Section 144-141.

144-143 - Special provisions near certain parks

LAST AMENDED12/15/2021

The provisions of Section 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) shall not apply to any #signs# provided in accordance with Section 144-141 (Illuminated non-flashing signage) within the Barge Basin East Subarea.

144-20 - SPECIAL BULK REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, the #bulk# provisions of Article IV, Chapter 3 are modified by the provisions of this Section, inclusive.

144-21 - Floor Area Regulations

LAST AMENDED12/15/2021

The underlying #floor area# regulations of Section 43-10 (FLOOR AREA REGULATIONS), inclusive, are modified by the provisions of Sections 144-211 (Floor area ratio) through 144-213 (Floor area limitations on additional uses).

144-211 - Floor area ratio

LAST AMENDED12/15/2021

In all districts, the maximum #floor area ratio# for all #uses# shall be 2.0.

144-212 - Floor area ratio calculations

LAST AMENDED12/15/2021

For the purposes of calculating #floor area# on #waterfront zoning lots#, the provisions of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply.

144-213 - Floor area limitations on additional uses

LAST AMENDED12/15/2021

The additional #uses# allowed pursuant to Section 144-11 (Additional Uses Allowed in M2 Districts) shall be limited to 300,000 square feet of #floor area# within each Subdistrict where such additional #uses# are allowed, and the total #floor area# allocated

to such additional #commercial uses# shall not exceed 100,000 square feet in each Subdistrict where the additional #uses# are allowed.

144-22 - Yard and Shoreline Setback

LAST AMENDED12/15/2021

The underlying #yards# regulations of Section 43-20 (YARD REGULATIONS), inclusive, and Section 43-31 (Other Special Provisions for Rear Yards) shall not apply. In lieu thereof, the provisions of this Section shall apply.

In all districts, no #building# shall be located closer to the #shoreline# than 30 feet, except for #buildings# used for water dependent #uses#, as set forth in Section 62-21 (Classification of Uses in the Waterfront Area), or #buildings# containing not more than 5,000 square feet of #floor area#.

The #shoreline# setback requirement shall be reduced in dimension, or eliminated, where the Chair of the City Planning Commission certifies to the Commissioner of the Department of Buildings or the Commissioner of the Department of Small Business Services, as applicable, that either:

(a) a #building# proposed to be located within such 30-foot setback area incorporates flood protection measures for the immediate area of the #building# that protect the #building# to a level that is 58 inches above the mean high water line existing on December 15, 2021; or

(b) a district-wide resiliency plan for the #Special Brooklyn Navy Yard District# has been adopted and the measures to be incorporated in connection with the #development# or already in place are in furtherance of the district-wide plan.

Measures shall be deemed protective if they alone or together with other measures in place at the time of construction protect the #building# from flooding to the elevation set forth in paragraph (a) of this Section or if they would support protection of the entire #Special Brooklyn Navy Yard District# to such elevation without further improvement of the portion of area directly seaward of the proposed #building#.

The Chairperson shall certify the application within 45 days of receipt of a complete application. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-23 - Height and Setback Regulations

LAST AMENDED12/15/2021

The underlying height and setback regulations of Section 43-40 (HEIGHT AND SETBACK REGULATIONS) are modified by the provisions of this Section, inclusive.

144-231 - Flushing East Subarea

LAST AMENDED12/15/2021

In the Flushing East Subarea, the following height and setback modifications shall apply:

(a) Wide street designation

For purposes of applying the height and setback controls, Flushing Avenue shall be deemed a #wide street#.

(b) Street wall location

The #street wall# of any #development# or horizontal #enlargement# within the Flushing East Subarea shall be located at least 50 feet from the Flushing Avenue #street line#. The area between such #development# or horizontal #enlargement# and the adjoining #street# shall be improved as publicly accessible space in accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

(c) View corridors

View corridors with a minimum width of 50 feet shall be provided:

(1) within the Vanderbilt Avenue view corridor; and

(2) within one of the Clinton Avenue or Waverly Avenue view corridors.

The locations of such required view corridors are designated on Map 4 in the Appendix to this Chapter.

No #development# or #enlargement# may be located in the required view corridors, provided that gates and fencing, entry signage, sentry booths, and other entry and security measures may be located within such areas. Any gates or fencing shall be designed to allow for views into the #Special Brooklyn Navy Yard District#.

144-232 - Barge Basin Subdistrict

LAST AMENDED12/15/2021

In the Barge Basin Subdistrict, as shown on Map 5 in the Appendix to this Chapter, the height and setback regulations set forth in Section 43-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, shall apply, as modified by the provisions of this Section.

For purposes of applying the height and setback provisions of this Section, the #street walls# of #abutting# #buildings# shall be considered a single #building# #street wall#.

(a) Sidewalk widening

A sidewalk widening shall be provided along Kent Avenue to the extent necessary so that a minimum width of 15 feet is achieved, including portions within and beyond the #zoning lot#. Such sidewalk widening shall be:

(1) improved as a sidewalk to Department of Transportation standards;

(2) at the same level as the adjoining public sidewalk; and

(3) accessible to the public at all times.

The interior boundary of the sidewalk widening shall be considered the #street line# for the purposes of this Section.

(b) Establishing #street lines# along #Barge Basin#

For the purposes of applying the height and setback regulations of this Section to portions of #buildings# fronting #Barge Basin# and prolongations thereof, the following shall be considered #street lines# along a #wide street#:

(1) Along the long dimension of the #Barge Basin#

Along the long dimension of the #Barge Basin# a line offset 40 feet northeast from the northeastern boundary of the #Barge Basin# in the Barge Basin East Subarea, and a line offset 50 feet southwest from the southwestern

boundary of the #Barge Basin# in the Barge Basin West Subarea, shall be considered #street lines#.

The area between the #Barge Basin# and such #street lines# shall be improved as publicly accessible areas in accordance with the applicable provisions of Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS), inclusive.

(2) Along the short dimension of the #Barge Basin#

Along the short dimension of the #Barge Basin#, the southeasterly boundaries of the Barge Basin Subdistrict, including the boundary extending from the centerline prolongation of Taylor Street, and the boundary constructed from an offset of the southeastern terminus of the #Barge Basin#, shall be considered #street lines#.

Within the area between the #Barge Basin# and such #street lines# shall be an area adjacent to the short dimension of the #Barge Basin# that connects the Barge Basin East Subarea pedestrian esplanade and the Barge Basin West Subarea pedestrian esplanade that shall be:

(i) improved as a sidewalk to Department of Transportation standards;

(ii) at the same level as the adjoining public sidewalk; and

(iii) accessible to the public at all times the public access areas are required to be open to the public, pursuant to Section 144-33 (Hours of Operation).

The locations of these #street lines#, are shown on Map 5 in the Appendix to this Chapter.

(c) #Street wall# location, and articulation

At least 70 percent of the #aggregate width of street walls# facing #Barge Basin# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 30 feet, or two #stories#, whichever is lower. The remaining #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any recesses deeper than 10 feet are located within an #outer court#.

Any open area between a #street wall# and the #street lines# along #Barge Basin# that is within eight feet of such #street line# shall be improved as publicly accessible areas in accordance with the applicable provisions of Section 144-30, inclusive. Open areas between the #street line# and #street walls# that are beyond eight feet of such #street line# may be publicly accessible areas, as needed, to achieve the minimum percentage of public access area required by each Subarea pursuant to Section 144-31 (Required Public Access Area).

For those portions of #buildings# facing #Barge Basin# with a #street wall# width exceeding 200 feet, a minimum of 20 percent of the surface area of such #street wall# up to the height of the second #story#, or 30 feet, whichever is lower, and a maximum of 50 percent of such surface area, shall either recess or project from the remaining surface area of the #street wall# by a minimum of three feet. #Building# projections shall be a permitted obstruction within any open area between the #street wall# and #street line#, including publicly accessible areas, provided that the minimum percentage of public access area required by each Subarea pursuant to Section 144-31 remains open to the sky. Additional permitted obstructions are allowed in accordance with paragraph (a) of Section 144-32 (Design Requirements).

(d) Base heights, required setbacks, and dormers

The front setback provisions applicable to an M1-5 District set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall apply, except as modified by the provisions of this Section. The alternate front setback regulations of Section 43-44 (Alternate Front Setbacks) shall not apply.

(1) #Initial setback distances#

The #initial setback distance# regulations shall be modified as follows:

(i) along the #Barge Basin#, such #initial setback distance# shall have a depth of at least 30 feet from the #street line#;

(ii) along all other #wide streets#, such #initial setback distance# shall have a depth of at least 15 feet from the #street line#; and

(iii) such #initial setback distance# shall be provided at a height not lower than the minimum base height, where applicable, nor higher than a maximum base height of 85 feet, or six #stories#, whichever is lower.

(2) Dormers

Along the #Barge Basin# frontages, dormers shall be a permitted obstruction within an #initial setback distance#, provided that:

(i) the depth of such dormers does not exceed 10 feet for #buildings# fronting along the northeastern boundary of the #Barge Basin# or 20 feet for #buildings# fronting along the southwestern boundary;

(ii) the #street wall# width of such dormer does not exceed 30 percent of the #street wall# width of the #building# above the maximum base height; and

(iii) the #street wall# width of such dormer along a single tower does not exceed 100 feet.

(e) Towers

The allowances for towers to penetrate a #sky exposure plane# applicable to an M1-5 District, as set forth in Section 43-45 (Tower Regulations), shall apply, except as modified by the provisions of this Section.

The tower allowances shall be modified as follows:

(1) for the purposes of determining the #lot area# a tower may occupy, the Barge Basin East Subarea and the Barge Basin West Subarea shall each be considered an individual #zoning lot#;

(2) the underlying setback provisions, including the aggregate area permitted within 40 feet of a #wide street#, shall not apply. In lieu thereof, the setbacks and dormer allowances set forth in paragraph (d) of this Section shall apply; and

(3) the #street wall# width of a tower fronting #Barge Basin# shall not exceed 200 feet within 200 feet of the #street line# fronting #Barge Basin#.

144-24 - Special Permit for Modification of Bulk Regulations

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District# the City Planning Commission may, by special permit, allow modifications to the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

(a) such modifications further the needs and objectives of the #Special Brooklyn Navy Yard District#;

(b) such #bulk# modifications will result in a better site plan and will benefit the occupants and users of the #Special Brooklyn Navy Yard District# and the residents of the surrounding neighborhood;

(c) such #bulk# modifications will permit adequate access to light and air to surrounding public access areas, #streets# and properties; and

(d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Brooklyn Navy Yard District# to the detriment of the occupants or users of #buildings# in the #Special Brooklyn Navy Yard District# or on nearby #blocks#.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

144-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, public access areas shall be provided in connection with #developments# or #enlargements# located within the Subareas identified in this Section, inclusive, as applicable. For the purposes of determining the amount of public access area required in the Navy Street Central Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea, each such Subarea shall be deemed a single #zoning lot#.

144-31 - Required Public Access Areas

LAST AMENDED12/15/2021

Mandatory public access areas in connection with any #development# or #enlargement# shall be provided in accordance with the provisions of paragraphs (a) through (c) of this Section. The phasing of public access areas shall be permitted in accordance with paragraph (d). #Developments# or #enlargements# that are exempt from public access area requirements are set forth in paragraph (e).

(a) Navy Street Central Subarea

A public access area in an amount equal to at least 15 percent of the #lot area# of the Navy Street Central Subarea shall be provided within the boundaries of such Subarea. The required public access area shall have a minimum dimension, in all directions, of 50 feet for at least 80 percent of the public access area and shall have no dimension of less than 30 feet for the remainder of the required public access area.

(b) Flushing East Subarea

A public access area with a minimum depth of 50 feet, as measured perpendicular to the #street line# of Flushing Avenue, shall be provided within the boundaries of such Subarea along the entire length of the #street wall line# adjacent to the #development# or #enlargement#, and shall extend to the nearest view corridors depicted on Map 4 (Flushing Avenue Subareas and View Corridors) of this Chapter, and for #developments# or #enlargements# located east of the Waverly Avenue view corridor, to the boundary of the prolongation of Washington Avenue.

(c) Barge Basin East and West Subareas

A public access area in an amount of at least 30 percent of the #lot area# of Barge Basin East Subarea, and a public access area in an amount of at least 20 percent of the #lot area# of Barge Basin West Subarea shall be provided within such respective Subareas.

Such public access areas shall consist of:

(1) in the Barge Basin East Subarea, a pedestrian esplanade with a seaward edge contiguous with the eastern edge of the #Barge Basin# and a minimum width of 40 feet, as measured perpendicular to such edge, and in the Barge Basin West Subarea, a pedestrian esplanade with a seaward edge contiguous with the western edge of the #Barge Basin# and a minimum width of 50 feet, as measured perpendicular to such edge;

(2) in the Barge Basin East Subarea, a pedestrian connection with a minimum width of 30 feet located along the shared boundary between the Barge Basin East Subarea and the contiguous property to the northeast connecting the Kent Avenue and the eastern portion of the pedestrian esplanade required by this Section;

(3) in the Barge Basin East Subarea, a pedestrian connection with a minimum width of 60 feet, located within 150 feet of the southern boundary of the Barge Basin East Subarea and connecting Kent Avenue and the pedestrian esplanade required by this Section;

(4) in the Barge Basin West Subarea, an esplanade entry area at the southern end of the Barge Basin West Subarea, having a minimum width of 60 feet and a minimum length of 30 feet measured parallel to the western edge of the #Barge Basin#; and

(5) any supplemental publicly accessible space contiguous to one or more of the elements set forth above as may be required to achieve the required percentage of publicly accessible area.

(d) Public Access Area Phasing

Where the Navy Street, Barge Basin East and Barge Basin West Subareas are #developed# with more than one #building# or #enlarged# in phases, or there is an increase in #building# #lot coverage#, the mandatory public access area may be constructed in phases, provided that, at the completion of each phase by certification of the Chairperson of the City Planning Commission, the following criteria are met:

(1) the square footage of public access area being provided in any phase shall be in proportion to the total public access requirement based on the area of the Subarea being #developed# or #enlarged# as compared to the #lot coverage# of the Subarea. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase;

(2) the public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;

(3) any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;

(4) any phased portion of the required public access area shall connect directly to either a #street# or an improved public access area;

(5) in the Barge Basin West Subarea:

(i) public access to be provided shall include the portion of the required public access area located between the #development# or #enlargement# and the #Barge Basin#; and

(ii) where any #development# or #enlargement# included in a phase is located within 100 feet of the southern boundary of the Subarea, the public access area shall also include the required public access area between the southern boundary and the #development# or #enlargement#; and

(6) a proportionate amount of planting shall be included within each phase.

(e) Exceptions to Public Access Area Requirements for Minor Developments

The public access area requirements of paragraphs (a) through (d) of this Section shall not apply to any #development# or #enlargement# where:

(1) the additional #floor area# created through such #development# or #enlargement# in the respective Subarea, as compared to the #floor area# existing on December 15, 2021, does not exceed:

(i) 10,000 square feet in either the Barge Basin East or the Navy Street Central Subareas; or

(ii) 20,000 square feet in either the Barge Basin West or Flushing East Subareas;

(2) such #floor area# is allocated exclusively to #uses# in Use Group 11, 16, 17, or 18; and

(3) such #floor area# is not located within the boundaries of designated public access areas required pursuant to this Section or, if located in the Navy Street Central Subarea, is not within 50 feet of a #street#.

144-32 - Design Requirements

LAST AMENDED12/15/2021

The required public access areas in each Subarea shall comply with the following provisions:

(a) The required public access area shall be open to the sky, provided that #building# awnings, entrance canopies, solar shading devices, and similar structures attached to an adjoining #building# and extending over the public access area shall be permitted;

(b) The required public access area shall include planted areas in an amount not less than 20 percent of the area of the required open space;

(c) At least one linear foot of seating shall be provided for each 200 square feet of required public access areas, except that for the pedestrian connection required pursuant to paragraph (c)(2) of Section 144-31, at least 12 linear feet of seating for every 100 feet of pedestrian connection shall be provided; and

(d) Public access area signage complying with the requirements of Section 37-751 (Public space signage systems) shall be located at all entry points to the public access areas.

(e) In the Barge Basin Subdistrict:

(1) the pedestrian esplanade around the #Barge Basin# and the pedestrian connections from Kent Avenue to the eastern pedestrian esplanade shall include a primary circulation path along the length of such elements with a minimum clear width of 10 feet; and

(2) at least three different types of seating shall be provided, which may include moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps.

Additional amenities including pathways, seating steps, entrances to adjoining #buildings#, artwork, maritime or industrial elements, tables, seating above the required minimum, lighting fixtures, litter receptacles, kiosks, children play areas, railings, drinking fountains, water features, planting and trees may be included in the public access areas and shall be permitted obstructions.

144-33 - Hours of Operation

LAST AMENDED12/15/2021

All public access areas shall be open to the public from 6:00 a.m. to 10:00 p.m. from April 15th to October 31st and from 7:00 a.m. to 8:00 p.m. from November 1st to April 14th, except when required to be closed for repairs.

144-34 - Maintenance

LAST AMENDED12/15/2021

The owner of each applicable portion of a Subarea, or a ground tenant if the applicable portion is subject to a ground lease, shall be responsible for the maintenance and operation of the required public access area. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner or ground tenant of a public access area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent areas.

144-35 - Chairperson Certification of Waterfront Compliance and Phasing

LAST AMENDED12/15/2021

No excavation or building permit shall be issued for any #development# or #enlargement# requiring the provision of a public access area in the Navy Street Central Subarea, the Barge Basin East Subarea, or the Barge Basin West Subarea until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Small Business Services, as applicable, that a complete application has been submitted showing compliance with the applicable provisions of Section 144-30, inclusive.

Within 45 days of submission of such complete application, the Chairperson shall either certify that the proposed public access area complies with the requirements of this Section or disapprove such complete application in writing, citing the nature of any failure to comply. Failure to certify or disapprove such complete application within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-36 - Certificates of Occupancy for Developments or Enlargements in Public Access Areas

LAST AMENDED12/15/2021

No temporary certificate of occupancy shall be issued by the Department of Buildings or Department of Small Business Services for #floor area# in a #development# or #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) without the substantial completion of the public access area required for such #development# or #enlargement#, and no final certificate of occupancy shall be issued prior to the final completion of the required public access area.

Notwithstanding the provisions above, the Department of Buildings or the Department of Small Business Services, as applicable, may issue a temporary certificate of occupancy allowing for #floor area# allocated to #uses# in Use Groups 11, 16, 17, or 18 without the substantial completion of the required public access area, in which case the public access area shall be completed within one year of the issuance of the first such certificate of occupancy. Following such one-year period, no additional #floor area# within the #development# or #enlargement# shall receive a certificate of occupancy until the substantial completion of the required public access area.

144-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, mandatory district plan elements shall be provided in connection with #developments# or #enlargements# in the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict.

144-41 - Ground Floor Streetscape Provisions

LAST AMENDED12/15/2021

The provisions of this Section shall apply to #developments# and #ground floor level# #enlargements#.

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive, a #ground floor level# #street# frontage designated on Map 6 in the Appendix to this Chapter shall be considered a #primary street frontage#, and any #ground floor level# frontage within 50 feet of a #primary street frontage# shall be considered a #secondary street frontage#. #Primary street frontages# shall also include Priority Zones, which are also designated on Map 6.

Any #primary# or #secondary street frontages# shall be considered #streets# for the purposes of applying the provisions of this Section. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

(a) Along #primary street frontages#

(1) Minimum frontage width

For portions of #buildings# fronting a #primary street frontage#, at least 50 percent of the #street wall# width of the #ground floor level# of such #primary street frontage# shall be occupied by #floor area#.

In addition, for portions of #buildings# fronting a Priority Zone of a #primary street frontage#, at least 50 percent of the #street wall# width of the #ground floor level# of such Priority Zone shall be occupied by #floor area#. #Floor area# provided within a Priority Zone may be counted towards the #floor area# requirement along the #primary street frontage#.

(2) Minimum depth

The #floor area# provided to meet the requirements of paragraph (a)(1) of this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses) within the Priority Zone, and outside of a Priority Zone shall extend to a minimum depth of 15 feet.

(3) Transparency requirement

The portion of the #ground floor level# #street wall# along a #primary street frontage# allocated to such minimum #floor area# requirements of paragraph (a)(1) of this Section shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements). However, where such minimum #floor area# is attributed to #uses# in Use Groups 11, 16, 17 or 18, the minimum percentage to fulfill the minimum transparency requirement shall be reduced to 25 percent and the maximum width of a portion of the #ground floor level# #street wall# without transparency may exceed 10 feet provided that any portion of the #ground floor level# #street wall# without transparency shall be subject to the provisions for Type 1 blank walls.

(b) Blank wall provisions along #primary# and #secondary street frontages#

Along both #primary# and #secondary street frontages#, any #street wall# width of 50 feet or more with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

144-50 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, the #accessory# off-street parking and loading regulations of Article IV, Chapter 4 shall not apply, except as specifically set for the in this Section.

144-51 - Permitted Accessory Parking

LAST AMENDED12/15/2021

In all districts, #accessory# off-street parking spaces shall be permitted in #group parking facilities# without a limitation in the overall number of spaces.

144-52 - Required Accessory Off-street Parking

LAST AMENDED12/15/2021

In all districts, the requirements of Section 44-21 (General Provisions) shall apply, except that, in the event that a Transportation Management Plan has been prepared in accordance with Section 144-56 (Transportation Management Planning), no parking shall be required.

144-53 - Loading Berths

LAST AMENDED12/15/2021

In all districts, loading berths are not required, but are permitted. Any loading berths provided shall be deemed required loading berths for purposes of determining the amount of #floor area# in any #building#.

144-54 - Curb Cuts

LAST AMENDED12/15/2021

Access to any #accessory# off-street loading berth and off-street parking areas for a #development# or #enlargement# within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea shall be limited to one curb cut from the adjoining #street#.

An additional curb cut may be added in the Barge Basin East Subarea upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings or the Department of Small Business Services, as applicable, that an additional curb cut has been approved by the Commissioner of the Department of Transportation.

In addition, where the Chairperson of the City Planning Commission certifies such additional curb cut, the Chairperson may certify a reduction in the #ground floor level# streetscape provisions of paragraph (a) of Section 144-41 (Ground Floor Streetscape Provisions), to the minimum extent necessary, where the applicant demonstrates that the reduction is necessary to accommodate the proposed loading configuration on the ground floor. For such portions of the #ground floor level#, the

provisions of paragraph (b) of Section 144-41 shall continue to apply.

The Chairperson shall issue the certification within 45 days of receipt of a communication from the Department of Transportation approving an additional curb cut or receipt of application materials demonstrating the proposed loading configuration, as applicable. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-55 - Bicycle Parking

LAST AMENDED12/15/2021

The requirements of Section 44-60 (BICYCLE PARKING) shall apply, provided that up to half of the required spaces may be provided as unenclosed bicycle parking spaces, and may be located anywhere on the #zoning lot#.

144-56 - Transportation Management Planning

LAST AMENDED12/15/2021

In lieu of the requirements of Section 44-21 (General Provisions), a Transportation Management Plan may be prepared for the #Special Brooklyn Navy Yard District# that documents:

(a) existing parking within the Special District;

(b) parking and bicycle parking utilization rates;

(c) transportation mode choice;

(d) plans, if any, for additional parking within the Special District;

(e) public transportation options in and around the Special District;

(f) indoor and outdoor bicycle parking facilities, including any covered outdoor bicycle spaces; and

(g) measures being employed and planned to incentivize alternate means of transportation.

Any Transportation Management Plan shall be filed with the Department of City Planning and made available to the public via a website. The Transportation Management Plan shall be updated not less than every three years with surveys or other data collection undertaken not less than annually to document changes in parking facilities and utilization; the average number of employees and visitors arriving at the #Special Brooklyn Navy Yard District# and their modes of arrival; bike parking availability and utilization of both open and enclosed facilities; transit options, and new technologies and strategies for managing the number of private vehicles accessing the Special District. Such updates shall be submitted to the Department of City Planning and made available to the public via a website and the submission to the Department of City Planning shall be accompanied by an affidavit from the owner or ground tenant stating that the Transportation Management Plan remains in effect or, if it is no longer in effect, the date on which the Transportation Management Plan terminated.

Any #development# or #enlargement# occurring after the date a Transportation Management Plan has terminated will be subject to the requirements of Section 44-21.

144-57 - Reporting Requirements

LAST AMENDED12/15/2021

No later than April 1 of every other calendar year, beginning April 1, 2023, the Brooklyn Navy Yard Development Corporation shall submit to the Chairperson of the City Planning Commission and to the Speaker of the City Council a report on the #development# and #enlargement# of #buildings#, and the types of #uses# contained within the #Special Brooklyn Navy Yard District#. Such report shall include, but shall not be limited to:

(a) the name of each business establishment existing in the #Special Brooklyn Navy Yard District#. For each business establishment, the address or #building# number and floor, type of business, size, and lease duration;

(b) new leases executed during the reporting period, categorized by tenant name, type of business, size, and lease duration;

(c) the amount of #floor area# in #developments# and #enlargements# created after December 15, 2021, in each of the following Use Groups, subgroups and specific #use# as listed in this Resolution:

(1) #community facility uses# in Use Groups 3 and 4;

(2) retail #uses# in Use Groups 6A, 6C, 9A, 10A and 12B;

(3) office #uses# in Use Group 6B;

(4) art, music, dancing or theatrical studios in Use Group 9;

(5) photographic or motion picture production studios, or radio or television studios in Use Group 10;

(6) #manufacturing uses# in Use Groups 11, 16A, 16D, 17, and 18; and

(7) any other #uses#; and

(d) the number of #buildings# #developed# or #enlarged# during the reporting period and the amount of #floor area# and #uses# contained within such #development# or #enlargement#.

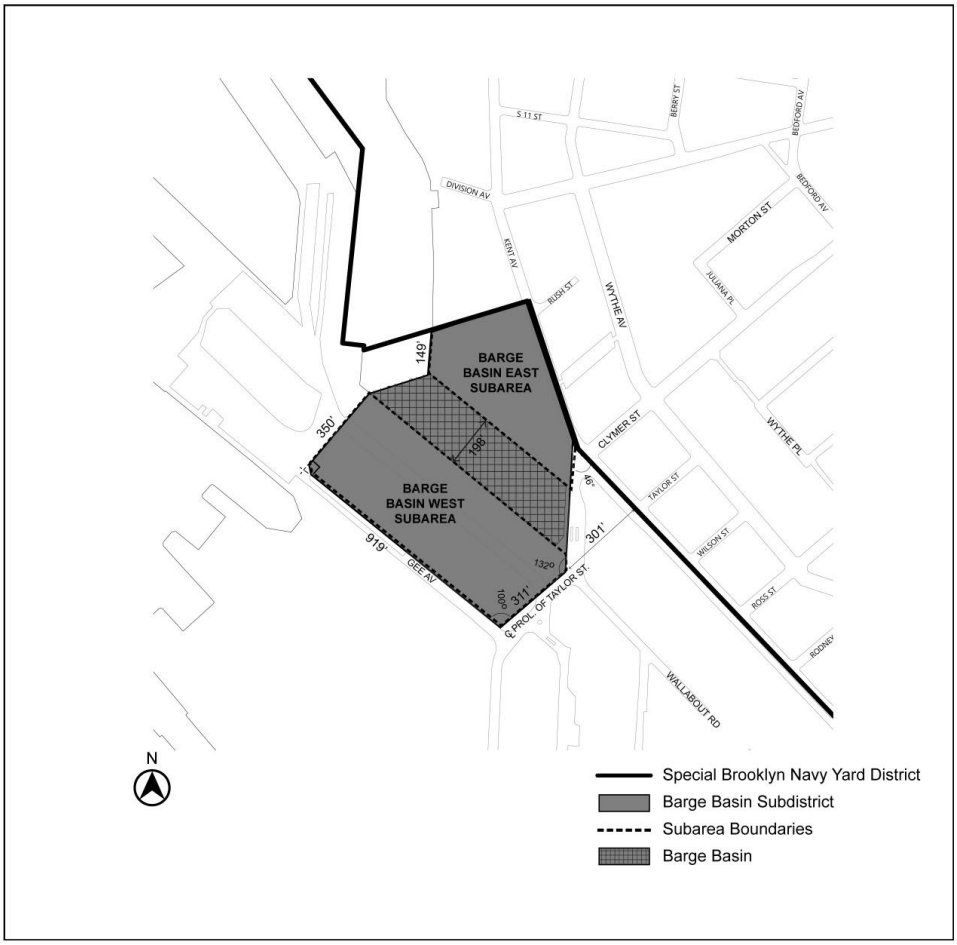
APPENDIX A - Special Brooklyn Navy Yard District Plan

LAST AMENDED12/15/2021

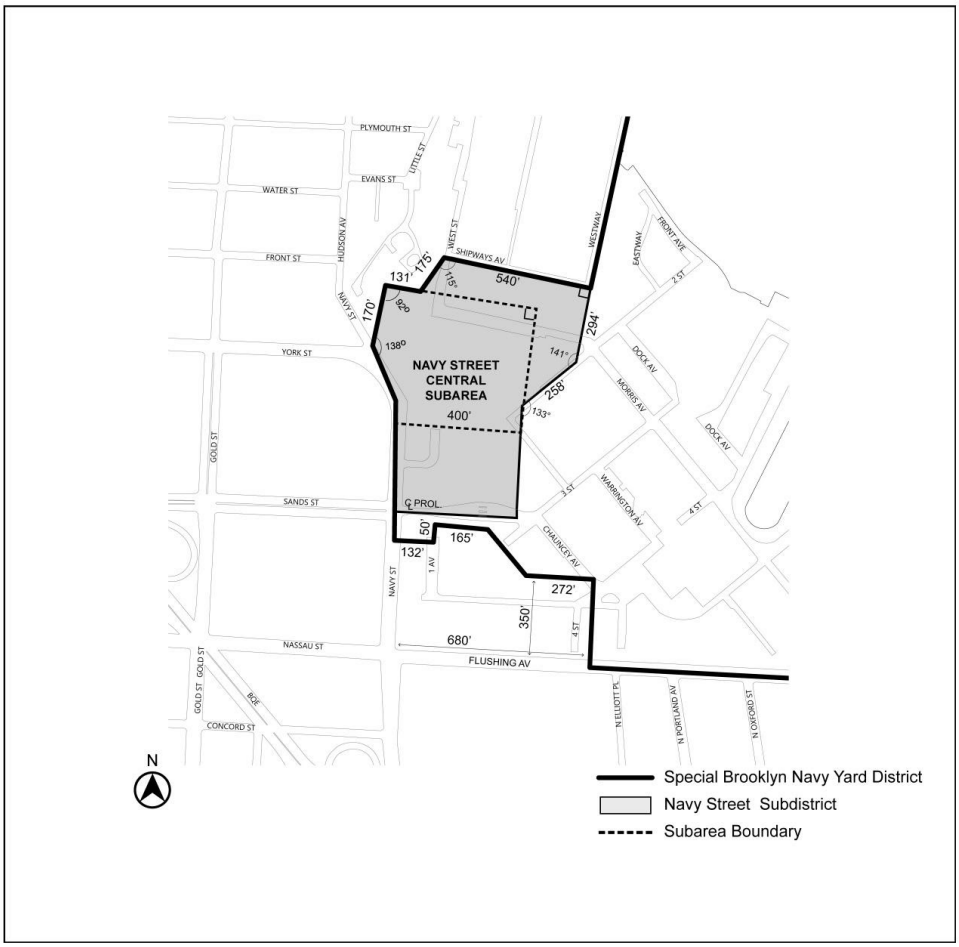
Map 1 — Special Brooklyn Navy Yard District and Subdistricts

N
Special Brooklyn Navy Yard District
Core Subdistrict
Navy Street Subdistrict
Flushing Subdistrict
Barge Basin Subdistrict
Barge Basin

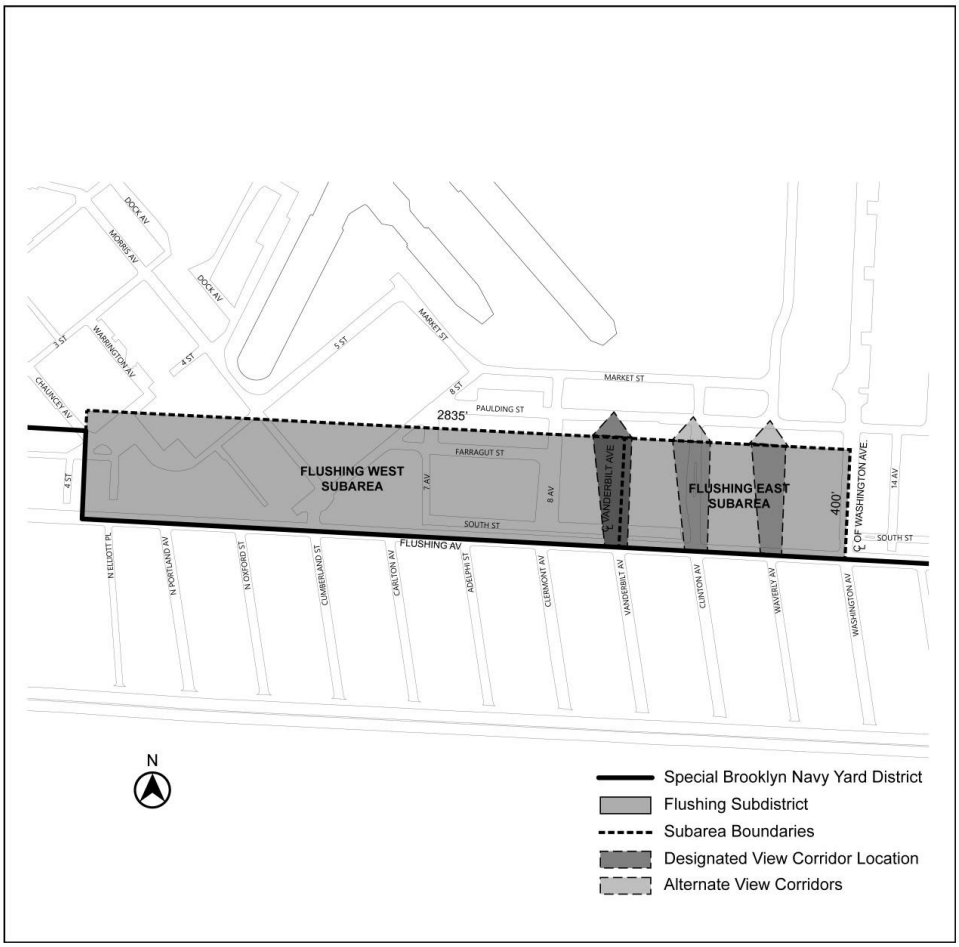
Map 2 — Barge Basin Subareas



Map 3 — Navy Street Central Subarea

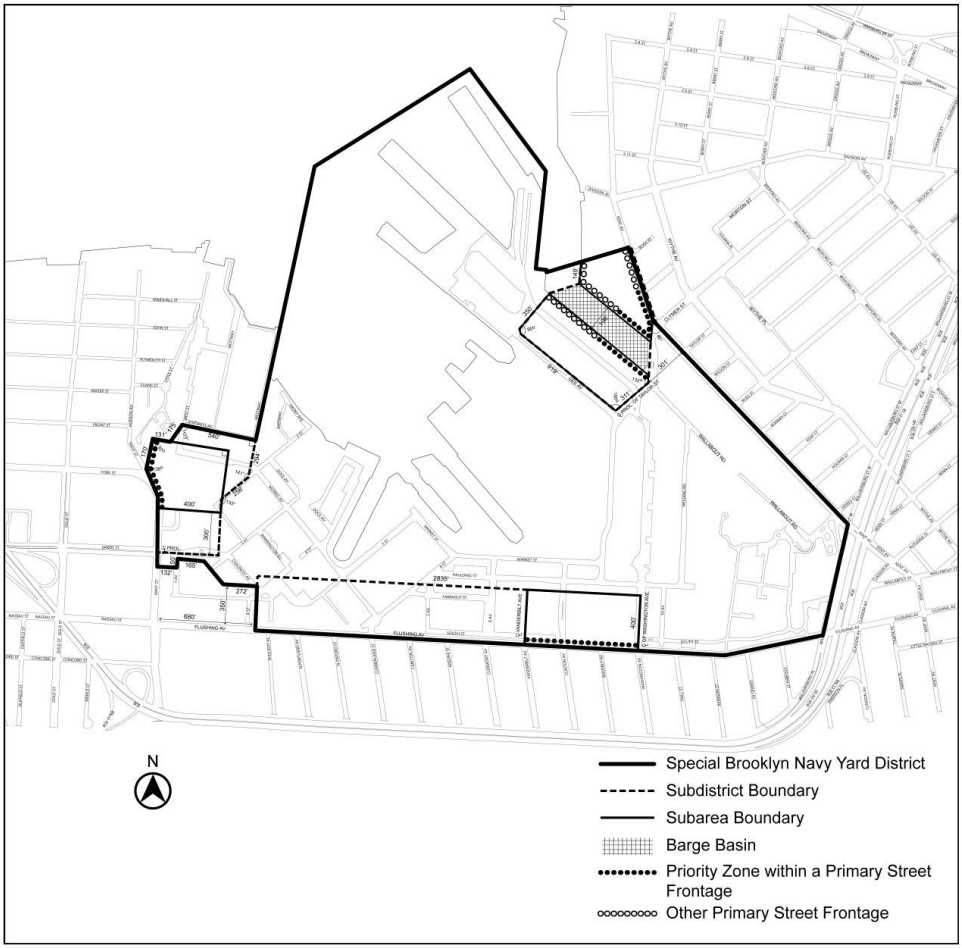


Map 4 — Flushing Avenue Subareas and View Corridors



Map 5 — Street Line Locations in the Barge Basin Subdistrict

Map 6 — Primary Street Frontages



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX A — Index of Uses

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APPENDIX A — Index of Uses

(12/9/21)

APPENDIX A

Index of Uses

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (**), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

Residence Districts Article II, Chapter 2

Commercial Districts Article III, Chapter 2

Manufacturing Districts Article IV, Chapter 2

Use	Use Group	Districts in Which Permitted
Adhesives manufacture, excluding manufacture of basic components	17	M1 M2 M3
#Adult establishments#[28] (See Sections 32-01 and 42-01)		C6[29] C7 C8 M1 M2 M3
Advertising displays manufacture	17	M1 M2 M3
Agricultural machinery manufacture, including repairs	18	M3
Agriculture:		
With nuisance or sales limitations	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C7 C8 M1

Without nuisance or sales limitations	17	M1 M2 M3
Aircraft manufacture (including parts)	17	M1 M2 M3
Airports		M1** M2** M3**
Ambulatory diagnostic and treatment health care facilities:		
Limited to location within building	4	R3–R10[18] C1 C2 C3 C4 C5 C6 C8
Unlimited [PRC–B1]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Amusement arcades [PRC–E]	15	C4[2]* C6** C7 M2* M3*
Amusement parks, children's (See Children's amusement parks)		
Amusement park activities [PRC–E]	15	C7
Animal exhibits [PRC–E]	15	C7
Animal hospitals [PRC–B1]	16	C8 M1 M2 M3
Animal pounds or crematoriums [PRC–C]	16	C8 M1 M2 M3
Antique stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
#Apartment hotels#	2	R3–R10[1] C1 C2 C3 C4 C5 C6

Apparel (See Clothing)		
Appliances:		
Electrical appliance manufacturing	17	M1 M2 M3
Household appliance repair shops [PRC–B]	8	C2 C4 C6 C8 M1 M2 M3
Television, radio, phonograph or household appliance stores [PRC–B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Arenas, auditoriums or stadiums:		
Limited as to capacity [PRC–D]	12	C4 C6 C7 C8 M1[3] M2 M3
Unlimited		C4** C6** C7** C8** M1** M2** M3**
Art galleries:		
Commercial [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Noncommercial	3	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 M1[5]
Art goods manufacture, religious or church, excluding foundry operations	17	M1 M2 M3

Art metal craft shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Art needlework [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Artists' centers		C6[25]**
Artists' supply stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Asphalt, asphalt products, manufacture	18	M3
Athletic equipment, manufacture	17	M1 M2 M3
Athletic goods stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Auction rooms, public [PRC–D]	9	C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1[3] M2 M3
Auditoriums [PRC–D]:		
Limited as to capacity	12	C4 C6 C7 C8 M1[3] M2 M3
Unlimited		C4** C6** C7** C8** M1** M2** M3**
Automobiles:		
Dead storage	16	C8 M1 M2 M3

Driving schools [PRC–B]	8	C2 C4 C6 C8 M1 M2 M3
Glass or mirror shops [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Laundries	16	C8 M1 M2 M3
Manufacture, including parts, or engine rebuilding	17	M1 M2 M3
Open automobile rental establishments		C2**
Rental establishments	8	C2 C4 C6 C8 M1 M2 M3
Repairs [PRC–C]	16	C8 M1 M2 M3
Sales, with no repair services or preparation for delivery [PRC–C]	9	C2 C4 C5 C6 C8 M1
Sales, open or enclosed [PRC–C]	16	C8 M1 M2 M3
Seat cover or convertible top establishments, selling or installation [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Showrooms, with no repair services or preparation for delivery [PRC–C]	9	C2 C4 C5 C6 C8 M1
Supply stores, with no repair services [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Tire sales establishments [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Wrecking establishments	18	M3
#Automotive service stations#:		

Limited as to total area		C2* C4* C6* C7*
Unlimited	16	C8 M1 M2 M3
Awnings:		
Custom shops, limited as to #floor area# [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Manufacture, with no limitation on production or on #floor area#	17	M1 M2 M3
Bakeries:		
Limited as to #floor area# used for production [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Unlimited (See Food–Products processing)		
Banks, including drivein banks [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Banquet halls [PRC–D]	9	C2 C4 C5 C6 C8 M1[3]
	13	C7 C8 M1[3] M2 M3
Barber shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Baths, steam (See #Health and fitness establishments#)		
Beaches, commercial [PRC–E]	13	C3* C7 C8 M1[3] M2 M3
Beauty parlor	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

Beverages:		
Bottling works	17	M1 M2 M3
Manufacture:		
Alcoholic	18	M3
Nonalcoholic	17	M1 M2 M3
Bicycle:		
Manufacture	17	M1 M2 M3
Rental or repair shops [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Sales [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Billiard parlors [PRC–D]	8	C2 C4 C6 C8 M1[3] M2 M3
	12	C4 C6 C7 C8 M1[3] M2 M3
Blacksmith shops [PRC–C]	16	C8 M1 M2 M3
Blueprinting establishments [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Boarding houses	2	R6–R10 C1 C2 C3 C4 C5 C6

#Boatels# [PRC–H]	7	C2 C3* C6[4] C8 M1
Boats or ships:		
Building or repair, for boats less than 200 feet in length	17	M1 M2 M3
Building or repair, for boats 200 feet or more in length	18	M3
Docks for:		
Ferries [PRC–H]:		
With operational passenger load limitation	6	R3–R10** C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
With no limitations	10	C4 C5 C6 C8 M1 M2 M3
#Gambling vessels#		C2** C3** C4** C5** C6** C7** C8** M1** M2** M3**
Non-commercial pleasure boats [PRC–H]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Passenger ocean vessels	17	C6** M1 M2 M3
Sightseeing, excursion or sport-fishing vessels [PRC–H]:		

With dock capacity limitations	9	C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
With no limitations	17	M1 M2 M3
Vessels not otherwise listed	17	M1 M2 M3
Water taxis, with vessel capacity limitations	6	R3–R10* C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Fuel sales, open or enclosed [PRC–C]:		
Unrestricted as to location	13	C7 C8 M1[3] M2 M3
Restricted as to location	14	C2 C3 C7 C8 M1 M2 M3
Launching facilities for non-commercial pleasure boats	14	C2 C3 C7 C8 M1 M2 M3
Rentals, open or enclosed [PRC–H]	14	C2 C3 C7 C8 M1 M2 M3
Sales, open or enclosed [PRC–C]	16	C8 M1 M2 M3
Showroom or sales, with no repair services or preparation for delivery [PRC–C]	9	C2 C4 C5 C6 C8 M1
Showrooms or sales,[6] restricted to boats less than 100 feet in length [PRC–C]	14	C2 C3 C7 C8 M1 M2 M3

Storage, repair, or painting, including the incidental sale of boats, boat parts, or accessories, with restrictions on boat size and setbacks [PRC–C]	14	C2 C3 C7 C8 M1 M2 M3
Bone distillation	18	M3
Books:		
Binding (See Printing)		
Hand binding or tooling [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
	12	C4 C6 C7 C8 M1
Bottling works, for all beverages	17	M1 M2 M3
Bowling alleys [PRC–D]:		
Limited as to number of lanes	8	C2 C4 C6 C8 M1[3] M2 M3
Unlimited	12	C4 C6 C7 C8 M1[3] M2 M3
Breweries	18	M3
Brick manufacture	18	M3
Brush or broom manufacture	17	M1 M2 M3
Building materials:		
Sales, open or enclosed, limited as to #lot area# [PRC–B1]	16	C8 M1 M2 M3
Yards, for sales, storage, or handling, open or enclosed, unlimited as to #lot area# except in the case of lumber yards	17	M1 M2 M3

Bus stations:		
With less than 10 berths		C1** C2** C4** C6** C7** C8** M1** M2** M3**
With 10 or more berths		C4** C6** M1** M2** M3**
Business machines:		
Manufacture	17	M1 M2 M3
Small shops, rentals, repairs, sales [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Stores, sales, or rentals [PRC–B1]	10	C4 C5 C6 C8 M1 M2 M3
Business schools or colleges [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Camera manufacture	17	M1 M2 M3
Camps, overnight or outdoor day [PRC–H]	13	R1–R2* R3–R10* C1* C2* C3* C7 C8 M1[3] M2 M3
Candy stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Canvas or canvas products manufacture	17	M1 M2 M3

Carnivals, temporary [PRC–E]	13	C7 C8 M1[3] M2 M3
Carpentry shops [PRC–B1]	16	C8 M1 M2 M3
Carpet:		
Cleaning establishments [PRC–F]	16	C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Carpet, rug, linoleum or other floor covering stores [PRC–B1]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Catering establishments [PRC–B1]	9	C2 C4 C5 C6 C8 M1[3]
	13	C7 C8 M1[3] M2 M3
Cement manufacture	18	M3
Cemeteries	4	R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
Ceramic products:		
Manufacture, custom [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Manufacture	17	M1 M2 M3

Charcoal manufacture	18	M3
Chemicals:		
Compounding or packaging	17	M1 M2 M3
Manufacture	18	M3
Children's amusement parks [PRC–E]:		
Small	13	C7 C8 M1[3] M2 M3
Medium	15	C7 C8* M1*
Large	15	C7 C8** M1**
Unlimited as to size	15	C7
Cigar stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Circuses, temporary [PRC–E]	13	C7 C8 M1[3] M2 M3
Clay manufacture	18	M3
Clay pits		R1–R2* R3–R10* C1* C2* C3* C4* C5* C6* C7* C8* M1* M2* M3*
Cleaning or cleaning and dyeing establishments (See Dry cleaning)		
Clocks:		

Manufacture	17	M1 M2 M3
Stores or repair shops	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Clothing:		
Accessory stores (See Clothing stores)		
Custom manufacture or altering for retail [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Rental establishments [PRC–B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	9	C2 C4 C5 C6 C8 M1
Stores [PRC–B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Clubs:		
Nightclubs (See Eating or drinking places)		
Noncommercial:		
All types with limitations	4	R1–R2* R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**

All types, including outdoor swimming pool clubs or clubs with outdoor swimming pools [PRC–D]	6	R1–R2** R3–10** C1 C2 C4 C5 C6 C8 M1[3]
	14	R1–R2** R3–10** C2 C3 C7 C8 M1[3] M2 M3
Coal:		
Products manufacture	18	M3
Sales, open or enclosed:		
Limited as to lot area [PRC–B1]	16	C8 M1 M2 M3
Unlimited (See Coal storage)		
Storage, open or enclosed	18	M3
Coin stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Coke products, manufacture	18	M3
Colleges or universities, including professional schools, or college or school dormitories or fraternity or sorority houses, but excluding business colleges or trade schools	3	R1–R2* R3–R10 C1 C2 C3 C4 C5 C6
Commercial parking garages or lots (See #Parking garages, public#; or #parking lots, public#)		
Community centers	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Concrete batching (See Building materials–yards)		
Concrete products manufacture (See Stone processing or stone products)		

Construction machinery manufacture, including repairs	18	M3
Contractors' establishments–electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating:		
Limited as to #floor area# [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Limited as to open storage [PRC–B1]	16	C8 M1–M3
Unlimited (See Contractors' yards)		
Contractors' yards	17	M1 M2 M3
Convalescent homes (See Nursing homes)		
Convents:		
Unlimited	3	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6
Limited use and location	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Cork products manufacture	17	M1 M2 M3
Cosmetics or toiletries manufacture	17	M1 M2 M3
Costume rental establishments [PRC–B]	9	C2 C4 C5 C6 C8 M1
Cotton ginning or cotton wadding or linter manufacture	17	M1 M2 M3
Court houses [PRC–C]	6	C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Crating establishments [PRC–G]	16	C8 M1 M2 M3

Crematoriums [PRC–C]:		
Animal	16	C8 M1 M2 M3
Human	16	C8 M1 M2 M3
Dance studios (See Studios)		
Day camps, outdoor [PRC–H]	13	R1–R2* R3–R10* C1* C2* C3* C7 C8 M1[3] M2 M3
Delicatessen stores (See also Food) [PRC–B]	12	C4 C6 C7 C8 M1 M2 M3
Dental:		
Instruments manufacture[PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Laboratories (See Laboratories–Medical or dental)		
Offices (See Medical offices)		
Department stores [PRC–B]	10	C4 C5 C6 C8 M1**
Depositories for storage of office records, microfilm, or computer tapes, or for data processing [PRC–G]	10	C4 C5 C6 C8 M1 M2 M3
Diaper supply establishments [PRC–F]	16	C8 M1 M2 M3
Disinfectants manufacture	18	M3

Domiciliary care facilities for adults	3	R1–R2[7]** R3–R10** C1** C2** C3** C4** C5** C6**
Dormitories, college or school (See Colleges or universities)		
Drafting instruments manufacture [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Dressmaking shops, custom [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Drinking places (See Eating or drinking establishments)		
Drivein theaters		C7** C8** M1** M2** M3**
Drug stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1
Dry cleaning or clothes pressing establishments, limited as to #floor area#, solvents, and machine capacity [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Dry cleaning or cleaning and dyeing establishments, without restrictions [PRC–F]	16	C8 M1 M2 M3
Dry goods stores [PRC–B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Dumps	18	M3

Eating or drinking establishments:		
Including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime [PRC–B]	6	C1 C2 C3* C4 C5 C6 C8 M1[9] M2 M3
With #accessory# drive-through facilities [PRC–B]	6	C1[8] C2 C4 C6 C8 M1[9] M2 M3
With musical entertainment but not dancing, with a capacity of 200 persons or less [PRC–B]	6	C1 C2 C3* C4 C5 C6 C8 M1 M2 M3
With entertainment but not dancing, with a capacity of 200 persons or less [PRC–B]	6	C1[10] C2[10] C3* C4 C5* C6 C8 M1[9] M2 M3
With entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC–D]	12	C2* C3* C4[11]* C6[12] C7 C8 M1[13] M2 M3
Without restrictions on entertainment or dancing but limited to location in hotels [PRC–D]	10	C4 C5 C6 C8
Electric:		
Power or steam generating plants	18	M3
Substations:		
Public transit or railroad:		
Small or medium	17	R1–R2* R3–R10* C1–C8* M1 M2 M3
Large	17	R1–R2** R3–R10** C1–C8** M1 M2 M3
Utility:		

Small	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Medium	17	R1–R2* R3–R10* C1–C8* M1 M2 M3
Large	17	R1–R2** R3–R10** C1–C8** M1 M2 M3
Electrical:		
Appliance:		
Manufacture	17	M1 M2 M3
Stores (See Appliances–Television, radio, phonograph or household appliance stores)		
Contractors (See Contractors' establishments)		
Equipment assembly, not including electrical	17	M1 M2 M3
Supplies manufacturing	17	M1 M2 M3
Electrolysis studios [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Electrotyping or stereotyping (See printing)		
Embalmers (See Trade embalmers)		
Engraving or photoengraving (See Printing)		
Excelsior manufacture	18	M3
Excursion boats, docks for (See Boats or ships)		
Explosives, storage, when not prohibited by other ordinances	18	M3

Exterminators [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Fabric stores (See Dry goods stores)		
Fairs, temporary [PRC–E]	13	C7 C8 M1[3] M2 M3
Feathers:		
Bulk processing, washing, curing or dyeing	18	M3
Products manufacture, except washing, curing or dyeing	17	M1 M2 M3
Felt:		
Bulk processing, washing, curing or dyeing	18	M3
Products manufacture, except washing, curing or dyeing	17	M1 M2 M3
Ferries, docks for (See Boats or ships)		
Fertilizer manufacture	18	M3
Filling stations (See #Automotive service stations#)		
Film, photographic, manufacture	17	M1 M2 M3
Fire stations [PRC–C]	6	R1–R2** R3–R10** C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Fish products, packing or processing	18	M3
Fishing tackle or equipment, rental or sales [PRC–B1]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

	14	C2 C3 C7 C8 M1 M2 M3
Florist shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Food:		
Products processing, except meat slaughtering or preparation of fish for packing	17	M1 M2 M3
Stores,[14] including supermarkets, grocery stores, meat markets, or delicatessen stores [PRC–A/B][15]	6	C1 C2 C4 C5 C6 C8 M1** M2 M3
Foundries, ferrous or nonferrous	18	M3
Fraternity houses (See Colleges or universities)		
Frozen food lockers [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Fuel briquettes manufacture	18	M3
Fuel sales, open or enclosed:		
Limited as to #lot area# [PRC–B1]	16	C8 M1 M2 M3
Unlimited (See Coal storage; Petroleum storage; or Lumber yards)		
Funeral establishments [PRC–H]	7	C1* C2 C4* C6[4] C8 M1 M2 M3
Fungicides manufacture	18	M3
Fur:		
Goods manufacture, not including tanning or dyeing	17	M1 M2 M3
Tanning, curing, finishing or dyeing	18	M3

Furniture:		
Custom shops [PRC–B1]	16	C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Stores [PRC–B1]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Furrier shops, custom [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
#Gambling vessels#		C2–C8** M1** M2** M3**
Garages (See #Parking garages, public#)		
Garbage incineration or reduction	18	M3
Garden supply stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Gardens, truck (See Agriculture)		
Gas:		
Manufacture	18	M3
Public utility stations for metering or regulation	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Storage	18	M3

Substations	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Gasoline service stations (See #Automotive service stations#)		
Gelatin manufacture	18	M3
Generating plants, electric or steam	18	M3
Gift shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
	12	C4 C6 C7 C8 M1
Glass:		
Cutting shops [PRC–B1]	16	C8 M1 M2 M3
Manufacture	18	M3
Products manufactured from previously manufactured glass		M1 M2 M3
Glazing contractors (See Contractors' establishments)		
Glue manufacture	18	M3
Golf:		
Courses	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
Courses, miniature [PRC–E]	13	C7 C8 M1[3] M2 M3

Driving ranges [PRC–E]	13	C7 C8 M1[3] M2 M3
Indoor recreation centers [PRC–D]	12	C4 C6 C7 C8 M1[3] M2 M3
Grain:		
Milling or processing	18	M3
Storage	18	M3
Graphite or graphite products:		
Manufacture	18	M3
Gravel pits		R1–R2* R3–R10* C1–C8* M1* M2* M3*
Greenhouses (See Agriculture)		
Grocery stores (See Food stores)		
Gun repairs [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Gymnasiums [PRC–B] (See #Health and fitness establishments#)		
Gypsum manufacture	18	M3
Hair:		
Bulk processing, washing, curing or dyeing	18	M3
Products for headwear, wholesaling, including styling [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Products manufacture (except washing, curing or dyeing)	17	M1 M2 M3

Products manufacture, custom [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Hardware:		
Manufacture	17	M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Hat:		
Bodies manufacture	17	M1 M2 M3
Repair shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
#Health and fitness establishments#		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8
Unlimited	9	C1[30] C2 C4 C5 C6 C8 M1 M2 M3
Health centers	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Health services (See #health and fitness establishments#)		
Heating contractors (See Contractors' establishments)		
Heating equipment showrooms, without repair facilities [PRC–B1]	9	C2 C4 C5 C6 C8 M1

Heliports		C3–C8** M1** M2** M3**
Hemp products manufacture	17	M1 M2 M3
Historical exhibits [PRC–D]	12	C4 C6 C7 C8 M1[3] M2 M3
#Home occupations#		R1–R2 R3–R10 C1–C6
Hosiery manufacture	17	M1 M2 M3
Hospitals, except animal hospitals:		
Nonprofit or voluntary, and related facilities	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Proprietary, and related facilities	4	R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
#Hospital staff dwellings, Nonprofit#:		
Limited as to location	3	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6
Limited as to location	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Hospital staff dwellings, proprietary (See #Residences#)		
#Hotels#:		
#Transient# [PRC–H]	5	R10[27]** C1[16] C2 C4 C5 C6 C8 M1

#Apartment#	2	R3[1]–R10 C1–C6
Household:		
Appliance repair shops [PRC–B]	8	C2 C4 C6 C8 M1 M2 M3
Appliance stores (See Appliances–Television, radio, phonograph, or household appliance stores)		
Equipment or machinery repair shops [PRC–B1]	16	C8 M1 M2 M3
Houses of worship	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
Ice cream stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Ice:		
Manufacture, dry or natural	17	M1 M2 M3
Sales, open or enclosed:		
Limited as to #lot area# [PRC–B1]	16	C8 M1 M2 M3
Unlimited (See Refrigerating plants)		
Vending machines, coinoperated	8	C2 C4 C6 C8 M1 M2 M3

	14	C2 C3 C7 C8 M1 M2 M3
Ice skating rinks:		
Outdoor	4	R1–R2* R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
Indoor (See Skating rinks, enclosed)		
Incineration or reduction of garbage, offal or dead animals	18	M3
Indoor interactive entertainment facilities with eating and drinking [PRC–D]		C4** C6** C7** C8** M1[17]**
Ink or inked ribbon manufacture	17	M1 M2 M3
Insecticides manufacture	18	M3
Institutions, philanthropic or nonprofit:		
With sleeping accommodations	3	R1–R2 R3–R10 C1–C6
Without sleeping accommodations	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Interior decorating establishments:		
Limited as to #floor area# for processing, servicing or repairs [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Unlimited (See Furniture, textiles or upholstering)		
Jewelry:		
Manufacture:		

Costume	17	M1 M2 M3
From precious metals [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Junk yards	18	M3
Jute products manufacture	17	M1 M2 M3
Kennels [PRC–B1]	16	C8 M1 M2 M3
Laboratories:		
Medical or dental, for research or testing or custom manufacturing of artificial teeth, dentures, or plates, with limitations on objectionable effects [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Research, experimental or testing	17	M1 M2 M3
Lampblack manufacture	18	M3
Laundry:		
Hand or automatic selfservice establishments [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
With no limitation on type of operation [PRC–F]	16	C8 M1 M2 M3
Leather:		
Tanning, curing, finishing or dyeing	18	M3

Goods stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Products manufacture	17	M1 M2 M3
Libraries	3	R1–R2 R3–R10 C1–C6
Linen supply establishments [PRC–F]	16	C8 M1 M2 M3
Linoleum:		
Manufacture	18	M3
Stores (See Carpet stores)		
Liquor stores, package [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Loan offices [PRC–B1]	6	C1 C2 C4 C5 C6 C8 M1
Locksmith shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Lots (See #Parking lots, public#)		
Luggage:		
Manufacture	17	M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Lumber:		
Processing or woodwork, bulk	18	M3
Sales:		

Limited as to #lot area# (See Building materials–Sales)		
Stores [PRC–B1]	8	C2 C4 C6 C8 M1 M2 M3
Yards:		
Limited as to #lot area#	17	M1 M2 M3
Unlimited as to #lot area#	18	M3
Machine:		
Shops including tool, die, or pattern making [PRC–B1]	16	C8 M1 M2 M3
Tools manufacture	17	M1 M2 M3
Machinery:		
Manufacture or repair:		
Heavy	18	M3
Miscellaneous or electrical equipment	17	M1 M2 M3
Rental or sales establishments [PRC–B1]	16	C8 M1 M2 M3
Repair shops [PRC–B1]	16	C8 M1 M2 M3
Machines, business (See Business machines)		
Manure storage	18	M3
Markets:		
Retail, including meat (See Food stores)		
Wholesale, produce or meat	17	M1 M2 M3
Massage therapists [PRC–B] (See Ambulatory diagnostic and treatment health care facilities)		

Matches manufacture	18	M3
Mattress manufacture, rebuilding or renovating	17	M1 M2 M3
Meat:		
Markets:		
Retail (See Food stores)		
Wholesale	17	M1 M2 M3
Slaughtering or preparation for packing	18	M3
Medical:		
Appliances:		
Custom manufacture [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Instruments, manufacture [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Laboratories (See Laboratories–Medical)		
Offices or group medical centers (See Ambulatory diagnostic and treatment health care facilities)		
Meeting halls [PRC–D]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Metals manufacture:		
Alloys or foil, miscellaneous	18	M3
Casting or foundry products, heavy	18	M3

Finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, heat treatment or similar processes	17	M1 M2 M3
Ores reduction or refining	18	M3
Products treatment or processing	18	M3
Reduction, refining, smelting or alloying	18	M3
Stamping or extrusion	17	M1 M2 M3
Treatment or processing	18	M3
Millinery shop [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Mining machinery manufacture, including repairs	18	M3
Mirror silvering shops	16	C8 M1 M2 M3
Model car hobby center [PRC–D]:		
Limited as to #floor area#	8	C2 C4 C6 C8 M1[3] M2 M3
Unlimited	12	C4 C6 C5 C8 M1[3] M2 M3
Monasteries:		
Limited	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Unlimited	3	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6
Monument:		

Sales establishment, with incidental processing to order [PRC–C]	7	C2 C6[4] C8 M1 M2 M3
Works, with no limitations on processing	18	M3
#Motels# [PRC–H]	7	C2[28] C6[4] C8 M1
Motion picture production studios [PRC–D]	10	C4 C5 C6 C8 M1 M2 M3
Motorcycles:		
Manufacture	17	M1 M2 M3
Rentals [PRC–C]	16	C8 M1 M2 M3
Repairs [PRC–C]	16	C8 M1 M2 M3
Sales or showrooms, with no repair services or preparation for delivery [PRC–C]	9	C2 C4 C5 C6 C8 M1
Sales, open or enclosed [PRC–C]	16	C8 M1 M2 M3
Motor freight stations (See Trucking terminals)		
Motor scooter rentals [PRC–C]	16	C8 M1 M2 M3
Motor vehicles, dead storage	16	C8 M1 M2 M3
Moving or storage offices:		
Limited as to storage [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3

Unlimited [PRC–G]	16	C8 M1 M2 M3
Museums[19]	3	R1–R2 R3–R10 C1–C6 M1 M2 M3
Music stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Music studios (See Studios)		
Musical instruments:		
Manufacture:		
Excluding pianos and organs [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Including pianos or organs	17	M1 M2 M3
Repair shops [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Newspaper publishing	17	C6* M1 M2 M3
Newsstands, open or enclosed [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Novelty products manufacture	17	M1 M2 M3
Novitiates:		

Limited	4	R1–R2 R3–R1 C1 C2 C3 C4 C5 C6 C8 M1**
Unlimited	3	R1–R2 R3–R10 C1–C6
Nurseries (See Agriculture)		
Nursing homes[20]:		
Philanthropic or nonprofit	3	R1–R2 R3–R10 C1–C6
Proprietary	3	R3–R10 C1–C6
Oakum products manufacture	17	M1 M2 M3
Ocean vessels, passenger, docks for (See Boats or ships)		
Ocean vessels, cargo, docks for (See Boats or ships)	a	
Office equipment or machinery repair shops [PRC–B1]	16	C8 M1 M2 M3
Office or business machine stores, sales or rental [PRC–B1]	10	C4 C5 C6 C8 M1 M2 M3
Offices:		
Business, professional or governmental [PRC–B1]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Dental, medical, or osteopathic (See Medical–Offices)		
Wholesale, with storage restricted to samples [PRC–B1]	10	C4 C5 C6 C8 M1 M2 M3
Oil cloth manufacture	18	M3

Oil, public utility stations for metering or regulating	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Oil sales, open or enclosed:		
Limited as to #lot area# [PRC–B1]	16	C8 M1 M2 M3
Unlimited (See Petroleum or petroleum products–Storage)		
Optical:		
Equipment manufacture	17	M1 M2 M3
Goods manufacture [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Optician or optometrist establishments [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Orthopedic:		
Appliances:		
Custom manufacture [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Stores	6	C1 C2 C4 C5 C6 C8 M1
Instruments, manufacture (See Medical instruments manufacture)		
Osteopathic offices (See Medical offices)		
Packing or crating establishments [PRC–G]	16	C8 M1 M2 M3

Packing materials manufacture	18	M3
Paint:		
Manufacture	18	M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Painting contractors (See Contractors' establishments)		
Paper:		
Mills (See Wood pulp or fiber) Products manufacture	17	M1 M2 M3
Stock companies (storage)	18	M3
Paperhanging contractors (See Contractors' establishments)		
Parish houses	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
#Parks, public# or private	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
#Parking garages, public#[21]:		
Capacity of 100 spaces or less	8	C1** C2[22] C4[22] C5** C6** C7** C8[22] M1[22] M2[22] M3[22]
	12	C1** C4[23] C5** C6** C7** C8[23] M1[23] M2[23] M3[23]

Capacity of 101 to 150 spaces	8	C2[22] C4[22] C5** C6** C7** C8[22] M1[22] M2[22] M3[22]
	12	C4[23] C5** C6** C7** C8[238] M1[23] M2[23] M3[23]
Capacity of more than 150 spaces		C2** C4** C5** C6** C7** C8** M1** M2** M3**
#Parking lots, public#[21]:		
Capacity of 100 spaces or less	8	C1** C2 C4 C5** C6[4] C7** C8 M1 M2 M3
	12	C1** C4 C5** C6[4] C7** C8 M1 M2 M3
Capacity of 101 to 150 spaces	8	C2 C4 C5** C6[4] C7** C8 M1 M2 M3
	12	C4 C5** C6[4] C7** C8 M1 M2 M3
Capacity of more than 150 spaces		C2** C4** C5** C7** C8** M1** M2** M3**
Pawn shops [PRC–B1]	8	C2 C4 C6 C8 M1 M2 M3
Peat storage	18	M3
Perfume or perfumed soaps, compounding only, not including soap manufacture	17	M1 M2 M3

Pet shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Petroleum or petroleum products:		
Refining	18	M3
Storage or handling	18	M3
Pharmaceutical products manufacture	17	M1 M2 M3
Phonograph:		
Repair shops [PRC–B]	8	C2 C4 C6 C8 M1 M2 M3
Stores (See Appliances)		
Photographic:		
Developing or printing establishments:		
Limited as to #floor area# [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Unlimited [PRC–C]	16	C8 M1 M2 M3
Equipment:		
Manufacture (except film)	17	M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
	12	C4 C6 C7 C8 M1
Studios [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1

[PRC–D]	10	C4 C5 C6 C8 M1 M2 M3
Supply stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Photostatting establishments [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Picture framing stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Plastics:		
Products, manufacture	17	M1 M2 M3
Raw, manufacture	18	M3
Platemaking (See Printing)		
Playgrounds	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
Plumbing:		
Contractors (See Contractors' establishments)		
Equipment manufacture (See Tool or hardware manufacture)		
Showrooms, without repair facilities [PRC–B1]	9	C2 C4 C5 C6 C8 M1
Police stations [PRC–C]	6	R1–R2** R3–R10** C1 C2 C4 C5 C6[4] C8 M1 M2 M3

	12	C4 C6 C7 C8 M1 M2 M3
Pool halls [PRC–D]	8	C2 C4 C6 C8 M1[3] M2 M3
	12	C4 C6 C7 C8 M1[3] M2 M3
Porcelain products manufacture	18	M3
Post offices [PRC–H]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Poultry:		
Killing establishments, for retail sales on the same #zoning lot# only [PRC–B1]	16	C8 M1 M2 M3
Packing or slaughtering	18	M3
Precision instruments manufacture:		
Optical equipment, clocks, or similar products	17	M1 M2 M3
Medical, dental, or drafting instruments, optical goods, or similar products [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Printing:		
Custom [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Limited as to #floor area# [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Unlimited	17	M1 M2 M3
Prisons [PRC–H]	8	C2 C4 C6 C8 M1 M2 M3

Produce or meat markets, wholesale	17	M1 M2 M3
Public auction rooms [PRC–D]	9	C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1[3] M2 M3
Public transit yards [PRC–G]	16	C8 M1 M2 M3
Publishing	17	M1 M2 M3
Pumping stations:		
Water	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Sewage	6	R1–R2** R3–10**C1 C2 C4 C5 C6[4] C8M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Rabbit:		
Killing establishments, for retail sales on the same #zoning lot# only [PRC–B1]	16	C8 M1 M2 M3
Packing or slaughtering	18	M3
Racetracks		C8** M1** M2** M3**
Radio:		

Appliance repair shops [PRC–B]	8	C2 C4 C6 C8 M1 M2 M3
Stores (See Appliances)		
Studios [PRC–D]	10	C4 C5 C6 C8 M1 M2 M3
Towers, non#accessory#		R1–R2* R3–R10* C1–C8* M1* M2* M3*
Radioactive waste disposal services	18	M3
Railroad:		
Equipment manufacture, including railroad cars or locomotives	18	M3
Passenger stations		R1–R2** R3–R10** C1–C8** M1** M2** M3**
Rightsofway	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
Substations:		
Small or medium	17	R1–R2* R3–R10* C1–C8* M1 M2 M3
Large	17	R1–R2** R3–R10** C1–C8** M1 M2 M3
Railroads, including rightsofway, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	17	M1 M2 M3

Record stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
	12	C4 C6 C7 C8 M1
Recreation centers, noncommercial	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Rectories	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See #Health and fitness establishments#)		
Refreshment stands, drivein [PRC–H]	7	C2 C6[4] C8 M1 M2 M3
	13	C7 C8 M1[3] M2 M3
Refrigerating plants	18	M3
Religious or church art goods manufacture	17	M1 M2 M3
#Residences#:		
#Singlefamily detached#	1	R1–R2 R3–R10 C1–C6
Boarding or rooming houses	2	R6–R10 C1–C6
All other[26]	2	R3–R10 C1–C6
Rest homes (See Nursing homes)		

Riding academies, open or enclosed [PRC–C]	16	R1–R2* R3–R10* C2* C6* C7* C8 M1 M2 M3
Roofing contractors (See Contractors' establishments)		
Rooming houses (See Boarding houses)		
Rubber:		
Processing or manufacture, natural or synthetic	18	M3
Products manufacture (excluding all natural or synthetic rubber processing)	17	M1 M2 M3
Rug stores (See Carpet stores)		
Sail making establishments [PRC–C]	7	C2 C6[4] C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Salvage storage	18	M3
Sand pits		R1–R2* R3–R10* C1–C8* M1 M2 M3
Sanitariums:		
Philanthropic or nonprofit	3	R1–R2 R3–R10 C1–C6
Proprietary	3	R3–R10 C1–C6
Sawmills	18	M3
Scenery construction	17	M1 M2 M3
#Schools#:		

Dormitories (See Colleges or universities)		
Nursery, kindergarten, elementary or secondary #schools#	3	R1–R2 R3–R10 C1–C6
With no living or sleeping accommodations	3	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8* M1*
Trade or other schools for adults, limited as to objectionable effects [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Trade schools for adults, unlimited [PRC–B1]	16	C8 M1 M2 M3
Scientific research and development facility		C6**
Scrap metal, paper or rag storage	18	M3
Seaplane bases		R1–R2** R3–R10** C1** C2** C3** C4** C5** C8** M1** M2** M3**
Seed stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Seminaries	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Settlement houses	4	R1–R2 R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Sewage:		

Disposal plants	18	R1–R2** R3–R10** C1–C8** M1** M2** M3
Pumping stations	6	R1–R2** R3–R10** C1 C2 C4 C5 C6[4] C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Sewing machine stores, selling household machines only	6	C1 C2 C4 C5 C6 C8 M1
Ship chandlers [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Ships, docks for (See Boats or ships)		
Ship or boat building or repair yards, for ships 200 feet in length or over	18	M3
Shipping, waterfront (See Boats or ships)		
Shoddy manufacture	17	M1 M2 M3
Shoes:		
Manufacture	17	M1 M2 M3
Repair shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Sign painting shops [PRC–B]:		

Limited as to #floor area#	7	C2 C6[4] C8 M1 M2 M3
Unlimited	16	C8 M1 M2 M3
#Signs, advertising# (See Sections 32-63 and 42-52)		C6[31] C7 C8 M1 M2 M3
Silver plating shops, custom [PRC–B1]	16	C8 M1 M2 M3
Silverware manufacture, plate or sterling	17	M1 M2 M3
Sisal products manufacture	17	M1 M2 M3
Size manufacture	18	M3
Skating rinks:		
Indoor [PRC–D]	12	C4 C6 C7 C8 M1[3] M2 M3
Outdoor ice [PRC–E]	4	R1–R2* R3–R10 C1 C2 C3 C4 C5 C6 C8 M1
	13	C7 C8 M1[3] M2 M3
Outdoor roller [PRC–E]	13	C7 C8 M1[3] M2 M3
Outdoor skateboard parks [PRC–E]	13	C7 C8 M1[3] M2 M3
Slag piles	18	M3
Slaughtering of animals or poultry	18	M3

Soap or detergents:		
Manufacture, including fat rendering	18	M3
Packaging only	17	M1 M2 M3
Soldering shops [PRC–B1]	16	C8 M1 M2 M3
Solvent extracting	18	M3
Sorority houses (See Colleges or universities)		
Sporting equipment manufacture	17	M1 M2 M3
Sporting goods stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
	14	C2 C3 C7 C8 M1 M2 M3
Stables for horses [PRC–C]	16	R1–R2* R3–R10* C2* C6* C7* C8 M1 M2 M3
Stadiums [PRC–D]:		
Limited as to capacity	12	C4 C6 C7 C8 M1[3] M2 M3
Unlimited		C4** C6** C7** C8** M1** M2** M3**
Stamp stores [PRC–B]		C1 C2 C4 C5 C6 C8 M1
Stationery stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

	12	C4 C6 C7 C8 M1
Statuary mannequins, figurines, religious or church art goods manufacture, excluding foundry operations	17	M1 M2 M3
Steel products:		
Miscellaneous fabrication or assembly	17	M1 M2 M3
Structural products manufacture	18	M3
Stock yards or slaughtering of animals or poultry	18	M3
Stone processing or stone products	18	M3
Storage:		
Wholesale [PRC–C]	16	C8 M1 M2 M3
Office records (See Depositories)		
Offices (See Moving or storage offices)		
Studios:		
Art, music, dancing or theatrical [PRC–B]	9	C2 C4 C5 C6 C8 M1 M2 M3
Radio or television [PRC–D]	10	C4 C5 C6 C8 M1 M2 M3
Sugar refining	18	M3
Swimming pools:		
Commercial [PRC–E]	13	C3* C7 C8 M1[3] M2 M3
Noncommercial (See Clubs)		
Table tennis halls [PRC–D]	12	C4 C6 C5 C8 M1[3] M2 M3

Tailor shops, custom [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Tanning (See Leather or fur)		
Tapestries manufacture [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Tar products manufacture	18	M3
Taxidermist shops [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Telegraph offices [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Telephone exchanges or other communications equipment structures	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Television:		
Repair shops	8	C2 C4 C6 C8 M1 M2 M3
Stores (See Appliances)		
Studios (See Studios)		
Towers, non#accessory#		R1–R2* R3–R10* C1–C8* M1* M2* M3*
Tennis courts, outdoor	4	R1–R2* R3–R10 C1 C2 C3 C4 C5 C6 C8 M1

Terminal facilities at river crossings for access to electric, gas or steam lines	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
Textiles:		
Bleaching	18	M3
Products manufacture	17	M1 M2 M3
Spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage	17	M1 M2 M3
Theaters [PRC–D]:		
Limited capacity	8	C1*
Unlimited capacity	8	C2 C4 C6 C8 M1[9] M2 M3
	13	C7 C8 M1[9] M2 M3
Theaters, drivein		C7** C8** M1** M2** M3**
Theatrical studios (See Studios)		
Tile manufacture	18	M3
Tire sales establishments including installation services [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Tobacco:		
Curing or manufacture or tobacco products manufacture	17	M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

	12	C4 C6 C7 C8 M1 M2 M3
Toiletries manufacture, not including soap manufacture	17	M1 M2 M3
Tool or hardware manufacture	17	M1 M2 M3
Topsoil storage	18	M3
#Tourist cabins# [PRC–H]	7	C2[28] C6[4] C8 M1
Towel supply establishments [PRC–F]	16	C8 M1 M2 M3
Toys:		
Manufacture	17	M1 M2 M3
Stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
	12	C4 C6 C7 C8 M1
Trade or other schools for adults [PRC–B1]:		
Limited as to objectionable effects	9	C2 C4 C5 C6 C8 M1 M2 M3
Unlimited	16	C8 M1 M2 M3
Trade embalmers [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Trade expositions [PRC–D]:		
Limited as to rated capacity	12	C4 C6 C7 C8 M1[3] M2 M3

Unlimited		C4** C6** C7** C8** M1** M2** M3**
#Trailer#:		
Manufacture, including parts	17	M1 M2 M3
Repairs [PRC–C]	16	C8 M1 M2 M3
Sales, with no repair services or preparation for delivery [PRC–C]	9	C2 C4 C5 C6 C8 M1
Sales, open or enclosed [PRC–C]	16	C8 M1 M2 M3
Showrooms, with no repair services or preparation for delivery [PRC–C]	9	C2 C4 C5 C6 C8 M1
Transit substations:		
Small or medium	17	R1–R2* R3–R10* C1–C8* M1 M2 M3
Large	17	R1–R2** R3–R10** C1–C8** M1 M2 M3
Travel bureaus [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Truck gardens (See Agriculture)		
Truck:		
Manufacture (including parts) or engine rebuilding	17	M1 M2 M3
Repairs [PRC–C]	16	C8 M1 M2 M3

Trucking terminals or motor freight stations [PRC–G]:		
Limited as to #lot area#	16	C8 M1 M2 M3
Unlimited	17	C8** M1 M2 M3
Truck weighing scales, open or enclosed	17	M1 M2 M3
Turpentine manufacture	18	M3
Typewriter stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Typewriter or other small business machine repair shops [PRC–B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Typography (See Printing)		
Umbrellas:		
Manufacture	17	M1 M2 M3
Repair shops [PRC–B]	9	C2 C4 C5 C6 C8 M1 M2 M3
Undertakers (See Funeral establishments)		
Upholstering:		
Bulk, excluding shops dealing directly with consumers	17	M1 M2 M3
Shops dealing directly with consumers [PRC–B1]	8	C2 C4 C6 C8 M1 M2 M3
Variety stores [PRC–B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

Unlimited	10	C4 C5 C6 C8 M1**
Varnish manufacture	18	M3
Vehicles:		
Dead storage, motor	16	C8 M1 M2 M3
Manufacture, children's	17	M1 M2 M3
Storage, commercial or public utility, open or enclosed [PRC–G]	16	C8 M1 M2 M3
Venetian blind, window shade or awning:		
Custom shops, limited as to #floor area# [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Manufacture, with no limitation on production or on #floor area#	17	M1 M2 M3
Ventilating contractors (See contractors' establishments)		
Ventilating equipment showrooms, without repair facilities [PRC–B1]	9	C2 C4 C5 C6 C8 M1
Vessels not otherwise listed (See Boats or ships)		
Veterinary medicine, limited to small animals [PRC–B1]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Wallpaper stores [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1
Warehouses [PRC–G]	16	C8 M1 M2 M3
Watch or clock stores or repair shops [PRC–B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

Watch making [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Water taxis, (See Boats or ships)		
Waterfront shipping (See Boats or ships)		
Water pumping stations	6	R1–R2* R3–R10* C1 C2 C4 C5 C6[4] C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Wax products manufacture	17	M1 M2 M3
Weaving, hand [PRC–F]	11	C5 C6[4] C8 M1 M2 M3
Wedding chapels [PRC–D]	9	C2 C4 C5 C6 C8 M1[3]
Welding shops [PRC–B1]	16	C8 M1 M2 M3
Welfare centers	4	R1–R2* R3–R10 C1 C2 C3 C4 C5 C6 C8 M1**
Wholesale establishments:		
#Accessory# storage limited to 1,500 sq. ft. [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
#Accessory# storage limited to 2,500 sq. ft. [PRC–B1]	11	C5 C6[4] C8 M1 M2 M3
Unlimited accessory storage [PRC–C]	16	C8 M1 M2 M3

Wholesale offices or showrooms, with storage restricted to samples [PRC–B1]	10	C4 C5 C6 C8 M1 M2 M3
Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Window shades:		
Custom shops, limited as to #floor area# [PRC–B1]	7	C2 C6[4] C8 M1 M2 M3
Manufacture, without limitation on production or on #floor area#	17	M1 M2 M3
Wood:		
Bulk processing or woodworking	18	M3
Distillation	18	M3
Products manufacture	17	M1 M2 M3
Pulp or fiber, reduction or processing, including paper mill operations	18	M3
Sales, open or enclosed:		
Limited as to #lot area# [PRC–B1]	16	C8 M1 M2 M3
Unlimited (See Lumber yards)		
Woodworking shops, custom [PRC–B1]	16	C8 M1 M2 M3
Wool scouring or pulling	18	M3

1 Not permitted in R3–1, R3A, R3X, R4–1, R4A or R4B Districts.

2 Permitted only in C4–1 Districts.

3 Not permitted in M1–5A or M1–5B Districts.

[4] Not permitted in C6–1A Districts.

[5] Permitted in M1–5A and M1–5B Districts only as provided by Section 42-14 paragraph D.(5), and in M1–5 by special permit (Section 74-921).

[6] Outdoor use subject to locational conditions.

[7] Proprietary facilities not permitted in R1 and R2 Districts.

[8] #Accessory# drive-through facilities permitted in C1–1, C1–2 and C1–3 Districts only as provided by special permit (Section 73-243).

[9] Permitted in M1–5A and M1–5B Districts only as provided by Section 42-14 paragraph D.(3).

[10] Permitted in C1-1, C1–2, C1–3, C1–4, C2–1, C2–2, C2–3 and C2–4 Districts only as provided by special permit (Section 73-241).

[11] Permitted as-of-right or by special permit in C4 Districts, depending upon location.

[12] Permitted as-of-right in C6 Districts with conditions.

[13] Permitted in M1–5A, M1–5B, M1–5M and M1–6M Districts only as provided by special permit (Section 73-244).

[14] Limited to 10,000 square feet of #floor area# per establishment in M1, M2 and M3 Districts. Unlimited #floor area# permitted in M1 Districts as provided by special permit (Section 74-922).

[15] Parking requirement category A applies to food stores with 2,000 sq. ft. or more of #floor area#; category B applies to food stores with less than 2,000 sq. ft. of #floor area#.

[16] Not permitted in C1–1, C1–2, C1–3 or C1–4 Districts.

[17] Not permitted in M1–1, M1–5A, M1–5B Districts and M1 Districts with a suffix "D."

[18] Permitted with limitations in R3–1, R3A, R3X, R4–1, R4A and R4B Districts as provided by special permit (Section 73-125).

19 In #Manufacturing Districts#, limited to museums that are ancillary to existing motion picture production, radio or television studios; permitted in M1–5A and M1–5B Districts as provided by Section 42-14 paragraph D.(5).

20 Not permitted in Community Districts designated in Section 74-903 except by special permit.

21 Subject to the provisions of Article I, Chapter 3 in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.

22 Not permitted in C2–5, C2–6, C2–7, C2–8, C4–5, C4–6, C4–7, C6, C8–4, M1–4, M1–5, M1–6, M2–3, M2–4 or M32 Districts except as provided by special permit.

23 Not permitted in C4–5, C4–6, C4–7, C6, C8–4, M1–4, M1–5, M1–6, M2–3, M2–4 or M3–2 Districts except by special permit.

24 Permitted in C4–1 District only by special permit.

25 Permitted in C6–1, C6–2, C6–3 and C6–4 Districts only.

26 #Residential uses# in R3A, R3X and R4A Districts are limited to #single-# or #two-family detached residences# and, in R3–1 and R4–1 Districts, are limited to #single-# or #two-family detached# or #semi-detached residences#, except that in R3A or R4–1 Districts, single- or two-family #zero lot line buildings# are also permitted.

27 Permitted only on R10–H Districts by special permit.

28 Permitted with locational conditions.

29 Not permitted in C6–1, C6–2 and C6–3 Districts.

30 Permitted only in C1-8 and C1–9 Districts and in C1 Districts mapped within an R9 or R10 District.

31 Permitted only in C6–5 and C6–7 Districts.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX B — Index of Special Purpose Districts

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APPENDIX B — Index of Special Purpose Districts

(11/23/21)

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
125th Street District (125)	97-00	5c 6a 6b	080100(A)ZRM	3/10/08	4/30/08
Battery Park City District (BPC) Substantially modified	84-00	12a 12b	22479 810412(A)ZRM	11/14/73 10/19/81	12/28/73 11/13/81
Bay Ridge District (BR) Substantially modified	114-00	22a 22b	780285 ZRK 050133 ZRK	9/25/78 3/2/05	11/2/78 3/23/05
Bay Street Corridor District (BSC)	135-00	21c, 21d	190114(A) ZRR	4/22/19	6/26/19
City Island District (CD)	112-00	4c 4d	23258	12/13/76	1/20/77
Clinton District (CL)	96-00	8a 8c 8d	22758	10/21/74	11/21/74
Coastal Risk District 1 (Broad Channel - CR-1)	137-00	24b 24d 30a 30c	170257 ZRQ	6/7/17	6/21/17
Coastal Risk District 2 (Hamilton Beach - CR-2)	137-00	18b	170267 ZRQ	6/7/17	6/21/17
Coastal Risk District 3 (S.I. East Shore - CR-3)	137-00	27b, 27d, 34a	170374 ZRR	8/9/17	9/7/17
Coastal Risk District 4 (Gerritsen Beach - CR-4)	137-00	29a	210131 ZRK	3/17/21	5/12/21
College Point District(CP)	126-00	7b 10a	090318 ZRQ	6/3/09	7/29/09
Coney Island District(CI)	131-00	28d	090273(A)ZRK	6/17/09	7/29/09
Coney Island Mixed Use District (CO)	106-00	28d	22785	12/23/74	1/9/75
Downtown Brooklyn District (DB)	101-00	12d 16c	000244(B1)ZRY	6/13/01	7/26/01
Downtown Far Rockaway District (DFR)	136-00	31a, 25b	170244(A) ZRQ	7/10/17	9/9/17

Downtown Jamaica District (DJ)	115-00	14d	070315(A)ZRQ	7/11/07	9/10/07
East Harlem Corridors District (EHC)	138-00	6a, 6b	170359 ZRM	10/2/17	11/30/17
Enhanced Commercial District-1 (EC-1)	132-00	16c 16d	110387 ZRK	10/19/11	11/29/11
Enhanced Commercial District-2 and 3 (EC-2 and EC-3)	132-00	5d 8c	120144 ZRM	5/9/12	6/28/12
Enhanced Commercial District-4 (EC-4)	132-00	12d 13b 16c 17a	120295 ZRK	9/5/12	10/11/12
Enhanced Commercial District-5 and 6 (EC-5 and EC-6)	132-00	17c	160050 ZRK	2/24/16	4/20/16
Forest Hills District (FH)	86-00	14a	090103 ZRQ	1/21/09	3/24/09
Garment Center District (GC)	121-00	8d	870241(A)ZRM	2/23/87	3/26/87
Governors Island District (GI)	134-00	16a	130189(A)ZRM	6/5/13	7/24/13
Gowanus District (G)	139-00	16c, 16d	210178 ZRK	9/22/21	11/23/21
Grand Concourse District (C)	122-00	1d 3b 3c 3d 6a	890229 ZRX	9/6/89	9/28/89
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides Preservation District (HS)	119-00	21a 21b 21c 21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	89-00	12a	160308 ZRM	10/17/16	12/15/16
Hudson Square District (HSQ)	88-00	12a	120381(A) ZRM	1/23/13	3/20/13
Hudson Yards District (HY)	93-00	8b 8d	040500(A) ZRM	11/22/04	1/19/05
Hunts Point Special District(HP)	108-00	6c	080248 ZRX	5/21/08	7/23/08
Inwood Special District (IN)	142-00	1b 1d 3a 3c	180205(A) ZRM	6/25/18	8/8/18

Jerome Corridor District (J)	141-00	3b, 3c	180050(A) ZRX	1/17/18	3/22/18
Limited Commercial District (LC)	83-00	12c	20779	8/14/69	10/9/69
Lincoln Square District (L)	82-00	8c	20365(A)	3/19/69	4/24/69
Little Italy District (LI)	109-00	12c	760061 ZRM	1/3/77	2/3/77
Long Island City Mixed Use District (LIC)	117-00	8d 9b	000407(A) ZRQ	5/23/01	7/26/01
Lower Manhattan District (LM)	91-00	12a 12b 12d	980314 ZRM	7/20/98	8/27/98
Madison Avenue Preservation District (MP)	99-00	5d 6b 8c	22350	11/7/73	12/20/73
Manhattanville Mixed Use District (MMU)	104-00	5c 6a	070496 ZRM	11/26/07	12/19/07
Midtown District (MID)	81-00	8c 8d	820253 ZRM	3/16/82	5/13/82
Mixed Use District-1 (MX-1) Port Morris, the Bronx	123-00	6a 6b	970751 ZRX	11/5/97	12/10/97
Mixed Use District-2 (MX-2) DUMBO, Brooklyn	123-00	12d	090310 ZRK	7/1/09	7/29/09
Mixed Use District-4 (MX-4) Flushing/Bedford, Brooklyn	123-00	12d 13b	000110 ZRK	3/26/01	5/9/01
Mixed Use District-5 (MX-5) Red Hook, Brooklyn	123-00	16a	020046 ZRK	12/19/01	1/30/02
Mixed Use District-6 (MX-6) Hudson Square, Manhattan	123-00	12a	030236 ZRM 070575 ZMM	6/18/03 6/4/08	8/19/03 7/23/08
Mixed Use District-7 (MX-7) Morrisania, the Bronx	123-00	3d 6c	030334 ZRX	7/23/03	8/19/03
Mixed Use District-8 (MX-8) Greenpoint-Williamsburg, Brooklyn	123-00	12c 12d 13a 13b	040137 ZRK	8/25/04	9/28/04
Mixed Use District-9 (MX-9) Northern Hunters Point Waterfront, Queens	123-00	9b	060324 ZRQ	7/12/06	8/16/06

Mixed Use District-10 (MX-10) Atlantic and Howard Avenues, Brooklyn	123-00	17a	070448 ZRY	9/5/07	10/29/07
Mixed Use District-11 (MX-11) Gowanus, Brooklyn	123-00	16a	090049 ZRK	2/17/09	3/11/09
Mixed Use District-12 (MX-12) Borough Park, Brooklyn	123-00	22c	100346 ZRK	8/25/2010	10/27/10
Mixed Use District-13 (MX-13) Lower Concourse, the Bronx	123-00	6a	090302 ZRX	5/20/09	6/30/09
Mixed Use District-14 (MX-14) Third Avenue /Tremont Avenue, the Bronx	123-00	3c 3d	100408 ZRX	9/15/10	10/13/10
Mixed Use District-15 (MX-15) West Harlem, Manhattan	123-00	6a	120310 ZRM	9/5/12	11/13/12
Mixed Use District-16 (MX-16) Ocean Hill/East New York, Brooklyn	123-00	17c	160050 ZRK	2/14/16	4/20/16
Mixed Use District-17 (MX-17) Hunts Point, the Bronx	123-00	6c	180122 ZRX	2/14/18	3/22/18
Mixed Use District-18 (MX-18)	123-00	6c	190337 ZRX	9/3/19	10/17/21
Mixed Use District-19 (MX-19)	123-00	17d	200057 ZRK	11/4/20	12/10/20
Mixed Use District-20 (MX-20)	123-00	16c	160176 ZRK	4/8/19	5/8/19
Mixed Use District-21 (MX-21)	123-00	31a	210071 ZRQ	2/17/21	3/25/21
Mixed Use District-22 (MX-22)	123-00	13b	200343 ZRK	3/17/21	5/27/21
Mixed Use District-23 (MX-23)	123-00	9a	210026 ZRQ	9/22/21	10/21/21
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74

Natural Area District-2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Natural Area District-4 (NA-4)	105-00	7d 11c	821255 ZRQ	3/23/83	4/28/83
Ocean Parkway District (OP)	113-00	16d 22c 22d 28c 28d	23284	12/22/76	1/20/77
Park Improvement District (PI)	92-00	5d 6b 8c 9a	22240	2/28/73	4/23/73
Planned Community Preservation District (PC)	103-00	3b 4b 6a 9b 9d 10d 11b 14c 15a	22501	6/12/74	7/18/74
Scenic View District (SV-1)	102-00	12b 12d	22750	9/23/74	10/24/74
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/73
South Richmond Development District (SRD)	107-00	26b 26d 27b 32c 32d 33a 33b 33c 33d 34a 35a 35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
Southern Roosevelt Island District (SRI)	133-00	8d 9b	130077 ZRM	3/20/13	5/8/13
St. George District (SG)	128-00	21c	080425 ZRR	9/10/08	10/23/08
Stapleton Waterfront District(SW)	116-00	21c 21d	060468 ZRR	9/27/06	10/25/06
Transit Land Use District (TA)	95-00	6b 8c 8d 9a 12c 12d	22441	11/7/73	12/28/73
Tribeca Mixed Use District (TMU) Was Lower Manhattan Mixed Use District; renamed 8/27/98, 980314ZRM	111-00	12a 12b	23198	6/1/76	6/11/76
Union Square District (US)	118-00	12c	841006 ZRM	11/26/84	1/10/85

United Nations Development District (U)	85-00	8d	21014	1/21/70	3/20/70
West Chelsea District (WCh)	98-00	8b	050161(A) ZRM	5/25/05	6/23/05
Willets Point District (WP)	124-00	10a 10b	080382 ZRQ	9/24/08	11/13/08

Index of Special Purpose Districts - Eliminated or Replaced

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
Atlantic Avenue District (AA) Eliminated & replaced by Downtown Brooklyn District	104-00	16c	22670	7/10/74	8/15/74
Brooklyn Center Development District (BC) Eliminated 10/9/86, 860210 ZRK	89-00	16c	22008	5/31/72	7/20/72
Fifth Avenue District (F) Eliminated & replaced by Midtown District	87-00	8c 8d	21498	3/3/71	3/25/71
Franklin Street Mixed Use District (FR) Eliminated 5/11/05, 050110(A) ZRK	108-00	12c	23028	9/3/75	9/11/75
Fulton Mall District (FM) Eliminated & replaced by Downtown Brooklyn District	115-00	16c	770236 ZRK	2/8/78	3/16/78
Greenwich Street Development District (G) Eliminated & replaced by Lower Manhattan District	86-00	12b	21418	1/6/71	1/14/71
Hunters Point Mixed Use District (HP) Eliminated & replaced by Long Island City Mixed Use District	117-00	8d 9b	810538 ZRQ	10/26/81	12/3/81

Jacob K. Javits Convention Center District(CC) Eliminated & replaced by Hudson Yards District	93-00	8b 8d	900053 ZRM	12/27/89	2/22/90
Lower Manhattan Mixed Use District (LMM) Renamed Tribeca Mixed Use District 8/27/98	111-00	12a 12b	23198	6/1/76	6/11/76
Manhattan Bridge District (MB) Terminated 9/1/91	116-00	12d	801024 ZRM	6/22/81	8/20/81
Manhattan Landing District (MLD) Eliminated & replaced by Lower Manhattan District	98-00	12b 12d	22498	11/7/73	12/28/73
Mixed Use District-2 Fulton Ferry (MX-2) Eliminated & replaced by DUMBO (MX-2)	123-00	8b 8d 12c	990452 ZRK	7/21/99	9/9/99
Mixed Use District-3 (MX-3) Eliminated & replaced by West Chelsea District	123-00	12c	990001 ZRK	2/17/99	3/30/99
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
Northside Mixed Use District (N) Eliminated 5/11/05, 050110(A) ZRK	97-00	12c 12d 13a 13b	22424 23158	9/5/73 3/10/76	9/13/73 3/18/76
Park District (P) Deleted by court order, 4/24/78	91-00	8d	22128(A)	11/8/72	12/7/72

South Street Seaport District (S) Eliminated & replaced by Lower Manhattan District	88-00	12b	21975	5/31/72	7/20/72
Theater District (T) Eliminated & replaced by Midtown District	81-00	8c 8d	20000	11/1/67	12/7/67
Yorkville - East 86th Street District (Y) Eliminated 6/29/89, 880799 ZRM	101-00	9a	22529	4/3/74	5/29/74

* CPC reports may be obtained at http://a030-cpc.nyc.gov/html/cpc/index.aspx

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX C, Table 1 — City Environmental Quality Review (CEQR) Environmental Requirements: (E) Designations

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APPENDIX C, Table 1 — City Environmental Quality Review (CEQR) Environmental Requirements: (E) Designations

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS

Table 1 – (E) Designations

#Tax lot# changes that may have occurred since the establishment of a particular (E) Designation may not be reflected in this table. If the property in question is located on the same #tax block# as an (E) designation, review of the related CEQR documentation is recommended. For convenience, for (E) designations applied to a condominium, the condominium billing tax lot number is displayed instead of the individual condominium unit tax lot numbers.

#Application No.# – refers to a ULURP or non-ULURP application (containing six numbers followed by a three- or four-letter suffix) for a zoning text map or text amendment, special permit, authorization, or certification or to a Board of Standards and Appeals application (containing the letters “BZ”) for a special permit or variance.

#Lot Remediation Date# – refers to the date of the duly issued notice from the NYC Office of Environmental Remediation indicating that no investigative/remedial work is required for any current or future development of the lot.

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.
** Indicates that a tax lot with multiple development sites is partially remediated.

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lots	Lot Remediation Date
Double Glazed Windows	319	1,2,3,4,5,6,7,8,9, 10,11,14,15,16,17, 18,19,20,22,23,24, 25,26,27,28,29,30, 31,32,33,34,35,36, 37,39,42,49,50,55, 62,7501,7503			
E-2 4/28/1983	82-214X 830468 ZMX 3d	N2 Ambient Noise Zone Levels	2953	1,6,9,11,12,13,17, 21,33,35,37,39,48	

E-3 3/15/1984	83-080X 840300 ZMX 3d	N2 Ambient Noise Zone Levels	2977	126,128,129,131, 133,134,137,138, 139,142,143,163	
E-4 6/14/1984	82-070M 840260 ZMM 8b,12a	Double Glazed Windows & Alternate Ventilation	641	17,36,39,75	
			642	1,2,3,4,12,7501, 7502	
			643	1,2,3,4,5,6,7,8,9, 10,11,12,13,14,15, 16,17,18,19,27	
E-5 12/6/1984	82-270Q 830193 ZMQ 13d	Double Glazed Windows	3637	7501	
E-6 1/24/1985	85-020Q 840344 ZMQ 9d	Double Glazed Windows	1536	33,38,45	
E-7 9/11/1986	83-244M 850370 ZMM 8d	Double Glazed Windows & Alternate Ventilation	969	5,22,23,7501	
E-7A 6/17/1986	85-271K 850811 ZMK 12c,12d	Window Wall Attenuation & Alternate Ventilation	2359	20,21,22,23,24,28, 29,30,31	
			2365	19	6/6/2017
			2365	36	5/5/2020
			2365	1,2,3,4,6,7,8,9,10, 11,15,34,35,37	

			2380	1,4,8,9,10,11,12, 14,15,20,23,25,26, 28,29,30,31,32,33, 35,36,37,38,39,40, 41,7501	
			2392	4,7,8,13,14,15,18, 20,22,23,24,25,29	
E-8 3/10/1988	85-243M 870362 ZMM 8d,12c	Multiple Layer Window Glazing & Use of Gas as a Fuel Instead of Oil	903	31,32,33,35,36	
E-9 3/24/1988	87-306Q 870887 ZMQ 9d	Double Glazed Windows	1536	201,210	
E-10 6/9/1988	87-047Q 870163 ZMQ 7b	Double Glazed Windows & Alternate Ventilation	4060	19,20,21,22,23,27, 29,34	
E-12 11/17/1988	87-269Q 870746 ZMQ 30c	Window Wall Attenuation & Alternate Ventilation	16153	1,7,8,11,12,13,14, 15,18,21,23,25,28, 69,71,72,80,81,82, 83,84,89,91,95,108, 185,208,285	
			16154	2,4,6,8,10,12,14, 15,16,18,20,22,24, 26,28,30,32,74,75, 76,101	
			16170	8,10,12,14,16,18, 20,22,24,26,27,28, 29,30,31,32,33,35, 50,52,54,56,58,60, 62,64,66,68,70,72, 74,76,78,80,82,84	

			16171	11,12,13,14,15,16, 17,18,19,20,27,28, 29,30,31,32,34,35, 39,46,47,48,50,51, 52,53,58,59,60,62, 64,65,68,69,70,71, 72,73	
E-13 2/9/1989	87-046K 870160 ZMK 13b	Window Wall Attenuation & Alternate Ventilation	3155	5,26,108,109,110, 111,112,113	
E-15 3/30/1989	88-037Q 880142 ZMQ 10c	Window Wall Attenuation & Alternate Ventilation	5006	21,22,24,26	
			5007	1	
			5008	1,5,29,30,31,32,33, 34,35,36,37,38	
			5017	11,22,28	
			5018	1,4,7,9,12	
			5032	16,18	
E-16 8/17/1989	88-214Q 880682 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16166	72,73,74,75,76,77, 78,79	
E-17 5/4/1989	88-117K 880406 ZMK 22c	Window Wall Attenuation & Alternate Ventilation	6499	58,75	

E-19 9/28/1989	88-120Q 880429 ZMQ 14d	Window Wall Attenuation & Alternate Ventilation	9648	11	
E-20 9/14/1989	89-217K 890658 ZMK 22c	Window Wall Attenuation & Alternate Ventilation	6499	22,58,75	
E-21 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	6320	18	
E-22 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	6321	21	
E-23 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	6322	24	
E-24 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	6323	22	

E-25 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	7313	5,19	
E-27 11/16/1989	89-289Q 890853 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16229	46,48	
E-28 11/16/1989	89-289Q 890853 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16228	47	
E-29 11/16/1989	89-289Q 890853 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16226	7501	
E-31 10/25/1993	89-083Q 890234 ZMQ 18d	Window Wall Attenuation & Alternate Ventilation	12130	14	
			12132	22,23,24,25	
			12133	1	
E-32 8/16/1990	88-113M 890162 ZMM 8d	Window Wall Attenuation & Alternate Ventilation	757	17,20,22,31,54,66	
			758	7,14,16,25,28,37	

E-33 10/10/1990	88-032K 870955 ZMK 16c	Window Wall Attenuation & Alternate Ventilation	395	30,44,45,46	
E-34 8/16/1990	86-101M 861028 ZMM 9a	Mitigation of Significant Adverse Stationary Source Air Quality Impacts from NY Hospital	1483	1	
E-35 7/30/1991	86-165Q 870154 ZMQ 9d,13c	Underground Gasoline Storage Tanks* Testing Protocol.	2453	1,3,25,40,42,44	
E-36 8/15/1991	87-094K 900075 ZMK 16a,16c	Underground Gasoline Storage Tanks* Testing Protocol.	304	1,3,4,5,6,7,8,9,10, 20,21,22,23,24,25	
		Window Wall Attenuation & Alternate Ventilation	304	1,3,4,5,6,7,8,9,10, 20,21,22,23,24,25	
		Underground Gasoline Storage Tanks* Testing Protocol.	309	3,6,9,10,11,12	
		Window Wall Attenuation & Alternate Ventilation	309	3,6,9,10,11,12	
E-37 12/19/1991	91-088K 910360 ZMK 17b	Underground Gasoline Storage Tanks* Testing Protocol.	1473	25	

E-38 9/23/1993	88-270K 910238 ZMK 17d	Window Wall Attenuation & Alternate Ventilation	3605	105,106,119,120	
E-39 10/8/1992	90-087Q 910098 ZMQ 14d	Underground Gasoline Storage Tanks* Testing Protocol.	10164	46,53,60,61,66,68, 72,74,76,79,80,84, 89,90,95,97,103	
			10170	23,50,60,62,64,65, 66,67,74,140,141, 142	
E-40 10/8/1992	91-095Q 910105 ZMQ 13c	Underground Gasoline Storage Tanks* Testing Protocol.	2675	105,108	
E-41 12/17/1992	92HPD008K 920693 ZMK 17b	Window Wall Attenuation & Alternate Ventilation	1468	56,63	1/8/2021
			1468	1,5,7,8,9,10,11,12, 13,14,15,18,19,20, 21,22,23,24,25,26, 27,28,29,30,31,32, 35,38,39,40,41,42, 43,45,46,47,49,52, 53,55,61,62,65,66, 72,74,75,76,77,78, 79,80,81,82,83	
		Underground Gasoline Storage Tanks* Testing Protocol.	1471	65	
		Window Wall Attenuation & Alternate Ventilation	1471	1,4,5,6,7,8,9,10, 11,14,15,16,17,18, 19,20,21,22,23,24, 25,27,28,29,30,31, 33,46,47,48,49,52, 53,55,57,59,61,65, 69,71,72,73,74,75, 76,79,80,81,178, 179	
			1472	1,4,5,6,7,8,9,10, 11,12,16,20,25,29	
		Underground Gasoline Storage Tanks* Testing Protocol.	1474	1	

		Window Wall Attenuation & Alternate Ventilation	1474	1,3,5,6,7,9,12,14, 15,16,18,19,27,28, 29,30,31,32,33,34, 35,36,37,41,45,48, 49,50,51,52,56,63, 64,65,66,67,68,69	
			1476	1,6,9,12,23,27,28, 29,30,32,34,36	
E-42 4/1/1993	90-254K 900580 ZMK 16c	Underground Gasoline Storage Tanks* Testing Protocol.	198	47,48	
			389	10	
			407	26	
			934	6	
E-43 4/21/1993	89-116K 890356 ZMK 13b	Underground Gasoline Storage Tanks* Testing Protocol.	2240	46,7512	
		Window Wall Attenuation & Alternate Ventilation	2240	11,12,13,15,16,17, 18,20,21,22,23,24, 25,26,28,29,30,32, 33,39,40,41,42,43, 44,45,46,71,153, 155,159,162,7501, 7502,7503,7504, 7505,7506,7507, 7508,7509,7510, 7512,7513,7514, 7515	
E-44 8/3/1993	93DCP013K 930183 ZMK 22c	Underground Gasoline Storage Tanks* Testing Protocol.	5409	30	11/9/2016
			5420	64	
E-45 8/3/1993	93DCP013K 930183 ZMK 22d	Underground Gasoline Storage Tanks* Testing Protocol.	6637	1	
			6662	7501	

E-46 8/3/1993	93DCP013K 930183 ZMK 28c	Underground Gasoline Storage Tanks* Testing Protocol.	7129	1	
E-47 12/21/1993	93DCP041Q 930168 ZMQ 13c	Underground Gasoline Storage Tanks* Testing Protocol.	2797	124	
E-48 12/21/1993	91-155X 920141 ZMX 4b	Underground Gasoline Storage Tanks* Testing Protocol.	3859	30	
E-49 2/28/1994	91-203X 910442 ZMX 6c	Underground Gasoline Storage Tanks* Testing Protocol.	2766	145,165,167	
E-50 12/21/1993	87-175M 900607(A)ZMM 8d	Window Wall Attenuation & Alternate Ventilation	733	25,28,30,31	
			734	37	
			735	30,31	
			736	30,33,34,35,36,37, 38	
			737	30,31,32,33	
			762	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	763	72,73	

E-51 2/9/1994	93DCP037K 930430 ZMK 16c, 16d	Underground Gasoline Storage Tanks* Testing Protocol.	1118	4	
			1129	150,7501	
			1131	7501	
			1139	15,16,17	
			1140	48	7/27/2015
			1146	127	
E-52 6/9/1994	88-087X 940227 ZMX 6a,6c	Window Wall Attenuation & Alternate Ventilation	2364	2,7,9,13,15,17,19, 21,45,49,51,52,55, 56,60,61,70	
		Underground Gasoline Storage Tanks* Testing Protocol.	2365	23	
		Window Wall Attenuation & Alternate Ventilation	2365	9,12,14,23,25,26	
		Underground Gasoline Storage Tanks* Testing Protocol.	2366	27	
		Window Wall Attenuation & Alternate Ventilation	2366	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2367	6,8,26	
		Window Wall Attenuation & Alternate Ventilation	2367	1,3,6,7,8,10,11,12, 14,16,20,21,22,24, 26,28,29,30,31,32, 33,34,35,36,37,38, 50,60	
		Underground Gasoline Storage Tanks* Testing Protocol.	2383	3	
		Window Wall Attenuation & Alternate Ventilation	2383	8,11,19,21,22,23, 24,25,27,29,30,31, 32,33,34,35,37,38, 39,40,48,61	
			2384	7,20,25,28,32,34, 38,43	

E-53	88-087X	Underground Gasoline Storage Tanks* Testing Protocol.	2378	1	
6/9/1994	940227 ZMX 6a,6c	Window Wall Attenuation & Alternate Ventilation	2378	1,17,21,23,25,28, 31,34,36,37,38,49, 62,128,129,130,149, 150,151,153,154, 155,156	
			2379	7,15,16,20,21,23, 25,30,40,51,125, 126,140,141,142, 143	
		Underground Gasoline Storage Tanks* Testing Protocol.	2380	101,102,103,104, 105,109,110,128, 129	
		Window Wall Attenuation & Alternate Ventilation	2380	35,36,40,43,51,64, 101,102,103,104, 105,106,107,108, 109,110,111,112, 113,114,117,118, 119,120,121,122, 123,124,125,126, 127,128,129,130, 140,141,142,143, 144,145,146,147	
			2381	7,9,10,11,12,13,14, 15,16,19,34,35,36, 37,38,39,40,47,56, 70	
		Underground Gasoline Storage Tanks* Testing Protocol.	2382	7501	
		Window Wall Attenuation & Alternate Ventilation	2382	7,34,35,134,135, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	2403	31	
		Window Wall Attenuation & Alternate Ventilation	2403	25,26,27,29,31,37	
			2404	1,2,9,10,17,18,113, 114,115,116,125, 126,127,128,129, 130,131,132,134, 135,136,137	
		Underground Gasoline Storage Tanks* Testing Protocol.	2405	118,119	

		Window Wall Attenuation & Alternate Ventilation	2405	17,19,25,100,101, 102,103,104,105, 106,107,108,117, 118,119,120,121, 122,123,124,125, 126,127,128,129, 130,131	
			2406	11,12,16,21,24,28, 29,31,104,105,106, 107,108,109,136, 137	
		Underground Gasoline Storage Tanks* Testing Protocol.	2407	18	
		Window Wall Attenuation & Alternate Ventilation	2407	5,8,10,11,18,27,28, 31,32	
		Underground Gasoline Storage Tanks* Testing Protocol.	2408	35,46	
		Window Wall Attenuation & Alternate Ventilation	2408	1,6,7,8,9,10,12,13, 14,16,20,25,27,28, 29,31,33,35,41,45, 46,49,51,52,53	
			2418	33	
			2419	4,5,12,13,17,23,24, 25,26,110,111,114, 115,118,119,120	
E-54	86-082M	Use of Natural Gas or Steam	772	47,52	
6/29/1994	860183 ZMM	Window Wall Attenuation & Alternate Ventilation	772	47,52	
	8d		773	38,40,41,42,43,44, 45,46,134,7501, 7502	
			774	7501	
			798	7502	
			799	1,3,6,7	
			800	5,7,74,76,77,78,79, 7501	

E-55 9/22/1994	91-194Q 910513 ZMQ 19a	Underground Gasoline Storage Tanks* Testing Protocol.	12406	320	
E-56 11/26/1996	94HPD030X 940469 ZMX 6c	Underground Gasoline Storage Tanks* Testing Protocol.	2572	56	
E-57 2/15/1996	94DCP031X 940644 ZMX 1c,2a	Underground Gasoline Storage Tanks* Testing Protocol.	3395	54,60,63,80	
		Window Wall Attenuation & Alternate Ventilation	3395	54,60,63,80	
E-58 1/19/1995	84-138M 840903 ZMM 9a	Double Glazed Windows	1557	21,25	
		Window Wall Attenuation & Alternate Ventilation	1557	21,25	
E-59 2/15/1995	94DCP035Q 930399 ZMQ 10c	Underground Gasoline Storage Tanks* Testing Protocol.	6077	43	
E-60 6/28/1995	95DCP010M 940309 ZMM 12a, 12b	Underground Gasoline Storage Tanks* Testing Protocol.	140	5	

E-61 6/28/1995	95DCP010M 940309 ZMM 12a, 12b	Window Wall Attenuation & Alternate Ventilation	136	16	
			137	10	
			140	5	
			179	1	
			187	16	
E-62 9/19/1995	95DCP027M 940304 ZMM 8d,12c	Window Wall Attenuation & Alternate Ventilation	914	36	
			915	23	2/10/2017
			915	7501	
			928	31,7503	
			939	28,29,30,31,33	
			940	31	
E-63 9/6/1995	92DCP618X 920585 ZMX 2a	Window Wall Attenuation & Alternate Ventilation	5086	82	
E-64 9/6/1995	95DCP037Q 950297 ZMQ 14d	Window Wall Attenuation & Alternate Ventilation	9644	21	
E-65 10/25/1995	95DCP045Q 950403 ZMQ 8d,9b,13a	Window Wall Attenuation & Alternate Ventilation	32	1	
			34	1,12	
			42	20	
			52	44,45,7503	
			56	51	

			78	41,48,50,54	
E-66 10/25/1995	93DCP033M 950318 ZMM 8d	Window Wall Attenuation & Alternate Ventilation	801	34	
			802	36	
			825	82	
		Underground Gasoline Storage Tanks* Testing Protocol.	826	1	
		Window Wall Attenuation & Alternate Ventilation	826	1	
			827	1	
			828	1,75	
			829	1,2,3,5,6,72,74	
E-67 12/7/1995	94DCP032Q 950080 ZMQ 9c	Window Wall Attenuation & Alternate Ventilation	1632	9,20	
E-68 12/7/1995	95DCP053M 950443 ZMM 12c	Window Wall Attenuation & Alternate Ventilation	559	22,32,35	
			896	1,4,5	
			921	36	
E-69 12/20/1995	95DCP051X 950439 ZMX 4a	Underground Gasoline Storage Tanks* Testing Protocol.	4494	1	

E-70	89-229Q	Underground Gasoline Storage Tanks* Testing Protocol.	1330	1,34	
1/18/1996	890689 ZMQ	Window Wall Attenuation & Alternate Ventilation	1330	1,34	
	9d	Underground Gasoline Storage Tanks* Testing Protocol.	1334	1,6	
		Window Wall Attenuation & Alternate Ventilation	1334	1,6,13	
E-71	95DCP049K	Underground Gasoline Storage Tanks* Testing Protocol.	8463	1,73,76	
3/21/1996	950540(A)ZMK	Window Wall Attenuation & Alternate Ventilation	8463	1,73,76	
	23b	Underground Gasoline Storage Tanks* Testing Protocol.	8470	1018,1028,1051, 1052,1060,1064, 1070,1076,1080, 1085,1090,1091, 1095,1096,1100, 1140,1150,2001, 2002,2004,2006, 2008,2010,2012, 2014,2016,2017, 2018,2019,2020, 2021,2022,2023, 2024,2025,2026, 2027,2029,2031, 2033,2035,2037, 2039,2042,2044, 2045,2047,2048, 2050,2051,2052, 7501	
		Window Wall Attenuation & Alternate Ventilation	8470	1018,1028,1051, 1052,1060,1064, 1070,1076,1080, 1085,1090,1091, 1095,1096,1100, 1140,1150,2001, 2002,2004,2006, 2008,2010,2012, 2014,2016,2017, 2018,2019,2020, 2021,2022,2023, 2024,2025,2026, 2027,2029,2031, 2033,2035,2037, 2039,2042,2044, 2045,2047,2048, 2050,2051,2052, 7501	

E-72 6/5/1996	95DCP004Q 950097 ZMQ 14a	Window Wall Attenuation & Alternate Ventilation	3104	14,86	
E-73 6/5/1996	95DCP009Q 950137 ZMQ 14a	Window Wall Attenuation & Alternate Ventilation	3104	101	8/30/2018
			3104	14,90,92,97,108	
			3155	19	
E-74 9/17/1998	95DCP052Q 960566 ZMQ 10a 10b	Hazardous Materials* Phase I and Phase II Testing Protocol	4963	8,9	
		Underground Gasoline Storage Tanks* Testing Protocol.	4963	7,65,75,85	
		Window Wall Attenuation & Alternate Ventilation	4963	7,8,9,65,75,85	
			4972	65	
		Underground Gasoline Storage Tanks* Testing Protocol.	4973	24	8/8/2014
			4973	1,6	
		Window Wall Attenuation & Alternate Ventilation	4973	1,6,24	
		Underground Gasoline Storage Tanks* Testing Protocol.	4976	7501	
		Window Wall Attenuation & Alternate Ventilation	4976	7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	5063	19,120	
		Window Wall Attenuation & Alternate Ventilation	5063	4,5,19,120	
		Underground Gasoline Storage Tanks* Testing Protocol.	5066	7503,7507,9001, 9002,9100	

		Window Wall Attenuation & Alternate Ventilation	5066	7503,7507,9001, 9002,9100	
E-75	96DCP010M	Double Glazed Windows	1557	27,30	
10/30/1996	960060 ZMM	Underground Gasoline Storage Tanks* Testing Protocol.	1557	30	
	6b, 9a	Window Wall Attenuation & Alternate Ventilation	1557	27,30	
E-76	96DCP063Q	Window Wall Attenuation & Alternate Ventilation	4222	5	
11/26/1996	960619 ZMQ		4223	21	
	10a				
E-77	97HPD002M	Underground Gasoline Storage Tanks* Testing Protocol.	1959	7501	
4/16/1997	970155 ZMM	Window Wall Attenuation & Alternate Ventilation	1959	54,7501	
	6a				
E-78	96DCP006M	Window Wall Attenuation & Alternate Ventilation	510	7501	
4/16/1997	960074 ZMM				
	12c				
E-79	94DCP036M	Underground Gasoline Storage Tanks* Testing Protocol.	1090	23	5/12/2017
7/15/1997	970219 ZMM		1090	90,7501	
		Window Wall Attenuation & Alternate Ventilation	1090	23	5/12/2017
	8c		1090	90,7501	

E-80 8/5/1997	95DCP062M 960576 ZMM 6b	Window Wall Attenuation & Alternate Ventilation	1624	15,49,50,51,52,53, 60	
			1625	13,14,15,16,57,60	
E-81 10/14/1997	97DCP045X 970463 ZMX 6a	Underground Gasoline Storage Tanks* Testing Protocol.	2347	24	
		Window Wall Attenuation & Alternate Ventilation	2443	40,41,43	
E-82 3/18/1998	98DCP012K 980077 ZMK 12d	Window Wall Attenuation & Alternate Ventilation	2128	1	
			2129	7502,7507	
		Underground Gasoline Storage Tanks* Testing Protocol.	2131	7,8,10	
		Window Wall Attenuation & Alternate Ventilation	2131	7,8,10,11,14,15	
			2133	7501,7502	
			2456	40,41	
			2469	9,10,11,12,13,14, 15,16,17,18	
			2470	1	
			2471	1	3/22/2017
			2471	26	
E-83 2/26/1998	98DCP007K 980067 ZMK 12d	Underground Gasoline Storage Tanks* Testing Protocol.	34	8	
		Window Wall Attenuation & Alternate Ventilation	55	20,25,32,33,40,41, 42,43,44,45	

E-84	97DCP071K	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	27	20,40,7501	
2/26/1998	970753 ZMK	Window Wall Attenuation & Alternate Ventilation	27	20,40,7501	
	12d		28	7502	
E-85	97DCP067M	Window Wall Attenuation & Alternate Ventilation	1436	122	
4/28/1998	970708 ZMM				
	8c				
E-86	98DCP021K	Window Wall Attenuation & Alternate Ventilation	4108	1,2,3,4,24	
4/28/1998	980131 ZMK		4109	91	
	17c				
E-87	97DCP068M	Underground Gasoline Storage Tanks* Testing Protocol.	190	7506	
8/6/1998	980480 ZMM	Window Wall Attenuation & Alternate Ventilation	190	7506	
	12a				
E-88	95DCP044M	Window Wall Attenuation & Alternate Ventilation	824	11	
11/24/1998	980562 ZMM				
	8d				
E-89	98DCP052K	Window Wall Attenuation & Alternate Ventilation	45	115,7501	
3/30/1999	980584 ZMK	Air Quality - Natural Gas Heat & Hot Water	51	1,12	
	12d	Underground Gasoline Storage Tanks* Testing Protocol.	51	7501	

		Window Wall Attenuation & Alternate Ventilation	51	1,12,7501	
E-90 3/16/1999	96DCP005M 970086 ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1087	1,5	
E-91 2/10/1999	99DCP009K 990092 ZMK 12d	Window Wall Attenuation & Alternate Ventilation	2159	1,2	
			2160	17,7502	
			2165	7501,7502,7503	
E-92 9/9/1999	99DCP030M 990453 ZMM 8b, 8d, 12c	Underground Gasoline Storage Tanks* Testing Protocol.	694	39,42,47	
			695	1,3,4,15,44,47,67, 68,69,70,7503	
			738	7502	
		Window Wall Attenuation & Alternate Ventilation	738	7502	
		Underground Gasoline Storage Tanks* Testing Protocol.	775	44,46,58,60,69	
		Window Wall Attenuation & Alternate Ventilation	775	44,46	
		Underground Gasoline Storage Tanks* Testing Protocol.	776	59	
			793	7505	7/8/2002
		Window Wall Attenuation & Alternate Ventilation	793	7505	
		Underground Gasoline Storage Tanks* Testing Protocol.	794	7501,9055	
		Window Wall Attenuation & Alternate Ventilation	794	7501,9055	

		Underground Gasoline Storage Tanks* Testing Protocol.	795	1,56	
			796	48,63	
			797	9,74,7501	
E-93 6/30/1999	91-152Q 910332 ZMQ 18a, 18b	Underground Gasoline Storage Tanks* Testing Protocol.	11376	23,37,39,41,43	
E-94 12/7/1999	98DCP009M 980224 ZMM 9a	Air Quality - Heating and Hot Water	1487	5,8	
E-95 10/27/1999	98DCP038K 980319 ZMK 28c, 28d	Underground Gasoline Storage Tanks* Testing Protocol.	6947	260	
E-96 1/19/2000	00DCP004X 990102 ZMX 6c	Window Wall Attenuation & Alternate Ventilation	2732	42,47	
			2733	4,17,23	
			2735	28,35,40,42,44	
E-97 7/26/2001	00DCP034Y 010199 ZMY 12d, 16c	Underground Gasoline Storage Tanks* Testing Protocol.	2095	10,26	

E-98 2/7/2001	00DCP020K 000024 ZMK 16c	Underground Gasoline Storage Tanks* Testing Protocol.	1118	4	
		Window Wall Attenuation & Alternate Ventilation	1118	4	
		Underground Gasoline Storage Tanks* Testing Protocol.	1128	4,9,11,13	
		Window Wall Attenuation & Alternate Ventilation	1128	4,9,11,13,17,7501	
E-101 4/17/2001	01HPD001K 010123 ZMK 13b	Underground Gasoline Storage Tanks* Testing Protocol.	3154	13,18,23	
			3157	1	
			3164	6	
E-102 5/9/2001	00DCP015K 000109 ZMK 12d, 13b	Underground Gasoline Storage Tanks* Testing Protocol.	1715	1,12,13,14,15,16, 17,18,19,24,30, 7501,7502,7503	
			1734	5,7,21,24,33,47,56, 59,61,62,70,7503, 7504,7505,7511, 7513,7514,7516	
			1886	40,71,72,80	
			1899	47,48,49,51,52	5/15/2003
			1899	46,50,53,54,55,56, 59,7504	
			1900	21,22,42,7509	2/11/2004
			1900	16	12/18/2015
			1900	9,10,11,14,15,17, 18,23,24,31,43,44, 7505,7507,7508, 7510	
			2223	15,23	
		Window Wall Attenuation & Alternate Ventilation	2223	15,23,7502,7503	

		Underground Gasoline Storage Tanks* Testing Protocol.	2235	1,4,65,68,70,7504, 7505,7506,7507	
		Window Wall Attenuation & Alternate Ventilation	2235	1,4,65,68,70,7504, 7505,7506,7507	
		Underground Gasoline Storage Tanks* Testing Protocol.	2239	8	
		Window Wall Attenuation & Alternate Ventilation	2239	8	
		Underground Gasoline Storage Tanks* Testing Protocol.	2240	1	8/4/2003
		Window Wall Attenuation & Alternate Ventilation	2240	1,6,9	
		Underground Gasoline Storage Tanks* Testing Protocol.	2248	7501	
			2262	1,7,44,7505,7508	
		Window Wall Attenuation & Alternate Ventilation	2262	1,7,30,44,7503, 7504,7505,7507, 7508	
		Underground Gasoline Storage Tanks* Testing Protocol.	2263	8,7502,7503,7504	
		Window Wall Attenuation & Alternate Ventilation	2263	8,7502,7503,7504	
		Underground Gasoline Storage Tanks* Testing Protocol.	2264	46,47	8/4/2003
			2264	29,33	8/6/2003
			2264	48,49,50	12/23/2004
			2264	42,59,7507,7508, 7510,7511,7512, 7519	
		Window Wall Attenuation & Alternate Ventilation	2264	55	11/7/2019
			2264	1,4,42,48,49,50,57, 59,61,63,7506,7507, 7508,7510,7511, 7512,7520	

E-103 4/25/2001	00DCP041M 010148 ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1105	23,29,36,7501	
E-104 7/26/2001	00DCP055Q 000406(A)ZMQ 8d, 9b	Underground Gasoline Storage Tanks* Testing Protocol.	72	80	
		Window Wall Attenuation & Alternate Ventilation	72	80	
		Underground Gasoline Storage Tanks* Testing Protocol.	86	1,6,7,8,22	
		Window Wall Attenuation & Alternate Ventilation	86	1,6,7,8,22	
		Underground Gasoline Storage Tanks* Testing Protocol.	263	1,9	
		Window Wall Attenuation & Alternate Ventilation	263	1,9	
		Air Quality - Operable Window Limitations	264	1,17	7/6/2017
			264	4,15	
		Underground Gasoline Storage Tanks* Testing Protocol.	264	1,17	
		Window Wall Attenuation & Alternate Ventilation	264	1,4,15,17	
		Underground Gasoline Storage Tanks* Testing Protocol.	413	16,22,27,32,37	
			414	17,23,35	
			415	24,26,28	
			416	10,21,28,7501	
			417	14,20	
			420	1,7501	

		Window Wall Attenuation & Alternate Ventilation	420	1,7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	422	7	5/22/2018
			422	31	5/21/2019
			422	1,6,9,21	
		Window Wall Attenuation & Alternate Ventilation	422	1,5,6	6/17/2008
			422	7,9,21,31	
		Underground Gasoline Storage Tanks* Testing Protocol.	428	1	
		Window Wall Attenuation & Alternate Ventilation	428	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	431	7,8,17,27	
			432	8,38,7501	
		Window Wall Attenuation & Alternate Ventilation	432	8	
		Underground Gasoline Storage Tanks* Testing Protocol.	433	1,2,3,4,5,6,8,12, 31,35,36,37,38,39, 41	
		Window Wall Attenuation & Alternate Ventilation	433	1,2,3,4,5,6,8,12, 31,35,36,37,38,39, 41	
		Underground Gasoline Storage Tanks* Testing Protocol.	435	13,28,29	
		Window Wall Attenuation & Alternate Ventilation	435	13,28,29	
E-105 12/19/2001	01DCP050M 010547 ZMM 8c, 9a	Window Wall Attenuation & Alternate Ventilation	1462	5	
			1463	21	7/28/2020
			1463	5,11,7501	

E-106 11/20/2001	01DCP024M 010689 ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1084	25	
E-107 12/19/2001	01DCP078R 010601 ZMR 20c, 20d	Underground Gasoline Storage Tanks* Testing Protocol.	1249	75,130,141	
E-108 2/27/2002	01DCP015Q 010116 ZMQ 18c	Underground Gasoline Storage Tanks* Testing Protocol.	12047	32,34,40	
			12048	77	
E-109 1/30/2002	01DCP065K 010725 ZMK 12d	Underground Gasoline Storage Tanks* Testing Protocol.	52	7501	
		Window Wall Attenuation & Alternate Ventilation	52	7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	53	9	
		Window Wall Attenuation & Alternate Ventilation	53	9,7501	
E-110 1/30/2002	00DME013K 020047 ZMK 16a	Underground Gasoline Storage Tanks* Testing Protocol.	597	27,28,29	
			603	23,24,26	

E-111 7/24/2002	02DCP041K 020097 ZMK 16c	Window Wall Attenuation & Alternate Ventilation	271	1	
E-112 12/18/2002	00DCP008K 000087 ZMK 12d	Window Wall Attenuation & Alternate Ventilation	2135	1,35	
E-113 4/30/2003	03DCP030K 030194(A)ZMK 16b,16c	Underground Gasoline Storage Tanks* Testing Protocol.	958	1,2,4,5,7	
			961	1,2,3,7,67,69	
			964	1,6,7,14,70	
			969	1	
			974	73,7502,7504	
			981	7501	
			987	1	
			992	38	
			993	6,7,10	6/20/2013
			1003	29,32,33,34,35,36, 38	
			1027	35,40,41,42,43,44, 45	
			1040	29,53,55,58,59	
			1041	1	

E-114 6/24/2003	03DCP025Y 030234(A)ZMM 6b	Underground Gasoline Storage Tanks* Testing Protocol.	1627	38,39	
			1628	37,39	
			1645	46,47,48,49	
			1660	1,3,4,45	
			1666	31,33	9/6/2018
			1666	36,39	
			1675	22,23	
			1677	29,45,46,47	
			1680	21,27,32,38	
			1681	17,18,19,31,32,35, 130	
			1689	51	
			1711	1,4,46,47,48,148	
			1767	27,28,45,46	
			1785	43,7503	7/21/2017
			1785	15,17,30,31,32,33, 34,36,37,38,39,42	
			1807	1,5,48	
E-115 8/19/2003	02DME017X 030213 ZMX 6c	Underground Gasoline Storage Tanks* Testing Protocol.	2385	1,15,17,38,49	

E-116 8/19/2003	03DCP014M 030237 ZMM 12a	Underground Gasoline Storage Tanks* Testing Protocol.	594	44	4/8/2015
			594	8,32,33,34,36,41, 65,69,71,72,81,82, 83,87,94,104,105, 108,111,112,113, 115,7501,7502,7505	
		Window Wall Attenuation & Alternate Ventilation	594	8,108,111,112,113, 115,7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	595	52,59,61,62,71,72, 73,74,75,76,82,83, 84,7504	
		Window Wall Attenuation & Alternate Ventilation	595	52,59	
E-117 8/19/2003	03DCP035K 020263 ZMK 12d	Underground Gasoline Storage Tanks* Testing Protocol.	107	1,48,50	
		Window Wall Attenuation & Alternate Ventilation	107	1,48,50	
		Underground Gasoline Storage Tanks* Testing Protocol.	108	9,12,24,7501	
		Window Wall Attenuation & Alternate Ventilation	108	24	2/8/2019
			108	9,12,7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	109	25	
		Window Wall Attenuation & Alternate Ventilation	109	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	118	6	
		Window Wall Attenuation & Alternate Ventilation	118	6	
		Underground Gasoline Storage Tanks* Testing Protocol.	120	13,34,45	
		Window Wall Attenuation & Alternate Ventilation	120	13,34,45	

		Underground Gasoline Storage Tanks* Testing Protocol.	121	3,12,18,28,32,33, 35,36,37	
		Window Wall Attenuation & Alternate Ventilation	121	18	4/1/2019
			121	3,12,28,32,33,35, 36,37	
		Underground Gasoline Storage Tanks* Testing Protocol.	122	5,9,10,13,32	
		Window Wall Attenuation & Alternate Ventilation	122	5,9,10,13,32	
E-118	03DCP046X	Underground Gasoline Storage Tanks* Testing Protocol.	2369	1,2,12,13,14,16,32, 34,36,37,53,54,90, 153	
8/19/2003	030333 ZMX		2370	25,26,34,35,36,47, 49,52	
	3d, 6c		2371	9,10,11,19,39,41, 42,43,45,46,61,64	
			2372	27,30,31,32,41,47	
			2386	43	
			2387	32,34,35,36,51	
			2388	16,17,18,19,20,57, 58,59,61,64,67,87	
			2609	1,2,4,24,26,115, 120	
E-119	NA	Window Wall Attenuation & Alternate Ventilation	3273	203	
8/19/2003	030325 ZMX				
	3c				
E-120	03DCP026M	Underground Gasoline Storage Tanks* Testing Protocol.	1826	1	
11/6/2003	030436 ZMM		1929	4,6,59,61,62	
			1944	40,41,42,43	
	5c,5d, 6a,6b		1948	35	10/27/2020

			1948	30	
E-121	03DCP058Q	Underground Gasoline Storage Tanks* Testing Protocol.	1424	33	
9/17/2003	030403 ZMQ	Window Wall Attenuation & Alternate Ventilation	1424	33	
	9d,10a, 10b	Underground Gasoline Storage Tanks* Testing Protocol.	1425	39	
		Window Wall Attenuation & Alternate Ventilation	1425	39	
		Underground Gasoline Storage Tanks* Testing Protocol.	1426	33	
		Window Wall Attenuation & Alternate Ventilation	1426	33	
		Underground Gasoline Storage Tanks* Testing Protocol.	1427	33,38	
		Window Wall Attenuation & Alternate Ventilation	1427	33,38	
		Underground Gasoline Storage Tanks* Testing Protocol.	1700	36	
			1701	73	
			1703	44,86,87,93,94,97, 98,99	
			1704	140	
			1705	1,5,10,61	
			1706	11	2/6/2019
			1706	1	
			1707	1,3,6,7,8,13,15,17, 19,33,34,35,36,43, 46	
			1713	1	
		Window Wall Attenuation & Alternate Ventilation	1723	1	

E-124	03DME016K	Underground Gasoline Storage Tanks* Testing Protocol.	128	1,26	
6/28/2004	040171 ZMK	Window Wall Attenuation & Alternate Ventilation	128	1,26	
	12d,16c	Underground Gasoline Storage Tanks* Testing Protocol.	131	1	
		Window Wall Attenuation & Alternate Ventilation	131	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	133	1,5,13,15	
		Window Wall Attenuation & Alternate Ventilation	133	1,5,13,15	
		Underground Gasoline Storage Tanks* Testing Protocol.	134	1,5,30,38,41	
		Window Wall Attenuation & Alternate Ventilation	134	1,5,30,38,41	
		Underground Gasoline Storage Tanks* Testing Protocol.	142	1,50	
		Window Wall Attenuation & Alternate Ventilation	142	1,50	
			144	1	
			145	8,10,13,14,15,16, 18,19,20,21,22,26, 32	
			146	48	1/12/2018
			146	2,7,14,15,43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	149	7501	7/5/2016
			149	21,103	
		Underground Gasoline Storage Tanks* Testing Protocol.	149	1	
		Window Wall Attenuation & Alternate Ventilation	149	1,14,15,17,19,22, 26,28,30,31,32,33, 34,50,103,7501	

	150	1,6,10,11,19	
Underground Gasoline Storage Tanks* Testing Protocol.	152	37	
Window Wall Attenuation & Alternate Ventilation	152	37	
Hazardous Materials* Phase I and Phase II Testing Protocol	153	3,14,15	
Window Wall Attenuation & Alternate Ventilation	153	3,14,15	
Hazardous Materials* Phase I and Phase II Testing Protocol	154	1,5,11,12,36,7501	
Window Wall Attenuation & Alternate Ventilation	154	1,5,11,12,36,7501	
Underground Gasoline Storage Tanks* Testing Protocol.	160	18,29	
Window Wall Attenuation & Alternate Ventilation	160	18,29	
Underground Gasoline Storage Tanks* Testing Protocol.	161	18	4/9/2019
Window Wall Attenuation & Alternate Ventilation	161	27,30,33	
Underground Gasoline Storage Tanks* Testing Protocol.	164	1,13,29,31,42,43, 44	
Window Wall Attenuation & Alternate Ventilation	164	1,13,29,31,42,43, 44	
Exhaust stack location limitations	165	29	
Underground Gasoline Storage Tanks* Testing Protocol.	165	17,18,19,29,58	
Window Wall Attenuation & Alternate Ventilation	165	17,18,19,29,58	
Hazardous Materials* Phase I and Phase II Testing Protocol	167	42	

		Window Wall Attenuation & Alternate Ventilation	167	15,16,26,28,36,42	
		Underground Gasoline Storage Tanks* Testing Protocol.	174	9,13,18,23,24	
		Window Wall Attenuation & Alternate Ventilation	174	9,13,18,23,24	
		Underground Gasoline Storage Tanks* Testing Protocol.	2049	2,8	
		Window Wall Attenuation & Alternate Ventilation	2049	2,8	
			2060	15,22	
		Underground Gasoline Storage Tanks* Testing Protocol.	2061	1,50,101,110	
		Window Wall Attenuation & Alternate Ventilation	2061	1,50,101,110	
			2062	1,5,6,17,18,19,21, 23,24,103	
		Underground Gasoline Storage Tanks* Testing Protocol.	2093	1	
		Window Wall Attenuation & Alternate Ventilation	2093	1	
			2110	3	5/25/2017
E-125 3/10/2004	03DCP037M 030214 ZMM 8c	Underground Gasoline Storage Tanks* Testing Protocol.	1151	5,12	
		Window Wall Attenuation & Alternate Ventilation	1151	5,12,7502	
E-126 5/5/2004	03DCP040K 030289 ZMK 12d	Window Wall Attenuation & Alternate Ventilation	56	3	

E-127 6/21/2004	03DME017K 040124 ZMK, 040125 PPK 17a	Underground Gasoline Storage Tanks* Testing Protocol.	1432	1	
E-128 7/21/2004	03DCP036K 030294 ZMK 17a	Window Wall Attenuation & Alternate Ventilation	1142	44	3/16/2017
			1142	48	
E-129 8/12/2004	04DCP011Q 040272 ZRQ, 040273 ZMQ 8d, 9b	Underground Gasoline Storage Tanks* Testing Protocol.	15	44	
		Air Quality - HVAC fuel limited to natural gas	16	8,38	
		Underground Gasoline Storage Tanks* Testing Protocol.	16	1,8,38	
			29	21,22,23	
		Air Quality - HVAC fuel limited to natural gas	30	9	
		Underground Gasoline Storage Tanks* Testing Protocol.	30	29	2/8/2019
			30	5,9,7501	
			31	7501	
			32	20,28,29,31,33, 7501	
			33	9,21,24	
			34	1,12,14	
			42	28	
			45	28	
		Air Quality - Operable Window Limitations	47	25,28	

		Underground Gasoline Storage Tanks* Testing Protocol.	47	10,25,28,7501	
			52	7,8,12	
		Air Quality - Operable Window Limitations	54	20	
		Underground Gasoline Storage Tanks* Testing Protocol.	54	20	
			56	1,51	
		Air Quality - Operable Window Limitations	57	18	
		Underground Gasoline Storage Tanks* Testing Protocol.	57	18	
			62	46	
			76	11	
		Air Quality - Operable Window Limitations	438	6	
		Underground Gasoline Storage Tanks* Testing Protocol.	438	6	
			447	40	
E-130 7/21/2004	03DCP068M 040021 ZMM 12c	Window Wall Attenuation & Alternate Ventilation	482	7501	
E-131 8/12/2004	04DCP038M 040331 ZMM, 040332 ZRM, 040333 ZSM, 040334 ZSM 8d, 12c	Underground Gasoline Storage Tanks* Testing Protocol.	818	56	
		Window Wall Attenuation & Alternate Ventilation	818	56	
		Air Quality - HVAC fuel limited to natural gas	819	14,15,66	
		Underground Gasoline Storage Tanks* Testing Protocol.	819	7505	7/9/2019
			819	14,15,20,26,32,59, 66	

		Window Wall Attenuation & Alternate Ventilation	819	14,15,20,26,32,59, 66,7505	
		Underground Gasoline Storage Tanks* Testing Protocol.	821	24,58	
		Window Wall Attenuation & Alternate Ventilation	821	24,58	
		Air Quality - HVAC fuel limited to natural gas	822	45	
		Underground Gasoline Storage Tanks* Testing Protocol.	822	19,45,51	
		Window Wall Attenuation & Alternate Ventilation	822	19,45,51	
		Air Quality - HVAC fuel limited to natural gas	823	7507	
		Underground Gasoline Storage Tanks* Testing Protocol.	823	16,17,64	
		Window Wall Attenuation & Alternate Ventilation	823	16,17,64,7507	
E-132 9/16/2004	01DCP004K 010645 ZMK 12d	Air Quality - HVAC fuel limited to natural gas	36	49,52,53	
		Underground Gasoline Storage Tanks* Testing Protocol.	36	49,52,53	
E-133 11/10/2004	04DCP053M 040443 ZMM, 040444 ZSM, 040445 ZSM 6b	Window Wall Attenuation & Alternate Ventilation	1749	31,33,35,40,43	

E-134 12/15/2004	04DCP018K 040215 ZMK, 040216 ZSK, 040217 ZSK 12d	Underground Gasoline Storage Tanks* Testing Protocol.	66	18	
E-135 11/10/2004	04DCP014M 040249 ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1090	36,42	
E-136 11/10/2004	04DCP029M 040250 ZMM 8c	Underground Gasoline Storage Tanks* Testing Protocol.	1095	24	
E-137 1/19/2005	03DCP031M 040499 ZMM, 040507 MMM, 040508 MMM, 040499A ZMM 8b,8c,8d	Underground Gasoline Storage Tanks* Testing Protocol.	702	7503	5/20/2020
			702	4,10,7501	
		Window Wall Attenuation & Alternate Ventilation	702	7503	5/20/2020
			702	4,10,7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	705	1	9/24/2019
			705	5,29,30,32,39,41, 42,45,46,53,54	
		Window Wall Attenuation & Alternate Ventilation	705	1,5,29,30,32,39,41, 42,45,46,53,54	
		Underground Gasoline Storage Tanks* Testing Protocol.	706	1,10,17,20,29,35, 36,55	
		Window Wall Attenuation & Alternate Ventilation	706	1,10,17,20,29,35, 36,55	
		Air Quality - HVAC fuel limited to natural gas	707	1,13,20,26,31,39, 41,45,51,56	

Exhaust stack location limitations	707	1,13,20,26,31,39, 41,45,51,56	
Underground Gasoline Storage Tanks* Testing Protocol.	707	1,13,20,26,31,39, 41,45,51,56	
Window Wall Attenuation & Alternate Ventilation	707	1,13,20,26,31,39, 41,45,51,56	
Underground Gasoline Storage Tanks* Testing Protocol.	708	1,20,37,41,42,43, 49,50,62,65	
Window Wall Attenuation & Alternate Ventilation	708	1,20,37,41,42,43, 49,50,62,65	
Underground Gasoline Storage Tanks* Testing Protocol.	709	1,2,3,7,13,14,15, 17,25,30,31,33,36, 37,41,43,45,46,60, 61,63,66,67,68,70, 71	
Window Wall Attenuation & Alternate Ventilation	709	1,2,3,7,13,14,15, 17,25,30,31,33,36, 37,41,43,45,46,60, 61,63,66,67,68,70, 71	
Underground Gasoline Storage Tanks* Testing Protocol.	710	1,6,11,20,22,27,29, 42,58	
Window Wall Attenuation & Alternate Ventilation	710	1,6,11,20,22,27,29, 42,58	
Underground Gasoline Storage Tanks* Testing Protocol.	711	1	
Window Wall Attenuation & Alternate Ventilation	711	1	
Underground Gasoline Storage Tanks* Testing Protocol.	728	34,60,69	
Window Wall Attenuation & Alternate Ventilation	728	34,42,60,69	
Air Quality - HVAC fuel limited to natural gas	729	50,60,61,163,9001, 9050	
Exhaust stack location limitations	729	50,60,61,163	
Underground Gasoline Storage Tanks* Testing Protocol.	729	1,50,60,61,163, 9001,9050,9060	

Window Wall Attenuation & Alternate Ventilation	729	1,50,60,61,163, 9001,9050,9060	
Underground Gasoline Storage Tanks* Testing Protocol.	731	22,43,44,48	
Window Wall Attenuation & Alternate Ventilation	731	22,39,40,41,43,44, 48	
Underground Gasoline Storage Tanks* Testing Protocol.	732	1	11/18/2019
	732	50,70	
Window Wall Attenuation & Alternate Ventilation	732	1,50,70,72,73	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	733	8	9/24/2018
	733	25,28,30,31,59,60, 61,62,63,64,65,66	
Air Quality - HVAC fuel limited to natural gas	733	8	9/24/2018
	733	23,24,25,28,30,31, 43,44,45,46,47,59, 60,61,62,63,64,65, 66	
Exhaust stack location limitations	733	8	9/24/2018
	733	23,24,25,28,30,31, 43,44,45,46,47,59, 60,61,62,63,64,65, 66	
Underground Gasoline Storage Tanks* Testing Protocol.	733	8	9/24/2018
	733	23,24,25,28,30,31, 47,60,61,62,63,64, 67,68,70	
Window Wall Attenuation & Alternate Ventilation	733	8	9/24/2018
	733	1,23,24,25,28,30, 31,43,44,45,46,47, 59,60,61,62,63,64, 65,66,67,68,70	
Air Quality - HVAC fuel limited to natural gas	734	6,7,8,9,10,13,7502	
Exhaust stack location limitations	734	6,7,8,9,10,13,7502	

Underground Gasoline Storage Tanks* Testing Protocol.	734	1,5,6,7,8,10,16,18, 52,55	
Window Wall Attenuation & Alternate Ventilation	734	1,5,6,7,8,9,10,13, 16,18,52,55,66, 7502	
Air Quality - HVAC fuel limited to natural gas	735	1,6,7,8,9,11,12,13, 17,55,57,58,59,60, 61,65	
Exhaust stack location limitations	735	1,6,7,8,9,11,12,13, 17,55,57,58,59,60, 61,65	
Underground Gasoline Storage Tanks* Testing Protocol.	735	1,6,7,11,13,17,22, 60,65	
Window Wall Attenuation & Alternate Ventilation	735	1,6,7,8,9,11,12,13, 17,22,30,55,57,58, 59,60,65	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	736	1,73	
Exhaust stack location limitations	736	1,73	
Underground Gasoline Storage Tanks* Testing Protocol.	736	1,30,33,34,35,36, 37,38,73	
Window Wall Attenuation & Alternate Ventilation	736	1,30,31,32,33,34, 35,36,37,38,39,40, 73	
Underground Gasoline Storage Tanks* Testing Protocol.	737	30,31,32,33	
Window Wall Attenuation & Alternate Ventilation	737	30,31,32,33	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	754	44,51,63	
Air Quality - HVAC fuel limited to natural gas	754	44,51,63	
Exhaust stack location limitations	754	44,51,63	

Underground Gasoline Storage Tanks* Testing Protocol.	754	44,51,63	
Window Wall Attenuation & Alternate Ventilation	754	44,51,63	
Underground Gasoline Storage Tanks* Testing Protocol.	758	1,5,7	
Window Wall Attenuation & Alternate Ventilation	758	1,5,7,14	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	759	14	
Air Quality - HVAC fuel limited to natural gas	759	14	
Exhaust stack location limitations	759	14	
Underground Gasoline Storage Tanks* Testing Protocol.	759	14,23,26,27,49,55, 61	
Window Wall Attenuation & Alternate Ventilation	759	14,23,24,25,26,27, 29,49,52,53,54,55, 61	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	760	12,16,18,20,21,55, 58,59,60,61,62,63	
Air Quality - HVAC fuel limited to natural gas	760	7,12,16,18,20,21, 55,58,59,60,61,62, 63	
Exhaust stack location limitations	760	7,12,16,18,20,21, 55,58,59,60,61,62, 63	
Underground Gasoline Storage Tanks* Testing Protocol.	760	7,12,16,18,20,21, 51,55,58,59,60,63, 67,68	
Window Wall Attenuation & Alternate Ventilation	760	7,12,16,18,20,21, 51,55,58,59,60,61, 62,63,67,68	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	761	5,7,9,10,13,20,41, 43,62	

Air Quality - HVAC fuel limited to natural gas	761	5,7,9,10,13,20,41, 43,62	
Exhaust stack location limitations	761	5,7,9,10,13,20,41, 43,62	
Underground Gasoline Storage Tanks* Testing Protocol.	761	5,7,10,13,28,41,43, 62	
Window Wall Attenuation & Alternate Ventilation	761	5,7,9,10,13,20,28, 41,43,62	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	762	61	
Air Quality - HVAC fuel limited to natural gas	762	16	6/17/2019
	762	13,14,17,60,61	
Exhaust stack location limitations	762	16	6/17/2019
	762	13,14,17,60,61	
Underground Gasoline Storage Tanks* Testing Protocol.	762	16	6/17/2019
	762	1,6,11,13,19,46,60, 61	
Window Wall Attenuation & Alternate Ventilation	762	16	6/17/2019
	762	1,6,11,13,14,17,19, 46,48,49,60,61	
Air Quality - HVAC fuel limited to natural gas	763	28,45,46,47,54	
Exhaust stack location limitations	763	28,45,46,47	
Underground Gasoline Storage Tanks* Testing Protocol.	763	47	10/11/2018
	763	12,13,14,17,28,32, 34,38,42,45,46,49, 54,56,60,65,67,72, 73	

Window Wall Attenuation & Alternate Ventilation	763	8,12,13,14,17,28, 31,32,34,38,42,43, 44,45,46,47,49,54, 56,60,65,67,72,73, 7502,9008	
Hazardous Materials* Phase I and Phase II Testing Protocol	778	33	1/17/2020
	778	7,13,16,18,57,66, 70	
Window Wall Attenuation & Alternate Ventilation	778	33	1/17/2020
	778	7,28,32,52,57,70	
Hazardous Materials* Phase I and Phase II Testing Protocol	780	19	
Window Wall Attenuation & Alternate Ventilation	780	15,17,19,26,45,60	
Underground Gasoline Storage Tanks* Testing Protocol.	781	1,9001	
Window Wall Attenuation & Alternate Ventilation	781	1,9001	
	1032	1,4,7,54,61,63,64, 101,103,162,7501	
Underground Gasoline Storage Tanks* Testing Protocol.	1033	25,41	
Window Wall Attenuation & Alternate Ventilation	1033	25,41	
Underground Gasoline Storage Tanks* Testing Protocol.	1050	1,6,61,158	
Window Wall Attenuation & Alternate Ventilation	1050	1,6,61,158	
Underground Gasoline Storage Tanks* Testing Protocol.	1051	35	8/28/2018
	1051	2,31,7502	
Window Wall Attenuation & Alternate Ventilation	1051	2,31,35,7502	
Air Quality - HVAC fuel limited to natural gas	1069	1	

		Exhaust stack location limitations	1069	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	1069	1	10/6/2016
			1069	29,34	
		Window Wall Attenuation & Alternate Ventilation	1069	1,24,29,34,136	
		Underground Gasoline Storage Tanks* Testing Protocol.	1070	1,49,50,54	
		Window Wall Attenuation & Alternate Ventilation	1070	1,49,50,54	
		Underground Gasoline Storage Tanks* Testing Protocol.	1071	23,29,7503	
		Window Wall Attenuation & Alternate Ventilation	1071	23,29,7503	
		Underground Gasoline Storage Tanks* Testing Protocol.	1090	23	5/12/2017
			1090	10,7501	
		Window Wall Attenuation & Alternate Ventilation	1090	23	5/12/2017
			1090	10,36,42,7501	
E-138 5/11/2005	04DCP003K 050110 ZRK, 050111 ZMK, 050415 MMK, 040416 MMK, 040417 MMK, 040418 MMK, 050110 (A)ZRK, 050111 (A)ZMK 12c, 12d, 13a, 13b	Underground Gasoline Storage Tanks* Testing Protocol.	2289	14	
			2290	5,10	
			2291	1,17	
			2292	11,12,13,14,29,33	
			2296	14	
			2297	1,7501	
			2298	13,21,29,31	
			2299	1,9,21	
			2300	1,5,20,26	

			2304	12	12/20/2019
			2304	10,15,36,37	
		Window Wall Attenuation & Alternate Ventilation	2304	12	12/20/2019
			2304	10	
		Underground Gasoline Storage Tanks* Testing Protocol.	2305	15,16,17,18	
			2306	1,9,11,15,18,27,28, 30	
			2307	1,14,16,19,25,27, 31,33,36,38	
			2309	5	1/22/2018
			2309	13,15,17,7501	
			2310	9,10,11	
			2312	22,23	
			2313	1,5,7,11,13,22,24, 26,27,28,29,7501	
			2314	1,5	
			2315	14,21	
			2317	30	9/28/2018
			2317	1,3,5,6,7,8,12,13, 16,17,18,36	
			2319	31	
			2320	15	
			2321	13,14,25,36,37,38, 7501	
			2322	1,6,10,11,28,30	
			2323	9,10	
			2324	20,30,40,60,7501	

Window Wall Attenuation & Alternate Ventilation	2324	20,30,40,60,7501	
Underground Gasoline Storage Tanks* Testing Protocol.	2325	4,5,11,12,24,25,26, 27,28,29,31,32,103	
	2326	17,19,32,33,34,35	
	2327	2,4,5,16,17,18,19, 31,34	
	2331	7,8,42	
Exhaust stack location limitations	2332	20,30,40,7501	
Underground Gasoline Storage Tanks* Testing Protocol.	2332	20,30,40,7501	
Window Wall Attenuation & Alternate Ventilation	2332	20,30,40,7501	
Underground Gasoline Storage Tanks* Testing Protocol.	2333	1	
	2334	1,3,22,23,28,30,40, 45,50	
	2335	6,10,12,13,14,15	
	2337	20	
	2338	1	
	2339	5,7,9	6/1/2017
	2340	1,3,4,9,10,7501	
Window Wall Attenuation & Alternate Ventilation	2340	1,3,4,9,10,7501	
Underground Gasoline Storage Tanks* Testing Protocol.	2341	9	
	2342	1,16,23,26	
	2343	5,18,19	
No operable window and/or air intakes limitations	2344	26	3/18/2009

			Underground Gasoline Storage Tanks* Testing Protocol.	2344	5,16,26,7501	
				2346	26,30	
			Window Wall Attenuation & Alternate Ventilation	2346	26,30	
			Underground Gasoline Storage Tanks* Testing Protocol.	2349	1,15,18,21	
				2350	2,4,24,26,7501	
				2351	1,28,40	
				2352	20	7/14/2017
				2353	6,8,13,26,28	
				2357	1,4,18,20,21,22,24, 25	
				2358	36	9/12/2013
				2358	1,4,6,11,14,15,16, 22,24,25,28,29,31, 38	
				2363	2,3,9,20,26,28,36, 38	
				2364	15,16,17	
				2366	1	2/18/2016
				2366	21	10/28/2019
				2366	16,32	
				2367	7501	12/10/2015
				2367	7,27,28	
				2368	1,12,18,19,21,22, 26,27,28,31,32,33, 34	
				2369	4,6,7,14,19,27,37, 38,40	
				2371	21,40,42,48,50	
				2372	1,5,9	

			2374	1,7,27,28,31	
			2375	1	12/17/2018
			2375	12	1/16/2019
			2375	5,10,16	
			2378	1,2,3,11,14,21,26, 29,32,35,36,40	
			2379	44	4/2/2018
			2379	40	10/16/2018
			2379	8,9,12,13,16,19,24, 27,43	
		Window Wall Attenuation & Alternate Ventilation	2379	44	4/2/2018
			2379	40	10/16/2018
			2379	24,27,43	
		Underground Gasoline Storage Tanks* Testing Protocol.	2381	14	8/1/2013
			2381	1	
		Window Wall Attenuation & Alternate Ventilation	2381	1,14	
		Underground Gasoline Storage Tanks* Testing Protocol.	2382	28	
		Window Wall Attenuation & Alternate Ventilation	2382	28	
		Underground Gasoline Storage Tanks* Testing Protocol.	2384	8,22,23,24,25	
		Window Wall Attenuation & Alternate Ventilation	2384	22,23,24,25	
		Underground Gasoline Storage Tanks* Testing Protocol.	2386	7,12,14	
			2387	2,6,7,10,12	
			2390	15,16,17	

	2393	14,23,24	
Window Wall Attenuation & Alternate Ventilation	2393	14,23,24	
Underground Gasoline Storage Tanks* Testing Protocol.	2399	1,8	
	2404	1,5	
Window Wall Attenuation & Alternate Ventilation	2404	1,5	
Underground Gasoline Storage Tanks* Testing Protocol.	2411	1,12	
	2416	7,8,27	
Window Wall Attenuation & Alternate Ventilation	2416	8,27	
Underground Gasoline Storage Tanks* Testing Protocol.	2428	28,29,30	
	2441	12,24,38,41,47,107	
	2442	11,21,7501	
	2443	6,13,23,29,30,37, 41	
	2444	2,3,4,5,11,28	
	2446	68	
	2472	2,10,20,21,25,30, 35,50,55,60,65,70, 80,90,100,410,475	
Window Wall Attenuation & Alternate Ventilation	2472	2,10,20,21,25,30, 35,50,55,60,65,70, 80,90,100,410,475	
Underground Gasoline Storage Tanks* Testing Protocol.	2482	26	3/25/2014
	2482	1,4,6,7,8,21,39,53	
	2483	20	8/30/2017

				2483	11,12,14,15,17,19, 25,45,48,59,60,61, 62	
			Window Wall Attenuation & Alternate Ventilation	2483	11,12,25	
			Underground Gasoline Storage Tanks* Testing Protocol.	2487	10,12,17,18,20,21, 72	
				2494	1,6	
			Window Wall Attenuation & Alternate Ventilation	2494	1,6	
			Underground Gasoline Storage Tanks* Testing Protocol.	2502	1	
			Window Wall Attenuation & Alternate Ventilation	2502	1	
			Underground Gasoline Storage Tanks* Testing Protocol.	2503	1	
				2510	1	
			Window Wall Attenuation & Alternate Ventilation	2510	1	
			Underground Gasoline Storage Tanks* Testing Protocol.	2511	11,12,14,31,7501	
			Window Wall Attenuation & Alternate Ventilation	2511	11,14,31,7501	
			Underground Gasoline Storage Tanks* Testing Protocol.	2512	52,54,60	
			Window Wall Attenuation & Alternate Ventilation	2512	60	
			Underground Gasoline Storage Tanks* Testing Protocol.	2520	1,57	
			Window Wall Attenuation & Alternate Ventilation	2520	1,57	
			Underground Gasoline Storage Tanks* Testing Protocol.	2521	6,7504	11/21/2017
				2521	1,11,12,13,19,32	

Window Wall Attenuation & Alternate Ventilation	2521	11	10/23/2008
	2521	6,12,13,7504	
Underground Gasoline Storage Tanks* Testing Protocol.	2522	10,16,18,24,31	
	2530	1,55,56	
Window Wall Attenuation & Alternate Ventilation	2530	1,55,56	
Underground Gasoline Storage Tanks* Testing Protocol.	2531	35	2/6/2017
	2531	3	5/28/2019
	2531	1,2,9,10,12,20,36, 110	
Window Wall Attenuation & Alternate Ventilation	2531	35	2/6/2017
	2531	9,10,12,36,110	
Underground Gasoline Storage Tanks* Testing Protocol.	2532	1	
Window Wall Attenuation & Alternate Ventilation	2532	1	
Underground Gasoline Storage Tanks* Testing Protocol.	2538	1	
Window Wall Attenuation & Alternate Ventilation	2538	1	
Underground Gasoline Storage Tanks* Testing Protocol.	2539	1,8,27,29	
Window Wall Attenuation & Alternate Ventilation	2539	1,8,27,29	
Underground Gasoline Storage Tanks* Testing Protocol.	2543	1	
Window Wall Attenuation & Alternate Ventilation	2543	1	
Underground Gasoline Storage Tanks* Testing Protocol.	2549	1,5,10,14,25,28,36	

			No operable window and/or air intakes limitations	2556	55,57,58	
			Underground Gasoline Storage Tanks* Testing Protocol.	2556	1,45,46,55,57,58	
			Window Wall Attenuation & Alternate Ventilation	2556	1,45,46,55,57,58	
			No operable window and/or air intakes limitations	2557	7	
			Underground Gasoline Storage Tanks* Testing Protocol.	2557	1,3,7,24	
				2562	1,10,29,37,39	
				2564	1	
			Window Wall Attenuation & Alternate Ventilation	2564	1	
			Air Quality - HVAC fuel limited to natural gas	2565	1	
			Underground Gasoline Storage Tanks* Testing Protocol.	2565	1	
				2567	1	
			Window Wall Attenuation & Alternate Ventilation	2567	1	
			Underground Gasoline Storage Tanks* Testing Protocol.	2568	1	
			Exhaust stack location limitations	2570	36	
			Underground Gasoline Storage Tanks* Testing Protocol.	2570	1,10,20,30,36,40, 50	
			Window Wall Attenuation & Alternate Ventilation	2570	1,10,20,30,36,40, 50	
			No operable window and/or air intakes limitations	2571	18	1/12/2018
			Underground Gasoline Storage Tanks* Testing Protocol.	2571	18	1/12/2018
				2571	1,9	

		2589	5,13	
		2590	1,25,210,215,222	
	Window Wall Attenuation & Alternate Ventilation	2590	1,210,215,222	
	No operable window and/or air intakes limitations	2644	43	
	Underground Gasoline Storage Tanks* Testing Protocol.	2644	43	
		2679	46	
		2697	1,7,16,7501	
		2698	5,7,11,15,25,26, 7501	
		2699	9,15,17	
		2701	1,2,50	
		2713	1,7501,7502	
	No operable window and/or air intakes limitations	2714	33	1/6/2020
		2714	13	
	Underground Gasoline Storage Tanks* Testing Protocol.	2714	13,30,32,33	
		2719	32	11/2/2016
		2719	11,14,31,7501,7502	
		2720	9,10,12,19,41,43, 44,45,46	
	Exhaust stack location limitations	2721	7502,7503,7504	
	Underground Gasoline Storage Tanks* Testing Protocol.	2721	7501,7502,7503, 7504	
		2722	8,10,13,15,16,25, 34,36,7501	
	No operable window and/or air intakes limitations	2723	36	3/18/2009

			2723	29,30,33	
		Underground Gasoline Storage Tanks* Testing Protocol.	2723	1,5,7,29,30,33,36, 37,38	
			2724	1,7,10,12,18,30,31, 33,34,37	
			2727	1,47	
			2731	1,35,36,38,41,44, 45,47	
			2732	5,27,30,33	
			2733	6,7,10	
			2734	3,4,5,7,11,13,35, 38	
		No operable window and/or air intakes limitations	2736	20,23	
		Underground Gasoline Storage Tanks* Testing Protocol.	2736	1,9,20,23,48	
			2737	10,11	
			2738	3,5,10,13,15,21,24	
			2741	3,7,8,13,15,19,47	
			2742	2,4,5,9,15,17,20, 35	
			2746	39,40,41,42	
E-139 3/23/2005	05DCP023K 050133 ZRK, 050134 ZMK, 050134 ZMK(A) 22a,22b	Air Quality - HVAC fuel limited to natural gas	6053	14,17	
			6065	28,39	
		Underground Gasoline Storage Tanks* Testing Protocol.	6065	28,39	
			6066	19,31,32,35	
		Air Quality - HVAC fuel limited to natural gas	6082	6,13	
		Underground Gasoline Storage Tanks* Testing Protocol.	6082	6,13,14,33	

		Air Quality - HVAC fuel limited to natural gas	6086	1	
		Window Wall Attenuation & Alternate Ventilation	6106	34	
		Underground Gasoline Storage Tanks* Testing Protocol.	6107	1	
		Air Quality - HVAC fuel limited to natural gas	6116	35,39	
		Window Wall Attenuation & Alternate Ventilation	6116	35,39	
			6126	7,12	
E-140	05DCP029Q	Air Quality - HVAC fuel limited to natural gas	9249	50	
2/2/2005	050153 ZMQ	Underground Gasoline Storage Tanks* Testing Protocol.	9249	50	
	14b,14d	Window Wall Attenuation & Alternate Ventilation	9249	65	
		Underground Gasoline Storage Tanks* Testing Protocol.	9250	45,49,54	
			9252	28	
			9275	57,59,60,61,62,65, 162	
			9281	9,11,16,21,44,118	
		Window Wall Attenuation & Alternate Ventilation	9281	9,11,16,21,44,118	
		Air Quality - HVAC fuel limited to natural gas	9282	2	
		Underground Gasoline Storage Tanks* Testing Protocol.	9282	2	
			9283	25,26,27,28	
		Window Wall Attenuation & Alternate Ventilation	9283	25,26,27,28	
		Underground Gasoline Storage Tanks* Testing Protocol.	9284	50	
			9285	40	

			9299	76	
			9302	6	
			9303	6	
			9331	1,8	
		Window Wall Attenuation & Alternate Ventilation	9331	1,8	
			9332	30,58,59	
		Underground Gasoline Storage Tanks* Testing Protocol.	9333	73	
		Window Wall Attenuation & Alternate Ventilation	9333	73	
			9355	47	11/19/2018
			9355	49	
		Underground Gasoline Storage Tanks* Testing Protocol.	9621	14,23	
			9622	26,32	
E-141 6/8/2005	04DCP031K 040389 ZMK 17c	Underground Gasoline Storage Tanks* Testing Protocol.	4153	25,27,28	
		Window Wall Attenuation & Alternate Ventilation	4153	146,147,148,149	
E-142 6/23/2005	03DCP069M 050161 ZRM 8b	Underground Gasoline Storage Tanks* Testing Protocol.	689	17	
		Window Wall Attenuation & Alternate Ventilation	689	17	
		Air Quality - HVAC fuel limited to natural gas	690	12,20,29,42,46,54	
		Underground Gasoline Storage Tanks* Testing Protocol.	690	12,20,29,42,46,54	

Window Wall Attenuation & Alternate Ventilation	690	12,20,29,42,46,54	
Air Quality - HVAC fuel limited to natural gas	691	15,19,22,24,33,35, 37,43,50,7502	
Underground Gasoline Storage Tanks* Testing Protocol.	691	7502	9/7/2016
	691	11,15,19,22,24,33, 35,37,43,50	
Window Wall Attenuation & Alternate Ventilation	691	11,15,19,22,24,33, 35,37,43,50,7502	
Air Quality - HVAC fuel limited to natural gas	692	57	
Underground Gasoline Storage Tanks* Testing Protocol.	692	28,30,53,57,61,63, 7501	
Window Wall Attenuation & Alternate Ventilation	692	28,30,53,57,61,63, 7501	
Underground Gasoline Storage Tanks* Testing Protocol.	693	1,64	
Window Wall Attenuation & Alternate Ventilation	693	1,64	
Air Quality - HVAC fuel limited to natural gas	694	47	
Underground Gasoline Storage Tanks* Testing Protocol.	694	33,39,40,47,58,60, 61,65	
Window Wall Attenuation & Alternate Ventilation	694	33,39,40,47,58,60, 61,65	
Air Quality - HVAC fuel limited to natural gas	695	1,3,4,7503,7506	
Underground Gasoline Storage Tanks* Testing Protocol.	695	1,3,4,44,47,7503, 7506	
Window Wall Attenuation & Alternate Ventilation	695	1,3,4,44,47,7503, 7506	
Air Quality - HVAC fuel limited to natural gas	696	58,65	

Underground Gasoline Storage Tanks* Testing Protocol.	696	7503	5/25/2018
	696	38	11/9/2020
	696	1,26,28,33,35,40, 58,65	
Window Wall Attenuation & Alternate Ventilation	696	7503	5/25/2018
	696	38	11/9/2020
	696	1,26,28,33,35,40, 58,65	
Air Quality - HVAC fuel limited to natural gas	697	27,31	
Underground Gasoline Storage Tanks* Testing Protocol.	697	1,27,31	
Window Wall Attenuation & Alternate Ventilation	697	1,31	
Air Quality - HVAC fuel limited to natural gas	698	1,32,35,37,40	
Air Quality - Natural Gas Heat & Hot Water	698	141	
Underground Gasoline Storage Tanks* Testing Protocol.	698	1,32,35,37,40,141	
Window Wall Attenuation & Alternate Ventilation	698	1,32,35,37,40	
Air Quality - HVAC fuel limited to natural gas	699	1,5,14,33,49	
Underground Gasoline Storage Tanks* Testing Protocol.	699	7503	6/13/2019
	699	1,5,9,14,22,23,24, 25,26,27,33,49,63	
Window Wall Attenuation & Alternate Ventilation	699	7503	6/13/2019
	699	1,5,9,14,33,49,63	
Air Quality - HVAC fuel limited to natural gas	700	9,42,44,45,47,48, 49,53,54,55,56,57, 59,60,61	

		Underground Gasoline Storage Tanks* Testing Protocol.	700	1,9,18,32,34,36,42, 44,45,47,48,49,53, 54,55,56,57,59,60, 61	
		Window Wall Attenuation & Alternate Ventilation	700	1,9,18,32,34,36,42, 44,45,47,48,49,53, 54,55,56,57,59,60, 61	
		Air Quality - HVAC fuel limited to natural gas	701	1,24,28,59,62,68, 70,7502	
		Underground Gasoline Storage Tanks* Testing Protocol.	701	1,11,16,22,23,24, 28,58,59,62,68,70, 7501,7502	
		Window Wall Attenuation & Alternate Ventilation	701	1,11,16,22,23,24, 28,58,59,62,68,70, 7501,7502	
		Air Quality - HVAC fuel limited to natural gas	714	14,16	
		Underground Gasoline Storage Tanks* Testing Protocol.	714	1,14,16	
		Window Wall Attenuation & Alternate Ventilation	714	1,14,16	
		Air Quality - HVAC fuel limited to natural gas	715	2,3,5,7,50,59,60, 63,64	
		Underground Gasoline Storage Tanks* Testing Protocol.	715	2,3,5,7,50,59,60, 63,64	
		Window Wall Attenuation & Alternate Ventilation	715	2,3,5,7,50,59,60, 63,64	
E-143	05DCP005X	Underground Gasoline Storage Tanks* Testing Protocol.	2260	1,4,10,17,18,19,34, 38,180	
3/9/2005	050120 ZMX	Window Wall Attenuation & Alternate Ventilation	2260	1,4,10,17,18,19,34, 38,180	
	6a,6b	Underground Gasoline Storage Tanks* Testing Protocol.	2261	2,3,5,9,15,22,23, 27,30,32,48,49,50, 51,55,62	
		Window Wall Attenuation & Alternate Ventilation	2261	3,5,9,15,22,23,27, 30,32,48,49,50,51, 55,62	

Underground Gasoline Storage Tanks* Testing Protocol.	2277	1,2,5,10,78,82,94	
Window Wall Attenuation & Alternate Ventilation	2277	1,2,5,10,78,82,94	
Air Quality - HVAC fuel limited to natural gas	2295	40	11/30/2018
	2295	49,51,67	
Underground Gasoline Storage Tanks* Testing Protocol.	2295	40	11/30/2018
	2295	49,51,67,71	
Window Wall Attenuation & Alternate Ventilation	2295	40	11/30/2018
	2295	49,51,67,71	
Underground Gasoline Storage Tanks* Testing Protocol.	2308	1,5,18	
Window Wall Attenuation & Alternate Ventilation	2308	1,5,18	
Air Quality - HVAC fuel limited to natural gas	2316	1	
Underground Gasoline Storage Tanks* Testing Protocol.	2316	1	
Window Wall Attenuation & Alternate Ventilation	2316	1	
Air Quality - HVAC fuel limited to natural gas	2319	2,5,55,60,120,155	
Underground Gasoline Storage Tanks* Testing Protocol.	2319	2,55,60,98,100,109, 120,155	
Window Wall Attenuation & Alternate Ventilation	2319	2,55,60,98,100,109, 120,155	
Air Quality - HVAC fuel limited to natural gas	2546	135,137,138	
Underground Gasoline Storage Tanks* Testing Protocol.	2546	98,99,100,135,137, 138,140	

		Window Wall Attenuation & Alternate Ventilation	2546	98,99,100,135,137, 138,140	
		Underground Gasoline Storage Tanks* Testing Protocol.	2562	17,21,25,40,65,66, 67,68	
		Window Wall Attenuation & Alternate Ventilation	2562	17,21,25,40,65,66, 67,68	
E-144 7/27/2005	05DCP052Q 050277 ZMQ 10c	Air Quality - HVAC fuel limited to natural gas	5263	30	
			5264	1,29	
		Underground Gasoline Storage Tanks* Testing Protocol.	5264	1,29	
		Air Quality - HVAC fuel limited to natural gas	5265	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	5265	1	
			5266	1	
		Air Quality - HVAC fuel limited to natural gas	5326	70,72	
		Underground Gasoline Storage Tanks* Testing Protocol.	5326	70,72	
		Window Wall Attenuation & Alternate Ventilation	5326	70,72	
		Air Quality - HVAC fuel limited to natural gas	5333	8	
			5395	22	
		Underground Gasoline Storage Tanks* Testing Protocol.	5395	22	
E-145 7/27/2005	05DCP055K 050296 ZMK 22d	Underground Gasoline Storage Tanks* Testing Protocol.	6253	29	
			6618	27,48,52	

E-146 7/27/2005	05DCP054X 050289 ZMX 2b, 4a	Underground Gasoline Storage Tanks* Testing Protocol.	4564	75	
		Window Wall Attenuation & Alternate Ventilation	4564	68,75	
		Underground Gasoline Storage Tanks* Testing Protocol.	4589	40	
		Air Quality - HVAC fuel limited to natural gas	4762	92,95,98,102	
		Underground Gasoline Storage Tanks* Testing Protocol.	4762	98,105,106	
E-147 10/11/2005	03DCP053X 030370 ZMX 3d	Underground Gasoline Storage Tanks* Testing Protocol.	2953	6	
E-148 9/28/2005	05DCP092Q 050482 ZMQ 7b, 10a	Underground Gasoline Storage Tanks* Testing Protocol.	4046	18,20	
		Window Wall Attenuation & Alternate Ventilation	4046	18,20	
		Underground Gasoline Storage Tanks* Testing Protocol.	4048	7,8,23	
		Window Wall Attenuation & Alternate Ventilation	4048	7,8,23	
		Underground Gasoline Storage Tanks* Testing Protocol.	4070	25	
		Window Wall Attenuation & Alternate Ventilation	4070	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	4128	5	
			4164	29	
			4256	16,94	

E-149 10/11/2005	06DCP001M 060006ZMM 8b	Air Quality - HVAC fuel limited to natural gas	640	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	640	1	
		Window Wall Attenuation & Alternate Ventilation	640	1	
		Air Quality - HVAC fuel limited to natural gas	641	36	
		Underground Gasoline Storage Tanks* Testing Protocol.	641	36,75	
		Window Wall Attenuation & Alternate Ventilation	641	36,75	
		Underground Gasoline Storage Tanks* Testing Protocol.	642	1,72	
		Window Wall Attenuation & Alternate Ventilation	642	1,38,39,72	
		Underground Gasoline Storage Tanks* Testing Protocol.	643	36	
		Window Wall Attenuation & Alternate Ventilation	643	36,38	
E-150 2/1/2006	03DCP064X 030461ZMX 3d	Underground Gasoline Storage Tanks* Testing Protocol.	2985	31,64	
E-151 9/28/2005	04DCP056M 040488ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1456	21	

E-152	06DCP014K	Air Quality - HVAC fuel limited to natural gas	631	1,4,5,6,7,9,10	
11/16/2005	060053ZRK 060054ZMK	Underground Gasoline Storage Tanks* Testing Protocol.	631	1,4,5,6,7,9,10	
	16d	Window Wall Attenuation & Alternate Ventilation	631	6,7,9,10	
		Underground Gasoline Storage Tanks* Testing Protocol.	634	1,5	
			637	1	
			643	1,2,3,4,5,6,70	
		Air Quality - HVAC fuel limited to natural gas	1051	32,33,34,35,36,37, 39	
		Underground Gasoline Storage Tanks* Testing Protocol.	1051	32,33,34,35,36,37, 39	
		Window Wall Attenuation & Alternate Ventilation	1051	32,33,34,35,36,37, 39	
		Air Quality - HVAC fuel limited to natural gas	1052	5	3/20/2020
			1052	7,8,9,10	
		Underground Gasoline Storage Tanks* Testing Protocol.	1052	5,7,8,9,10,43,44, 45,46,47,7501	
		Window Wall Attenuation & Alternate Ventilation	1052	5	3/20/2020
			1052	7,8,9,10	
E-153	06DCP011Q	Underground Gasoline Storage Tanks* Testing Protocol.	4860	15	
12/21/2005	060055ZMQ 7b	Window Wall Attenuation & Alternate Ventilation	4860	15	

E-155	06DCP026K	Air Quality - HVAC fuel limited to natural gas	6774	1,72,78,80	
2/15/2006	060129ZMK	Underground Gasoline Storage Tanks* Testing Protocol.	6774	59	6/20/2018
	23b		6774	1,72,78,80	
		Window Wall Attenuation & Alternate Ventilation	6774	1,59,72,78,80	
		Air Quality - HVAC fuel limited to natural gas	6782	28	7/26/2018
			6782	32,57,58,59,60,62, 63,64,65,66,67	
		Underground Gasoline Storage Tanks* Testing Protocol.	6794	64,74	
		Window Wall Attenuation & Alternate Ventilation	6794	64,74	
		Air Quality - HVAC fuel limited to natural gas	6803	70,71,72,73,74,75, 77,79,83,84,86,87	
		Underground Gasoline Storage Tanks* Testing Protocol.	7353	7501	
			7381	1,15	
		Air Quality - HVAC fuel limited to natural gas	7404	28,30,31,32,33,34, 35,36,44	
		Underground Gasoline Storage Tanks* Testing Protocol.	7404	28,30,31,32,33,34, 35,36,44	
			7421	37	
			7464	16	
E-157	06DCP035X	Air Quality - HVAC fuel limited to natural gas	4235	36,55,104	
3/22/2006	060179ZMX	Underground Gasoline Storage Tanks* Testing Protocol.	4235	36,55,104	
	4a	Window Wall Attenuation & Alternate Ventilation	4235	36,55,104	
		Air Quality - HVAC fuel limited to natural gas	4248	56	

		Underground Gasoline Storage Tanks* Testing Protocol.	4248	56	
		Window Wall Attenuation & Alternate Ventilation	4248	56	
E-158 3/22/2006	06DCP034X 060180ZMX 4b	Air Quality - HVAC fuel limited to natural gas	3974	50	
		Underground Gasoline Storage Tanks* Testing Protocol.	3974	50	
		Window Wall Attenuation & Alternate Ventilation	3974	50	
		Air Quality - HVAC fuel limited to natural gas	3980	1,38	
		Underground Gasoline Storage Tanks* Testing Protocol.	3980	1,38	
		Window Wall Attenuation & Alternate Ventilation	3980	1,38	
E-159 4/5/2006	06DCP030K 060130ZMK 16d	Underground Gasoline Storage Tanks* Testing Protocol.	6703	55	9/6/2017
		Air Quality - HVAC fuel limited to natural gas	6712	81,82,83,84	
			6730	7,9,10	
		Window Wall Attenuation & Alternate Ventilation	6731	56	
		Air Quality - HVAC fuel limited to natural gas	6738	15,17,74,75,76,77, 78,79	
			6739	26	9/14/2017
			6739	15,16,28	
			6740	55,56,57,58	
			6749	73,76,78,86,91	
		Underground Gasoline Storage Tanks* Testing Protocol.	6749	54,56,73,76,78,86, 91	

		Window Wall Attenuation & Alternate Ventilation	6749	54,56,73,76,78,86, 91	
		Air Quality - Operable Window Limitations	6758	51	
		Underground Gasoline Storage Tanks* Testing Protocol.	6758	51	
		Window Wall Attenuation & Alternate Ventilation	6758	1	
		Air Quality - HVAC fuel limited to natural gas	6765	20,21,25,27	
		Underground Gasoline Storage Tanks* Testing Protocol.	6766	7,12,20,21	
		Air Quality - HVAC fuel limited to natural gas	7656	55,58	3/22/2019
		Underground Gasoline Storage Tanks* Testing Protocol.	7656	55,58	
			7674	1	
E-160 4/26/2006	05DCP089M 060210ZMM 8d	Window Wall Attenuation & Alternate Ventilation	825	31	
		Air Quality - HVAC fuel limited to natural gas	826	46	
		Underground Gasoline Storage Tanks* Testing Protocol.	826	46	
		Window Wall Attenuation & Alternate Ventilation	826	46,7501	
E-161 6/13/2006	02DCP045K 020518ZMK 12d	Window Wall Attenuation & Alternate Ventilation	2128	5,25	
			2134	48,50,56,250	

E-162	06DCP067M	Underground Gasoline Storage Tanks* Testing Protocol.	217	7503	
9/13/2006	040543ZMM	Window Wall Attenuation & Alternate Ventilation	217	7503	
	12a	Underground Gasoline Storage Tanks* Testing Protocol.	218	14	
		Window Wall Attenuation & Alternate Ventilation	218	14	
		Underground Gasoline Storage Tanks* Testing Protocol.	223	18	
		Window Wall Attenuation & Alternate Ventilation	223	3,5,7,9,11,12	5/1/2018
			223	13,20	
			224	1	
E-163	06DCP065Q	Air Quality - HVAC fuel limited to natural gas	1319	1,21	
6/29/2006	060294ZMQ	Underground Gasoline Storage Tanks* Testing Protocol.	1319	1,21	
	9d	Window Wall Attenuation & Alternate Ventilation	1319	1,21	
		Air Quality - HVAC fuel limited to natural gas	1320	12,33,37	
		Underground Gasoline Storage Tanks* Testing Protocol.	1320	12,33,37,47,51	
		Window Wall Attenuation & Alternate Ventilation	1320	12,33,37,47,51	
		Air Quality - HVAC fuel limited to natural gas	1321	1,41,42,43	
		Underground Gasoline Storage Tanks* Testing Protocol.	1321	1,41,42,43	
		Window Wall Attenuation & Alternate Ventilation	1321	1,41,42,43	

			Air Quality - HVAC fuel limited to natural gas	1322	1,2,3,39	
			Underground Gasoline Storage Tanks* Testing Protocol.	1322	1,2,3,39	
			Window Wall Attenuation & Alternate Ventilation	1322	1,2,3,39	
			Air Quality - HVAC fuel limited to natural gas	1323	42,44,52	
			Underground Gasoline Storage Tanks* Testing Protocol.	1323	42,44,52	
			Window Wall Attenuation & Alternate Ventilation	1323	42,44,52	
			Air Quality - HVAC fuel limited to natural gas	1329	1,4	
			Underground Gasoline Storage Tanks* Testing Protocol.	1329	1,4	
			Window Wall Attenuation & Alternate Ventilation	1329	1,4	
			Air Quality - HVAC fuel limited to natural gas	1330	1,34	
			Underground Gasoline Storage Tanks* Testing Protocol.	1330	1,34	
			Window Wall Attenuation & Alternate Ventilation	1330	1,34	
			Air Quality - HVAC fuel limited to natural gas	1334	1	
			Underground Gasoline Storage Tanks* Testing Protocol.	1334	1	
			Window Wall Attenuation & Alternate Ventilation	1334	1	
			Underground Gasoline Storage Tanks* Testing Protocol.	1338	1	
			Window Wall Attenuation & Alternate Ventilation	1338	1	

Underground Gasoline Storage Tanks* Testing Protocol.	1341	77	
Window Wall Attenuation & Alternate Ventilation	1341	77	
Underground Gasoline Storage Tanks* Testing Protocol.	1342	1	
Window Wall Attenuation & Alternate Ventilation	1343	1	
Underground Gasoline Storage Tanks* Testing Protocol.	1348	40,53	
Window Wall Attenuation & Alternate Ventilation	1348	40,53	
Underground Gasoline Storage Tanks* Testing Protocol.	1351	82	
Window Wall Attenuation & Alternate Ventilation	1351	82	
Air Quality - HVAC fuel limited to natural gas	1352	6,22,23,25,32,36, 46,49,51,52,53,75, 121,125,131	
Air Quality - Operable Window Limitations	1352	22,23,131	
Underground Gasoline Storage Tanks* Testing Protocol.	1352	6,22,23,25,32,36, 46,49,51,52,53,75, 121,125,131	
Window Wall Attenuation & Alternate Ventilation	1352	6,22,23,25,32,36, 46,49,51,52,53,75, 121,125,131	
Air Quality - HVAC fuel limited to natural gas	2324	39	
Underground Gasoline Storage Tanks* Testing Protocol.	2324	39	
Window Wall Attenuation & Alternate Ventilation	2324	39	
Air Quality - HVAC fuel limited to natural gas	2325	32	

		Underground Gasoline Storage Tanks* Testing Protocol.	2325	32	
		Window Wall Attenuation & Alternate Ventilation	2325	32	
		Underground Gasoline Storage Tanks* Testing Protocol.	2392	20,22,23	
		Window Wall Attenuation & Alternate Ventilation	2392	20,22,23	
		Air Quality - HVAC fuel limited to natural gas	2420	13,19	
		Underground Gasoline Storage Tanks* Testing Protocol.	2420	13,19	
		Window Wall Attenuation & Alternate Ventilation	2420	13,19	
		Underground Gasoline Storage Tanks* Testing Protocol.	2431	33,54	
		Window Wall Attenuation & Alternate Ventilation	2431	33,54	
		Air Quality - HVAC fuel limited to natural gas	2432	9,21,23,26,34	
		Underground Gasoline Storage Tanks* Testing Protocol.	2432	9,21,23,26,34	
		Window Wall Attenuation & Alternate Ventilation	2432	9,21,23,26,34	
		Underground Gasoline Storage Tanks* Testing Protocol.	2444	40,51,53,55,57	
		Window Wall Attenuation & Alternate Ventilation	2444	40,51,53,55,57	
E-164 8/16/2006	05DCP080Q 060323ZMQ 9b	Window Wall Attenuation & Alternate Ventilation	477	13,15,20,24	

E-165 6/29/2006	06DCP072Q 060337ZMQ 14c, 14d	Underground Gasoline Storage Tanks* Testing Protocol.	6853	23	
			6854	31	
			6855	31,36	
			6856	38	
		Air Quality - HVAC fuel limited to natural gas	6857	64,65,67,69	
		Underground Gasoline Storage Tanks* Testing Protocol.	6857	53,64,65,67,69	
			6859	14	
		Air Quality - HVAC fuel limited to natural gas	6862	323,327,331,340, 341,344	
		Underground Gasoline Storage Tanks* Testing Protocol.	6862	323,327,331,340, 341,344	
			7014	2,6	
			7018	7	
		Air Quality - HVAC fuel limited to natural gas	9751	1,7	
		Underground Gasoline Storage Tanks* Testing Protocol.	9751	1,7	
		Air Quality - HVAC fuel limited to natural gas	9789	6,11,13,14	
		Underground Gasoline Storage Tanks* Testing Protocol.	9789	6,11,13,14	
E-166 7/19/2006	06DCP071X 060335ZMX 4a	Air Quality - HVAC fuel limited to natural gas	4223	30,36	
		Underground Gasoline Storage Tanks* Testing Protocol.	4223	30,36	
		Window Wall Attenuation & Alternate Ventilation	4223	30,36	
		Air Quality - HVAC fuel limited to natural gas	4273	11,20,23	

		Underground Gasoline Storage Tanks* Testing Protocol.	4273	11,20,23,29	
		Air Quality - HVAC fuel limited to natural gas	4274	61	
		Underground Gasoline Storage Tanks* Testing Protocol.	4274	61	
		Air Quality - HVAC fuel limited to natural gas	4306	14,15,16,20	
		Underground Gasoline Storage Tanks* Testing Protocol.	4306	14,15,16,20	
		Air Quality - HVAC fuel limited to natural gas	4307	32,35,38	
		Underground Gasoline Storage Tanks* Testing Protocol.	4307	32,35,38	
		Air Quality - HVAC fuel limited to natural gas	4310	30,35	
		Air Quality - Operable Window Limitations	4310	30,35	
		Underground Gasoline Storage Tanks* Testing Protocol.	4310	30,35	
		Air Quality - Operable Window Limitations	4332	20	
		Underground Gasoline Storage Tanks* Testing Protocol.	4332	12,20	
E-167	06DCP076X	Air Quality - HVAC fuel limited to natural gas	5776	619,621	
7/19/2006	060214ZMX	Underground Gasoline Storage Tanks* Testing Protocol.	5776	619,621	
	1d	Window Wall Attenuation & Alternate Ventilation	5776	619,621	

E-168 10/25/2006	06DME001R 060471ZMR 21c 21d	Underground Gasoline Storage Tanks* Testing Protocol.	489	25	
		Window Wall Attenuation & Alternate Ventilation	489	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	490	24,26,37,45	
		Window Wall Attenuation & Alternate Ventilation	490	24,26,37,45	
		Underground Gasoline Storage Tanks* Testing Protocol.	491	29,32,37,41,42,46	
		Window Wall Attenuation & Alternate Ventilation	491	29,32,37,41,42,44, 46	
			492	29,31	
		Underground Gasoline Storage Tanks* Testing Protocol.	493	12	
		Window Wall Attenuation & Alternate Ventilation	493	12	
		Underground Gasoline Storage Tanks* Testing Protocol.	494	18,19,21,30	
		Window Wall Attenuation & Alternate Ventilation	494	18,19,21,24,30	
E-169 11/15/2006	02DCP044Q 020127ZMQ 9d	Underground Gasoline Storage Tanks* Testing Protocol.	1536	201,210	
E-171 10/25/2006	05DCP066Q 060303ZMQ 10b	Underground Gasoline Storage Tanks* Testing Protocol.	5165	28	

E-172 2/28/2007	05DCP063Y 060104ZMM 8c	Underground Gasoline Storage Tanks* Testing Protocol.	1152	58,61	
E-173 3/28/2007	05DCP070M 050414ZMM 6a	Underground Gasoline Storage Tanks* Testing Protocol.	2013	1,3	
		Window Wall Attenuation & Alternate Ventilation	2013	1,3,61	
E-174 2/28/2007	07DCP014Q 070119ZMQ 10b 10d	Underground Gasoline Storage Tanks* Testing Protocol.	5133	1	
			6375	9	
			6376	25	
			6731	1,12	
E-175 9/10/2007	05DCP081Q 070314ZMQ 14d	Underground Gasoline Storage Tanks* Testing Protocol.	9618	30	
		Window Wall Attenuation & Alternate Ventilation	9618	30	
		Underground Gasoline Storage Tanks* Testing Protocol.	9619	1,8,12,19,28,54	
		Window Wall Attenuation & Alternate Ventilation	9619	1,8,12,19,24,28,54	
		Underground Gasoline Storage Tanks* Testing Protocol.	9620	60	5/31/2017
			9620	1,11,45	
		Window Wall Attenuation & Alternate Ventilation	9620	1,11,45,60	
			9625	75	
		Underground Gasoline Storage Tanks* Testing Protocol.	9626	7,12,14,17,19,21, 55,75	
		Window Wall Attenuation & Alternate Ventilation	9626	1,7,12,14,17,19,21, 55,75	

		Underground Gasoline Storage Tanks* Testing Protocol.	9674	1,47,48,49,50	
		Window Wall Attenuation & Alternate Ventilation	9674	1,47,48,49,50	
		Underground Gasoline Storage Tanks* Testing Protocol.	9676	13,22	
		Window Wall Attenuation & Alternate Ventilation	9676	13,22	
			9677	1,16	
			9678	94,99	
		Underground Gasoline Storage Tanks* Testing Protocol.	9679	78,89	
		Window Wall Attenuation & Alternate Ventilation	9679	77,78,89	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9681	73	4/11/2019
			9681	41,43,47,49,50,52, 54,56,58,59,60,61, 62,64,71,83,84,85, 87,90,91,93,94	
		Window Wall Attenuation & Alternate Ventilation	9681	73	4/11/2019
			9681	52,54,56,58,59,60, 61,62,64,71	
		Underground Gasoline Storage Tanks* Testing Protocol.	9685	1,4,6,52,59	
		Window Wall Attenuation & Alternate Ventilation	9685	1,4,6,52,59	
		Underground Gasoline Storage Tanks* Testing Protocol.	9688	17	
		Window Wall Attenuation & Alternate Ventilation	9688	6,8,9,14,17	
		Underground Gasoline Storage Tanks* Testing Protocol.	9689	8,16,20	
		Window Wall Attenuation & Alternate Ventilation	9689	8,16,20	

	9690	7,9,10,14	
	9692	54	
	9693	60	
Underground Gasoline Storage Tanks* Testing Protocol.	9694	14,17	
Window Wall Attenuation & Alternate Ventilation	9694	14,17,23,26,27,36, 44,47,49	
Underground Gasoline Storage Tanks* Testing Protocol.	9697	8,26,31,34,39	
Window Wall Attenuation & Alternate Ventilation	9697	8,12,26,31,34,39, 41,43,45,47,48,50, 52	
Underground Gasoline Storage Tanks* Testing Protocol.	9698	27	
Window Wall Attenuation & Alternate Ventilation	9698	27	
Underground Gasoline Storage Tanks* Testing Protocol.	9701	31	
Window Wall Attenuation & Alternate Ventilation	9701	31	
	9702	79,83	
Underground Gasoline Storage Tanks* Testing Protocol.	9704	63	
Window Wall Attenuation & Alternate Ventilation	9704	43,44,63	
Underground Gasoline Storage Tanks* Testing Protocol.	9706	64,69,72,80,83,88, 98	
Window Wall Attenuation & Alternate Ventilation	9706	64,69,72,75,80,83, 88,98	
	9753	3,5,6,8,9,11,13	
Underground Gasoline Storage Tanks* Testing Protocol.	9754	25	

Window Wall Attenuation & Alternate Ventilation	9754	25,48	
	9756	1	
Underground Gasoline Storage Tanks* Testing Protocol.	9757	18	
Window Wall Attenuation & Alternate Ventilation	9757	18	
Air Quality - HVAC fuel limited to natural gas	9760	82	
Exhaust stack location limitations	9760	82	
Underground Gasoline Storage Tanks* Testing Protocol.	9760	61	
Window Wall Attenuation & Alternate Ventilation	9760	1,45,61,82	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9761	14	
Air Quality - HVAC fuel limited to natural gas	9761	80,95	
Exhaust stack location limitations	9761	14,80,95	
Underground Gasoline Storage Tanks* Testing Protocol.	9761	61	
Window Wall Attenuation & Alternate Ventilation	9761	14,57,61,80,82,83, 95	
	9762	10,16,17,19,23,35, 36,37,38,41,49,54, 56,57	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9763	55	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9763	23,25,26,36,42,44, 45,47,51	
Air Quality - HVAC fuel limited to natural gas	9763	1	

Underground Gasoline Storage Tanks* Testing Protocol.	9763	3,5,7,9,11,13	
Window Wall Attenuation & Alternate Ventilation	9763	1,3,5,7,9,11,13,23, 25,26,36,42,44,45, 47,51,55	
	9764	15,63	
Underground Gasoline Storage Tanks* Testing Protocol.	9765	39,41,43	
Window Wall Attenuation & Alternate Ventilation	9765	32,37,39,41,43	
	9767	26,35,36	
Underground Gasoline Storage Tanks* Testing Protocol.	9769	64,68	
Window Wall Attenuation & Alternate Ventilation	9769	64,68	
	9771	1	
Underground Gasoline Storage Tanks* Testing Protocol.	9793	11,14	
Window Wall Attenuation & Alternate Ventilation	9793	1,11,14,29,49	
Underground Gasoline Storage Tanks* Testing Protocol.	9794	48	
Window Wall Attenuation & Alternate Ventilation	9796	25,63	
	9813	8	8/23/2018
	9813	5,11,14,16,25	
Air Quality - HVAC fuel limited to natural gas	9814	34	
Exhaust stack location limitations	9814	34	
Underground Gasoline Storage Tanks* Testing Protocol.	9814	34	

Window Wall Attenuation & Alternate Ventilation	9814	34,81	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9816	39,41,49	
Window Wall Attenuation & Alternate Ventilation	9816	39,41,49	
Underground Gasoline Storage Tanks* Testing Protocol.	9818	53,54,56	
Window Wall Attenuation & Alternate Ventilation	9818	53,54,56,62,67,73	
Underground Gasoline Storage Tanks* Testing Protocol.	9821	6,11	
Window Wall Attenuation & Alternate Ventilation	9821	6,11	
	9822	29,32,36	
Underground Gasoline Storage Tanks* Testing Protocol.	9826	52	
Window Wall Attenuation & Alternate Ventilation	9826	52	
Underground Gasoline Storage Tanks* Testing Protocol.	9827	25	2/8/2021
	9827	31,37	
Window Wall Attenuation & Alternate Ventilation	9827	25	2/8/2021
	9827	31,37	
Underground Gasoline Storage Tanks* Testing Protocol.	9829	35,36,37,41,136	
Window Wall Attenuation & Alternate Ventilation	9829	35,36,37,41,136	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9834	16,20,26,28,33	
Air Quality - HVAC fuel limited to natural gas	9834	1,3,5,6,8,10	

Underground Gasoline Storage Tanks* Testing Protocol.	9834	16,20,26	
Window Wall Attenuation & Alternate Ventilation	9834	1,3,5,6,8,10,16,20, 26,28,33	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9835	33	5/7/2018
	9835	26	4/20/2020
	9835	23,28,30,50	
Exhaust stack location limitations	9835	33	5/7/2018
	9835	26	4/20/2020
	9835	23,28,30,50	
Window Wall Attenuation & Alternate Ventilation	9835	33	5/7/2018
	9835	26	4/20/2020
	9835	23,28,30,50	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9837	1,10	
Underground Gasoline Storage Tanks* Testing Protocol.	9837	1,10	
Window Wall Attenuation & Alternate Ventilation	9837	1,10	
Underground Gasoline Storage Tanks* Testing Protocol.	9840	52	
Window Wall Attenuation & Alternate Ventilation	9840	1,52	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9844	42,101	
Exhaust stack location limitations	9844	42,101	
Underground Gasoline Storage Tanks* Testing Protocol.	9844	1	

Window Wall Attenuation & Alternate Ventilation	9844	1,42,61,62,63,65, 66,69,101	
Underground Gasoline Storage Tanks* Testing Protocol.	9908	9,10,11,12,13,98	
Window Wall Attenuation & Alternate Ventilation	9908	9,10,11,12,13,98	
Underground Gasoline Storage Tanks* Testing Protocol.	9909	1,5	
Window Wall Attenuation & Alternate Ventilation	9909	1,5	
Underground Gasoline Storage Tanks* Testing Protocol.	9910	39	
Window Wall Attenuation & Alternate Ventilation	9910	39	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9913	25	
Underground Gasoline Storage Tanks* Testing Protocol.	9913	25	4/3/2020
Window Wall Attenuation & Alternate Ventilation	9913	25	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9914	35,40	
Underground Gasoline Storage Tanks* Testing Protocol.	9914	35,40	
Window Wall Attenuation & Alternate Ventilation	9914	35,40	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9915	31,33	
Window Wall Attenuation & Alternate Ventilation	9915	31,33	

Underground Gasoline Storage Tanks* Testing Protocol.	9917	43	
Window Wall Attenuation & Alternate Ventilation	9917	4,43	
Underground Gasoline Storage Tanks* Testing Protocol.	9930	26,31	
Window Wall Attenuation & Alternate Ventilation	9930	26,31	
	9931	12,16,21	
Underground Gasoline Storage Tanks* Testing Protocol.	9934	20,26	
Window Wall Attenuation & Alternate Ventilation	9934	20,26	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9937	56,60	
Window Wall Attenuation & Alternate Ventilation	9937	56,60	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9944	18	
Exhaust stack location limitations	9944	18	
Window Wall Attenuation & Alternate Ventilation	9944	18	
Air Quality - HVAC fuel limited to natural gas	9950	6,55,64,70	
Exhaust stack location limitations	9950	6,55,64,70	
Underground Gasoline Storage Tanks* Testing Protocol.	9950	55	
Window Wall Attenuation & Alternate Ventilation	9950	6,55,64,70	
Underground Gasoline Storage Tanks* Testing Protocol.	9954	1,70	

Window Wall Attenuation & Alternate Ventilation	9954	1,70	
Underground Gasoline Storage Tanks* Testing Protocol.	9960	1,19	
Window Wall Attenuation & Alternate Ventilation	9960	1,19	
Underground Gasoline Storage Tanks* Testing Protocol.	9972	1	
Window Wall Attenuation & Alternate Ventilation	9972	1	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9982	12,13,17,27	
Underground Gasoline Storage Tanks* Testing Protocol.	9982	12,13,17,27	
Window Wall Attenuation & Alternate Ventilation	9982	12,13,17	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9984	11,17	
Underground Gasoline Storage Tanks* Testing Protocol.	9984	11,17	
Window Wall Attenuation & Alternate Ventilation	9984	17	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9986	3,20,61	
Underground Gasoline Storage Tanks* Testing Protocol.	9986	3,20,61	
Window Wall Attenuation & Alternate Ventilation	9986	20	
Underground Gasoline Storage Tanks* Testing Protocol.	9987	1	
	9991	1,19,68	
Window Wall Attenuation & Alternate Ventilation	9991	1,19,68	

Underground Gasoline Storage Tanks* Testing Protocol.	9992	26,27,29,38	
Window Wall Attenuation & Alternate Ventilation	9992	26,27,29,38	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9993	1,3,18,20,22,23,24, 25,27,28,29	
Exhaust stack location limitations	9993	1,3,18,20,22,23,24, 25,27,28,29	
Underground Gasoline Storage Tanks* Testing Protocol.	9993	29	7/10/2018
	9993	1,3,18,20,22,23,24, 25,27,28	
Window Wall Attenuation & Alternate Ventilation	9993	1,3,18,20,22,23,24, 25,27,28,29	
Air Quality - HVAC fuel limited to natural gas	9995	1,7,14,18	
Underground Gasoline Storage Tanks* Testing Protocol.	9995	1,7,14,18	
Window Wall Attenuation & Alternate Ventilation	9995	1,7,14,18	
Air Quality - HVAC fuel limited to natural gas	9996	10,12,16	
Underground Gasoline Storage Tanks* Testing Protocol.	9996	10,12,16	
Window Wall Attenuation & Alternate Ventilation	9996	10,12,16	
Air Quality - HVAC fuel limited to natural gas	9997	97,104	
Window Wall Attenuation & Alternate Ventilation	9997	97,104	
Air Quality - HVAC fuel limited to natural gas	9998	22,25,42,43,47,95, 101,109,110,119, 124,127	
Exhaust stack location limitations	9998	95,101,109,110,119, 124,127	

Underground Gasoline Storage Tanks* Testing Protocol.	9998	1,2,16,19,22,25,42, 43,47,83,86,87,88, 89,90,91,93,94,95, 101,109,110,119, 124,127	
Window Wall Attenuation & Alternate Ventilation	9998	22,25,42,43,47,83, 86,87,88,89,90,91, 93,94,95,101,109, 110,119,124,127	
Air Quality - HVAC fuel limited to natural gas	9999	9	4/11/2018
	9999	1	
Underground Gasoline Storage Tanks* Testing Protocol.	9999	9	4/11/2018
	9999	1	
Window Wall Attenuation & Alternate Ventilation	9999	9	4/11/2018
	9999	1	
Air Quality - HVAC fuel limited to natural gas	10000	1	
Underground Gasoline Storage Tanks* Testing Protocol.	10000	1,5,31,38,39,42	
Window Wall Attenuation & Alternate Ventilation	10000	1	
Underground Gasoline Storage Tanks* Testing Protocol.	10001	1,19,24,25,26,27, 28,29,40,41,124	
	10002	1,5,10,13,15,17,20, 21,22,23,24,25,122	
	10017	18	
Window Wall Attenuation & Alternate Ventilation	10017	18	
Underground Gasoline Storage Tanks* Testing Protocol.	10018	11,12,16,17,18,25, 27,29	
Window Wall Attenuation & Alternate Ventilation	10018	1,3,4,7,11,12,16, 17,18,20,25,27,29, 117	
Underground Gasoline Storage Tanks* Testing Protocol.	10020	114,137,138	

Window Wall Attenuation & Alternate Ventilation	10020	114,137,138	
	10021	5	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10026	6	
Exhaust stack location limitations	10026	6	
Underground Gasoline Storage Tanks* Testing Protocol.	10026	1,6,12,14,23,39	
Window Wall Attenuation & Alternate Ventilation	10026	1,6,12,14,23,39	
Underground Gasoline Storage Tanks* Testing Protocol.	10027	3,5,8,10,11,36	
	10028	1,2,4,7,10,11,31, 32,34	
Air Quality - HVAC fuel limited to natural gas	10030	6,12,15,17,22,25, 28	
Underground Gasoline Storage Tanks* Testing Protocol.	10030	6,12,15,17,22,25, 28	
Window Wall Attenuation & Alternate Ventilation	10030	25,28	
Air Quality - HVAC fuel limited to natural gas	10031	7	2/17/2021
	10031	2,10,12,17	
Underground Gasoline Storage Tanks* Testing Protocol.	10031	7	2/17/2021
	10031	2,10,12,17,25	
Window Wall Attenuation & Alternate Ventilation	10031	25	
Underground Gasoline Storage Tanks* Testing Protocol.	10032	13,15,16,17,18,22	
Window Wall Attenuation & Alternate Ventilation	10032	13,15,16,17,18,22	
Underground Gasoline Storage Tanks* Testing Protocol.	10033	8,13,14	

Window Wall Attenuation & Alternate Ventilation	10035	36	
Underground Gasoline Storage Tanks* Testing Protocol.	10041	6	10/22/2019
	10041	3,4	
Window Wall Attenuation & Alternate Ventilation	10041	6	10/22/2019
	10041	3,4	
Underground Gasoline Storage Tanks* Testing Protocol.	10043	6	
Window Wall Attenuation & Alternate Ventilation	10043	6	
Underground Gasoline Storage Tanks* Testing Protocol.	10046	4,6,9	
Window Wall Attenuation & Alternate Ventilation	10046	4,6,9	
Underground Gasoline Storage Tanks* Testing Protocol.	10049	1	
Window Wall Attenuation & Alternate Ventilation	10049	1	
Underground Gasoline Storage Tanks* Testing Protocol.	10052	9,10	
Window Wall Attenuation & Alternate Ventilation	10052	9,10	
Underground Gasoline Storage Tanks* Testing Protocol.	10055	2,7,11,14,31	
Window Wall Attenuation & Alternate Ventilation	10055	2,7,11,14,19,20,31	
Underground Gasoline Storage Tanks* Testing Protocol.	10056	17,19	
Window Wall Attenuation & Alternate Ventilation	10056	17,19,20	
Underground Gasoline Storage Tanks* Testing Protocol.	10057	14,16,17	

Window Wall Attenuation & Alternate Ventilation	10057	8,9,14,16,17	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10058	1,21	
Exhaust stack location limitations	10058	1,21	
Underground Gasoline Storage Tanks* Testing Protocol.	10058	1,21	
Window Wall Attenuation & Alternate Ventilation	10058	1,21	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10059	1,4,5,6,11,12,15, 16,23,24,25,26,27, 28,30,31,32,131, 132	
Air Quality - Operable Window Limitations	10059	5,6	
Exhaust stack location limitations	10059	16	
Underground Gasoline Storage Tanks* Testing Protocol.	10059	11,12,15,16,23,24, 25,28,30,31,32,131, 132	
Window Wall Attenuation & Alternate Ventilation	10059	1,4,5,6,11,12,15, 23,24,25,26,27,28, 30,31,32,131,132	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10060	2,6,16,25,28,30	
Exhaust stack location limitations	10060	16	
Underground Gasoline Storage Tanks* Testing Protocol.	10060	2,6,16,30	
Window Wall Attenuation & Alternate Ventilation	10060	2,6,25,28,30	
Underground Gasoline Storage Tanks* Testing Protocol.	10061	32,33,34,35,36	
	10062	6,22,23	
Window Wall Attenuation & Alternate Ventilation	10091	12	

Underground Gasoline Storage Tanks* Testing Protocol.	10095	32,43	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10101	15	
Air Quality - HVAC fuel limited to natural gas	10101	7,9	
Exhaust stack location limitations	10101	7,9,15	
Window Wall Attenuation & Alternate Ventilation	10101	3,7,9,15,24,27,79, 150	
	10102	2	
Underground Gasoline Storage Tanks* Testing Protocol.	10107	71,73,77,82,84,86, 107,130,138,142, 167	
	10108	301,305,312,314, 319,348	
Window Wall Attenuation & Alternate Ventilation	10108	305	
Underground Gasoline Storage Tanks* Testing Protocol.	10109	31,44	
	10112	39	
	10113	71	
	10115	53	
	10124	11,15,18,19,20,21, 25	
Window Wall Attenuation & Alternate Ventilation	10124	7,10	
Underground Gasoline Storage Tanks* Testing Protocol.	10125	1	
Window Wall Attenuation & Alternate Ventilation	10129	7,20,21,22,23,25, 27,28,30,31,121, 125	
Underground Gasoline Storage Tanks* Testing Protocol.	10140	26	
Window Wall Attenuation & Alternate Ventilation	10140	18,19,20,21,22,23, 26	

Underground Gasoline Storage Tanks* Testing Protocol.	10150	37,38,39,40,51,52, 55	
Window Wall Attenuation & Alternate Ventilation	10150	37,38,39,40,41,42, 43,44,49,51,52,53, 54,55,57,59,60,61	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10151	21,23,24,25,31,32	
Underground Gasoline Storage Tanks* Testing Protocol.	10151	1,7,16,75	
Window Wall Attenuation & Alternate Ventilation	10151	1,7,16,21,23,24,25, 75	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	10155	1	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10155	8,9,10,11,12,16,24, 123,210	
Exhaust stack location limitations	10155	1	
Underground Gasoline Storage Tanks* Testing Protocol.	10155	35	
Window Wall Attenuation & Alternate Ventilation	10155	1,8,9,10,11,12,16, 24,35,210	
Underground Gasoline Storage Tanks* Testing Protocol.	10156	149	
Window Wall Attenuation & Alternate Ventilation	10156	14,17,149	
	10161	1,3,6,8,9,10,46,52, 53,54,56,58	
Underground Gasoline Storage Tanks* Testing Protocol.	10163	51	
	10164	38,39	
	10166	20	
Window Wall Attenuation & Alternate Ventilation	10166	1,10,12,13,15,16, 17,18,20,125,126	

		Underground Gasoline Storage Tanks* Testing Protocol.	10171	13,14,18	
		Window Wall Attenuation & Alternate Ventilation	10171	13,14,17,18,20,21, 23,25,26,28,29,30	
		Underground Gasoline Storage Tanks* Testing Protocol.	10176	8,12	
		Window Wall Attenuation & Alternate Ventilation	10176	8,12	
		Underground Gasoline Storage Tanks* Testing Protocol.	10178	125	
		Window Wall Attenuation & Alternate Ventilation	10178	125	
		Underground Gasoline Storage Tanks* Testing Protocol.	10179	1	
		Window Wall Attenuation & Alternate Ventilation	10179	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	10180	1	
		Window Wall Attenuation & Alternate Ventilation	10180	1	
			10189	19	
			10197	24,34,35	
		Underground Gasoline Storage Tanks* Testing Protocol.	10209	2,115	
		Window Wall Attenuation & Alternate Ventilation	10209	2,115	
		Underground Gasoline Storage Tanks* Testing Protocol.	10219	161,162	
		Window Wall Attenuation & Alternate Ventilation	10219	161,162	
			10221	7	
			10222	13,14,15,16	
			10223	10,12,13,14,16	

Underground Gasoline Storage Tanks* Testing Protocol.	10225	1,4,7,18	
Window Wall Attenuation & Alternate Ventilation	10225	1,4,7,9	
Underground Gasoline Storage Tanks* Testing Protocol.	10228	8,10,11	
Window Wall Attenuation & Alternate Ventilation	10228	8,10,11,15,17,19	
Underground Gasoline Storage Tanks* Testing Protocol.	10236	1,5,70	
Window Wall Attenuation & Alternate Ventilation	10236	1,5,70	
Underground Gasoline Storage Tanks* Testing Protocol.	10237	1,5	
Window Wall Attenuation & Alternate Ventilation	10237	1,5	
Underground Gasoline Storage Tanks* Testing Protocol.	10244	1,9,211,215,216, 217,223,224,225	
Window Wall Attenuation & Alternate Ventilation	10244	1,211,215,216,217, 223,224,225	
Underground Gasoline Storage Tanks* Testing Protocol.	10253	10,12,15,16,18,21, 28	
Window Wall Attenuation & Alternate Ventilation	10253	10,12,15,16,18,21, 28	
Underground Gasoline Storage Tanks* Testing Protocol.	10270	23	
Window Wall Attenuation & Alternate Ventilation	10270	23,25	
Underground Gasoline Storage Tanks* Testing Protocol.	10280	39	
Window Wall Attenuation & Alternate Ventilation	10280	32,33,39,42,44,45, 48,50,52	

		Underground Gasoline Storage Tanks* Testing Protocol.	10316	1,31,33,35,37	
		Window Wall Attenuation & Alternate Ventilation	10316	1,31,33,35,37	
		Underground Gasoline Storage Tanks* Testing Protocol.	10317	10,19,20,22	
		Window Wall Attenuation & Alternate Ventilation	10317	10,19,20,22	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10318	13,23	
		Air Quality - HVAC fuel limited to natural gas	10318	12,24	
		Exhaust stack location limitations	10318	12,13,23,24	
		Underground Gasoline Storage Tanks* Testing Protocol.	10318	5,11,12,13,23,24, 25,26	
		Window Wall Attenuation & Alternate Ventilation	10318	1,5,11,12,13,23,24, 25,26	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10319	1,6,12	
		Exhaust stack location limitations	10319	1,6,12	
		Underground Gasoline Storage Tanks* Testing Protocol.	10319	1,6,12,20	
			10320	1,6,10,12,29	
		Window Wall Attenuation & Alternate Ventilation	10320	1,6,10,12,29	
		Underground Gasoline Storage Tanks* Testing Protocol.	10321	8,11	
		Window Wall Attenuation & Alternate Ventilation	10321	8,11,16	
		Underground Gasoline Storage Tanks* Testing Protocol.	10322	26	
			10323	1,6,19	

			10325	1,6,10	
			10328	44,49	
			10352	108,370	
		Window Wall Attenuation & Alternate Ventilation	10443	14,19,20,23	
		Underground Gasoline Storage Tanks* Testing Protocol.	10454	23	
		Window Wall Attenuation & Alternate Ventilation	10454	23	
			10455	17,20	
			10499	57,59,70,72	
		Underground Gasoline Storage Tanks* Testing Protocol.	10815	5	
		Window Wall Attenuation & Alternate Ventilation	10815	5,14	
			10816	1,5	
			11945	65,67	
E-176 10/17/2007	04DCP041K 040161ZMK 22c	Window Wall Attenuation & Alternate Ventilation	5348	41,42,44,45,46,47	
E-177 9/25/2007	05DCP078K 050317ZMK 28c	Underground Gasoline Storage Tanks* Testing Protocol.	7315	1	

E-178 10/17/2007	06DCP082K 060353ZMK 22a	Window Wall Attenuation & Alternate Ventilation	5794	75,150,165	
E-179 8/22/2007	07DCP009Q 070065ZMQ 9d	Air Quality - HVAC fuel limited to natural gas	1485	43,45,47,49	
E-180 7/25/2007	07DCP054K 070387ZMK 22b	Air Quality - HVAC fuel limited to natural gas	3974	50	
			3980	1,38	
		Underground Gasoline Storage Tanks* Testing Protocol.	5729	24	
		Window Wall Attenuation & Alternate Ventilation	5729	24	
			5730	43	
		Underground Gasoline Storage Tanks* Testing Protocol.	5736	43	
		Window Wall Attenuation & Alternate Ventilation	5736	43	
		Underground Gasoline Storage Tanks* Testing Protocol.	5738	1	
		Window Wall Attenuation & Alternate Ventilation	5738	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	5743	50,52	
		Window Wall Attenuation & Alternate Ventilation	5743	50,52	
		Air Quality - HVAC fuel limited to natural gas	5750	42,47	

		Underground Gasoline Storage Tanks* Testing Protocol.	5750	42	
		Window Wall Attenuation & Alternate Ventilation	5750	42,47	
		Underground Gasoline Storage Tanks* Testing Protocol.	6010	47	
		Window Wall Attenuation & Alternate Ventilation	6010	47	
		Underground Gasoline Storage Tanks* Testing Protocol.	6038	1	
		Window Wall Attenuation & Alternate Ventilation	6038	1	
		Air Quality - HVAC fuel limited to natural gas	6055	12,21	
		Underground Gasoline Storage Tanks* Testing Protocol.	6055	12,21	
		Window Wall Attenuation & Alternate Ventilation	6055	12,21	
		Air Quality - HVAC fuel limited to natural gas	6056	12,15	
		Underground Gasoline Storage Tanks* Testing Protocol.	6056	12,15	
		Window Wall Attenuation & Alternate Ventilation	6056	12,15	
		Underground Gasoline Storage Tanks* Testing Protocol.	6093	17,18	
		Window Wall Attenuation & Alternate Ventilation	6093	17,18	
E-181	07DCP058X	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	4995	1,80	
7/25/2007	070409ZMX	Exhaust stack location limitations	4995	1,80	
	2a 2b	Underground Gasoline Storage Tanks* Testing Protocol.	4995	1,80	

Window Wall Attenuation & Alternate Ventilation	4995	1,80	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	4996	1	
Exhaust stack location limitations	4996	1	
Underground Gasoline Storage Tanks* Testing Protocol.	4996	1	
Window Wall Attenuation & Alternate Ventilation	4996	1	
Underground Gasoline Storage Tanks* Testing Protocol.	4998	61	
Window Wall Attenuation & Alternate Ventilation	4998	61	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	4999	49,57	
Exhaust stack location limitations	4999	49,57	
Underground Gasoline Storage Tanks* Testing Protocol.	4999	46,49,57	
Window Wall Attenuation & Alternate Ventilation	4999	46,49,57	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5039	1,7,14,16,29,72	
Exhaust stack location limitations	5039	1,7,14,16,29,72	
Underground Gasoline Storage Tanks* Testing Protocol.	5039	1,7,14,16,29,72	
Window Wall Attenuation & Alternate Ventilation	5039	1,7,14,16,29,72	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5042	29,45,48,51	
Exhaust stack location limitations	5042	29,45,48,51	

			Underground Gasoline Storage Tanks* Testing Protocol.	5042	29,45,48,51	
			Window Wall Attenuation & Alternate Ventilation	5042	29,45,48,51	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5043	9,28,31,35	
			Exhaust stack location limitations	5043	9,28,31,35	
			Underground Gasoline Storage Tanks* Testing Protocol.	5043	9,28,31,35	
			Window Wall Attenuation & Alternate Ventilation	5043	9,28,31,35	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5046	13,21,23,27,28	
			Exhaust stack location limitations	5046	13,21,23,27,28	
			Underground Gasoline Storage Tanks* Testing Protocol.	5046	13,21,23,27,28	
			Window Wall Attenuation & Alternate Ventilation	5046	13,21,23,27,28	
			Underground Gasoline Storage Tanks* Testing Protocol.	5069	61,62	
			Window Wall Attenuation & Alternate Ventilation	5069	61,62	
			Underground Gasoline Storage Tanks* Testing Protocol.	5070	5	
			Window Wall Attenuation & Alternate Ventilation	5070	5	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5081	60,63,72,78,80,81, 82,84,88,89	
			Exhaust stack location limitations	5081	60,63,72,78,80,81, 82,84,88,89	
			Underground Gasoline Storage Tanks* Testing Protocol.	5081	60,63,72,78,80,81, 82,84,88,89	

		Window Wall Attenuation & Alternate Ventilation	5081	60,63,72,78,80,81, 82,84,88,89	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5083	48	
		Exhaust stack location limitations	5083	48	
		Underground Gasoline Storage Tanks* Testing Protocol.	5083	48,60,61	
		Window Wall Attenuation & Alternate Ventilation	5083	48,60,61	
E-182	07DCP060M	Exhaust stack location limitations	1844	52	
9/25/2007	070427ZMM		1862	3	
			1869	13	
	5d		1870	43	
			1872	11,19,20,52,54	
			1873	10,42	
			1874	22	
			1876	12,17,49,58	
			1877	15,16,17,48,49,50, 51,52,59,61,63	
			1893	39,43,50	
E-183	07DCP066K	Window Wall Attenuation & Alternate Ventilation	1889	94	
7/25/2007	070430ZMK	Underground Gasoline Storage Tanks* Testing Protocol.	1890	85,86,87,89	
	16c	Window Wall Attenuation & Alternate Ventilation	1890	85,86,87,89	
		Underground Gasoline Storage Tanks* Testing Protocol.	1892	70,71,74,75	

Window Wall Attenuation & Alternate Ventilation	1892	70,71,74,75	
Underground Gasoline Storage Tanks* Testing Protocol.	1893	47	7/12/2017
	1893	10,11,13,14,15,37, 38,39,40,41,42,43	
Window Wall Attenuation & Alternate Ventilation	1893	47	7/12/2017
	1893	10,11,13,14,15,37, 38,39,40,41,42,43, 54,57,58,59,60	
Underground Gasoline Storage Tanks* Testing Protocol.	1894	54	9/20/2013
Window Wall Attenuation & Alternate Ventilation	1894	54	9/20/2013
Underground Gasoline Storage Tanks* Testing Protocol.	1895	61,69,70,71,72	
Window Wall Attenuation & Alternate Ventilation	1895	61,69,70,71,72	
Underground Gasoline Storage Tanks* Testing Protocol.	1905	19,30,40,120	
Window Wall Attenuation & Alternate Ventilation	1905	19,30,40,120	
Underground Gasoline Storage Tanks* Testing Protocol.	1909	23,25,26,27	
Window Wall Attenuation & Alternate Ventilation	1909	23,25,26,27	
	1978	1	
	1980	64,66,67	
Underground Gasoline Storage Tanks* Testing Protocol.	1981	1	
Window Wall Attenuation & Alternate Ventilation	1981	1	
Underground Gasoline Storage Tanks* Testing Protocol.	1991	1,4,5,6,7,16,19, 106	

Window Wall Attenuation & Alternate Ventilation	1991	1,4,5,6,7,16,19, 106	
Underground Gasoline Storage Tanks* Testing Protocol.	1992	5,6,7,8,9,12,13,15, 16,20,21,24,26,28, 29,30	
Window Wall Attenuation & Alternate Ventilation	1992	5,6,7,8,9,12,13,15, 16,26,28,29,30	
	2003	30,31,32	
Underground Gasoline Storage Tanks* Testing Protocol.	2010	1,18,19,20,25,59	
Window Wall Attenuation & Alternate Ventilation	2010	1,25,59	
Underground Gasoline Storage Tanks* Testing Protocol.	2011	1,30	
Window Wall Attenuation & Alternate Ventilation	2011	1,30	
Underground Gasoline Storage Tanks* Testing Protocol.	2012	7502	3/4/2016
	2012	1	10/12/2018
	2012	10,27,32,61,62,63, 65,67	
Window Wall Attenuation & Alternate Ventilation	2012	1,10,27,32,61,62, 63,65,67,7502	
	2014	30,31,32	
Underground Gasoline Storage Tanks* Testing Protocol.	2018	1,2,3,4,5,6,46,54, 55,56,57,59,60,61, 62,63,64,67,101, 166	
Window Wall Attenuation & Alternate Ventilation	2018	1,2,3,4,5,6,46,54, 55,56,57,59,60,61, 62,63,64,67,101, 166	
Underground Gasoline Storage Tanks* Testing Protocol.	2019	1,51,55,60,63,75, 80	
Window Wall Attenuation & Alternate Ventilation	2019	1,51,55,60,63,75, 80	
	2044	89,90	

		Underground Gasoline Storage Tanks* Testing Protocol.	2046	84	
		Window Wall Attenuation & Alternate Ventilation	2046	84	
		Underground Gasoline Storage Tanks* Testing Protocol.	2073	21,22	
		Window Wall Attenuation & Alternate Ventilation	2073	21,22	
		Underground Gasoline Storage Tanks* Testing Protocol.	2075	27,28	
		Window Wall Attenuation & Alternate Ventilation	2075	27,28	
		Underground Gasoline Storage Tanks* Testing Protocol.	2113	22,31	
		Window Wall Attenuation & Alternate Ventilation	2113	22,31	
			2115	8,10	
			2116	6,7,8	
			2117	43,44,45	
E-184 9/10/2007	07HPD023K 070432ZMK 13b	Window Wall Attenuation & Alternate Ventilation	3113	20,21,30,31	
E-185 10/29/2007	07DCP070K 070447ZMK 16c 17a	Underground Gasoline Storage Tanks* Testing Protocol.	1548	1,26,27,28,29,32, 33,128	
		Window Wall Attenuation & Alternate Ventilation	1548	1,26,27,28,29,32, 33,128	
		Underground Gasoline Storage Tanks* Testing Protocol.	1549	1,3,4,5,6,7,12,13, 18,19,20,21,22,23, 24,25,26,28,29,30, 31,32,33,34,35	

		Window Wall Attenuation & Alternate Ventilation	1549	1,3,4,5,6,7,12,13, 18,19,20,21,22,23, 24,25,26,28,29,30, 31,32,33,34,35	
		Underground Gasoline Storage Tanks* Testing Protocol.	1556	3,25	
		Window Wall Attenuation & Alternate Ventilation	1556	3,25	
		Underground Gasoline Storage Tanks* Testing Protocol.	1558	1,7	
		Window Wall Attenuation & Alternate Ventilation	1558	1,7	
			1641	52,53,65,67	
			1646	11,13	
			1647	28,29	
			1651	53,54	
			1652	28,30,36,134	
			1653	80,180	8/20/2018
			1653	86	9/10/2018
			1653	75,82,83,84,85,87, 88	
			1656	24	3/30/2017
			1656	23,69,71	
			1657	46,47	
			1659	28,29,30	
			1662	59	1/17/2019
			1664	35,37	
			1667	35	
			1670	53,59	

		1675	22,25	
		1676	15	
		1677	61,63	
		1682	48,49,57,58	
		1687	68	1/31/2018
		1695	40,41	
	Underground Gasoline Storage Tanks* Testing Protocol.	1699	7,8,9,10,11,12,13, 14,15,26,27,28,29, 30	
	Window Wall Attenuation & Alternate Ventilation	1699	7,8,9,10,11,12,13, 14,15,26,27,28,29, 30	
	Underground Gasoline Storage Tanks* Testing Protocol.	1703	34,35	
	Window Wall Attenuation & Alternate Ventilation	1703	34,35	
	Underground Gasoline Storage Tanks* Testing Protocol.	1704	12,14,32,33,34	
	Window Wall Attenuation & Alternate Ventilation	1704	12,14,32,33,34	
	Underground Gasoline Storage Tanks* Testing Protocol.	1713	7	
	Window Wall Attenuation & Alternate Ventilation	1713	7	
	Underground Gasoline Storage Tanks* Testing Protocol.	1714	1,26,27,30	
	Window Wall Attenuation & Alternate Ventilation	1714	1,26,27,30	
		1842	45,47,50,53,56,57, 58,62	
	Underground Gasoline Storage Tanks* Testing Protocol.	1849	39,47,51,53	
	Window Wall Attenuation & Alternate Ventilation	1849	39,47,51,53	

Underground Gasoline Storage Tanks* Testing Protocol.	1850	36,37,38,39,40,41, 45,46,47,48,49,50	
Window Wall Attenuation & Alternate Ventilation	1850	36,37,38,39,40,41, 45,46,47,48,49,50	
Underground Gasoline Storage Tanks* Testing Protocol.	1854	1,38,40,41,52	
Window Wall Attenuation & Alternate Ventilation	1854	1,38,40,41,52	
Underground Gasoline Storage Tanks* Testing Protocol.	1858	34,37,39,41,42,44, 45,47	
Window Wall Attenuation & Alternate Ventilation	1858	34,37,39,41,42,44, 45,47	
Air Quality - Operable Window Limitations	1860	6	
Underground Gasoline Storage Tanks* Testing Protocol.	1860	6,11,21,24,32,33, 34,37,40,47,49,51, 53,56	
Window Wall Attenuation & Alternate Ventilation	1860	6,11,21,24,32,33, 34,37,40,47,49,51, 53,56	
Underground Gasoline Storage Tanks* Testing Protocol.	1861	119	8/7/2018
	1861	1,5,9,20,71	
Window Wall Attenuation & Alternate Ventilation	1861	1,5,9,20,71,119	
Underground Gasoline Storage Tanks* Testing Protocol.	1862	1,26,38,55	
Window Wall Attenuation & Alternate Ventilation	1862	1,26,38,55	
Underground Gasoline Storage Tanks* Testing Protocol.	1863	10,15	
Window Wall Attenuation & Alternate Ventilation	1863	10,15	
Underground Gasoline Storage Tanks* Testing Protocol.	1864	14	5/11/2020
	1864	4,10,12,21	

Window Wall Attenuation & Alternate Ventilation	1864	4,10,12,14,21	
Underground Gasoline Storage Tanks* Testing Protocol.	1865	55,57,60,62	
Window Wall Attenuation & Alternate Ventilation	1865	55,57,60,62	
Underground Gasoline Storage Tanks* Testing Protocol.	1866	23	
Window Wall Attenuation & Alternate Ventilation	1866	23	
Underground Gasoline Storage Tanks* Testing Protocol.	1867	7,10,11,12,13,15, 16,17,18	
Window Wall Attenuation & Alternate Ventilation	1867	7,10,11,12,13,15, 16,17,18	
Underground Gasoline Storage Tanks* Testing Protocol.	1994	45,47,48	
Window Wall Attenuation & Alternate Ventilation	1994	45,47,48	
Underground Gasoline Storage Tanks* Testing Protocol.	1997	47,48,49,50,51,57, 59	
Window Wall Attenuation & Alternate Ventilation	1997	47,48,49,50,51,57, 59	
Underground Gasoline Storage Tanks* Testing Protocol.	1999	37,38,39,42	
Window Wall Attenuation & Alternate Ventilation	1999	37,38,39,42	
Underground Gasoline Storage Tanks* Testing Protocol.	2016	12	11/8/2018
	2016	23,30,32	
Window Wall Attenuation & Alternate Ventilation	2016	12	11/8/2018
	2016	23,30,32	
Underground Gasoline Storage Tanks* Testing Protocol.	2017	8,35,36	

		Window Wall Attenuation & Alternate Ventilation	2017	8,35,36	
E-186	07DCP075Q	Exhaust stack location limitations	10287	1,62,82	
10/29/2007	070472ZMQ	Underground Gasoline Storage Tanks* Testing Protocol.	10287	1,62,82	
	15b 18c 19a	Exhaust stack location limitations	10393	58,60,158,160	6/25/2019
			10393	48,54	
		Underground Gasoline Storage Tanks* Testing Protocol.	10393	58,60,158,160	6/25/2019
			10393	48,54	
			10395	44	
			10436	27	
			10440	15	
			10893	32,41	
			10899	35	
			10901	26,28,30,127	
		Exhaust stack location limitations	10905	24,33	
		Underground Gasoline Storage Tanks* Testing Protocol.	10905	24,33	
			10906	33,35	
			10907	28,29,129	
		Exhaust stack location limitations	10912	30,35	
		Underground Gasoline Storage Tanks* Testing Protocol.	10912	30,35	
			10925	1	
			10940	104,107	

			10941	201	
			10954	110	
			10969	92	
			11007	5	
		Exhaust stack location limitations	11068	66,68,70,115	
		Underground Gasoline Storage Tanks* Testing Protocol.	11068	66,68,70,115	
		Exhaust stack location limitations	11069	75,83	
		Underground Gasoline Storage Tanks* Testing Protocol.	11069	75,83	
			11071	6	
		Exhaust stack location limitations	11075	1,6,55	
		Underground Gasoline Storage Tanks* Testing Protocol.	11075	1,6,55	
			11078	1	
			12326	21	
		Exhaust stack location limitations	12334	299,300	
		Underground Gasoline Storage Tanks* Testing Protocol.	12334	299,300	
			12345	34	
		Exhaust stack location limitations	12393	34,39,47,49,50,52	
		Underground Gasoline Storage Tanks* Testing Protocol.	12393	34,39,47,49,50,52	
		Exhaust stack location limitations	12402	14,17,19,21	
		Underground Gasoline Storage Tanks* Testing Protocol.	12402	4,7,14,17,19,21,28	

			12406	101	
			12635	4	
E-187 11/15/2007	01DCP055M 000198ZMM 8d	Window Wall Attenuation & Alternate Ventilation	1455	13,21	
E-188 12/19/2007	06DCP032M 070495ZMM 5c 6a	Underground Gasoline Storage Tanks* Testing Protocol.	1987	1,8,53,60	
		Air Quality - HVAC fuel limited to natural gas	1988	53,60	
		Exhaust stack location limitations	1988	53,60	
		Window Wall Attenuation & Alternate Ventilation	1988	53,60	
		Underground Gasoline Storage Tanks* Testing Protocol.	1995	35	
			1996	1,34,56,61	
			1997	14,17,29,30,40,44, 48,61	
			1998	3,24,26,29,38	
			1999	29,30,31,32,33,36	
E-189 1/9/2008	06DCP062X 060320ZMX 3c	Underground Gasoline Storage Tanks* Testing Protocol.	3225	108,111,114,116, 117,164,168,227	
		Window Wall Attenuation & Alternate Ventilation	3225	108,111,114,116, 117,164,168,227	
		Exhaust stack location limitations	3236	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	3236	1,220	
		Window Wall Attenuation & Alternate Ventilation	3236	1,25,220	

E-190 1/9/2008	06DCP042Q 050491ZMQ 9b	Underground Gasoline Storage Tanks* Testing Protocol.	642	30,42,46,47	
E-193 1/30/2008	06DCP060M 060225ZMM 6a	Air Quality - HVAC fuel limited to natural gas	1987	1	
		Window Wall Attenuation & Alternate Ventilation	1987	1	
E-195 12/11/2007	06DCP079M 060372ZMM 8d	Window Wall Attenuation & Alternate Ventilation	887	84	
E-198 2/27/2008	05DCP050K 050236ZMK 22d	Window Wall Attenuation & Alternate Ventilation	5457	5,6	
E-199 3/12/2008	06DCP007K 060377ZMK 13b	Air Quality - HVAC fuel limited to natural gas	2263	30,31,37,43,44,46, 47,48,52,56,57,58, 59,60,61,62,63,64, 65,67	
		Underground Gasoline Storage Tanks* Testing Protocol.	2263	43,44,46,47,48,52, 56,57,58,59,60,61	
		Window Wall Attenuation & Alternate Ventilation	2263	30,31,37,43,44,46, 47,48,52,56,57,58, 59,60,61,62,63,64, 65,67	
E-200 3/26/2008	06DCP047Q 060228ZMQ 9c	Window Wall Attenuation & Alternate Ventilation	848	42	

E-201	07DCP030M	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1722	63,65,66,67,69	
4/30/2008	080099ZMM	Air Quality - Natural Gas Heat & Hot Water	1722	55,56,57,58,59,60, 61,62,155,156	
	5c 6a 6b	Exhaust stack location limitations	1722	55,56,57,58,59,60, 61,62,63,65,66,67, 69,155,156	
		Underground Gasoline Storage Tanks* Testing Protocol.	1722	55,56,57,58,59,60, 61,62,63,65,66,67, 69,155,156	
		Window Wall Attenuation & Alternate Ventilation	1722	55,56,57,58,59,60, 61,62,63,65,66,67, 69,155,156	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1723	31,33,37	
		Exhaust stack location limitations	1723	31,33,37	
		Underground Gasoline Storage Tanks* Testing Protocol.	1723	31	12/16/2016
			1723	1,4,17,21,22,33,37, 53,122	
		Window Wall Attenuation & Alternate Ventilation	1723	1,4,17,21,22,31,33, 37,53,122	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1749	24,31,33,35,40,43, 48,49,50	
		Exhaust stack location limitations	1749	24,31,33,35,40,43, 48,49,50	
		Underground Gasoline Storage Tanks* Testing Protocol.	1749	24,31,33,35,40,43, 48,49,50	
		Window Wall Attenuation & Alternate Ventilation	1749	24,31,33,35,40,43, 48,49,50	

Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1750	21,23,24,27,28,31, 34,40	
Exhaust stack location limitations	1750	21,23,24,27,28,31, 34,40	
Underground Gasoline Storage Tanks* Testing Protocol.	1750	34	5/14/2015
	1750	28	5/22/2017
	1750	21,23,24,27,31,40	
Window Wall Attenuation & Alternate Ventilation	1750	28,34,40	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1773	15,17,18,20,58,61	
Exhaust stack location limitations	1773	15,17,18,20,58,61	
Underground Gasoline Storage Tanks* Testing Protocol.	1773	1,15,17,18,20,58, 61,67,69	
Window Wall Attenuation & Alternate Ventilation	1773	1,4,15,17,18,20,58, 61,67,69,72	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1774	7501	2/23/2021
	1774	5,6,7,8,33,65,66, 67,68	
Exhaust stack location limitations	1774	7501	2/23/2021
	1774	5,6,7,8,33,65,66, 67,68	
Underground Gasoline Storage Tanks* Testing Protocol.	1774	7501	2/23/2021
	1774	5,6,7,8,17,33,56, 65,66,67,68	
Window Wall Attenuation & Alternate Ventilation	1774	7501	2/23/2021
	1774	5,6,7,8,17,33,56, 65,66,67,68	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1789	16,18,19,20,21,22, 23,24,25,30,121	

Air Quality - Natural Gas Heat & Hot Water	1789	34,35,36	
Exhaust stack location limitations	1789	16,18,19,20,21,22, 23,24,25,30,34,35, 36,121	
Underground Gasoline Storage Tanks* Testing Protocol.	1789	9,16,21,23,24,25, 30,34,35,36,42,43, 45	
Window Wall Attenuation & Alternate Ventilation	1789	9,16,18,19,20,21, 22,23,24,25,30,34, 35,36,42,43,45,121	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1909	26,27,28,29,30,31, 32,38,39,44,46,129	
Air Quality - Natural Gas Heat & Hot Water	1909	24,25,40,41,42,140	
Exhaust stack location limitations	1909	24,25,26,27,28,29, 30,31,32,38,39,40, 41,42,44,46,129, 140	
Underground Gasoline Storage Tanks* Testing Protocol.	1909	33	9/27/2016
	1909	24,25,26,27,28,29, 30,31,32,38,39,40, 41,42,44,46,59,63, 129,140	
Window Wall Attenuation & Alternate Ventilation	1909	24,25,26,27,28,29, 30,31,32,33,38,39, 40,41,42,44,46,59, 63,129,140	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1910	1,7501	
Exhaust stack location limitations	1910	1,7501	
Underground Gasoline Storage Tanks* Testing Protocol.	1910	1,7501	
Window Wall Attenuation & Alternate Ventilation	1910	1,7501	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1930	1,49,50,51,53	

Air Quality - Natural Gas Heat & Hot Water	1930	55,57,59	
Exhaust stack location limitations	1930	1,49,50,51,53,55, 57,59	
Underground Gasoline Storage Tanks* Testing Protocol.	1930	1,37,40,41,49,50, 51,53,57,59	
Window Wall Attenuation & Alternate Ventilation	1930	1,37,40,41,49,50, 51,53,55,57,59	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1931	1,56,61,63,64	
Exhaust stack location limitations	1931	1,56,61,63,64	
Underground Gasoline Storage Tanks* Testing Protocol.	1931	1,27,56,61,63,64	
Window Wall Attenuation & Alternate Ventilation	1931	1,27,56,61,63,64	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1951	7,51	
Exhaust stack location limitations	1951	7,51	
Underground Gasoline Storage Tanks* Testing Protocol.	1951	7,43,51	
Window Wall Attenuation & Alternate Ventilation	1951	7,43,51	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1952	19,21,22,23,25,27, 28,29,37,38,41,138	
Exhaust stack location limitations	1952	19,21,22,23,25,27, 28,29,37,38,41,138	
Underground Gasoline Storage Tanks* Testing Protocol.	1952	2,9,19,21,22,23,25, 27,28,29,37,38,41, 61,101,138	
Window Wall Attenuation & Alternate Ventilation	1952	2,9,19,21,22,23,25, 27,28,29,37,38,41, 61,101,138	

		Underground Gasoline Storage Tanks* Testing Protocol.	1980	75	
		Window Wall Attenuation & Alternate Ventilation	1980	75	
E-202 10/29/2007	06DCP095K 060477ZMK 16a	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	352	20,21,53	
		Exhaust stack location limitations	352	20,21,53	
		Hazardous Materials* Phase I and Phase II Testing Protocol	352	20,21	
		Window Wall Attenuation & Alternate Ventilation	352	20,21,53	
E-203 4/16/2008	07DCP043M 070289ZMM 8c	Air Quality - HVAC fuel limited to natural gas	1077	8,9,10,12,7501	
		Exhaust stack location limitations	1077	8,9,10,12,7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	1077	12	
		Window Wall Attenuation & Alternate Ventilation	1077	8,9,10,12,7501	
E-204 5/14/2008	07DME009M 080132ZMM 6a	Underground Gasoline Storage Tanks* Testing Protocol.	1932	1,2,4,5,7,61,62, 107,160	
E-205 4/16/2008	07DCP073K 080116ZMK 16c	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	299	11,43	
		Exhaust stack location limitations	299	11,43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	299	11,43	
		Window Wall Attenuation & Alternate Ventilation	299	1,11,16,18,19,39, 43	

			304	10,16,17	
E-206 4/30/2008	08HPD001M 080151ZMM 6b	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1616	36,38	
		Air Quality - Natural Gas Heat & Hot Water	1616	50,52,141	
		Window Wall Attenuation & Alternate Ventilation	1616	36,38,50,52,141	
E-207 6/12/2008	05DCP034X 050172ZMX 4b	Underground Gasoline Storage Tanks* Testing Protocol.	3805	1,7	
E-208 6/29/2008	08DCP012M 060032ZMM 12a	Air Quality - HVAC fuel limited to natural gas	195	12	4/23/2018
			195	2,3,4,5,6,13,14,15, 24,26,27,7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	195	2,3,4,5,6,7,9,12, 13,14,15,17,24,26, 30,7501	
		Window Wall Attenuation & Alternate Ventilation	195	12	4/23/2018
			195	2,3,4,5,6,13,14,15, 24,26,27,7501	
E-209 5/14/2008	08HPD012K 080228ZMK 17d	Underground Gasoline Storage Tanks* Testing Protocol.	4092	1,2,3,4,10,11	
		Window Wall Attenuation & Alternate Ventilation	4092	1,2,3,4,10,11	
E-210 7/23/2008	08DCP034X 080248ZMX 8c	Underground Gasoline Storage Tanks* Testing Protocol.	2733	58	
			2755	52	
			2761	126	
			2762	160	

			2763	335,384	
			2765	168	
			2766	31	
			2769	102,205	
			2777	353,428,433,442	
E-211	07DCP095M	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	602	55,77,79,81,83,85, 86	
7/23/2008	070575ZMM	Exhaust stack location limitations	602	55,64,77,79,81,83, 85,86	
	12a	Hazardous Materials* Phase I and Phase II Testing Protocol	602	28,64	
E-212	03HPD020M	Air Quality - Natural Gas Heat & Hot Water	1954	31,136	
6/29/2008	080219ZMM	Underground Gasoline Storage Tanks* Testing Protocol.	1954	31,136	
	6a	Window Wall Attenuation & Alternate Ventilation	1954	31	
E-213	08DME006Q	Air Quality - HVAC fuel limited to natural gas	11	1,3	
11/13/2008	080362ZMQ	Exhaust stack location limitations	11	1,3	
	8d 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	11	1,3	
		Window Wall Attenuation & Alternate Ventilation	11	1,3	
E-214	07DME014Q	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1820	1,6,9,18,34,108	
11/13/2008	080381ZMQ	Exhaust stack location limitations	1820	1,6,9,18,34,108	
	10a 10b	Hazardous Materials* Phase I and Phase II Testing Protocol	1820	1,6,9,18,34,108	

Window Wall Attenuation & Alternate Ventilation	1820	1,6,9,18,34,108	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1821	1,6,16,25,27,35	
Exhaust stack location limitations	1821	1,6,16,25,27,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	1821	1,6,16,25,27,35	
Window Wall Attenuation & Alternate Ventilation	1821	1,6,16,25,27,35	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1822	1,5,7,17,21,23,28, 33,55,58	
Exhaust stack location limitations	1822	1,5,7,17,21,23,28, 33,55,58	
Hazardous Materials* Phase I and Phase II Testing Protocol	1822	1,5,7,17,21,23,28, 33,55,58	
Window Wall Attenuation & Alternate Ventilation	1822	1,5,7,17,21,23,28, 33,55,58	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1823	1,3,5,7,12,14,19, 20,21,23,26,28,33, 40,44,47,52,55,58, 59,60	
Exhaust stack location limitations	1823	1,3,5,7,12,14,19, 20,21,23,26,28,33, 40,44,47,52,55,58, 59,60	
Hazardous Materials* Phase I and Phase II Testing Protocol	1823	1,3,5,7,12,14,19, 20,21,23,26,28,33, 40,44,47,52,55,58, 59,60	
Window Wall Attenuation & Alternate Ventilation	1823	1,3,5,7,12,14,19, 20,21,23,26,28,33, 40,44,47,52,55,58, 59,60	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1824	1,12,19,21,26,28, 33,38,40,45,53	
Exhaust stack location limitations	1824	1,12,19,21,26,28, 33,38,40,45,53	
Hazardous Materials* Phase I and Phase II Testing Protocol	1824	1,12,19,21,26,28, 33,38,40,45,53	

Window Wall Attenuation & Alternate Ventilation	1824	1,12,19,21,26,28, 33,38,40,45,53	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1825	1,19,21,25,28,30, 37,46,48,53,55,58	
Exhaust stack location limitations	1825	1,19,21,25,28,30, 37,46,48,53,55,58	
Hazardous Materials* Phase I and Phase II Testing Protocol	1825	1,19,21,25,28,30, 37,46,48,53,55,58	
Window Wall Attenuation & Alternate Ventilation	1825	1,19,21,25,28,30, 37,46,48,53,55,58	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1826	1,5,14,18,20,31,35	
Exhaust stack location limitations	1826	1,5,14,18,20,31,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	1826	1,5,14,18,20,31,35	
Window Wall Attenuation & Alternate Ventilation	1826	1,5,14,18,20,31,35	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1827	1	
Exhaust stack location limitations	1827	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	1827	1	
Window Wall Attenuation & Alternate Ventilation	1827	1	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1828	1,4,8,11,13,17,21, 23,29,34,37,39	
Exhaust stack location limitations	1828	1,4,8,11,13,17,21, 23,29,34,37,39	
Hazardous Materials* Phase I and Phase II Testing Protocol	1828	1,4,8,11,13,17,21, 23,29,34,37,39	
Window Wall Attenuation & Alternate Ventilation	1828	1,4,8,11,13,17,21, 23,29,34,37,39	

Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1829	19,21,40,71	
Exhaust stack location limitations	1829	19,21,40,71	
Hazardous Materials* Phase I and Phase II Testing Protocol	1829	19,21,40,71	
Window Wall Attenuation & Alternate Ventilation	1829	19,21,40,71	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1830	1,9,10,21	
Exhaust stack location limitations	1830	1,9,10,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	1830	1,9,10,21	
Window Wall Attenuation & Alternate Ventilation	1830	1,9,10,21	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1831	1,10,35	
Exhaust stack location limitations	1831	1,10,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	1831	1,10,35	
Window Wall Attenuation & Alternate Ventilation	1831	1,10,35	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1832	1,10	
Exhaust stack location limitations	1832	1,10	
Hazardous Materials* Phase I and Phase II Testing Protocol	1832	1,10	
Window Wall Attenuation & Alternate Ventilation	1832	1,10	

		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1833	103,111,117,120, 141,143,151,155, 158,165,166,168, 170,172,177,179, 180,186,188,192, 197,199,201,203, 212,215,230,300, 425	
		Exhaust stack location limitations	1833	103,111,117,120, 141,143,151,155, 158,165,166,168, 170,172,177,179, 180,186,188,192, 197,199,201,203, 212,215,230,300, 425	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1833	103,111,117,120, 141,143,151,155, 158,165,166,168, 170,172,177,179, 180,186,188,192, 197,199,201,203, 212,215,230,300, 425	
		Window Wall Attenuation & Alternate Ventilation	1833	103,111,117,120, 141,143,151,155, 158,165,166,168, 170,172,177,179, 180,186,188,192, 197,199,201,203, 212,215,230,300, 425	
E-215	08DCP065Q	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	15852	60,64,68	
8/14/2008	080371ZMQ	Exhaust stack location limitations	15852	60,64,68	
	25b 30a 30b 30c 31a	Hazardous Materials* Phase I and Phase II Testing Protocol	15852	60	3/22/2016
			15852	64,68	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	15901	8,57	
		Exhaust stack location limitations	15901	8,57	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15901	8,57	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	15907	65,67,80	

Exhaust stack location limitations	15907	65,67,80	
Hazardous Materials* Phase I and Phase II Testing Protocol	15907	65,67,80	
	15913	67,70	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16011	105	
Exhaust stack location limitations	16011	105	
Hazardous Materials* Phase I and Phase II Testing Protocol	16011	105	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16013	1	
Exhaust stack location limitations	16013	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	16013	1	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16014	1	
Exhaust stack location limitations	16014	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	16014	1	
	16038	68,70	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16155	1,5	
Exhaust stack location limitations	16155	1,5	
Hazardous Materials* Phase I and Phase II Testing Protocol	16155	1,5	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16156	1,6,90	
Exhaust stack location limitations	16156	6,90	

Hazardous Materials* Phase I and Phase II Testing Protocol	16156	1,6,90	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16159	94,95,96,97,98,99, 100,101,102,103	
Exhaust stack location limitations	16159	94,95,96,97,98,99, 100,101,102,103	
Hazardous Materials* Phase I and Phase II Testing Protocol	16159	94,95,96,97,98,99, 100,101,102,103	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16173	28	
Exhaust stack location limitations	16173	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	16173	28	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16174	22,47	
Exhaust stack location limitations	16174	22,47	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16176	1	
Exhaust stack location limitations	16176	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	16176	1	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16178	1,65,80	
Exhaust stack location limitations	16178	1,65,80	
Hazardous Materials* Phase I and Phase II Testing Protocol	16178	1,65,80	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16188	17,23,34,68,70	
Air Quality - Natural Gas Heat & Hot Water	16188	15,19,21,25,28,30, 62,66,75	

		Exhaust stack location limitations	16188	34,70	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16188	15,75	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16226	25	10/13/2020
		Exhaust stack location limitations	16226	25	10/13/2020
E-216	07DCP078M	Window Wall Attenuation & Alternate Ventilation	343	63,66,68,69,71,72, 73	
11/19/2008	080397ZMM	Air Quality - HVAC fuel limited to natural gas	344	145	
	12c	Window Wall Attenuation & Alternate Ventilation	344	53,54,56,60,139, 141,144,157	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	345	8	
		Window Wall Attenuation & Alternate Ventilation	345	7	5/11/2017
			345	1,7503	3/18/2020
			345	2,6,8,15,16,17,19, 26,30,32,33,35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	348	43,55	
		Exhaust stack location limitations	348	43,55	
		Window Wall Attenuation & Alternate Ventilation	348	64	9/17/2019
			348	33,34,36,37,38,46, 70,71,75	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	350	4,21,37	
		Air Quality - HVAC fuel limited to natural gas	350	78	
		Exhaust stack location limitations	350	4,21,37	

			Hazardous Materials* Phase I and Phase II Testing Protocol	350	54	
			Window Wall Attenuation & Alternate Ventilation	350	7503	7/30/2019
				350	4,21,38,54,60,61, 62,63,68,69,71,73	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	353	42,47,75,79,80,82, 83	
			Air Quality - HVAC fuel limited to natural gas	353	34	
			Exhaust stack location limitations	353	42,47,75,79,80,82, 83	
			Hazardous Materials* Phase I and Phase II Testing Protocol	353	75	
			Window Wall Attenuation & Alternate Ventilation	353	28,29,30,34,42,47, 75,79,80,82,83	
				354	1,18,19,25,37,38	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	355	54	
			Exhaust stack location limitations	355	54	
			Window Wall Attenuation & Alternate Ventilation	355	45,51,52,53,54,57, 61,65	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	372	30,31,32	
			Air Quality - HVAC fuel limited to natural gas	372	33	
			Exhaust stack location limitations	372	30,31,32	
			Hazardous Materials* Phase I and Phase II Testing Protocol	372	33	
			Window Wall Attenuation & Alternate Ventilation	372	52	5/7/2020
				372	3,4,5,34,36,37,41, 42,43,44,47,48,49	

Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	373	13,16,17,62	
Air Quality - HVAC fuel limited to natural gas	373	14,15,61,63	
Exhaust stack location limitations	373	13,16,17,62	
Window Wall Attenuation & Alternate Ventilation	373	2,36,38	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	374	47	
Air Quality - HVAC fuel limited to natural gas	374	31	
Exhaust stack location limitations	374	47	
Window Wall Attenuation & Alternate Ventilation	374	34,37	
Air Quality - HVAC fuel limited to natural gas	375	29,32	
Window Wall Attenuation & Alternate Ventilation	375	41	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	376	27	
Air Quality - HVAC fuel limited to natural gas	376	13,21,22,24,26,43, 44,63	
Exhaust stack location limitations	376	44,63	
Hazardous Materials* Phase I and Phase II Testing Protocol	376	22,23,24	
Window Wall Attenuation & Alternate Ventilation	376	1,2,32,33,63	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	377	10,49,51,52,53,54, 61,64,65,66	
Air Quality - HVAC fuel limited to natural gas	377	50	

Exhaust stack location limitations	377	10,49,51,52,53,54, 61,64,65,66	
Hazardous Materials* Phase I and Phase II Testing Protocol	377	64	
Window Wall Attenuation & Alternate Ventilation	377	1,10,42	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	378	28,29,30,43	
Exhaust stack location limitations	378	28,29,30,43	
Window Wall Attenuation & Alternate Ventilation	378	28,29,30,32,34,40, 43	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	379	21	
Exhaust stack location limitations	379	21	
Window Wall Attenuation & Alternate Ventilation	379	21,44	
	384	19,21,33	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	385	24,30	
Exhaust stack location limitations	385	24,30	
Window Wall Attenuation & Alternate Ventilation	385	4	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	386	1,61	
Air Quality - HVAC fuel limited to natural gas	386	62	
Exhaust stack location limitations	386	1	
Window Wall Attenuation & Alternate Ventilation	386	5,7,8	

			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	387	42	
			Window Wall Attenuation & Alternate Ventilation	387	33,34,35,135	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	389	51,52	
			Exhaust stack location limitations	389	51	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	390	23,58	
			Air Quality - HVAC fuel limited to natural gas	390	52	
			Exhaust stack location limitations	390	23,52,58	
			Window Wall Attenuation & Alternate Ventilation	390	34,39	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	391	19,51	
			Air Quality - HVAC fuel limited to natural gas	391	10,13	
			Exhaust stack location limitations	391	51	
			Window Wall Attenuation & Alternate Ventilation	391	7,33	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	392	39,40,43	
			Air Quality - HVAC fuel limited to natural gas	392	16	
			Exhaust stack location limitations	392	39,40,43	
			Window Wall Attenuation & Alternate Ventilation	392	32,35,40,43	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	393	9,59,61	

Exhaust stack location limitations	393	9,59,61	
Window Wall Attenuation & Alternate Ventilation	393	59,61	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	394	28,32,34	
Exhaust stack location limitations	394	28,32,34	
Window Wall Attenuation & Alternate Ventilation	394	10,32,34,36	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	397	19,27	
Exhaust stack location limitations	397	19,27	
Air Quality - HVAC fuel limited to natural gas	398	45	
Window Wall Attenuation & Alternate Ventilation	398	29,34	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	399	11,40,51,58	
Exhaust stack location limitations	399	11,40,51,58	
Window Wall Attenuation & Alternate Ventilation	399	8	
Hazardous Materials* Phase I and Phase II Testing Protocol	402	41	
Window Wall Attenuation & Alternate Ventilation	402	41,42	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	404	9,23,46,47,52	
Air Quality - HVAC fuel limited to natural gas	404	11,48	
Exhaust stack location limitations	404	9,23,52	

Window Wall Attenuation & Alternate Ventilation	404	23,46,47,52,53,56, 58	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	405	19	
Exhaust stack location limitations	405	19	
Window Wall Attenuation & Alternate Ventilation	405	19,39,41	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	406	19,23,24,48	
Air Quality - HVAC fuel limited to natural gas	406	52,55	
Exhaust stack location limitations	406	19,23,24,48	
Window Wall Attenuation & Alternate Ventilation	406	19,23,24,29,36,45, 48,52	
	408	4,24,26	
	409	17,20	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	410	33	
Air Quality - HVAC fuel limited to natural gas	410	32	
Exhaust stack location limitations	410	33	
Window Wall Attenuation & Alternate Ventilation	410	13,16,24,32,33,34, 51,52,64,67,68,69	
	411	12,15,16,19,41	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	412	21,61	
Air Quality - HVAC fuel limited to natural gas	412	2,12	
Window Wall Attenuation & Alternate Ventilation	412	2,12,13,14,16,21, 61,72	

			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	413	26	
			Exhaust stack location limitations	413	26	
			Window Wall Attenuation & Alternate Ventilation	413	25,26,29	
			Air Quality - HVAC fuel limited to natural gas	415	36	
			Window Wall Attenuation & Alternate Ventilation	415	3,10,23,27,36,77	
				416	23,28,53,56	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	417	64	
			Exhaust stack location limitations	417	64	
			Window Wall Attenuation & Alternate Ventilation	417	10,12,13,64	
				418	35,39,43,51,52,53, 54,55,58	
				419	49,73,75	
				421	60	
				422	42	9/15/2017
				422	43,49,53	
				423	16,17,19,21,26,28, 29,126	
				424	27,31,35,37	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	425	31	
			Air Quality - HVAC fuel limited to natural gas	425	32	9/10/2020
			Exhaust stack location limitations	425	32	9/10/2020
				425	31	

Window Wall Attenuation & Alternate Ventilation	425	32	9/10/2020
	425	28,30,31,38,39	
	426	24,27,28,33,35,37, 38	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	429	12,18,20,28	
Air Quality - HVAC fuel limited to natural gas	429	8	
Exhaust stack location limitations	429	12,18,28	
Window Wall Attenuation & Alternate Ventilation	429	7,39,40,41,43	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	434	34,42,46,48	
Air Quality - HVAC fuel limited to natural gas	434	50,54	
Exhaust stack location limitations	434	42,46,48	
Window Wall Attenuation & Alternate Ventilation	434	3,34,35,48	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	435	16,48,49,52	
Air Quality - HVAC fuel limited to natural gas	435	42	
Exhaust stack location limitations	435	16,48,49,52	
Window Wall Attenuation & Alternate Ventilation	435	16,34,35,48,49,52	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	436	25	
Air Quality - HVAC fuel limited to natural gas	436	11	
Exhaust stack location limitations	436	25	

Window Wall Attenuation & Alternate Ventilation	436	8	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	437	15,33	
Air Quality - HVAC fuel limited to natural gas	437	43	
Exhaust stack location limitations	437	15	
Window Wall Attenuation & Alternate Ventilation	437	25	
Air Quality - HVAC fuel limited to natural gas	438	25	
Window Wall Attenuation & Alternate Ventilation	438	8,10,11,12	
	439	26,27,31,33,34	
Air Quality - HVAC fuel limited to natural gas	440	29	
Window Wall Attenuation & Alternate Ventilation	440	26	6/25/2019
	440	6,32,44,46	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	443	45	4/24/2017
	443	16,19,29,46	
Air Quality - HVAC fuel limited to natural gas	443	44,49	
Exhaust stack location limitations	443	45	4/24/2017
	443	16,19,29,44,46	
Window Wall Attenuation & Alternate Ventilation	443	1,8,36,37	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	444	20,21	
Exhaust stack location limitations	444	20,21	

Hazardous Materials* Phase I and Phase II Testing Protocol	444	21	
Window Wall Attenuation & Alternate Ventilation	444	3,5,12,42	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	445	2	
Air Quality - HVAC fuel limited to natural gas	445	16,17,64	
Exhaust stack location limitations	445	2	
Window Wall Attenuation & Alternate Ventilation	445	3	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	446	3	
Air Quality - HVAC fuel limited to natural gas	446	4	
Exhaust stack location limitations	446	3	
Window Wall Attenuation & Alternate Ventilation	446	6,7,29	
	447	5,32	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	448	16,40,42,46,47,48, 50,51	
Air Quality - HVAC fuel limited to natural gas	448	4,18,45	
Exhaust stack location limitations	448	16,40,42,46,47,48, 50,51	
Hazardous Materials* Phase I and Phase II Testing Protocol	448	18	
Window Wall Attenuation & Alternate Ventilation	448	4	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	449	7,13,23,41,46	

			Air Quality - HVAC fuel limited to natural gas	449	14,20,42,48,57	
			Exhaust stack location limitations	449	7,13,20,23,41,46	
			Hazardous Materials* Phase I and Phase II Testing Protocol	449	20	
			Window Wall Attenuation & Alternate Ventilation	449	5,20,30	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	450	8,37,38,39,45,46, 52	
			Air Quality - HVAC fuel limited to natural gas	450	44,48	
			Exhaust stack location limitations	450	37,38,39,45,46,52	
			Window Wall Attenuation & Alternate Ventilation	450	22,23,36,38	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	451	4,15,24,47,48	
			Exhaust stack location limitations	451	4,15,24	
			Window Wall Attenuation & Alternate Ventilation	451	47,48	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	452	20	
			Exhaust stack location limitations	452	20	
			Window Wall Attenuation & Alternate Ventilation	452	20,33,34	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	453	37	
			Exhaust stack location limitations	453	37	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	454	66,68	

Exhaust stack location limitations	454	68	
Window Wall Attenuation & Alternate Ventilation	454	39,40,65	
	456	27	
	457	33	
Hazardous Materials* Phase I and Phase II Testing Protocol	458	23	
Window Wall Attenuation & Alternate Ventilation	458	25,35	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	459	18,21,23	
Exhaust stack location limitations	459	21,23	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	460	23,26,28,33,43,44, 45,46,51	
Air Quality - HVAC fuel limited to natural gas	460	27,32	
Exhaust stack location limitations	460	23,28,33,43,44,45, 46,51	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	461	18	
Exhaust stack location limitations	461	18	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	462	18	
Exhaust stack location limitations	462	18	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	463	18,39,40,41	
Air Quality - HVAC fuel limited to natural gas	463	23	
Exhaust stack location limitations	463	18,39,40,41	

Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	464	15,16,20,27,31,132	
Air Quality - HVAC fuel limited to natural gas	464	32,47,55	
Exhaust stack location limitations	464	15,16,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	464	31	
Window Wall Attenuation & Alternate Ventilation	464	27,31,132	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	465	58,59	
Exhaust stack location limitations	465	58,59	
Window Wall Attenuation & Alternate Ventilation	465	53,58,59	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	466	12	
Air Quality - HVAC fuel limited to natural gas	466	15,20	
Exhaust stack location limitations	466	12	
Window Wall Attenuation & Alternate Ventilation	466	12	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	467	16,20,49	
Air Quality - HVAC fuel limited to natural gas	467	21,48	
Exhaust stack location limitations	467	20,48	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	468	26,49,50,54	
Air Quality - HVAC fuel limited to natural gas	468	48	

		Exhaust stack location limitations	468	48,49,50,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	468	54	
		Window Wall Attenuation & Alternate Ventilation	468	26,54	
E-217	08DCP070R	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5	7,10,39,42,45,87, 92,95	
10/23/2008	080426ZMR	Air Quality - HVAC fuel limited to natural gas	5	103	
	21c	Exhaust stack location limitations	5	7,10,39,42,45,87, 92,95	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	7	63,81,86	
		Exhaust stack location limitations	7	63,81,86	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	8	86,92,99	
		Air Quality - Natural Gas Heat & Hot Water	8	16,60	
		Exhaust stack location limitations	8	86,92,99	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	11	3,4,7,8	
		Exhaust stack location limitations	11	3,4,7,8	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16	50,54	
		Exhaust stack location limitations	16	50,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	498	40	

E-218	08DCP021Q	Hazardous Materials* Phase I and Phase II Testing Protocol	342	2	
10/7/2008	080429ZMQ	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	367	33	
	9b	Exhaust stack location limitations	367	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	367	7501	3/14/2016
			367	15,17,23,33,38,40, 42	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	368	9,10,11,29	
		Exhaust stack location limitations	368	9,10,11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	368	34	10/4/2017
			368	1,9,10,11,15,17,18, 21,22,24,26,29	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	369	20,22,119,121	
		Hazardous Materials* Phase I and Phase II Testing Protocol	369	2,3,14,15,20,22,23, 24,32,33,113,119, 121,211	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	370	3,20,26,28	
		Exhaust stack location limitations	370	3,20,26,28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	370	3,4,6,7,12,20,26, 28,29,34,35,36	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	371	27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	371	15,17,19,23,27,29, 33,34,38	
			372	3,4,7,21,22,23,33, 35	
		Window Wall Attenuation & Alternate Ventilation	372	21,22,23,33,35	

Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	373	1,2,6,45,47	
Hazardous Materials* Phase I and Phase II Testing Protocol	373	1,2,6,45,47	
Window Wall Attenuation & Alternate Ventilation	373	1,2,6	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	374	12,33	
Exhaust stack location limitations	374	12,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	374	8,12,18,20,23,33, 46,47,48,49,50,51	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	375	1	8/21/2019
	375	24,7501	2/26/2021
	375	29,30	
Exhaust stack location limitations	375	1	8/21/2019
	375	24,7501	2/26/2021
	375	29,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	375	24,7501	2/26/2021
	375	1,18,20,29,30,33	
	376	1	
	377	1,5,9,13,23,40	
	378	1	
	379	1	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	380	7,8,9,11	
Exhaust stack location limitations	380	7,8,9	

Hazardous Materials* Phase I and Phase II Testing Protocol	380	5,6,7,8,9,11,13	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	381	9	1/9/2017
	381	11,12	
Exhaust stack location limitations	381	9	1/9/2017
	381	11,12	
Hazardous Materials* Phase I and Phase II Testing Protocol	381	9	1/9/2017
	381	5,11,12,16,21,26, 27	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	382	17	1/16/2019
	382	7502	12/16/2019
	382	8,13,14,15,19	
Exhaust stack location limitations	382	17	1/16/2019
	382	7502	12/16/2019
	382	8,13,14,15,19	
Hazardous Materials* Phase I and Phase II Testing Protocol	382	17	1/16/2019
	382	8,13,14,15,19,21, 22,24,27,29,127, 7502	
Window Wall Attenuation & Alternate Ventilation	382	8,13,14,15,7502	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	383	1,2,5,33	
Exhaust stack location limitations	383	1,2,5,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	383	1,2,5,9,11,12,14, 16,17,19,20,22,24, 26,33	
Window Wall Attenuation & Alternate Ventilation	383	14,16,17,19,20,22, 24,26	

Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	384	5,6,7,8,9,11,28	
Exhaust stack location limitations	384	5,6,7,8,9,11,28	
Hazardous Materials* Phase I and Phase II Testing Protocol	384	5,6,7,8,9,11,22,28	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	385	2,3	
Exhaust stack location limitations	385	2,3	
Hazardous Materials* Phase I and Phase II Testing Protocol	385	1,2,3,4,5,18,21,22, 32	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	386	3,4,7,19,20,30,31, 32	
Exhaust stack location limitations	386	3,4,7,19,20,30,31, 32	
Hazardous Materials* Phase I and Phase II Testing Protocol	386	3,4,5,6,7,12,13,14, 15,16,17,19,20,23, 25,30,31,32	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	387	7,8,9	
Exhaust stack location limitations	387	7,8,9	
Hazardous Materials* Phase I and Phase II Testing Protocol	387	17	10/11/2017
	387	2,4,5,6,7,8,9,19, 24,25,28,32	
	388	18,19,20	
	394	45,46,47,48	
	395	1,2,3,4,5,6,17,23, 26,30,31,33,35,40, 126	
	396	18,21,22,23,24,39	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	397	2,11,12,17,18,21, 22,28,29	

Exhaust stack location limitations	397	2,11,12,17,18,21, 22,28,29	
Hazardous Materials* Phase I and Phase II Testing Protocol	397	1,2,5,7,10,11,12, 17,18,21,22,24,25, 26,27,28,29,30,31, 33,35	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	398	1,19,30,31,32,34, 35,38,39	
Exhaust stack location limitations	398	1,19,30,38,39	
Hazardous Materials* Phase I and Phase II Testing Protocol	398	1,19,22,24,27,30, 31,32,34,35,38,39	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	399	1,3,6,7,9,13,26	
Exhaust stack location limitations	399	1,3,6,7,9,13,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	399	1,3,6,7,9,13,26,31, 34	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	400	5	
Exhaust stack location limitations	400	5	
Hazardous Materials* Phase I and Phase II Testing Protocol	400	5	
Window Wall Attenuation & Alternate Ventilation	400	5	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	402	1,32,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	402	28	4/11/2018
	402	1,16,18,30,32,35	
Window Wall Attenuation & Alternate Ventilation	402	1,32,35	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	405	9,10,29,41	

Exhaust stack location limitations	405	9,10,29,41	
Hazardous Materials* Phase I and Phase II Testing Protocol	405	5,7501	2/14/2019
	405	6,7,9,10,13,16,17, 26,29,31,32,33,34, 36,37,41	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	406	12,29	
Exhaust stack location limitations	406	12,29	
Hazardous Materials* Phase I and Phase II Testing Protocol	406	24	3/22/2019
	406	1,2,8,9,10,11,12, 29,38	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	407	9,11,13,16,17,19, 27,29	
Exhaust stack location limitations	407	11,13,16,17,19,27, 29	
Hazardous Materials* Phase I and Phase II Testing Protocol	407	5,9,10,11,13,16,17, 19,21,27,29,33,34, 35,36	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	408	9,14,16,31,32,35, 37,38,109	
Exhaust stack location limitations	408	9,14,16,31,32,37, 38,109	
Hazardous Materials* Phase I and Phase II Testing Protocol	408	1,5,9,14,16,21,23, 24,25,26,28,29,31, 32,33,34,35,37,38, 109	
	599	40,41,46,48	
Window Wall Attenuation & Alternate Ventilation	599	40,41,46,48	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	600	34,39,49,50,116	
Exhaust stack location limitations	600	34,39,49,50,116	

		Hazardous Materials* Phase I and Phase II Testing Protocol	600	1	4/10/2018
			600	7501	12/17/2018
			600	12	9/19/2019
			600	2,3,4,5,6,7,8,14, 19,20,22,23,24,25, 34,39,41,43,48,49, 50,111,116,148	
		Window Wall Attenuation & Alternate Ventilation	600	12	9/19/2019
			600	5,6,7,8,14,19,20, 22,23,24,25,111, 7501	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	601	17,18,19,20,25,26	
		Exhaust stack location limitations	601	17,18,19,20,25,26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	601	17,18,19,20,25,26, 27,28,29,30	
E-219	08DCP073Q	Hazardous Materials* Phase I and Phase II Testing Protocol	12956	29	
9/4/2008	080462ZMQ	Window Wall Attenuation & Alternate Ventilation	12956	29	
	19a 19b 19c 19d	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	12958	50,111,114	
		Exhaust stack location limitations	12958	50,111,114	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12958	50,111,114	
		Window Wall Attenuation & Alternate Ventilation	12958	50,111,114	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12960	1	
		Window Wall Attenuation & Alternate Ventilation	12960	1	

Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	12962	51,84,85	
Exhaust stack location limitations	12962	51,84,85	
Hazardous Materials* Phase I and Phase II Testing Protocol	12962	51,84,85	
Window Wall Attenuation & Alternate Ventilation	12962	51,84,85	
Hazardous Materials* Phase I and Phase II Testing Protocol	12963	308	
Window Wall Attenuation & Alternate Ventilation	12963	308	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13010	18,49	
Exhaust stack location limitations	13010	18,49	
Hazardous Materials* Phase I and Phase II Testing Protocol	13010	18,49	
Window Wall Attenuation & Alternate Ventilation	13010	18,49	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13011	12,46	
Exhaust stack location limitations	13011	12,46	
Hazardous Materials* Phase I and Phase II Testing Protocol	13011	12,46	
	13012	39	
Window Wall Attenuation & Alternate Ventilation	13012	39	
Hazardous Materials* Phase I and Phase II Testing Protocol	13098	21,31	
Window Wall Attenuation & Alternate Ventilation	13098	21,31	

Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13100	22,26,37	
Exhaust stack location limitations	13100	22,26,37	
Hazardous Materials* Phase I and Phase II Testing Protocol	13100	22,26,37	
Window Wall Attenuation & Alternate Ventilation	13100	22,26,37	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13102	10,16	
Exhaust stack location limitations	13102	10,16	
Hazardous Materials* Phase I and Phase II Testing Protocol	13102	10,16	
Window Wall Attenuation & Alternate Ventilation	13102	10,16	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13103	18,21	
Exhaust stack location limitations	13103	18,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	13103	18,21	
Window Wall Attenuation & Alternate Ventilation	13103	18,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	13105	33,41	
Window Wall Attenuation & Alternate Ventilation	13105	33,41	

E-220 9/24/2008	08DCP074Q 080457ZMQ 10b 10c 10d	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5145	90	
		Exhaust stack location limitations	5145	90	
E-221 3/11/2009	08DCP033K 090047ZMK 16c	Air Quality - HVAC fuel limited to natural gas	452	1,15	
			458	1	
E-222 3/24/2009	09DCP013Q 090104ZMQ 14a	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3234	45	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3234	39	
		Exhaust stack location limitations	3234	39,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3234	39,45	
		Window Wall Attenuation & Alternate Ventilation	3234	39,45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3236	1,18	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3236	22	
		Exhaust stack location limitations	3236	1,18,22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3236	1,18,22	
		Window Wall Attenuation & Alternate Ventilation	3236	1,18,22	

Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3237	33	
Air Quality - HVAC fuel limited to natural gas	3237	40	
Exhaust stack location limitations	3237	33	
Hazardous Materials* Phase I and Phase II Testing Protocol	3237	33,40	
Window Wall Attenuation & Alternate Ventilation	3237	33,40	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3238	23	
Air Quality - HVAC fuel limited to natural gas	3238	42	
Exhaust stack location limitations	3238	23	
Hazardous Materials* Phase I and Phase II Testing Protocol	3238	23,42,44	
Window Wall Attenuation & Alternate Ventilation	3238	23,42,44	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3239	8,9,25,32	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3239	38	
Air Quality - HVAC fuel limited to natural gas	3239	15,16,17,20,21,23, 29	
Exhaust stack location limitations	3239	8,9,25,32,38	
Hazardous Materials* Phase I and Phase II Testing Protocol	3239	8,9,15,16,17,20,21, 23,25,29,32,38	
Window Wall Attenuation & Alternate Ventilation	3239	8,9,15,16,17,20,21, 23,25,29,32,38	

		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3256	38	
		Exhaust stack location limitations	3256	38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3256	9,38	
		Window Wall Attenuation & Alternate Ventilation	3256	9,38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3257	19,21	
		Window Wall Attenuation & Alternate Ventilation	3257	19,21	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3258	17,20,28,7502	
		Exhaust stack location limitations	3258	17,20,28,7502	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3258	17,7502	9/2/2020
			3258	20,28	
		Window Wall Attenuation & Alternate Ventilation	3258	17,20,28,7502	
E-223 3/24/2009	08DME010X 090146ZMX 1d	Hazardous Materials* Phase I and Phase II Testing Protocol	3266	21,23,155,159	
		Window Wall Attenuation & Alternate Ventilation	3266	13	
E-224 4/22/2009	07DCP056K 070396ZMK 17b	Air Quality - HVAC fuel limited to natural gas	4837	17	6/4/2018
			4837	27	2/24/2021
			4837	38,44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4837	44	

		Window Wall Attenuation & Alternate Ventilation	4837	17	6/4/2018
			4837	27	2/24/2021
			4837	38,44	
E-225 9/30/2009	09DCP024X 090365ZMX 3b 6a	Exhaust stack location limitations	2421	1,16,17,18,20,26, 27,50,51,52,53,54, 55,56,75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2421	1,16,17,18,20,26, 27,50,51,52,53,54, 55,56,57,75	
		Window Wall Attenuation & Alternate Ventilation	2421	1,16,17,18,20,26, 27,50,51,52,53,54, 55,56,57,75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2443	90,94	
		Window Wall Attenuation & Alternate Ventilation	2443	90,94	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2459	46,49,50,53,54	
		Window Wall Attenuation & Alternate Ventilation	2459	46,49,50,53,54	
		Exhaust stack location limitations	2460	25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2460	25	
		Window Wall Attenuation & Alternate Ventilation	2460	25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2474	40	
		Window Wall Attenuation & Alternate Ventilation	2474	40	
		Exhaust stack location limitations	2483	32,45,68	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2483	5,32,34,40,44,45, 68	

		Window Wall Attenuation & Alternate Ventilation	2483	5,32,34,40,44,45, 68	
		Exhaust stack location limitations	2484	33,35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2484	5,9,33,35	
		Window Wall Attenuation & Alternate Ventilation	2484	5,9,33,35	
E-226 5/22/2009	09HPD021K 090250ZMK 28d	Hazardous Materials* Phase I and Phase II Testing Protocol	7051	48,54	
		Window Wall Attenuation & Alternate Ventilation	7051	48,54	
E-227 6/30/2009	08DCP071X 090303ZMX 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	2318	5,7,9,18,19,22	
			2320	5,6,7,8,9,10,11,41, 42,43,45,46,47,50, 51,66,72,73,74,77, 79	
			2322	28,81,101	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2323	43	
		Exhaust stack location limitations	2323	43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2323	13,43	
		Window Wall Attenuation & Alternate Ventilation	2323	13,28,43	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2333	1,6,10,17,31,33,50, 54	
		Exhaust stack location limitations	2333	1,6,10,17,31,33,50, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2333	1,6,10,12,17,31,33, 50,54	

Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2334	38,39,40,41,43,45, 59,66	
Exhaust stack location limitations	2334	38,39,40,41,43,45, 59,66	
Hazardous Materials* Phase I and Phase II Testing Protocol	2334	38,39,40,41,43,45, 59,61,62,63,66	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2335	6,58	
Exhaust stack location limitations	2335	6,58	
Hazardous Materials* Phase I and Phase II Testing Protocol	2335	6,57,58	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2340	11	
Exhaust stack location limitations	2340	11	
Hazardous Materials* Phase I and Phase II Testing Protocol	2340	1,3,8,11,56,58,215, 218,221	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2341	6,10,28,31,34,37, 40,42	
Exhaust stack location limitations	2341	6,10,28,31,34,37, 40,42	
Hazardous Materials* Phase I and Phase II Testing Protocol	2341	6,10,23,28,31,34, 37,40,42	
Window Wall Attenuation & Alternate Ventilation	2341	6,10,23,28,31,34, 37,40,42	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2344	1,11,17,27,60,75, 83	
Exhaust stack location limitations	2344	1,11,17,27,60,75, 83	

Hazardous Materials* Phase I and Phase II Testing Protocol	2344	1,11,17,27,52,60, 75,83,110,112	
Window Wall Attenuation & Alternate Ventilation	2344	1,11,17,27,52	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2345	1,5,10,12,14,18,22, 26,49	
Exhaust stack location limitations	2345	1,5,10,12,14,18,22, 26,49	
Hazardous Materials* Phase I and Phase II Testing Protocol	2345	1,5,10,12,14,18,22, 26,49	
Window Wall Attenuation & Alternate Ventilation	2345	1,5,14,18,22,26,49	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2349	15,46,47,100	
Exhaust stack location limitations	2349	15,46,47,100	
Hazardous Materials* Phase I and Phase II Testing Protocol	2349	3,4,15,38,46,47,90, 100,112	
Window Wall Attenuation & Alternate Ventilation	2349	3,4,15,38,46,47,90, 100,112	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2350	5,11,16,34,63	
Exhaust stack location limitations	2350	5,11,16,34,63	
Hazardous Materials* Phase I and Phase II Testing Protocol	2350	1,5,11,16,34,63	
Window Wall Attenuation & Alternate Ventilation	2350	1	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2351	1,3,12,20,22,25,35	
Exhaust stack location limitations	2351	1,3,12,20,22,25,35	

		Hazardous Materials* Phase I and Phase II Testing Protocol	2351	1,3,12,20,22,25,35	
		Window Wall Attenuation & Alternate Ventilation	2351	1,3,12,20	
E-229 7/29/2009	08DME007K 090272ZMK 28d	Hazardous Materials* Phase I and Phase II Testing Protocol	7060	10,11,12,19,41,42, 43	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7061	6,8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7061	1,2,3,4,5,6,7,8,9, 11,14,20,27	
		Window Wall Attenuation & Alternate Ventilation	7061	6,8,9,11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7062	1,4,5,6,7,8,9,10, 11,14,25,28,34	
		Window Wall Attenuation & Alternate Ventilation	7062	14,25,28,34	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7063	12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7063	1,2,3,4,6,8,9,11, 12,32,33,34,35,38, 39,40,41	
		Window Wall Attenuation & Alternate Ventilation	7063	4,6,8,9,11,12,32, 33,38,39,40,41	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7064	45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7064	1,2,4,5,7,14,16,27, 28,31,32,35,37,38, 43,45	
		Window Wall Attenuation & Alternate Ventilation	7064	1,2,4,5,7,14,27,28, 31,32,35,37,38,43, 45,101	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7071	123,130	

		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7072	1,2,3,4,5,6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7072	1,2,3,4,5,6	
		Window Wall Attenuation & Alternate Ventilation	7072	1,2,3,4,5,6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7266	250	
		Window Wall Attenuation & Alternate Ventilation	7266	260,261	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7268	213,218	
		Window Wall Attenuation & Alternate Ventilation	7268	213,218,225,228, 234,236,244	
E-230 6/30/2009	09DCP052K 090313ZMK 17d 23a 23b 23c	Hazardous Materials* Phase I and Phase II Testing Protocol	7998	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7999	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7999	1	
			8000	1	
			8001	1,4,6,8	
			8002	5,7	
			8004	3,7	
			8005	2	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8013	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8013	1	

			8014	1	
			8017	36,44	
			8021	37,38	
			8023	39	
			8024	38,40	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8146	58	
		Air Quality - HVAC fuel limited to natural gas	8146	60	
		Exhaust stack location limitations	8146	58	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8146	19,58,60	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8147	14,16,18	
		Exhaust stack location limitations	8147	14,16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8147	6,14,18	
		Air Quality - HVAC fuel limited to natural gas	8165	48,52,147,153	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8165	52,147,153	
			8166	31	
			8179	1,15	
			8184	52,53	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8185	24	12/1/2017
			8185	22,32	

			Air Quality - HVAC fuel limited to natural gas	8185	25	
			Exhaust stack location limitations	8185	24	12/1/2017
				8185	22,32	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8185	24	12/1/2017
				8185	22,25,32	
				8204	42	
				8210	37	
				8212	44	
				8213	37	
			Air Quality - HVAC fuel limited to natural gas	8235	2,10	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8235	2,10	
				8237	1	
			Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8239	3,6	
			Exhaust stack location limitations	8239	3,6	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8239	3,6	
				8240	1	
				8241	1	
				8259	36	
				8260	38,39,40	
				8261	42	

E-231	09DCP053K	Hazardous Materials* Phase I and Phase II Testing Protocol	1	50	
7/29/2009	090310ZMK	Window Wall Attenuation & Alternate Ventilation	1	50	
	13d	Hazardous Materials* Phase I and Phase II Testing Protocol	18	1	
		Window Wall Attenuation & Alternate Ventilation	18	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	19	1	
		Window Wall Attenuation & Alternate Ventilation	19	1	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	20	29	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	20	12,14,21	
		Exhaust stack location limitations	20	12,14,21,29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	20	1,12,14,21,29	
			29	16	
		Window Wall Attenuation & Alternate Ventilation	29	16	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	30	1,4,21	
		Exhaust stack location limitations	30	1,4,21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	30	1,4,6,7,19,20,22, 23,24	
		Window Wall Attenuation & Alternate Ventilation	30	1,4,6,7,19,20,22, 23,24	

		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	31	1,14	
		Exhaust stack location limitations	31	1,14	
		Hazardous Materials* Phase I and Phase II Testing Protocol	31	1,14,30	
			32	1,55,56	
			40	1,13	
		Window Wall Attenuation & Alternate Ventilation	40	1	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	41	13,42,44	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	41	1,2	
		Exhaust stack location limitations	41	1,2,13,42,44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	41	1,2,5,13,42,44	
		Window Wall Attenuation & Alternate Ventilation	41	1,2,5,13,42,44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	42	1	
E-232	09DCP056K	Hazardous Materials* Phase I and Phase II Testing Protocol	2487	42,43	
7/29/2009	090334ZMK	Window Wall Attenuation & Alternate Ventilation	2487	42,43	
	12c 13a 13b	Hazardous Materials* Phase I and Phase II Testing Protocol	2488	3,4,6,7	
		Window Wall Attenuation & Alternate Ventilation	2488	3,4,6,7	

Hazardous Materials* Phase I and Phase II Testing Protocol	2495	48	
Window Wall Attenuation & Alternate Ventilation	2495	48	
Hazardous Materials* Phase I and Phase II Testing Protocol	2496	1,3,6	
Window Wall Attenuation & Alternate Ventilation	2496	1,3,6	
	2502	2	
Hazardous Materials* Phase I and Phase II Testing Protocol	2504	43,44,45	
Window Wall Attenuation & Alternate Ventilation	2504	43,44,45	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2505	5	8/28/2020
Exhaust stack location limitations	2505	5	8/28/2020
Hazardous Materials* Phase I and Phase II Testing Protocol	2505	2,5	
Window Wall Attenuation & Alternate Ventilation	2505	5	8/28/2020
Hazardous Materials* Phase I and Phase II Testing Protocol	2513	2,3,4,5,6,8	
Window Wall Attenuation & Alternate Ventilation	2513	2,3,4,5,6,8	
Hazardous Materials* Phase I and Phase II Testing Protocol	2523	1,2,4,7	
Window Wall Attenuation & Alternate Ventilation	2523	1,2,4,7	
Hazardous Materials* Phase I and Phase II Testing Protocol	2532	42,43,45,46	
Window Wall Attenuation & Alternate Ventilation	2532	42,43,45,46	

Hazardous Materials* Phase I and Phase II Testing Protocol	2533	3	
Window Wall Attenuation & Alternate Ventilation	2533	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	2540	41	
Window Wall Attenuation & Alternate Ventilation	2540	41	
Hazardous Materials* Phase I and Phase II Testing Protocol	2541	4	
Window Wall Attenuation & Alternate Ventilation	2541	4	
Hazardous Materials* Phase I and Phase II Testing Protocol	2550	45,46,47	
Window Wall Attenuation & Alternate Ventilation	2550	45,46,47	
Hazardous Materials* Phase I and Phase II Testing Protocol	2551	3,4,5,6,7,8	
Window Wall Attenuation & Alternate Ventilation	2551	3,4,5,6,7,8	
Hazardous Materials* Phase I and Phase II Testing Protocol	2559	37,45,46	
Window Wall Attenuation & Alternate Ventilation	2559	18,19,23,37,45,46	
Hazardous Materials* Phase I and Phase II Testing Protocol	2563	1	
	2566	4	
Window Wall Attenuation & Alternate Ventilation	2566	4	
Hazardous Materials* Phase I and Phase II Testing Protocol	2569	2	
Window Wall Attenuation & Alternate Ventilation	2569	2	

Hazardous Materials* Phase I and Phase II Testing Protocol	2575	5	12/12/2018
Window Wall Attenuation & Alternate Ventilation	2575	5	
Hazardous Materials* Phase I and Phase II Testing Protocol	2599	18,19,23,28	
Window Wall Attenuation & Alternate Ventilation	2599	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	2622	5,7,8,9,10,11,20, 21,22,23,24	
Window Wall Attenuation & Alternate Ventilation	2622	5,7,8,9,10,11,20, 21,22,23,24	
Hazardous Materials* Phase I and Phase II Testing Protocol	2649	11,12,13,14,15,16, 18,19,20,21,22,23, 24,29,30,31,32	
Window Wall Attenuation & Alternate Ventilation	2649	11,12,13,14,15,16, 18,19,20,21,22,23, 24,29,30,31,32	
Hazardous Materials* Phase I and Phase II Testing Protocol	2682	5,10,13,14,29,31, 112	
Window Wall Attenuation & Alternate Ventilation	2682	5,10,13,14,29,31, 112	
Hazardous Materials* Phase I and Phase II Testing Protocol	2683	28	
Window Wall Attenuation & Alternate Ventilation	2683	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	2751	4,5	
Window Wall Attenuation & Alternate Ventilation	2751	4,5	
Hazardous Materials* Phase I and Phase II Testing Protocol	2756	25,33	
Window Wall Attenuation & Alternate Ventilation	2756	25,33	

Hazardous Materials* Phase I and Phase II Testing Protocol	2757	24,25	
Window Wall Attenuation & Alternate Ventilation	2757	24,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	2758	4,39,41	
Window Wall Attenuation & Alternate Ventilation	2758	4,39,41	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2760	28	
Exhaust stack location limitations	2760	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	2760	4,6,28,35,36,37	
Window Wall Attenuation & Alternate Ventilation	2760	4,6,28,34,36,37	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2761	15,16,17,18	
Exhaust stack location limitations	2761	15,16,17,18	
Hazardous Materials* Phase I and Phase II Testing Protocol	2761	3,5,6,15,16,17,18, 21,22,25,26,34,35, 64	
Window Wall Attenuation & Alternate Ventilation	2761	3,5,6,15,16,17,18, 21,22,25,26,34,35, 64	
Hazardous Materials* Phase I and Phase II Testing Protocol	2762	3,5,6,7,8,9,10,11, 12,13,14,17,18	
Window Wall Attenuation & Alternate Ventilation	2762	3,5,6,7,8,9,10,11, 12,13,14,17,18	
Hazardous Materials* Phase I and Phase II Testing Protocol	2763	11	12/16/2019
	2763	13,16,17,18	
Window Wall Attenuation & Alternate Ventilation	2763	11	12/16/2019
	2763	1,13,16,17,18	

			Hazardous Materials* Phase I and Phase II Testing Protocol	2764	13,25	
			Window Wall Attenuation & Alternate Ventilation	2764	13,25	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2765	3,14,15,16,17,18, 19	
			Window Wall Attenuation & Alternate Ventilation	2765	3,14,15,16,17,18, 19	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2767	1,3,4	
			Window Wall Attenuation & Alternate Ventilation	2767	1,3,4	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2771	5,7	
			Window Wall Attenuation & Alternate Ventilation	2771	5,7	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2772	11,13,15,18,20,29	
			Window Wall Attenuation & Alternate Ventilation	2772	11,13,15,18,20	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2773	5,6,7,8	
			Window Wall Attenuation & Alternate Ventilation	2773	5,6,7,8	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2776	24	
			Window Wall Attenuation & Alternate Ventilation	2776	24	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2777	5	
			Window Wall Attenuation & Alternate Ventilation	2777	5	
			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2779	34,35,36,37	

Exhaust stack location limitations	2779	34,35,36,37	
Hazardous Materials* Phase I and Phase II Testing Protocol	2779	1,2,3,4,27,31,33, 34,35,36,37,38,44, 45,46,48,49	
Window Wall Attenuation & Alternate Ventilation	2779	1,2,3,4,27,31,33, 34,35,36,37,38,44, 45,46,48,49	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2780	1,31,32,33,34,35, 36,37,38	
Exhaust stack location limitations	2780	1,31,32,33,34,35, 36,37,38	
Hazardous Materials* Phase I and Phase II Testing Protocol	2780	1,28,30,31,32,33, 34,35,36,37,38	
Window Wall Attenuation & Alternate Ventilation	2780	1,28,30,31,32,33, 34,35,36,37,38	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2781	36,37,38	
Exhaust stack location limitations	2781	36,37,38	
Hazardous Materials* Phase I and Phase II Testing Protocol	2781	30,31,32,33,34,35, 36,38,41	
Window Wall Attenuation & Alternate Ventilation	2781	30,31,33,34,35,36, 38	
	2782	30,32,34,35,40,41	
Hazardous Materials* Phase I and Phase II Testing Protocol	2783	36,39,43	
Window Wall Attenuation & Alternate Ventilation	2783	36,39,43	
Hazardous Materials* Phase I and Phase II Testing Protocol	2784	1,30,31	
Window Wall Attenuation & Alternate Ventilation	2784	1,30,31,32	
Hazardous Materials* Phase I and Phase II Testing Protocol	2785	11,12,13,14,16,18, 19,21,22,26,27	

Window Wall Attenuation & Alternate Ventilation	2785	11,12,13,14,16,18, 19,21,22,26,27	
Hazardous Materials* Phase I and Phase II Testing Protocol	2786	19,20	
Window Wall Attenuation & Alternate Ventilation	2786	19,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	2787	9,10,21	
Window Wall Attenuation & Alternate Ventilation	2787	9,10,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	2788	15,19,20	
Window Wall Attenuation & Alternate Ventilation	2788	15,19,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	2789	10,21,22	
Window Wall Attenuation & Alternate Ventilation	2789	10,21,22	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2790	5,7504	
Exhaust stack location limitations	2790	5,7504	
Hazardous Materials* Phase I and Phase II Testing Protocol	2790	5,7504	11/23/2016
	2790	12,13,15,16,17	
Window Wall Attenuation & Alternate Ventilation	2790	5,12,13,15,16,17, 7504	
Hazardous Materials* Phase I and Phase II Testing Protocol	2791	6	
Window Wall Attenuation & Alternate Ventilation	2791	6	
Hazardous Materials* Phase I and Phase II Testing Protocol	2893	25,30	

		Window Wall Attenuation & Alternate Ventilation	2893	25,30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2919	4	
		Window Wall Attenuation & Alternate Ventilation	2919	4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2922	34,38,39,40,41,42, 43,44,45,46,47	
		Window Wall Attenuation & Alternate Ventilation	2922	34,38,39,40,41,42, 43,44,45,46,47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3022	3	
		Window Wall Attenuation & Alternate Ventilation	3022	3	
E-233	09DCP058K	Hazardous Materials* Phase I and Phase II Testing Protocol	5070	19	
7/29/2009	090336ZMK	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5082	47,55	
	16d 17b 22c 23a	Exhaust stack location limitations	5082	47,55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5082	47,55	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5089	1,105	
		Exhaust stack location limitations	5089	1,105	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5089	1,48,65,105	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5102	28,33,35,36	
		Exhaust stack location limitations	5102	28,33,35,36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5102	20,28,33,35,36,39, 41,46,47,48,51,52, 53	

Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5103	23,26,32,36	
Exhaust stack location limitations	5103	23,26,32,36	
Hazardous Materials* Phase I and Phase II Testing Protocol	5103	1,8,23,26,32,36,42	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5109	4,8,15	
Exhaust stack location limitations	5109	4,8,15	
Hazardous Materials* Phase I and Phase II Testing Protocol	5109	4,8,15,20	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5112	1	
Exhaust stack location limitations	5112	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	5112	1	
	5113	24	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5125	51,56,58,60	
Exhaust stack location limitations	5125	51,56,58,60	
Hazardous Materials* Phase I and Phase II Testing Protocol	5125	11,20,51,56,58,60	
	5126	7,9	
	5152	12	
	5164	13,15	
	5165	59	5/23/2019
	5165	58,61,67,69	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5186	4,10,16,24	

Exhaust stack location limitations	5186	4,10,16,24	
Hazardous Materials* Phase I and Phase II Testing Protocol	5186	4,10,16,24	
	5188	6,13,14	
	5224	135	
	5225	49,56	
	5227	13	8/16/2019
	5227	1,3,5	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5229	17	10/16/2019
Exhaust stack location limitations	5229	17	10/16/2019
Hazardous Materials* Phase I and Phase II Testing Protocol	5229	17	
	5231	78	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5232	27,28,35,37	
Exhaust stack location limitations	5232	27,28,35,37	
Hazardous Materials* Phase I and Phase II Testing Protocol	5232	27,28,35,37	
	5249	51,52,53,59	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5251	5,7,8,11,14,15,59	
Exhaust stack location limitations	5251	5,7,8,11,14,15,59	
Hazardous Materials* Phase I and Phase II Testing Protocol	5251	5,7,8,11,14,15,59	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	6696	16,78,79,81,82	
Exhaust stack location limitations	6696	16,78,79,81,82	

		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	6698	6,9	
		Exhaust stack location limitations	6698	6,9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	6886	48	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	7557	1,47,52,56,58,60, 62,68,101,124,128, 142,143	
		Exhaust stack location limitations	7557	1,47,52,56,58,60, 62,68,101,124,128, 142,143	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7557	1,47,52,56,58,60, 62,68,101,124,128, 142,143	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	7558	1,11,32,35,43	
		Exhaust stack location limitations	7558	1,11,32,35,43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7558	11,32,35,43,50,51, 52	
			7756	1,71	
E-234 10/14/2009	03DCP013Q 030129ZMQ 11d	Air Quality - HVAC fuel limited to natural gas	8401	550	
		Window Wall Attenuation & Alternate Ventilation	8401	550	
E-235 7/29/2009	09DCP064Q 090382ZMQ 13c 13d 14a 14b 17c	Hazardous Materials* Phase I and Phase II Testing Protocol	2713	70,72,73	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2770	1,13,16,31,34	

		Exhaust stack location limitations	2770	1,13,16,31,34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2770	1,13,16,31,34	
		Window Wall Attenuation & Alternate Ventilation	2770	1,31,34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2771	21,38	
		Window Wall Attenuation & Alternate Ventilation	2771	21,38	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3000	26	
		Exhaust stack location limitations	3000	26	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3014	26	
		Exhaust stack location limitations	3014	26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3594	7	
			3639	1	
		Window Wall Attenuation & Alternate Ventilation	3639	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3675	1,3,4,5,60,61	
		Air Quality - HVAC fuel limited to natural gas	3675	10	
		Exhaust stack location limitations	3675	1,3,4,5,60,61	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3675	1,3,4,5,10,60,61	

			3686	46	
			3692	1	
			3707	28	
			3708	33	
			3709	25	
			3710	22	
E-236 9/30/2009	09DCP075K 090387ZMK 16b 16d 22a 22c	Hazardous Materials* Phase I and Phase II Testing Protocol	673	1	
			677	3	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	681	1,6	
		Exhaust stack location limitations	681	1,6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	681	1,6	
			685	2,3,6,7	
			708	42	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	714	1,6	
		Exhaust stack location limitations	714	1,6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	714	1,6	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	719	6	
		Exhaust stack location limitations	719	6	

		Hazardous Materials* Phase I and Phase II Testing Protocol	719	6	
			756	3,4	
			783	6	3/12/2018
			798	41	
			799	6	
			806	35	
			807	1,2	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	915	1,2,3,4	
		Exhaust stack location limitations	915	1,2,3,4	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	919	12,13,16	
		Exhaust stack location limitations	919	12,13,16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	919	16	
			5790	35	
			5799	34	
			5800	1	
			5809	1,3	
			5818	5	

E-237 10/14/2009	06DCP084X 060288ZMX 4d	Air Quality - HVAC fuel limited to natural gas	5643	235	
E-238 12/22/2009	09HPD019K 090413ZMK 13b	Air Quality - #4 Fuel Oil for space heating and hot water systems	2238	41	
		Air Quality - Natural Gas Heat & Hot Water	2238	27,49	
		Exhaust stack location limitations	2238	27,49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2238	27,41,49	
		Window Wall Attenuation & Alternate Ventilation	2238	27,41	
		Air Quality - Natural Gas Heat & Hot Water	2242	2,3,22,45,46,47,53, 54	
		Exhaust stack location limitations	2242	2,3,45,46,47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2242	2,3,22,45,46,47,53, 54	
		Air Quality - #4 Fuel Oil for space heating and hot water systems	2245	35,40,42,43,44,47, 48,136,149	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2245	35,40,42,43,44,47, 48,136	
		Window Wall Attenuation & Alternate Ventilation	2245	35,40,42,43,44,47, 48,136,149	
		Air Quality - Natural Gas Heat & Hot Water	2250	36	12/6/2018
			2250	43,44	3/4/2019
			2250	4,6,7,8,10,11,12, 14,25,27,28,29,32, 33,38,40,42,45,46, 48,129	

Exhaust stack location limitations	2250	36	12/6/2018
	2250	43,44	3/4/2019
	2250	4,6,7,8,10,11,12, 14,25,27,28,29,32, 33,38,40,42,45,46, 48,129	
Hazardous Materials* Phase I and Phase II Testing Protocol	2250	36	12/6/2018
	2250	43,44	3/4/2019
	2250	4,6,7,8,10,11,12, 14,25,27,28,29,32, 33,38,40,42,45,46, 48,129	
Window Wall Attenuation & Alternate Ventilation	2250	36	12/6/2018
	2250	4,10,11,12,14,27, 28,29,32,33,46,48, 129	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2266	29,30	
Air Quality - Natural Gas Heat & Hot Water	2266	1,9,14,15,16,17,18, 19,20,21,22,23,24, 25,31,32,34,36,37, 38,39,40,41,45,46, 47,48,49	
Exhaust stack location limitations	2266	1,9,14,15,16,17,18, 19,20,21,22,23,24, 25,29,30,31,32,34, 36,39,40,41,45,46, 47,48,49	
Hazardous Materials* Phase I and Phase II Testing Protocol	2266	1,9,14,15,16,17,19, 20,21,22,23,24,25, 29,30,31,32,34,37, 38,39,40,41,45,46, 47,48,49	
Window Wall Attenuation & Alternate Ventilation	2266	1,9,14,15,16,17,19, 20,21,22,23,24,25, 29,30,31,32,34	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2269	25,27,28,29,30,31, 33,35,36,39,40,41, 42,43,45,47,48,49, 50	

Air Quality - Natural Gas Heat & Hot Water	2269	1,14,16,17,18,19, 23,24,40,52	
Exhaust stack location limitations	2269	1,14,16,17,18,19, 23,24,25,27,28,29, 30,31,33,35,36,39, 40,41,42,43,45,47, 48,49,50	
Hazardous Materials* Phase I and Phase II Testing Protocol	2269	1,19,24,25,39,40, 42,43	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2272	3	10/6/2020
	2272	6,9,11	
Air Quality - Natural Gas Heat & Hot Water	2272	45	7/15/2020
	2272	49,51,52,53,54,55, 108	
Exhaust stack location limitations	2272	45	7/15/2020
	2272	3	10/6/2020
	2272	6,9,11,49,51,52,53, 108	
Hazardous Materials* Phase I and Phase II Testing Protocol	2272	3,6,9,45,54,55	
Window Wall Attenuation & Alternate Ventilation	2272	45	7/15/2020
	2272	49,51,52,53,54,55, 108	
Air Quality - #4 Fuel Oil for space heating and hot water systems	2274	1,5,6,16,24	
Hazardous Materials* Phase I and Phase II Testing Protocol	2274	1,5,6,16,24	
Window Wall Attenuation & Alternate Ventilation	2274	1,5,6,16,24	

E-239 12/9/2009	07DCP076M 080039ZMM 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	1969	12,68	
E-240 2/4/2010	09DCP028X 090397ZMX 1d	Window Wall Attenuation & Alternate Ventilation	3360	77	6/7/2018
			3360	70,176,7501	
E-242 4/29/2010	06DCP083Q 060550ZMQ 14b	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3347	54	
		Air Quality - HVAC fuel limited to natural gas	3347	24	
		Exhaust stack location limitations	3347	24,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3347	54	
		Window Wall Attenuation & Alternate Ventilation	3347	24	
E-243 6/9/2010	08DCP054X 080157ZMX 3d	Air Quality - HVAC fuel limited to natural gas	2984	46,67	
		Window Wall Attenuation & Alternate Ventilation	2984	46,67	
E-244 6/29/2010	08DCP067X 090143ZMX 3c	Window Wall Attenuation & Alternate Ventilation	3273	225	

E-245 5/25/2010	10DCP019Q 100199ZMQ 6b 9a 9b 9c	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	502	22	11/12/2019
			502	5,7,9,19,23,46	
		Exhaust stack location limitations	502	22	11/12/2019
			502	5,7,9,19,23,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	502	46	12/12/2019
			502	5,7,9,19,22,23	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	503	1,3,41,48	
		Exhaust stack location limitations	503	1,3,41,48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	503	1,3,41,48	
			504	3,21	
			505	14	
			506	29	
			533	1,45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	535	46,51	
		Exhaust stack location limitations	535	46,51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	535	46	2/8/2016
			535	51	
			537	43	
			538	46	12/12/2019
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	550	7	

		Exhaust stack location limitations	550	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	550	7	
			551	17,19	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	567	1,5	
		Exhaust stack location limitations	567	1,5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	567	1,5	
			579	1,5	
			580	20	
			586	35	
			595	19,26,27	
			617	8	
			646	34	
			647	30	
			649	3,5	
			654	59	8/12/2020
			654	60,160	
			793	26,42,73	
			797	10	
			799	15,24	
			803	60	
			805	32,36	
			808	1	

			809	35,45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	831	1,11,18,25,27,29	
		Exhaust stack location limitations	831	1,11,18,25,27,29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	831	1,11,18,25,27,29	
			833	1,2,3,18,19,23,32, 123	
			835	4,27	
			837	50	11/27/2017
			837	9	
			840	52,53	
			842	71,83	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	844	49,52,59,60	
		Exhaust stack location limitations	844	49,52,59,60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	844	40,42,45,46,49,52, 59,60,67,146	
			846	53,67	
			855	1,3	
			872	11	2/1/2016
E-246 7/29/2010	04DCP013Q 030223ZMQ 10a	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	4949	31	
		Air Quality - HVAC fuel limited to natural gas	4949	46	
		Exhaust stack location limitations	4949	31	

		Hazardous Materials* Phase I and Phase II Testing Protocol	4949	31,8900	
		Window Wall Attenuation & Alternate Ventilation	4949	31,46	
E-247 7/29/2010	06DME010Q 100207ZMQ 10a 10b	Air Quality - HVAC fuel limited to natural gas	4978	25,7502	
		Exhaust stack location limitations	4978	25,7502	
		Window Wall Attenuation & Alternate Ventilation	4978	25,7502	
E-248 7/29/2010	05DCP093Q 050522ZMQ 9d	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1600	80,86,99,110,130	
		Exhaust stack location limitations	1600	80,86,99,110,130	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1600	80,86,99,110	
		Window Wall Attenuation & Alternate Ventilation	1600	80,86,99,110,130	
E-249 3/23/2011	10DCP035X 110085ZMX 1d 3c	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3273	100,105,109,114	
		Exhaust stack location limitations	3273	100,105,109,114	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3273	100,105,109,114, 118,122,128	
		Window Wall Attenuation & Alternate Ventilation	3273	85,100,105,109,114, 118,122,128	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3276	1	
		Window Wall Attenuation & Alternate Ventilation	3276	1	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3277	36,40,41,45	

Exhaust stack location limitations	3277	36,40,41,45	
Hazardous Materials* Phase I and Phase II Testing Protocol	3277	28,36,40,41,45	
Window Wall Attenuation & Alternate Ventilation	3277	28,36,40,41,45	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3278	31,80,81,82,83,84, 88	
Exhaust stack location limitations	3278	31,80,81,82,83,84, 88	
Hazardous Materials* Phase I and Phase II Testing Protocol	3278	31,33	
Window Wall Attenuation & Alternate Ventilation	3278	31,33,80,81,82,83, 84,88	
Hazardous Materials* Phase I and Phase II Testing Protocol	3279	50	
Window Wall Attenuation & Alternate Ventilation	3279	50	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3280	42,45,46,48,49,52, 55,58,61,65,67	
Exhaust stack location limitations	3280	42,45,46,48,49,52, 55,58,61,65,67	
Hazardous Materials* Phase I and Phase II Testing Protocol	3280	45	5/25/2016
	3280	37,39,42,46,48,58, 61,65,67	
Window Wall Attenuation & Alternate Ventilation	3280	37,39,42,45,46,48, 49,52,55,58,61,65, 67	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3330	40,42,43,50,51,52, 55,57	
Exhaust stack location limitations	3330	40,42,43,50,51,52, 55,57	

Hazardous Materials* Phase I and Phase II Testing Protocol	3330	40,50,51,52,55,57, 68	
Window Wall Attenuation & Alternate Ventilation	3330	40,42,43,50,51,52, 55,57,68	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3331	80	
Exhaust stack location limitations	3331	80	
Hazardous Materials* Phase I and Phase II Testing Protocol	3331	57,75,80	
Window Wall Attenuation & Alternate Ventilation	3331	45,48,53,57,64,74, 75,80	
Hazardous Materials* Phase I and Phase II Testing Protocol	3355	116	
Window Wall Attenuation & Alternate Ventilation	3355	116,136	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3356	206,214	
Exhaust stack location limitations	3356	206,214	
Hazardous Materials* Phase I and Phase II Testing Protocol	3356	200,206,214	
Window Wall Attenuation & Alternate Ventilation	3356	200,206,214	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3357	7,12,16,18,21,23, 25,28,32,33,37,52, 53,54,55	
Exhaust stack location limitations	3357	7,12,16,18,21,23, 25,28,32,33,37,52, 53,54,55	
Hazardous Materials* Phase I and Phase II Testing Protocol	3357	7,12,16,18,21,23, 25,28,32,33,37,52, 53,54,55	

		Window Wall Attenuation & Alternate Ventilation	3357	7,12,15,16,18,21, 23,25,28,32,33,37, 52,53,54,55	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3360	50	
		Exhaust stack location limitations	3360	50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3360	62	11/4/2016
			3360	33,38,44,50	
		Window Wall Attenuation & Alternate Ventilation	3360	33,38,44,50,62	
E-250	10DCP014Q	Hazardous Materials* Phase I and Phase II Testing Protocol	351	1,6,7,8,10,11	
9/16/2010	100145ZMQ		352	1	
	9a 9b				
E-251	07DCP001X	Air Quality - HVAC fuel limited to natural gas	2991	5	1/31/2018
10/13/2010	070550ZMX	Hazardous Materials* Phase I and Phase II Testing Protocol	2991	1,3,26	
	3d	Window Wall Attenuation & Alternate Ventilation	2991	5	1/31/2018
			2991	1,3,26	
E-252	10DCP029K	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	5294	35,53,54,55	
10/27/2010	100345ZMK	Air Quality - HVAC fuel limited to natural gas	5294	18,19,20,21,23,24, 25,26,27,28,29,30, 31,34,36,39,45,46, 50,62,65,66	
	22c	Exhaust stack location limitations	5294	35,53,54,55	

Hazardous Materials* Phase I and Phase II Testing Protocol	5294	9,16,18,19,20,21, 23,24,25,26,27,28, 29,30,31,34,35,36, 39,45,46,50,53,54, 55,62,65,66	
Air Quality - HVAC fuel limited to natural gas	5295	45,46,52,56,60,68, 70,71	
Hazardous Materials* Phase I and Phase II Testing Protocol	5295	42,45,52,56,60,68, 70,71,73	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	5296	29	
Air Quality - HVAC fuel limited to natural gas	5296	52	2/7/2019
	5296	7,49,51,54,55,57, 64,66,67,70,72	
Exhaust stack location limitations	5296	29	
Hazardous Materials* Phase I and Phase II Testing Protocol	5296	52	2/7/2019
	5296	1,7,29,46,49,51,54, 55,57,60,64,66,67, 70,72	
Window Wall Attenuation & Alternate Ventilation	5296	52	2/7/2019
	5296	1,7,29,46,49,51,54, 55,57,60,64,66,67, 70,72	
Air Quality - HVAC fuel limited to natural gas	5299	17	
Hazardous Materials* Phase I and Phase II Testing Protocol	5299	17	
Air Quality - HVAC fuel limited to natural gas	5300	62	3/5/2018
	5300	8,70,72,74	
Hazardous Materials* Phase I and Phase II Testing Protocol	5300	62	3/5/2018
	5300	8,70,72,74	

E-253 10/27/2010	10DCP037Q 100409ZMQ 10c 10d 11b 15a	Air Quality - HVAC fuel limited to natural gas	7732	150	
			7748	400	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7780	1	
		Window Wall Attenuation & Alternate Ventilation	7780	1	
		Air Quality - HVAC fuel limited to natural gas	7798	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7798	1	
		Window Wall Attenuation & Alternate Ventilation	7798	1	
		Air Quality - HVAC fuel limited to natural gas	7799	1,8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7799	1,8	
		Window Wall Attenuation & Alternate Ventilation	7799	1,8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7842	12	
		Window Wall Attenuation & Alternate Ventilation	7842	12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7912	24,30	
		Window Wall Attenuation & Alternate Ventilation	7912	24,30	
E-254 10/27/2010	10DCP044M 100420ZMM 12c	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	555	18,7501	2/11/2020
		Air Quality - HVAC fuel limited to natural gas	555	13,21,122,123,124	
		Exhaust stack location limitations	555	18,7501	2/11/2020

		Air Quality - HVAC fuel limited to natural gas	556	59	
E-255 10/13/2010	10DCP043X 100407ZMX 3c 3d	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2900	72,73,83	
		Exhaust stack location limitations	2900	72,73,83	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2900	55,72,73,83	
		Window Wall Attenuation & Alternate Ventilation	2900	72,73,83	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2908	37,43,47	
		Exhaust stack location limitations	2908	37,43,47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2908	26,31,37,43,47	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2909	8	
		Exhaust stack location limitations	2909	8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2909	8,10,26,28	
			2917	11	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2923	13,14,31	
		Exhaust stack location limitations	2923	13,14,31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2923	13,14,27,30,31,35	
			2924	15	

		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2950	54	
		Exhaust stack location limitations	2950	54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2950	52,54	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2956	24,26,28,31	
		Exhaust stack location limitations	2956	24,26,28,31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3027	7501	1/31/2019
			3027	16	
		Window Wall Attenuation & Alternate Ventilation	3027	7501	1/31/2019
			3027	16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3028	1,6,7,8,48,75	
		Window Wall Attenuation & Alternate Ventilation	3028	1,6,7,8,48,75	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3032	25,37	
		Exhaust stack location limitations	3032	25,37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3032	25,37	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3034	1,52	
		Exhaust stack location limitations	3034	1,52	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3034	1,49,52	

	3040	24,26,42	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3041	16,18,21	
Exhaust stack location limitations	3041	16,18,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	3041	16,18,21,45	
Window Wall Attenuation & Alternate Ventilation	3041	35,45	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3042	13	
Exhaust stack location limitations	3042	13	
Hazardous Materials* Phase I and Phase II Testing Protocol	3042	13,22,28	
Window Wall Attenuation & Alternate Ventilation	3042	13,22,28	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3043	43,67,72,77,80,84	
Exhaust stack location limitations	3043	43,67,72,77,80,84	
Hazardous Materials* Phase I and Phase II Testing Protocol	3044	82,88,93	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3045	44,49,51	
Exhaust stack location limitations	3045	44,49,51	
Hazardous Materials* Phase I and Phase II Testing Protocol	3045	44,49,51	
	3047	63,65	

Window Wall Attenuation & Alternate Ventilation	3047	63,65	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3051	7501	4/5/2019
	3051	49	
Exhaust stack location limitations	3051	7501	4/5/2019
	3051	49	
Hazardous Materials* Phase I and Phase II Testing Protocol	3051	7501	4/5/2019
	3051	49	
Window Wall Attenuation & Alternate Ventilation	3051	7501	4/5/2019
	3051	49	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3052	11	
Exhaust stack location limitations	3052	11	
Hazardous Materials* Phase I and Phase II Testing Protocol	3052	11,14,15,17	
Window Wall Attenuation & Alternate Ventilation	3052	11,14,15,17	
Hazardous Materials* Phase I and Phase II Testing Protocol	3053	28,36,39,41	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3055	33,35,37,41,45,47, 56,57	
Exhaust stack location limitations	3055	33,35,37,41,45,47, 56,57	
Hazardous Materials* Phase I and Phase II Testing Protocol	3055	33,35,37,41,45,47, 56,57	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3057	3	

Exhaust stack location limitations	3057	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	3057	3	
	3060	8	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3062	1,3,19,20	
Exhaust stack location limitations	3062	1,3,19,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	3062	1,3,20	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3064	100	
Exhaust stack location limitations	3064	100	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3093	53	
Exhaust stack location limitations	3093	53	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3106	52,55	
Exhaust stack location limitations	3106	52,55	
Hazardous Materials* Phase I and Phase II Testing Protocol	3107	44	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3121	64	
Exhaust stack location limitations	3121	64	

E-256 10/13/2010	10DCP031M 100277ZMM 3b	Window Wall Attenuation & Alternate Ventilation	2069	7501	
E-257 10/13/2010	10DCP039M 100369ZMM 12a	Air Quality - HVAC fuel limited to natural gas	190	43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	190	37,39,41,43	
		Window Wall Attenuation & Alternate Ventilation	190	37,39,41,43	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	194	5,20	
		Air Quality - HVAC fuel limited to natural gas	194	13,14,15,23,24,28, 31,36,38	
		Exhaust stack location limitations	194	5,20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	194	11	7/17/2018
			194	5,9,13,14,15,16,20, 23,24,28,29,31,36, 38,42	
		Window Wall Attenuation & Alternate Ventilation	194	5,9,11,13,14,15,16, 20,23,24,28,29,31, 36,38,42	
		Air Quality - HVAC fuel limited to natural gas	210	1,2,3,4,7,8,9,10, 11,12,16,17,19,34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	210	1,2,3,4,5,7,8,9,10, 11,12,16,17,18,19, 21,34	
		Window Wall Attenuation & Alternate Ventilation	210	1,2,3,4,5,7,8,9,10, 11,12,16,17,18,19, 21,34	
		Air Quality - HVAC fuel limited to natural gas	211	14,15,16,18,24	
		Hazardous Materials* Phase I and Phase II Testing Protocol	211	14,15,16,18,24,27, 28	

Window Wall Attenuation & Alternate Ventilation	211	14,15,16,18,24,27, 28	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	212	7505	
Exhaust stack location limitations	212	7505	
Hazardous Materials* Phase I and Phase II Testing Protocol	212	18,70,7505	
Window Wall Attenuation & Alternate Ventilation	212	18,70,7505	
Hazardous Materials* Phase I and Phase II Testing Protocol	214	3,4,12	
Window Wall Attenuation & Alternate Ventilation	214	4	4/19/2018
	214	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	215	1	
Air Quality - HVAC fuel limited to natural gas	217	7504	
Hazardous Materials* Phase I and Phase II Testing Protocol	217	7504	9/22/2016
Window Wall Attenuation & Alternate Ventilation	217	7504	
Hazardous Materials* Phase I and Phase II Testing Protocol	218	6	
Window Wall Attenuation & Alternate Ventilation	218	6	
Hazardous Materials* Phase I and Phase II Testing Protocol	219	2,3	
Window Wall Attenuation & Alternate Ventilation	219	2,3	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	220	31	

Air Quality - HVAC fuel limited to natural gas	220	29	
Exhaust stack location limitations	220	31	
Hazardous Materials* Phase I and Phase II Testing Protocol	220	28,29,31	
Window Wall Attenuation & Alternate Ventilation	220	28,29,31	
Air Quality - HVAC fuel limited to natural gas	222	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	222	1	
Window Wall Attenuation & Alternate Ventilation	222	1	
Air Quality - HVAC fuel limited to natural gas	223	26,29,33,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	223	23,26,29,31,33,35	
Window Wall Attenuation & Alternate Ventilation	223	29,31,33,35	
Air Quality - HVAC fuel limited to natural gas	224	23	
Hazardous Materials* Phase I and Phase II Testing Protocol	224	21,23,32,33,36	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	225	6	
Exhaust stack location limitations	225	6	
Hazardous Materials* Phase I and Phase II Testing Protocol	225	4,6	
Window Wall Attenuation & Alternate Ventilation	225	4,6	

		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	595	1,22,7508	
		Exhaust stack location limitations	595	1,22,7508	
		Hazardous Materials* Phase I and Phase II Testing Protocol	595	1,9,22,51,7508	
		Window Wall Attenuation & Alternate Ventilation	595	1,22,51,7508	
E-258	09DCP070X	Air Quality - HVAC fuel limited to natural gas	2735	28	
10/13/2010	100036ZMX	Exhaust stack location limitations	2735	28	
	6c	Hazardous Materials* Phase I and Phase II Testing Protocol	2735	17,19,20,28	
		Window Wall Attenuation & Alternate Ventilation	2735	17,19,20	
E-259	08DCP022X	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2389	28	
10/13/2010	080129ZMX	Exhaust stack location limitations	2389	28	
	3d	Window Wall Attenuation & Alternate Ventilation	2389	20	
E-260	08DCP017K	Air Quality - HVAC fuel limited to natural gas	1475	55,56,57,58,59,60, 61,62	
4/6/2011	070579ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	1475	35,49,50,64,69,76	
	17b	Window Wall Attenuation & Alternate Ventilation	1475	35,49,50,64,69,76	
E-261	07DCP035K	Air Quality - HVAC fuel limited to natural gas	2415	27,28,29,30,31,32, 36,37	
3/23/2011	070245ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	2415	16,19,24,26,38,119, 136	
	12c				

E-262	11DCP023Y	Air Quality - HVAC fuel limited to natural gas	23	1,4,13,17,42	
1/18/2011	110069ZMR	Hazardous Materials* Phase I and Phase II Testing Protocol	23	1,4,13,17,42	
	20d 21c 26c 33c 33d	Air Quality - HVAC fuel limited to natural gas	24	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	24	1	
		Air Quality - HVAC fuel limited to natural gas	47	7,10,107	
		Hazardous Materials* Phase I and Phase II Testing Protocol	47	7,10,107	
		Window Wall Attenuation & Alternate Ventilation	47	7,10,107	
		Air Quality - HVAC fuel limited to natural gas	115	61,62,63	
		Hazardous Materials* Phase I and Phase II Testing Protocol	115	61,62,63	
		Window Wall Attenuation & Alternate Ventilation	115	61,62,63	
		Air Quality - HVAC fuel limited to natural gas	2030	35,38,40,42	
			2072	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2072	28	
		Air Quality - HVAC fuel limited to natural gas	2102	106,130	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2102	106	
		Air Quality - HVAC fuel limited to natural gas	2361	12,14,17,22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2361	12,14,17,22	
		Air Quality - HVAC fuel limited to natural gas	5282	67,69,73,75	

		Hazardous Materials* Phase I and Phase II Testing Protocol	5282	67,69,73,75	
		Air Quality - HVAC fuel limited to natural gas	5318	5,6,7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5318	5,6,7	
E-263	09DCP032K	Air Quality - HVAC fuel limited to natural gas	347	50,51,52,53,151, 152	8/2/2018
4/29/2011	090225ZMK	Exhaust stack location limitations	347	50,51,52,53,151, 152	8/2/2018
	6a	Hazardous Materials* Phase I and Phase II Testing Protocol	347	54	
		Window Wall Attenuation & Alternate Ventilation	347	50,51,52,53,151, 152	8/2/2018
			347	54	
E-264	11DCP038K	Air Quality - HVAC fuel limited to natural gas	352	19,21	
4/29/2011	110118ZMK	Exhaust stack location limitations	352	19,21	
	16a	Hazardous Materials* Phase I and Phase II Testing Protocol	352	19,21	
		Window Wall Attenuation & Alternate Ventilation	352	19,21	
E-265	06DCP112R	Air Quality - HVAC fuel limited to natural gas	1226	1,3,5,7,11,57,70, 77,78,83,84,86,87	
5/11/2011	100118ZMR	Hazardous Materials* Phase I and Phase II Testing Protocol	1226	84,86,87	6/17/2016
	20c		1226	79	
		Window Wall Attenuation & Alternate Ventilation	1226	7,11,57	

E-266	11DCP041Q	Hazardous Materials* Phase I and Phase II Testing Protocol	9898	1,117	
			12008	34	
5/11/2011	110145ZMQ		12022	13,23	
	14d 18c 18d 19a 19b		12048	77	
			12059	24,34,70	
			12142	1,5	
			12153	1,9	
			12188	1	
			12212	1	
			12390	121	
			12392	19,22,54,58	
		Window Wall Attenuation & Alternate Ventilation	12392	43,54,58	
			12480	9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12483	2,51	
		Window Wall Attenuation & Alternate Ventilation	12489	1,4,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12490	1	
		Window Wall Attenuation & Alternate Ventilation	12490	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12515	14,18	
			12516	45	
		Window Wall Attenuation & Alternate Ventilation	12516	45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12541	50,52,55	

		Air Quality - HVAC fuel limited to natural gas	12666	1,103,104,105,106, 107,108,109,110	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12666	1,103,104,105,106, 107,108,109,110	
			12983	26,27,28,31,46,50	
E-267 6/29/2011	10DCP051Q 100457ZMQ 7d	Exhaust stack location limitations	4539	61	
E-268 6/14/2011	11DCP068M 110177ZMM 8c	Air Quality - HVAC fuel limited to natural gas	1072	10,21,42,44,45	
		Exhaust stack location limitations	1072	10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1072	1,10,21,42,44,45, 50,59,61	
		Window Wall Attenuation & Alternate Ventilation	1072	1,10,21,42,44,45, 50,59,61	
		Air Quality - HVAC fuel limited to natural gas	1074	49,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1074	49,54,63	
		Window Wall Attenuation & Alternate Ventilation	1074	49,54,63	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1076	1,13	
		Air Quality - HVAC fuel limited to natural gas	1076	9,55,56,57,59,60	
		Exhaust stack location limitations	1076	55,56,57,59,60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1076	1,9,13,55,56,57,59, 60	

Window Wall Attenuation & Alternate Ventilation	1076	1,9,13,55,56,57,59, 60	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1077	1,61	
Hazardous Materials* Phase I and Phase II Testing Protocol	1077	1,61	
Window Wall Attenuation & Alternate Ventilation	1077	1,61	
Air Quality - HVAC fuel limited to natural gas	1078	7	
Hazardous Materials* Phase I and Phase II Testing Protocol	1078	7	
Window Wall Attenuation & Alternate Ventilation	1078	7	
Air Quality - HVAC fuel limited to natural gas	1079	3,61	
Hazardous Materials* Phase I and Phase II Testing Protocol	1079	3,61	
Window Wall Attenuation & Alternate Ventilation	1079	3,61	
Hazardous Materials* Phase I and Phase II Testing Protocol	1092	16,21,28	
Window Wall Attenuation & Alternate Ventilation	1092	16	
Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1093	21,28	
Air Quality - HVAC fuel limited to natural gas	1093	31,33,36	
Hazardous Materials* Phase I and Phase II Testing Protocol	1093	31,33,36	
Air Quality - HVAC fuel limited to natural gas	1094	11,12,17,27,29,36, 37,38,44	
Exhaust stack location limitations	1094	11,12,17	

		Hazardous Materials* Phase I and Phase II Testing Protocol	1094	36	5/7/2018
			1094	11,12,17,27,29,37, 38,44	
		Window Wall Attenuation & Alternate Ventilation	1094	11,12,17,27,29,36, 37,38,44	
		Air Quality - HVAC fuel limited to natural gas	1098	11,15,48,51,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1098	11,15,20,42,48,51, 54	
		Window Wall Attenuation & Alternate Ventilation	1098	11,51,54	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1099	47,48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1099	14,17,47,48	
E-269 6/29/2011	07DCP029Q 070210ZMQ 10a	Air Quality - HVAC fuel limited to natural gas	4958	63,65,67	
		Window Wall Attenuation & Alternate Ventilation	4958	63,65,67	
E-271 7/28/2011	10DCP016Q 100175ZMQ 7d	Hazardous Materials* Phase I and Phase II Testing Protocol	4645	3	
E-272 7/28/2011	11DCP080Q 110207ZMQ 9b 9d	Window Wall Attenuation & Alternate Ventilation	129	67	
			138	25	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	140	47	
		Exhaust stack location limitations	140	47	

Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	141	10	
Exhaust stack location limitations	141	10	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	152	1,5	
Exhaust stack location limitations	152	1,5	
Window Wall Attenuation & Alternate Ventilation	152	5	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	157	28	
Exhaust stack location limitations	157	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	157	28	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	160	5	
Exhaust stack location limitations	160	5	
Window Wall Attenuation & Alternate Ventilation	162	47	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	163	37	
Exhaust stack location limitations	163	37	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	168	26,31	
Exhaust stack location limitations	168	26,31	

Hazardous Materials* Phase I and Phase II Testing Protocol	168	26	
	169	22	
Window Wall Attenuation & Alternate Ventilation	172	1	
	173	1	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	175	7,12	
Exhaust stack location limitations	175	7,12	
Hazardous Materials* Phase I and Phase II Testing Protocol	175	12	
Window Wall Attenuation & Alternate Ventilation	175	7,12	
Hazardous Materials* Phase I and Phase II Testing Protocol	187	29	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	188	5,43	
Exhaust stack location limitations	188	5,43	
Hazardous Materials* Phase I and Phase II Testing Protocol	188	43	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	189	5,45	
Exhaust stack location limitations	189	5,45	
Hazardous Materials* Phase I and Phase II Testing Protocol	189	5,45	
Window Wall Attenuation & Alternate Ventilation	189	5,45	
Hazardous Materials* Phase I and Phase II Testing Protocol	190	5,44	

Window Wall Attenuation & Alternate Ventilation	190	5,44	
Hazardous Materials* Phase I and Phase II Testing Protocol	191	44	
Window Wall Attenuation & Alternate Ventilation	191	44	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	193	25,30	
Exhaust stack location limitations	193	25,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	193	25	
Window Wall Attenuation & Alternate Ventilation	193	25,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	195	29	
Window Wall Attenuation & Alternate Ventilation	195	29	
Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	196	1,42	
Exhaust stack location limitations	196	1,42	
Window Wall Attenuation & Alternate Ventilation	196	1,42	
	197	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	2281	25	
Window Wall Attenuation & Alternate Ventilation	2281	25	

E-273 9/21/2011	11DCP110K 110252ZMK 16c	Hazardous Materials* Phase I and Phase II Testing Protocol	191	29,30,35,37,38	
		Window Wall Attenuation & Alternate Ventilation	191	29,30,35,37,38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	193	50	
			197	40	
		Window Wall Attenuation & Alternate Ventilation	197	40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	198	8	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	389	5,7,10	
		Exhaust stack location limitations	389	5,7,10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	389	5,7,10	
		Window Wall Attenuation & Alternate Ventilation	389	5,7,10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	395	3	
		Window Wall Attenuation & Alternate Ventilation	395	3	
E-274 9/8/2011	10DCP038K 110058ZMK 28b 28d	Air Quality - HVAC fuel limited to natural gas	7065	6,12	
		Exhaust stack location limitations	7065	6,12	
E-275 6/29/2011 9/27/2017	07DCP051R 080482ZMR 33a	Exhaust stack location limitations	6145	13,16	9/27/2017

E-276 9/21/2011	10DCP004M 100063ZMM 8d	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	778	13,16,18,25,27,29, 30,31,34,47,66	
		Air Quality - HVAC fuel limited to natural gas	778	46	
		Exhaust stack location limitations	778	13,16,18,25,27,29, 30,31,34,47,66	
		Hazardous Materials* Phase I and Phase II Testing Protocol	778	25,27,29,30,31,34, 46,47,55	
		Window Wall Attenuation & Alternate Ventilation	778	13,16,18,25,27,29, 30,31,34,46,47,55, 66	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	779	27,28	10/3/2017
			779	31	2/24/2020
			779	12,25,26,53,55,56, 69	
		Air Quality - HVAC fuel limited to natural gas	779	52	
		Exhaust stack location limitations	779	27,28	10/3/2017
			779	31	2/24/2020
			779	12,25,26,53,55,56, 69	
		Hazardous Materials* Phase I and Phase II Testing Protocol	779	7	5/3/2017
			779	27,28	10/3/2017
			779	31	2/24/2020
			779	8,12,25,26,52,53, 55,56,62,69	
		Window Wall Attenuation & Alternate Ventilation	779	7	5/3/2017
			779	27,28	10/3/2017
			779	8,12,25,26,31,52, 53,55,56,62,69	

E-277	10DCP017X	Air Quality - HVAC fuel limited to natural gas	2998	104,113,124	
10/5/2011	100310ZMX	Exhaust stack location limitations	2998	104,113,124	
	3d	Hazardous Materials* Phase I and Phase II Testing Protocol	2998	97,104,113,124	
		Window Wall Attenuation & Alternate Ventilation	2998	97,104,113,124	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3009	25,38,44	
		Air Quality - HVAC fuel limited to natural gas	3009	37	
		Exhaust stack location limitations	3009	25,38,44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3009	25,37,38,44	
		Window Wall Attenuation & Alternate Ventilation	3009	25,37,38,44	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3010	29,33,40,46	
		Exhaust stack location limitations	3010	29,33,40,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3010	26,29,33,40,46	
		Window Wall Attenuation & Alternate Ventilation	3010	26,29,33,40,46	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3015	62	12/11/2018
			3015	34,50,56,110	
		Air Quality - HVAC fuel limited to natural gas	3015	1,3,5,17,18,19,25, 26,29,31,67,81,83, 84,85,95,96,97	

Exhaust stack location limitations	3015	62	12/11/2018
	3015	1,3,5,17,18,19,25, 26,29,31,34,50,56, 67,83,84,85,97,110	
Hazardous Materials* Phase I and Phase II Testing Protocol	3015	1,3,5,17,18,19,25, 26,29,31,34,50,56, 62,67,81,83,84,85, 95,96,97,110	
Window Wall Attenuation & Alternate Ventilation	3015	62	12/11/2018
	3015	1,3,5,17,18,19,25, 26,34,50,56,67,81, 83,84,85,95,96,97, 110	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3016	38	4/5/2018
	3016	50	9/24/2018
	3016	42	
Air Quality - HVAC fuel limited to natural gas	3016	33,35,36,37,71	
Exhaust stack location limitations	3016	38	4/5/2018
	3016	50	9/24/2018
	3016	36,37,42,71	
Hazardous Materials* Phase I and Phase II Testing Protocol	3016	38	4/5/2018
	3016	50	9/24/2018
	3016	33,35,36,37,42,71	
Window Wall Attenuation & Alternate Ventilation	3016	38	4/5/2018
	3016	50	9/24/2018
	3016	33,35,36,37,42,71	

E-278	11DCP101M	Air Quality - HVAC fuel limited to natural gas	1600	20	
8/17/2011	110243ZMM 6b	Exhaust stack location limitations	1600	20	
E-279	11DCP148X	Hazardous Materials* Phase I and Phase II Testing Protocol	4613	8,43,48	
10/5/2011	110384ZMX 1d 2a 2b	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4635	22,24,26,28,34,133	
		Exhaust stack location limitations	4635	22,24,26,28,34,133	
		Window Wall Attenuation & Alternate Ventilation	4635	22,24,34,133	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4637	30,34,36	
		Exhaust stack location limitations	4637	30,34,36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4637	30,34,36	
		Window Wall Attenuation & Alternate Ventilation	4637	30,34,36	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4639	26	
		Air Quality - HVAC fuel limited to natural gas	4639	17	
		Exhaust stack location limitations	4639	26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4639	17,26	

Window Wall Attenuation & Alternate Ventilation	4639	17,26	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4643	37	
Exhaust stack location limitations	4643	37	
Hazardous Materials* Phase I and Phase II Testing Protocol	4643	1,37	
Window Wall Attenuation & Alternate Ventilation	4643	1,37,43,48	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4645	34,36,39,42	
Air Quality - HVAC fuel limited to natural gas	4645	25	
Exhaust stack location limitations	4645	34,36,39,42	
Hazardous Materials* Phase I and Phase II Testing Protocol	4645	4,6,25,34,36,39,42	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4647	46,74,79,87,90	
Air Quality - HVAC fuel limited to natural gas	4647	43	
Exhaust stack location limitations	4647	46,74,79,87,90	
Hazardous Materials* Phase I and Phase II Testing Protocol	4647	43,46,54,55	
Window Wall Attenuation & Alternate Ventilation	4647	43,46,54,55,74,79, 87,90	
Hazardous Materials* Phase I and Phase II Testing Protocol	4649	13,26,28,30	

		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4651	91	
		Exhaust stack location limitations	4651	91	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4651	67,70,91	
		Window Wall Attenuation & Alternate Ventilation	4651	67,70,91	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4655	6	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4657	94	
		Air Quality - HVAC fuel limited to natural gas	4657	88,89	
		Exhaust stack location limitations	4657	94	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4657	4,17,42,67,69,71, 72,88,89,90,94,96	
		Window Wall Attenuation & Alternate Ventilation	4657	4,17,42,67,69,71, 72,90,94,96	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4658	1	
		Window Wall Attenuation & Alternate Ventilation	4658	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4659	22,25,75,78	
		Window Wall Attenuation & Alternate Ventilation	4659	75,78	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4660	19,20,25,47,48,53, 54	
			4661	1	

			Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4662	6,28,30	
			Exhaust stack location limitations	4662	6,28,30	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4662	6,24,25,28,46,48	
			Window Wall Attenuation & Alternate Ventilation	4662	6,28,30	
			Air Quality - HVAC fuel limited to natural gas	4663	24,26	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4663	10,11,12,24,26	
			Window Wall Attenuation & Alternate Ventilation	4663	10,11,12	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4664	42,44	
				4665	41,42,49,52,53,55	
			Window Wall Attenuation & Alternate Ventilation	4665	49,52,53,55	
			Air Quality - HVAC fuel limited to natural gas	4670	5	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4670	2,5	
			Window Wall Attenuation & Alternate Ventilation	4670	2,5	
			Air Quality - HVAC fuel limited to natural gas	4671	4	2/24/2020
				4671	9,10,64,66,67	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4671	4,9,10,64,66,67	
			Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4681	7	

Exhaust stack location limitations	4681	7	
Hazardous Materials* Phase I and Phase II Testing Protocol	4681	1,7,20,72	
Window Wall Attenuation & Alternate Ventilation	4681	1,7,20,72	
Hazardous Materials* Phase I and Phase II Testing Protocol	4682	39,41	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4684	32	
Exhaust stack location limitations	4684	32	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4693	1,4,6,20,21,33	
Exhaust stack location limitations	4693	1,4,6,20,21,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	4693	4,20,21,33	
Window Wall Attenuation & Alternate Ventilation	4693	4,20,21,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	4695	70	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4705	5,32,33	
Exhaust stack location limitations	4705	5,32,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	4705	5,11,26,29,32,33	
Window Wall Attenuation & Alternate Ventilation	4705	5,11,26,29	

Air Quality - HVAC fuel limited to natural gas	4820	11	
Window Wall Attenuation & Alternate Ventilation	4820	11	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4824	7,25,26,29,31,73, 75	
Exhaust stack location limitations	4824	7,25,26,29,31,73, 75	
Hazardous Materials* Phase I and Phase II Testing Protocol	4824	7,25,26,29,31,73, 75	
Window Wall Attenuation & Alternate Ventilation	4824	7	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4825	63,66	
Exhaust stack location limitations	4825	63,66	
Hazardous Materials* Phase I and Phase II Testing Protocol	4825	7,9,12,17,19,20,47, 48,63,66	
Window Wall Attenuation & Alternate Ventilation	4825	12,79	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4826	77,79,80	
Exhaust stack location limitations	4826	77,79,80	
Hazardous Materials* Phase I and Phase II Testing Protocol	4826	26,27,28,77,79,80	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4827	7	
Exhaust stack location limitations	4827	7	

Hazardous Materials* Phase I and Phase II Testing Protocol	4827	7	
Window Wall Attenuation & Alternate Ventilation	4827	7	
	4828	16	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4829	1,26	
Exhaust stack location limitations	4829	1,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	4829	1,11,16,21,26	
Window Wall Attenuation & Alternate Ventilation	4829	1,11,26	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4831	11	
Exhaust stack location limitations	4831	11	
Hazardous Materials* Phase I and Phase II Testing Protocol	4831	11	
Window Wall Attenuation & Alternate Ventilation	4831	11	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4832	1	
Exhaust stack location limitations	4832	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	4832	1	
Window Wall Attenuation & Alternate Ventilation	4832	1	
Air Quality - HVAC fuel limited to natural gas	4833	41	

Hazardous Materials* Phase I and Phase II Testing Protocol	4833	41	
Air Quality - HVAC fuel limited to natural gas	4834	40,58,60	
Hazardous Materials* Phase I and Phase II Testing Protocol	4834	7,40,58,60,82	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4835	1,6	
Exhaust stack location limitations	4835	1,6	
Hazardous Materials* Phase I and Phase II Testing Protocol	4835	1,6,36,37,39,43,45, 49	
Window Wall Attenuation & Alternate Ventilation	4835	1,6,36,37,39,43,45, 49	
	4836	42	
Hazardous Materials* Phase I and Phase II Testing Protocol	4837	41	
Window Wall Attenuation & Alternate Ventilation	4837	41	
Hazardous Materials* Phase I and Phase II Testing Protocol	4838	44,47	
Window Wall Attenuation & Alternate Ventilation	4838	44,47	
Hazardous Materials* Phase I and Phase II Testing Protocol	4840	42,48	
Window Wall Attenuation & Alternate Ventilation	4840	42,48	
Hazardous Materials* Phase I and Phase II Testing Protocol	4841	43,44	
Window Wall Attenuation & Alternate Ventilation	4841	43,44	

Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4842	38		
Exhaust stack location limitations	4842	38		
Hazardous Materials* Phase I and Phase II Testing Protocol	4842	38,45,50		
Window Wall Attenuation & Alternate Ventilation	4842	38,45,50		
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4843	34,45		
Exhaust stack location limitations	4843	34,45		
Hazardous Materials* Phase I and Phase II Testing Protocol	4843	34,45		
Window Wall Attenuation & Alternate Ventilation	4843	34,45		
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4844	35,42		
Exhaust stack location limitations	4844	35,42		
Hazardous Materials* Phase I and Phase II Testing Protocol	4844	35,42		
Window Wall Attenuation & Alternate Ventilation	4844	35,42		
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4845	36,42		
Exhaust stack location limitations	4845	36,42		
Hazardous Materials* Phase I and Phase II Testing Protocol	4845	36,42,48		

Window Wall Attenuation & Alternate Ventilation	4845	36,42,48	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4846	70,79,85	
Exhaust stack location limitations	4846	70,79,85	
Hazardous Materials* Phase I and Phase II Testing Protocol	4846	42,64,65,70,79,85	
Window Wall Attenuation & Alternate Ventilation	4846	64,65,70,79,85	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4849	1	
Exhaust stack location limitations	4849	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	4849	1	
	4851	79	
	4852	1,6	
	4853	9,11	
	4856	7,13	
	4857	1,5,10,49,59,63,85, 89	
Window Wall Attenuation & Alternate Ventilation	4857	1,49,59,63,85,89	
Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4860	51,56	
Exhaust stack location limitations	4860	51,56	

		Hazardous Materials* Phase I and Phase II Testing Protocol	4860	51,56	
			4862	55,58	
			4865	44,47	
			4868	30,54,55,62	
		Window Wall Attenuation & Alternate Ventilation	4868	54,55,62	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4871	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4872	1,75	
		Exhaust stack location limitations	4872	1,75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4872	1,75	
			4874	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4877	1,73	
		Exhaust stack location limitations	4877	1,73	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4877	1,73	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4900	33	
		Exhaust stack location limitations	4900	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4900	15,24,33	
			4903	42	

		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4997	38,42	
		Exhaust stack location limitations	4997	38,42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4997	1,2,3,6,8,38,42	
		Window Wall Attenuation & Alternate Ventilation	4997	1,2,3,6,8,38,42	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	5000	33,42,43	
		Exhaust stack location limitations	5000	33,42,43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5000	33,42,43	
		Window Wall Attenuation & Alternate Ventilation	5000	33,42,43	
E-280 9/21/2011	10DCP002K 110047ZMK 28a 28c	Development shall be allowed only after a hazardous materials Restrictive Declaration has been recorded and executed	6491	207,292	
E-281 7/25/2012	12DCP106Q 120195ZMQ 14b 14d 17c 18a 18c	Hazardous Materials* Phase I and Phase II Testing Protocol	8835	1	
		Window Wall Attenuation & Alternate Ventilation	8835	1	
		Air Quality - HVAC fuel limited to natural gas	8840	154	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8840	154	
			8847	147,148,155,156	

Window Wall Attenuation & Alternate Ventilation	8847	147,148,155,156	
Air Quality - HVAC fuel limited to natural gas	8853	112,113,114,115, 116,117,143	
Hazardous Materials* Phase I and Phase II Testing Protocol	8853	108,109,112,113, 114,115,116,117, 143	
Window Wall Attenuation & Alternate Ventilation	8853	108,109,112,113, 114,115,116,117, 143	
Hazardous Materials* Phase I and Phase II Testing Protocol	8861	91	
	8868	34	
	8869	35	
Window Wall Attenuation & Alternate Ventilation	8869	35	
Air Quality - HVAC fuel limited to natural gas	8883	84,88,89,90,98,99, 100	
Hazardous Materials* Phase I and Phase II Testing Protocol	8883	84,88,89,90,98,99, 100	
Window Wall Attenuation & Alternate Ventilation	8883	84,100	
Air Quality - HVAC fuel limited to natural gas	8899	1,15,16,18,19	
Hazardous Materials* Phase I and Phase II Testing Protocol	8899	1,6,15,16,18,19	
Window Wall Attenuation & Alternate Ventilation	8899	1,6	
Hazardous Materials* Phase I and Phase II Testing Protocol	8908	4,7	
	8919	14,15,21,29	
Window Wall Attenuation & Alternate Ventilation	8919	21,29	
Air Quality - HVAC fuel limited to natural gas	8922	5	

Hazardous Materials* Phase I and Phase II Testing Protocol	8922	3,5	
Window Wall Attenuation & Alternate Ventilation	8922	3,5	
Hazardous Materials* Phase I and Phase II Testing Protocol	8931	3,4,5,6	
Window Wall Attenuation & Alternate Ventilation	8931	3,4,5,6	
Hazardous Materials* Phase I and Phase II Testing Protocol	8932	11	
Window Wall Attenuation & Alternate Ventilation	8932	11	
Hazardous Materials* Phase I and Phase II Testing Protocol	8933	74,75,77	
	8934	8	
Window Wall Attenuation & Alternate Ventilation	8934	8	
Air Quality - HVAC fuel limited to natural gas	8938	3,4,5,6	
Hazardous Materials* Phase I and Phase II Testing Protocol	8938	3,4,5,6	
	9177	59	
Window Wall Attenuation & Alternate Ventilation	9177	59	
Hazardous Materials* Phase I and Phase II Testing Protocol	9286	8,123	
Window Wall Attenuation & Alternate Ventilation	9286	8,123	
Hazardous Materials* Phase I and Phase II Testing Protocol	9315	23,30	
Window Wall Attenuation & Alternate Ventilation	9315	23,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	9317	21	

Window Wall Attenuation & Alternate Ventilation	9317	21	
Hazardous Materials* Phase I and Phase II Testing Protocol	9320	121,124	
Air Quality - HVAC fuel limited to natural gas	9324	30,35,36,37,38	
Hazardous Materials* Phase I and Phase II Testing Protocol	9324	30,35,36,37,38	
Window Wall Attenuation & Alternate Ventilation	9324	30	
Air Quality - HVAC fuel limited to natural gas	9349	37	
Hazardous Materials* Phase I and Phase II Testing Protocol	9349	31,37	
Window Wall Attenuation & Alternate Ventilation	9349	31	
Hazardous Materials* Phase I and Phase II Testing Protocol	9350	32	
Air Quality - HVAC fuel limited to natural gas	9351	40	
Hazardous Materials* Phase I and Phase II Testing Protocol	9351	40	
Window Wall Attenuation & Alternate Ventilation	9351	40	
Hazardous Materials* Phase I and Phase II Testing Protocol	9352	28	
Window Wall Attenuation & Alternate Ventilation	9352	28	
Air Quality - HVAC fuel limited to natural gas	9354	33	
Hazardous Materials* Phase I and Phase II Testing Protocol	9354	33	
Window Wall Attenuation & Alternate Ventilation	9354	33	

Air Quality - HVAC fuel limited to natural gas	9388	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	9388	3,5	
Window Wall Attenuation & Alternate Ventilation	9388	5	
Air Quality - HVAC fuel limited to natural gas	9389	1,4	
Hazardous Materials* Phase I and Phase II Testing Protocol	9389	1,4	
Window Wall Attenuation & Alternate Ventilation	9389	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	9392	3,5,6,7,8	
	9393	1	
	9396	8	
	9398	1	
Window Wall Attenuation & Alternate Ventilation	9398	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	9399	2	
	9400	3,4,6	
Air Quality - HVAC fuel limited to natural gas	9401	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	9401	1,6	
Window Wall Attenuation & Alternate Ventilation	9401	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	9434	2	
Window Wall Attenuation & Alternate Ventilation	9434	2,6	

		Hazardous Materials* Phase I and Phase II Testing Protocol	9436	1,3	
		Window Wall Attenuation & Alternate Ventilation	9436	1,3	
E-282 9/12/2012	10DCP001K 100041ZMK 13b	Air Quality - HVAC fuel limited to natural gas	2245	1,5,8,55,58,62,108, 154	
		Exhaust stack location limitations	2245	1,5,8,55,58,62,108, 154	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2245	1,5,8,62,108,154	
		Window Wall Attenuation & Alternate Ventilation	2245	1,5,8,55,58,62,108, 154	
E-283 9/12/2012	11DCP150K 110390ZMK 12d	Air Quality - HVAC fuel limited to natural gas	2261	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2261	1	
		Window Wall Attenuation & Alternate Ventilation	2261	1	
E-284 11/13/2012	12DCP070M 120309ZMM 3b 5c 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	1953	54	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	1966	41,77,95	
		Exhaust stack location limitations	1966	41,77,95	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1966	41,77,78,80,81,82, 83,95,107,108	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	1967	66,85	
		Air Quality - HVAC fuel limited to natural gas	1967	45,50,60,89	
		Exhaust stack location limitations	1967	45,50,60,66,85,89	

		Hazardous Materials* Phase I and Phase II Testing Protocol	1967	9,10,12,45,50,60, 66,85,89	
			1968	16	
			1970	9	
			1988	14,18	
			2050	150	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2051	37,56,58,59	
		Exhaust stack location limitations	2051	37,56,58,59	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2051	56,57,58,59	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2054	69	
		Exhaust stack location limitations	2054	69	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2054	69	
			2060	10	
			2065	6,10	
			2069	20	
		Window Wall Attenuation & Alternate Ventilation	2069	20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2070	8,12	
		Window Wall Attenuation & Alternate Ventilation	2070	8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2071	42,141	
			2072	38	

		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2076	25,45,125	
		Air Quality - HVAC fuel limited to natural gas	2076	40,41	
		Exhaust stack location limitations	2076	25,40,41,45,125	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2076	25,27,40,41,45,61, 125,127	
			2077	14	4/27/2017
			2077	6,24	
		Window Wall Attenuation & Alternate Ventilation	2077	14	4/27/2017
		Hazardous Materials* Phase I and Phase II Testing Protocol	2078	17,55	
			2091	36	
			2092	21,26	
E-285 10/11/2012	12DCP156Y 120294ZMK 12d 13b 16c 17a	Air Quality - HVAC fuel limited to natural gas	1479	8,11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1479	8,11	
		Window Wall Attenuation & Alternate Ventilation	1479	8,11	
		Air Quality - HVAC fuel limited to natural gas	1480	60	8/17/2017
			1480	16,17,23,34,36,38, 40,41,42	
		Exhaust stack location limitations	1480	60	8/17/2017
			1480	23	

Hazardous Materials* Phase I and Phase II Testing Protocol	1480	60	8/17/2017
	1480	16,17,23,34,36,38, 40,41,42	
Window Wall Attenuation & Alternate Ventilation	1480	60	8/17/2017
	1480	16,17,23,34,36,38, 40,41,42	
Air Quality - HVAC fuel limited to natural gas	1578	5,14,17	
Hazardous Materials* Phase I and Phase II Testing Protocol	1578	5,14,17	
Window Wall Attenuation & Alternate Ventilation	1578	5,14,17	
Air Quality - HVAC fuel limited to natural gas	1579	22,25,50,51,53	
Hazardous Materials* Phase I and Phase II Testing Protocol	1579	22,25,50,51,53	
Window Wall Attenuation & Alternate Ventilation	1579	22,25,50,51,53	
Air Quality - HVAC fuel limited to natural gas	1582	15	
Hazardous Materials* Phase I and Phase II Testing Protocol	1582	15	
Window Wall Attenuation & Alternate Ventilation	1582	15	
Air Quality - HVAC fuel limited to natural gas	1584	1,4,11,39,50,51	
Exhaust stack location limitations	1584	39,50,51	
Hazardous Materials* Phase I and Phase II Testing Protocol	1584	1,4,11,39,50,51	
Window Wall Attenuation & Alternate Ventilation	1584	1,4,11,39,50,51	

Air Quality - HVAC fuel limited to natural gas	1585	31,32,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	1585	31,32,33	
Window Wall Attenuation & Alternate Ventilation	1585	31,32,33	
Air Quality - HVAC fuel limited to natural gas	1586	3,6,8,10,11,12,31	
Hazardous Materials* Phase I and Phase II Testing Protocol	1586	3,6,8,10,11,12,31	
Window Wall Attenuation & Alternate Ventilation	1586	3,6,8,10,11,12,31	
Air Quality - HVAC fuel limited to natural gas	1593	23	
Hazardous Materials* Phase I and Phase II Testing Protocol	1593	23	
Window Wall Attenuation & Alternate Ventilation	1593	23	
Air Quality - HVAC fuel limited to natural gas	1600	1,13,14,15,28	
Hazardous Materials* Phase I and Phase II Testing Protocol	1600	1,13,14,15,28	
Window Wall Attenuation & Alternate Ventilation	1600	1,13,14,15,28	
Air Quality - HVAC fuel limited to natural gas	1605	23,24,25,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	1605	23,24,25,26	
Air Quality - HVAC fuel limited to natural gas	1608	27,34	
Hazardous Materials* Phase I and Phase II Testing Protocol	1608	27,34	
Window Wall Attenuation & Alternate Ventilation	1608	27,34	

		Air Quality - HVAC fuel limited to natural gas	1609	5	
		Window Wall Attenuation & Alternate Ventilation	1609	5	
		Air Quality - HVAC fuel limited to natural gas	1613	9,16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1613	9,16	
		Window Wall Attenuation & Alternate Ventilation	1613	9,16	
		Air Quality - HVAC fuel limited to natural gas	1618	22,35,40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1618	22,35,40	
		Window Wall Attenuation & Alternate Ventilation	1618	22,35,40	
		Air Quality - HVAC fuel limited to natural gas	1623	25,41,42,53,57,70, 73	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1623	25,41,42,53,57,70, 73	
		Window Wall Attenuation & Alternate Ventilation	1623	73	3/5/2018
			1623	25,41,42,53,57,70	
		Air Quality - HVAC fuel limited to natural gas	1628	21,22,23,30,34,38, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1628	21,22,23,30,34,38, 42	
		Window Wall Attenuation & Alternate Ventilation	1628	21,22,23,30,34,38, 42	
		Air Quality - HVAC fuel limited to natural gas	1747	1,2,4,19,20,21,23, 24,34,53,54,55,57, 7505	
		Exhaust stack location limitations	1747	19,20,21,23,24,53	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1747	1,2,4,19,20,21,23, 24,34,53,54,55,57, 7505	

Window Wall Attenuation & Alternate Ventilation	1747	1,2,4,19,20,21,23, 24,34,53,54,55,57, 7505	
Air Quality - HVAC fuel limited to natural gas	1754	33	3/23/2018
	1754	32	
Hazardous Materials* Phase I and Phase II Testing Protocol	1754	33	3/23/2018
	1754	32	
Window Wall Attenuation & Alternate Ventilation	1754	33	3/23/2018
	1754	32	
Air Quality - HVAC fuel limited to natural gas	1756	23,24,25,33,37,42	
Hazardous Materials* Phase I and Phase II Testing Protocol	1756	23,24,25,33,37,42	
Window Wall Attenuation & Alternate Ventilation	1756	23,24,25,33,37,42	
Air Quality - HVAC fuel limited to natural gas	1757	27,33,34,35,134	
Hazardous Materials* Phase I and Phase II Testing Protocol	1757	27,33,34,35,134	
Window Wall Attenuation & Alternate Ventilation	1757	27,33,34,35,134	
Air Quality - HVAC fuel limited to natural gas	1759	2,3,4,7	
Hazardous Materials* Phase I and Phase II Testing Protocol	1759	2,3,4,7	
Air Quality - HVAC fuel limited to natural gas	1771	5	12/17/2018
Hazardous Materials* Phase I and Phase II Testing Protocol	1771	5	12/17/2018

Air Quality - HVAC fuel limited to natural gas	1778	9	
Hazardous Materials* Phase I and Phase II Testing Protocol	1778	9	
Window Wall Attenuation & Alternate Ventilation	1778	9	
Air Quality - HVAC fuel limited to natural gas	1783	8,9	
Hazardous Materials* Phase I and Phase II Testing Protocol	1783	8,9	
Window Wall Attenuation & Alternate Ventilation	1783	8,9	
Air Quality - HVAC fuel limited to natural gas	1785	1,3,5	
Hazardous Materials* Phase I and Phase II Testing Protocol	1785	1,3,5	
Air Quality - HVAC fuel limited to natural gas	1788	2,4,5	
Hazardous Materials* Phase I and Phase II Testing Protocol	1788	2,4,5	
Window Wall Attenuation & Alternate Ventilation	1788	2,4,5	
Air Quality - HVAC fuel limited to natural gas	1791	42,43,44,45,47,48, 51,52,53,54	
Hazardous Materials* Phase I and Phase II Testing Protocol	1791	42,43,44,45,47,48, 51,52,53,54	
Window Wall Attenuation & Alternate Ventilation	1791	42,43,44,45,47,48, 51,52,53,54	
Air Quality - HVAC fuel limited to natural gas	1900	67,68,69,70	
Hazardous Materials* Phase I and Phase II Testing Protocol	1900	67,68,69,70	

Window Wall Attenuation & Alternate Ventilation	1900	67,68,69,70	
Air Quality - HVAC fuel limited to natural gas	1910	23,24,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	1910	23,24,25	
Window Wall Attenuation & Alternate Ventilation	1910	23,24,25	
Air Quality - HVAC fuel limited to natural gas	1914	22	
Hazardous Materials* Phase I and Phase II Testing Protocol	1914	22	
Window Wall Attenuation & Alternate Ventilation	1914	22	
Air Quality - HVAC fuel limited to natural gas	1926	1,74,75,76,77,78, 79,80	
Hazardous Materials* Phase I and Phase II Testing Protocol	1926	1,7,74,75,76,77,78, 79,80	
Window Wall Attenuation & Alternate Ventilation	1926	1,74,75,76,77,78, 79,80	
Air Quality - HVAC fuel limited to natural gas	1928	34	
Hazardous Materials* Phase I and Phase II Testing Protocol	1928	34	
Window Wall Attenuation & Alternate Ventilation	1928	34	
Air Quality - HVAC fuel limited to natural gas	1950	30,31,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	1950	30,31,33	
Window Wall Attenuation & Alternate Ventilation	1950	30,31,33	
Air Quality - HVAC fuel limited to natural gas	1954	22	

		Hazardous Materials* Phase I and Phase II Testing Protocol	1954	22	
		Window Wall Attenuation & Alternate Ventilation	1954	22	
		Air Quality - HVAC fuel limited to natural gas	1971	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1971	28	
		Window Wall Attenuation & Alternate Ventilation	1971	28	
E-286	12DCP020M	Air Quality - Natural Gas Heat & Hot Water	1105	36,7501	
2/6/2013	120396ZMM 010148ZMM	Exhaust stack location limitations	1105	36,7501	
	8c	Hazardous Materials* Phase I and Phase II Testing Protocol	1105	36	
		Window Wall Attenuation & Alternate Ventilation	1105	36,7501	
E-287	10DCP024K	Air Quality - HVAC fuel limited to natural gas	2576	7,20,23	
12/10/2012	100218ZMK	Exhaust stack location limitations	2576	7,20,23	
	13a	Hazardous Materials* Phase I and Phase II Testing Protocol	2576	7	
		Window Wall Attenuation & Alternate Ventilation	2576	7,20,23	
E-288	12DCP045M	Hazardous Materials* Phase I and Phase II Testing Protocol	227	63,69,70,76,80	
3/20/2013	120380ZMM	No operable window and/or air intakes limitations	227	63,69,70,76,80	
	12a	Window Wall Attenuation & Alternate Ventilation	227	63,69,70,76,80	
		Air Quality - HVAC fuel limited to natural gas	477	35	3/13/2019

Hazardous Materials* Phase I and Phase II Testing Protocol	477	35	3/13/2019
	477	57,64,66	
Window Wall Attenuation & Alternate Ventilation	477	35	3/13/2019
	477	57,64,66	
Air Quality - HVAC fuel limited to natural gas	491	1,3,26,27,7502	
Exhaust stack location limitations	491	1,3,27	
Hazardous Materials* Phase I and Phase II Testing Protocol	491	1,3,26,27,7502	
Window Wall Attenuation & Alternate Ventilation	491	1,3,7502	
Air Quality - HVAC fuel limited to natural gas	505	1,14,26	
Exhaust stack location limitations	505	1,14,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	505	1,14,26	
No operable window and/or air intakes limitations	505	1	
Window Wall Attenuation & Alternate Ventilation	505	1,14,26	
Air Quality - HVAC fuel limited to natural gas	578	75,7501	11/8/2019
	578	70,78,79	
Exhaust stack location limitations	578	75,7501	11/8/2019
	578	70,78,79	
Hazardous Materials* Phase I and Phase II Testing Protocol	578	75,7501	11/8/2019
	578	70,78,79	

Window Wall Attenuation & Alternate Ventilation	578	70	
Air Quality - HVAC fuel limited to natural gas	579	5,35,47	
Con Edison steam only	579	60,68,70,74	
Exhaust stack location limitations	579	5,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	579	1,2,3,5,35,44,47, 60,68,70,74	
Window Wall Attenuation & Alternate Ventilation	579	1,2,3,5,35,44,47, 60,68,70,74	
Con Edison steam only	580	11	6/19/2017
	580	52	
Hazardous Materials* Phase I and Phase II Testing Protocol	580	11	6/19/2017
	580	19,52,60	
No operable window and/or air intakes limitations	580	60	
Window Wall Attenuation & Alternate Ventilation	580	19,52,60	
Air Quality - HVAC fuel limited to natural gas	597	37,45,46,51	
Con Edison steam only	597	7	
Department of Building Mechanical Code Provisions	597	32,33,50,52	
Exhaust stack location limitations	597	45,46,51	
Hazardous Materials* Phase I and Phase II Testing Protocol	597	1,5,7,32,33,37,39, 45,46,50,51,52	
No operable window and/or air intakes limitations	597	37,39,52	

		Window Wall Attenuation & Alternate Ventilation	597	1,5,7,32,33,37,39, 45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	598	42,48	
		No operable window and/or air intakes limitations	598	42,48	
		Window Wall Attenuation & Alternate Ventilation	598	42,48	
E-289 2/27/2013 8/17/2020	11DCP022K 090154ZMK 22d	Window Wall Attenuation & Alternate Ventilation	5516	34,35,36,38,40,42, 50,52,54,56,58,60, 66,67,133	8/17/2020
E-290 3/13/2013	07DCP050Q 070352ZMQ 10b	Air Quality - HVAC fuel limited to natural gas	5076	5,7,9,11,14,16,18, 20,29,31,43,61,65, 67,69,75,160	
		Exhaust stack location limitations	5076	5,7,9,11,14,16,18, 20,29,31,43,61,65, 67,69,75,160	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5076	1,5,7,9,11,14,16, 18,20,29,31,43,61, 65,67,69,75,160	
		Window Wall Attenuation & Alternate Ventilation	5076	5,7,9,11,14,16,18, 20,29,31,43,61,65, 67,69,75,160	
E-292 5/22/2013	11DCP143X 130064ZMX 130065ZRX 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	2353	1	
		Window Wall Attenuation & Alternate Ventilation	2353	1	

E-293	12DCP053M	Air Quality - HVAC fuel limited to natural gas	475	48	
3/20/2013	120325ZSM	Hazardous Materials* Phase I and Phase II Testing Protocol	475	48	
	12a	Window Wall Attenuation & Alternate Ventilation	475	48	
E-295	12DCP108M	Air Quality - HVAC fuel limited to natural gas	486	36	
5/8/2013	080104ZSM	Exhaust stack location limitations	486	36	
	12a	Window Wall Attenuation & Alternate Ventilation	486	36	
E-296	12DCP125R	Hazardous Materials* Phase I and Phase II Testing Protocol	1053	138,166,176,179, 200	
4/24/2013	N130084ZAR				
	20d				
E-297	12DCP160K	Hazardous Materials* Phase I and Phase II Testing Protocol	8839	11,14,53	
6/12/2013	M840631(B)ZMK		8840	70,77,84	
	29a		8841	8900	
E-298	13DCP067K	Hazardous Materials* Phase I and Phase II Testing Protocol	4005	28	
7/24/2013	130161ZMK	Window Wall Attenuation & Alternate Ventilation	4005	28	
	17c				
E-299	13DCP093Q	Air Quality - HVAC fuel limited to natural gas	7934	1	
6/24/2013	130188ZMQ	Window Wall Attenuation & Alternate Ventilation	7934	1	
	11b 11d	Hazardous Materials* Phase I and Phase II Testing Protocol	8596	33	

Window Wall Attenuation & Alternate Ventilation	8596	33	
Air Quality - HVAC fuel limited to natural gas	8607	185	
Hazardous Materials* Phase I and Phase II Testing Protocol	8607	180,185	
Window Wall Attenuation & Alternate Ventilation	8607	180,185	
Hazardous Materials* Phase I and Phase II Testing Protocol	8666	42	
Window Wall Attenuation & Alternate Ventilation	8666	42	
Air Quality - HVAC fuel limited to natural gas	8667	25	
Hazardous Materials* Phase I and Phase II Testing Protocol	8667	1,25	
Window Wall Attenuation & Alternate Ventilation	8667	1,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	8766	1	
Window Wall Attenuation & Alternate Ventilation	8766	1	
Air Quality - HVAC fuel limited to natural gas	8769	3	
Window Wall Attenuation & Alternate Ventilation	8769	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	8771	8	
Window Wall Attenuation & Alternate Ventilation	8771	8	
Hazardous Materials* Phase I and Phase II Testing Protocol	8773	1	

			Window Wall Attenuation & Alternate Ventilation	8773	1	
			Air Quality - HVAC fuel limited to natural gas	8777	25	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8777	25	
			Window Wall Attenuation & Alternate Ventilation	8777	25	
			Air Quality - HVAC fuel limited to natural gas	8782	64,71	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8782	59,64,71	
			Window Wall Attenuation & Alternate Ventilation	8782	59,64,71	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8788	1	
			Window Wall Attenuation & Alternate Ventilation	8788	1	
			Air Quality - HVAC fuel limited to natural gas	8790	31,34	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8790	31,34	
			Window Wall Attenuation & Alternate Ventilation	8790	31,34	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8791	34	
			Window Wall Attenuation & Alternate Ventilation	8791	34	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8792	31	
			Window Wall Attenuation & Alternate Ventilation	8792	31	
			Hazardous Materials* Phase I and Phase II Testing Protocol	8794	22	

		Window Wall Attenuation & Alternate Ventilation	8794	22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8795	14,19	
		Window Wall Attenuation & Alternate Ventilation	8795	14,19	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8812	14,15	
		Window Wall Attenuation & Alternate Ventilation	8812	14,15	
E-300 7/24/2013	11DCP069Q 110178ZMQ 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	555	36	
E-301 8/22/2013	13DCP081Q 130170ZMQ 10d 11b	Window Wall Attenuation & Alternate Ventilation	7128	2	
E-302 9/24/2013	13DCP105K 130213ZMK 16c 16d 17b 17d	Window Wall Attenuation & Alternate Ventilation	1142	44,48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1149	40,41,72	
		Window Wall Attenuation & Alternate Ventilation	1149	40,41,72	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1231	1	
		Window Wall Attenuation & Alternate Ventilation	1231	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1253	7	

		Window Wall Attenuation & Alternate Ventilation	1253	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1260	7501	
		Window Wall Attenuation & Alternate Ventilation	1260	7501	
E-303 9/12/2013	13DCP047X 130120ZMY 1d	Hazardous Materials* Phase I and Phase II Testing Protocol	3245	60	
E-304 10/10/2013	13DCP107X 130273ZMX 3c	Air Quality - HVAC fuel limited to natural gas	3059	32,36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3059	32,36	
		Window Wall Attenuation & Alternate Ventilation	3059	32,36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3066	53,54	
		Window Wall Attenuation & Alternate Ventilation	3066	53,54	
		Air Quality - HVAC fuel limited to natural gas	3067	52,54	
		Exhaust stack location limitations	3067	52,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3067	52,54	
		Window Wall Attenuation & Alternate Ventilation	3067	52,54	
		Air Quality - HVAC fuel limited to natural gas	3078	14,16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3078	14,16	

		Window Wall Attenuation & Alternate Ventilation	3078	14,16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3091	17,20,22,24,26,87	
		Window Wall Attenuation & Alternate Ventilation	3091	17,20,22,24,26,87	
		Air Quality - HVAC fuel limited to natural gas	3115	25,28	
		Exhaust stack location limitations	3115	25,28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3115	25,28	
		Window Wall Attenuation & Alternate Ventilation	3115	25,28	
		Air Quality - HVAC fuel limited to natural gas	3273	257,261,265,301	
		Exhaust stack location limitations	3273	257	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3273	203,204,205,206, 207,252,257,261, 265,293,301	
		Window Wall Attenuation & Alternate Ventilation	3273	203,204,205,206, 207,252,257,261, 265,293,301	
E-305 6/17/2013 5/25/2017	03DME016K 130116ZMK 130117ZRK 130118ZSK 12d 16c	Hazardous Materials* Phase I and Phase II Testing Protocol	2110	3	5/25/2017
E-306 7/10/2013	13DCP123M 130238ZAM 12c	Air Quality - HVAC powered by electricity only	521	7505	
		Hazardous Materials* Phase I and Phase II Testing Protocol	521	7505	

		Window Wall Attenuation & Alternate Ventilation	521	7505	
E-308 10/10/2013	13DCP094Q 130191ZSQ 9b	Air Quality - HVAC fuel limited to natural gas	72	80	
		Exhaust stack location limitations	72	80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	72	80	
		Window Wall Attenuation & Alternate Ventilation	72	80	
		Air Quality - HVAC fuel limited to natural gas	86	1,6,7,8,22	
		Exhaust stack location limitations	86	1,6,7,8,22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	86	1,6,7,8,22	
		Window Wall Attenuation & Alternate Ventilation	86	1,6,7,8,22	
E-309 10/10/2013	09DCP084Q 090484ZMQ 9a	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	490	11	
		Air Quality - HVAC fuel limited to natural gas	490	1	
		Exhaust stack location limitations	490	1,11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	490	1,11	
		Window Wall Attenuation & Alternate Ventilation	490	1,11	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	915	7501	12/18/2018
		Exhaust stack location limitations	915	7501	12/18/2018

		Hazardous Materials* Phase I and Phase II Testing Protocol	915	7501	12/18/2018
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	916	10	
		Exhaust stack location limitations	916	10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	916	1,10	
		Window Wall Attenuation & Alternate Ventilation	916	1,10	
E-311 10/10/2013	13DCP121M 130263ZRM 130264ZCM 860259AZAM 6b	Air Quality - HVAC fuel limited to natural gas	1538	10	
		Exhaust stack location limitations	1538	10	
		Window Wall Attenuation & Alternate Ventilation	1538	10	
E-312 7/8/2013	12DCP157M 120183ZSM 12d	Air Quality - HVAC fuel limited to natural gas	247	2	
		Exhaust stack location limitations	247	2	
		Hazardous Materials* Phase I and Phase II Testing Protocol	247	2	
		Window Wall Attenuation & Alternate Ventilation	247	2	
E-313 11/14/2013 8/1/2019	07HPD027M 130271ZMM 6b	Air Quality - HVAC fuel limited to natural gas	1911	1	8/1/2019
		Window Wall Attenuation & Alternate Ventilation	1911	1	8/1/2019

E-314	13DCP138Q	Hazardous Materials* Phase I and Phase II Testing Protocol	1099	50,55,60	
10/30/2013	130344ZMQ	Window Wall Attenuation & Alternate Ventilation	1099	50,55,60	
	9c 9d 10a 10b	Hazardous Materials* Phase I and Phase II Testing Protocol	1100	43	
		Window Wall Attenuation & Alternate Ventilation	1100	43	
		Air Quality - HVAC fuel limited to natural gas	1101	40,144	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1101	40,144	
		Window Wall Attenuation & Alternate Ventilation	1101	40,144	
		Air Quality - HVAC fuel limited to natural gas	1102	47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1102	47	
		Window Wall Attenuation & Alternate Ventilation	1102	47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1362	6	
		Window Wall Attenuation & Alternate Ventilation	1362	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1363	5	
		Window Wall Attenuation & Alternate Ventilation	1363	5	
		Air Quality - HVAC fuel limited to natural gas	1365	22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1365	22	
		Window Wall Attenuation & Alternate Ventilation	1365	22	

		Air Quality - HVAC fuel limited to natural gas	1366	32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1366	32	
		Window Wall Attenuation & Alternate Ventilation	1366	32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1367	25	
		Window Wall Attenuation & Alternate Ventilation	1367	25	
		Air Quality - HVAC fuel limited to natural gas	1370	39	
		Window Wall Attenuation & Alternate Ventilation	1370	39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1608	13	
			1609	1,2,3,5	
			1688	30	
		Window Wall Attenuation & Alternate Ventilation	1688	30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1694	1	
		Window Wall Attenuation & Alternate Ventilation	1694	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1996	25	
E-315 12/10/2013	09DCP002K 080322ZMK 110179ZRK 070250MMK 13b	Exhaust stack location limitations	3137	51,56	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3137	51,56	
		Window Wall Attenuation & Alternate Ventilation	3137	51,56	

		Exhaust stack location limitations	3138	11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3138	11,20,22,32	
		Window Wall Attenuation & Alternate Ventilation	3138	11,20,22,32	
		Air Quality - HVAC natural gas with low Nox only	3139	18,19,20,21,23,24, 25,26,27,28,29,30, 31,32,33,34,35,36	
		Exhaust stack location limitations	3139	18,19,20,21,23,24, 25,26,27,28,29,30, 31,32,33,34,35,36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3139	21	5/2/2019
			3139	18,19,20,23,24,25, 26,27,28,29,30,31, 32,33,34,35,36	
		Window Wall Attenuation & Alternate Ventilation	3139	18,19,20,21,23,24, 25,26,27,28,29,30, 31,32,33,34,35,36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3140	50	
		Air Quality - HVAC fuel limited to natural gas	3141	1	8/16/2018
		Hazardous Materials* Phase I and Phase II Testing Protocol	3141	1	
		Window Wall Attenuation & Alternate Ventilation	3141	1	8/16/2018
		Air Quality - HVAC natural gas with low Nox only	3152	1,3	7/27/2018
			3152	48	6/19/2019
		Exhaust stack location limitations	3152	1,3	7/27/2018
			3152	48	6/19/2019
		Hazardous Materials* Phase I and Phase II Testing Protocol	3152	1,3	7/27/2018
			3152	48	6/19/2019

			3152	100	
		Window Wall Attenuation & Alternate Ventilation	3152	1,3	7/27/2018
			3152	48	6/19/2019
E-316 10/30/2013	13HPD074K 130374ZMK 17D	Window Wall Attenuation & Alternate Ventilation	3821	21,25,28	
E-317 12/10/2013	14DCP004K 140028ZRK 140020ZAK 140021ZAK 140022ZAK 140023ZAK 12c	Air Quality - HVAC fuel limited to natural gas	2472	50,55,60,65,70,80, 90,100,475	
		Air Quality - HVAC natural gas with low Nox only	2472	20,21,25,35	
		Exhaust stack location limitations	2472	20,21,25,35,50,55, 60,65,70,80,90,100, 475	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2472	20,21,25,35,50,55, 60,65,70,80,90,100, 475	
		Window Wall Attenuation & Alternate Ventilation	2472	20,21,25,35,50,55, 60,65,70,80,90,100, 475	
		Air Quality - HVAC fuel limited to natural gas	2494	1,6	
		Exhaust stack location limitations	2494	1,6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2494	1,6	
		Window Wall Attenuation & Alternate Ventilation	2494	1,6	

E-318 12/19/2013	14DCP010K 140046ZRK 140047ZSK 140048ZAK 140049ZAK 140050ZCK 12c	Air Quality - HVAC natural gas with low Nox only	2472	410	
		Exhaust stack location limitations	2472	410	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2472	410	
		Window Wall Attenuation & Alternate Ventilation	2472	410	
E-319 2/26/2014	07DCP024Q 070194ZMQ 090033MMQ 18d	Window Wall Attenuation & Alternate Ventilation	12095	2,6	
E-320 12/10/2013	14DCP027Q 140079ZMQ 18a 18b 18c 18d	Hazardous Materials* Phase I and Phase II Testing Protocol	8946	7	
		Window Wall Attenuation & Alternate Ventilation	8946	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8954	5,20	
		Window Wall Attenuation & Alternate Ventilation	8954	5,20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9005	1	
		Window Wall Attenuation & Alternate Ventilation	9005	1	
		Air Quality - HVAC fuel limited to natural gas	9006	9,10,12	
		Exhaust stack location limitations	9006	9,10,12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9006	1,9,10,12	
		Window Wall Attenuation & Alternate Ventilation	9006	1,9,10,12	

			Exhaust stack location limitations	9009	1	
			Hazardous Materials* Phase I and Phase II Testing Protocol	9009	1,6	
			Window Wall Attenuation & Alternate Ventilation	9009	1,6	
			Hazardous Materials* Phase I and Phase II Testing Protocol	9010	6	
			Window Wall Attenuation & Alternate Ventilation	9010	26	
			Exhaust stack location limitations	9013	26,55	
			Hazardous Materials* Phase I and Phase II Testing Protocol	9013	26,55	
			Window Wall Attenuation & Alternate Ventilation	9013	26,55	
			Hazardous Materials* Phase I and Phase II Testing Protocol	9017	19,22	
			Window Wall Attenuation & Alternate Ventilation	9017	19,22	
			Exhaust stack location limitations	9018	71	
			Hazardous Materials* Phase I and Phase II Testing Protocol	9018	71	
			Window Wall Attenuation & Alternate Ventilation	9018	71	
			Air Quality - HVAC fuel limited to natural gas	9055	1	
			Exhaust stack location limitations	9055	1	
			Hazardous Materials* Phase I and Phase II Testing Protocol	9055	1	
			Window Wall Attenuation & Alternate Ventilation	9055	1	

Exhaust stack location limitations	9057	27	
Hazardous Materials* Phase I and Phase II Testing Protocol	9057	27,50	
Window Wall Attenuation & Alternate Ventilation	9057	27,50	
Exhaust stack location limitations	9058	24	
Hazardous Materials* Phase I and Phase II Testing Protocol	9058	24	
Window Wall Attenuation & Alternate Ventilation	9058	24	
Hazardous Materials* Phase I and Phase II Testing Protocol	9060	31	
Window Wall Attenuation & Alternate Ventilation	9060	31	
Hazardous Materials* Phase I and Phase II Testing Protocol	9076	9	
Window Wall Attenuation & Alternate Ventilation	9076	9	
Air Quality - HVAC fuel limited to natural gas	9077	24,25,45	
Exhaust stack location limitations	9077	24,25,45	
Hazardous Materials* Phase I and Phase II Testing Protocol	9077	24,25,45	
Window Wall Attenuation & Alternate Ventilation	9077	24,25,45	
Hazardous Materials* Phase I and Phase II Testing Protocol	9081	19	
Window Wall Attenuation & Alternate Ventilation	9081	19	
Hazardous Materials* Phase I and Phase II Testing Protocol	9084	6	

Window Wall Attenuation & Alternate Ventilation	9084	6	
Hazardous Materials* Phase I and Phase II Testing Protocol	9096	7	
Window Wall Attenuation & Alternate Ventilation	9096	7	
Air Quality - HVAC fuel limited to natural gas	9107	25,27	
Exhaust stack location limitations	9107	13,25,27	
Hazardous Materials* Phase I and Phase II Testing Protocol	9107	5,13,25,27	
Window Wall Attenuation & Alternate Ventilation	9107	5,13,25,27	
Hazardous Materials* Phase I and Phase II Testing Protocol	9108	19	
Window Wall Attenuation & Alternate Ventilation	9108	19	
Hazardous Materials* Phase I and Phase II Testing Protocol	9109	18	
Window Wall Attenuation & Alternate Ventilation	9109	18	
Hazardous Materials* Phase I and Phase II Testing Protocol	9110	22,26	
Window Wall Attenuation & Alternate Ventilation	9110	22,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	9113	29	
Window Wall Attenuation & Alternate Ventilation	9113	29	
Hazardous Materials* Phase I and Phase II Testing Protocol	9118	107	
Window Wall Attenuation & Alternate Ventilation	9118	107	

Hazardous Materials* Phase I and Phase II Testing Protocol	9119	37	
Window Wall Attenuation & Alternate Ventilation	9119	37	
Air Quality - HVAC fuel limited to natural gas	9120	40	
Exhaust stack location limitations	9120	40	
Hazardous Materials* Phase I and Phase II Testing Protocol	9120	40	
Window Wall Attenuation & Alternate Ventilation	9120	40	
Hazardous Materials* Phase I and Phase II Testing Protocol	9154	25,72	
Window Wall Attenuation & Alternate Ventilation	9154	66,72	
Hazardous Materials* Phase I and Phase II Testing Protocol	9157	2	
Window Wall Attenuation & Alternate Ventilation	9157	2	
Exhaust stack location limitations	9162	20	
Hazardous Materials* Phase I and Phase II Testing Protocol	9162	20	
Window Wall Attenuation & Alternate Ventilation	9162	20	
Hazardous Materials* Phase I and Phase II Testing Protocol	9164	127	
Window Wall Attenuation & Alternate Ventilation	9164	127	
Hazardous Materials* Phase I and Phase II Testing Protocol	9167	1	
Window Wall Attenuation & Alternate Ventilation	9167	1	

Hazardous Materials* Phase I and Phase II Testing Protocol	9169	16,45,47	
Window Wall Attenuation & Alternate Ventilation	9169	16,45,47	
Hazardous Materials* Phase I and Phase II Testing Protocol	9172	60	
Window Wall Attenuation & Alternate Ventilation	9172	60	
Hazardous Materials* Phase I and Phase II Testing Protocol	9403	25	
Window Wall Attenuation & Alternate Ventilation	9403	25	
Hazardous Materials* Phase I and Phase II Testing Protocol	9407	29	
Window Wall Attenuation & Alternate Ventilation	9407	29	
Hazardous Materials* Phase I and Phase II Testing Protocol	9414	48,50	
Window Wall Attenuation & Alternate Ventilation	9414	48,50	
Air Quality - HVAC fuel limited to natural gas	9428	5	
Exhaust stack location limitations	9428	5	
Hazardous Materials* Phase I and Phase II Testing Protocol	9428	5,7	
Window Wall Attenuation & Alternate Ventilation	9428	5,7	
Hazardous Materials* Phase I and Phase II Testing Protocol	9429	1,4	
Window Wall Attenuation & Alternate Ventilation	9429	1,4	
Hazardous Materials* Phase I and Phase II Testing Protocol	9433	5	

Window Wall Attenuation & Alternate Ventilation	9433	5	
Hazardous Materials* Phase I and Phase II Testing Protocol	9453	27	
Window Wall Attenuation & Alternate Ventilation	9453	22	
Air Quality - HVAC fuel limited to natural gas	9464	26,30	
Exhaust stack location limitations	9464	23,26,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	9464	23,26,30	
Window Wall Attenuation & Alternate Ventilation	9464	23,26,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	9473	23	
Window Wall Attenuation & Alternate Ventilation	9473	23	
Hazardous Materials* Phase I and Phase II Testing Protocol	9484	2	
Window Wall Attenuation & Alternate Ventilation	9484	2	
Hazardous Materials* Phase I and Phase II Testing Protocol	9485	6	
Window Wall Attenuation & Alternate Ventilation	9485	6	
Hazardous Materials* Phase I and Phase II Testing Protocol	9489	9,10	
Window Wall Attenuation & Alternate Ventilation	9489	9,10	
Air Quality - HVAC fuel limited to natural gas	9490	1	
Exhaust stack location limitations	9490	1	

Hazardous Materials* Phase I and Phase II Testing Protocol	9490	1	
Window Wall Attenuation & Alternate Ventilation	9490	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	9501	30,32	
Window Wall Attenuation & Alternate Ventilation	9501	30,32	
Exhaust stack location limitations	9504	20,21,22	
Hazardous Materials* Phase I and Phase II Testing Protocol	9504	20,21,22,32,36,37	
Window Wall Attenuation & Alternate Ventilation	9504	20,21,22,32,36,37	
Air Quality - HVAC fuel limited to natural gas	9507	39	
Exhaust stack location limitations	9507	39	
Hazardous Materials* Phase I and Phase II Testing Protocol	9507	39	
Window Wall Attenuation & Alternate Ventilation	9507	39	
Hazardous Materials* Phase I and Phase II Testing Protocol	9508	40	
Window Wall Attenuation & Alternate Ventilation	9508	40	
Hazardous Materials* Phase I and Phase II Testing Protocol	9514	28	
Window Wall Attenuation & Alternate Ventilation	9514	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	9517	25	
Window Wall Attenuation & Alternate Ventilation	9517	25	

Hazardous Materials* Phase I and Phase II Testing Protocol	9523	5	7/18/2016
Window Wall Attenuation & Alternate Ventilation	9523	5	
Hazardous Materials* Phase I and Phase II Testing Protocol	9531	4	
Window Wall Attenuation & Alternate Ventilation	9531	4	
Air Quality - HVAC fuel limited to natural gas	9557	50	
Exhaust stack location limitations	9557	50	
Hazardous Materials* Phase I and Phase II Testing Protocol	9557	50	
Window Wall Attenuation & Alternate Ventilation	9557	50	
Air Quality - HVAC fuel limited to natural gas	9567	44	
Hazardous Materials* Phase I and Phase II Testing Protocol	9567	44,48	
Window Wall Attenuation & Alternate Ventilation	9567	44,48	
Hazardous Materials* Phase I and Phase II Testing Protocol	9577	1	
Window Wall Attenuation & Alternate Ventilation	9577	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	9583	2	
Window Wall Attenuation & Alternate Ventilation	9583	2	
Hazardous Materials* Phase I and Phase II Testing Protocol	9587	1	

Window Wall Attenuation & Alternate Ventilation	9587	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	9588	3	
Window Wall Attenuation & Alternate Ventilation	9588	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	9590	6,7,8	
Window Wall Attenuation & Alternate Ventilation	9590	6,7,8	
Hazardous Materials* Phase I and Phase II Testing Protocol	9592	108,112	
Window Wall Attenuation & Alternate Ventilation	9592	108,112	
Air Quality - HVAC fuel limited to natural gas	11372	31	
Exhaust stack location limitations	11372	31,39,46	
Hazardous Materials* Phase I and Phase II Testing Protocol	11372	31,39,46	
Window Wall Attenuation & Alternate Ventilation	11372	31,39,46	
Exhaust stack location limitations	11373	38,75	
Hazardous Materials* Phase I and Phase II Testing Protocol	11373	38,75	
Window Wall Attenuation & Alternate Ventilation	11373	38,75	
Air Quality - HVAC fuel limited to natural gas	11409	10	
Exhaust stack location limitations	11409	10	
Hazardous Materials* Phase I and Phase II Testing Protocol	11409	10	

Window Wall Attenuation & Alternate Ventilation	11409	10	
Hazardous Materials* Phase I and Phase II Testing Protocol	11493	79	
Window Wall Attenuation & Alternate Ventilation	11493	79	
Air Quality - HVAC fuel limited to natural gas	11512	27,37,42	
Exhaust stack location limitations	11512	27,37,42	
Hazardous Materials* Phase I and Phase II Testing Protocol	11512	27,37,42	
Window Wall Attenuation & Alternate Ventilation	11512	27,37,42	
Hazardous Materials* Phase I and Phase II Testing Protocol	11529	46	
Window Wall Attenuation & Alternate Ventilation	11529	46	
Exhaust stack location limitations	11624	33,40	
Hazardous Materials* Phase I and Phase II Testing Protocol	11624	33,40	
Window Wall Attenuation & Alternate Ventilation	11624	33,40	
Exhaust stack location limitations	11646	37,38	
Hazardous Materials* Phase I and Phase II Testing Protocol	11646	37,38	
Window Wall Attenuation & Alternate Ventilation	11646	37,38	

E-321 3/12/2014	12DCP096Q 120178ZMQ 14c	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	6831	21	
		Exhaust stack location limitations	6831	21	
		Window Wall Attenuation & Alternate Ventilation	6831	21	
E-322 3/18/2013	08DCP033K 130226CMK 16c	Air Quality - HVAC fuel limited to natural gas	452	1,15	
		Exhaust stack location limitations	452	1,15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	452	1,15	
		Air Quality - HVAC fuel limited to natural gas	458	1	
		Exhaust stack location limitations	458	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	458	1	
E-323 2/4/2014	13DCP120M 140092ZRM 140093ZSM 140095ZSM 140096ZSM 12c	Air Quality - HVAC fuel limited to natural gas	510	38,39,40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	510	38,39,40	
		Window Wall Attenuation & Alternate Ventilation	510	38,39,40	
E-324 5/14/2014	13DCP080M 130336ZMM 130337ZRM 130338ZSM 130339ZSM 130340ZAM 8c	Air Quality - HVAC fuel limited to natural gas	1104	25,29,31,40,44,55	
		Exhaust stack location limitations	1104	25,29,31,40,44,55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1104	25,29,31,40,44,55	
		Window Wall Attenuation & Alternate Ventilation	1104	25,29,31,40,44,55	

E-325	13DCP091M	Air Quality - HVAC fuel limited to natural gas	531	4	
4/10/2014	140055ZSM 140056ZSM	Exhaust stack location limitations	531	4	
	12c	Window Wall Attenuation & Alternate Ventilation	531	4	
E-326	13HPD106M	Air Quality - HVAC fuel limited to natural gas	1081	1,7501	4/20/2018
6/26/2014	140181ZMM	Exhaust stack location limitations	1081	1,7501	4/20/2018
	8c	Hazardous Materials* Phase I and Phase II Testing Protocol	1081	1,7501	4/20/2018
		Window Wall Attenuation & Alternate Ventilation	1081	1,7501	
E-327	14DCP043M	Air Quality - HVAC fuel limited to natural gas	1923	14,49	
6/26/2014	140070ZMM	Exhaust stack location limitations	1923	14,49	
	6a 6b	Hazardous Materials* Phase I and Phase II Testing Protocol	1923	14,49,52	
E-328	14DCP084M	Air Quality - HVAC fuel limited to natural gas	1860	20,57	
6/26/2014	130208ZMM	Exhaust stack location limitations	1860	20,57	
	5d	Hazardous Materials* Phase I and Phase II Testing Protocol	1860	20,57	
		Window Wall Attenuation & Alternate Ventilation	1860	20,57	
E-329	10DCP020K	Hazardous Materials* Phase I and Phase II Testing Protocol	1311	66,74,75,76	
6/26/2014	100202ZMK	Window Wall Attenuation & Alternate Ventilation	1311	66,74,75,76	
	17b				

E-331 6/26/2014 8/14/2017	14DCP086M 140204ZSM 140205ZSM 140206ZSM 12c	Hazardous Materials* Phase I and Phase II Testing Protocol	483	35	8/14/2017
		Window Wall Attenuation & Alternate Ventilation	483	35	8/14/2017
E-332 3/11/2014	13BSA163M 192-13-BZ 12a	Hazardous Materials* Phase I and Phase II Testing Protocol	601	7503	
		Window Wall Attenuation & Alternate Ventilation	601	7503	
E-333 10/10/2013 5/30/2019	13DME003M 130214ZMM 130215ZRM 130216ZSM 130217ASM 130218ZSM 9a	Hazardous Materials* Phase I and Phase II Testing Protocol	1485	15,115	5/30/2019
		Window Wall Attenuation & Alternate Ventilation	1485	15,115	5/30/2019
E-334 12/19/2013	13DME014K 090272ZMK 090273AZRK 140063ZSK 140064ZRK 140065ZMK 28d	Hazardous Materials* Phase I and Phase II Testing Protocol	7071	27,28,30,32,34,76, 79,81,142,226,231	
E-335 7/24/2014 9/7/2018	14DCP066Q 140275ZMQ 140274ZRQ 9b	Air Quality - HVAC fuel limited to natural gas	61	55	9/7/2018
		Exhaust stack location limitations	61	55	9/7/2018

E-336 8/21/2014	14DCP088Q 140111ZMQ 13b	Hazardous Materials* Phase I and Phase II Testing Protocol	3377	1	
		Air Quality - HVAC fuel limited to natural gas	3395	16	8/17/2020
			3395	12,13,14,15	
		Exhaust stack location limitations	3395	16	8/17/2020
			3395	12,13,14,15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3395	12,13,14,15	
E-337 5/14/2014	07DCP094K 140131ZRK 140132ZSK 140133ZSK 140134ZSK 140135ZSK 140136ZAK 12c 12d	Air Quality - HVAC natural gas with low Nox only	2414	1,2,3,25,26,27	
		Exhaust stack location limitations	2414	1,2,3,25,26,27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2414	1,2,3,25,26,27	
		No operable window and/or air intakes limitations	2414	1,2,3,25,26,27	
		Window Wall Attenuation & Alternate Ventilation	2414	1,2,3,25,26,27	
		Air Quality - HVAC natural gas with low Nox only	2428	1	
		Exhaust stack location limitations	2428	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2428	1	
		Window Wall Attenuation & Alternate Ventilation	2428	1	
E-338 8/21/2014	14DCP118M 140263ZSM 12c	Hazardous Materials* Phase I and Phase II Testing Protocol	513	28	

E-339	14DME001M	Hazardous Materials* Phase I and Phase II Testing Protocol	511	19	
10/22/2014	140299PPM 140300ZSM 140301ZSM 140302ZSM 12c	Window Wall Attenuation & Alternate Ventilation	511	19	
E-341	14DCP135K	Air Quality - HVAC fuel limited to natural gas	5673	42,50	
2/26/2015	140288ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	5673	42,50	
	22a	Window Wall Attenuation & Alternate Ventilation	5673	42,50	
E-342	14DCP019M	Exhaust stack location limitations	1480	10	
5/14/2014	140157ZSM 140068MMM 140068AMMM 821257DZAM 8c 9a	Hazardous Materials* Phase I and Phase II Testing Protocol	1480	10	
E-343	13DCP127Q	Air Quality - HVAC fuel limited to natural gas	906	1,5	
11/25/2014	130384MMQ 140322ZMQ 140323ZSQ 140324ZSQ 140325ZAQ 140326ZAQ 140327ZAQ 140328ZCQ 140329ZRQ 9a	Exhaust stack location limitations	906	1,5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	906	1,5	
		Air Quality - HVAC fuel limited to natural gas	907	1,8	
		Exhaust stack location limitations	907	1,8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	907	1,8	
		Air Quality - HVAC fuel limited to natural gas	908	12	

		Exhaust stack location limitations	908	12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	908	12	
		Air Quality - HVAC fuel limited to natural gas	909	35	
		Exhaust stack location limitations	909	35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	909	35	
E-344 5/13/2014 3/1/2019	13BSA048M 299-12-BZ 8b	Hazardous Materials* Phase I and Phase II Testing Protocol	646	1	3/1/2019
E-345 3/30/2015	14DCP124M 920358FZSM 8c	Window Wall Attenuation & Alternate Ventilation	1171	151	
E-346 12/17/2014	12DCP082R 110122ZMR 20d	Air Quality - HVAC fuel limited to natural gas	1706	21	
		Exhaust stack location limitations	1706	21	
E-347 6/17/2014	13BSA029X 263-12 BZ 4d	Hazardous Materials* Phase I and Phase II Testing Protocol	5641	296	

E-348 5/20/2015 5/3/2020	13DCP096R 130145RAR 130146RAR 130144RCR 130147RAR 32d	Hazardous Materials* Phase I and Phase II Testing Protocol	7632	23	5/3/2020
E-350 1/22/2015	15DCP037M 150101ZMM 150102ZRM 8b	Air Quality - HVAC fuel limited to natural gas	712	36,38	8/3/2018
			712	1	
		Exhaust stack location limitations	712	36,38	8/3/2018
			712	1	
E-351 2/26/2015	15DCP009M 150077ZSM 150078ZSM 8d	Air Quality - HVAC fuel limited to natural gas	823	7507	
		Exhaust stack location limitations	823	7507	
		Window Wall Attenuation & Alternate Ventilation	823	7507	
E-352 4/28/2015 9/19/2019	14DCP183M 140407ZRM 140408ZSM 140409ZSM 8c	Air Quality - HVAC fuel limited to natural gas	1072	24,7501	9/19/2019
		Exhaust stack location limitations	1072	24,7501	9/19/2019
		Hazardous Materials* Phase I and Phase II Testing Protocol	1072	24,7501	9/19/2019
		Window Wall Attenuation & Alternate Ventilation	1072	24,7501	9/19/2019
E-353 2/26/2015	15DCP021M 150083ZRM 8d	Air Quality - HVAC fuel limited to natural gas	735	12	
		Exhaust stack location limitations	735	12	
		Window Wall Attenuation & Alternate Ventilation	735	12	

E-354 3/11/2015	14HPD030X 150152ZMX 6a 6c	Window Wall Attenuation & Alternate Ventilation	2383	19,39	
			2384	20,25,28,32,33,34, 38,8900,8901	
E-355 3/31/2015	13DCP106Q 120403ZMQ 10a	Hazardous Materials* Phase I and Phase II Testing Protocol	4960	29	
		Window Wall Attenuation & Alternate Ventilation	4960	29	
E-356 5/27/2015	14DCP167M 140404ZSM 140405ZSM 8d	Exhaust stack location limitations	825	20,60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	825	20,60	
		Window Wall Attenuation & Alternate Ventilation	825	20,60	
E-357 5/27/2015	14DCP188M 150127ZRM 150128ZSM 150129ZSM 150130ZSM 8d	Air Quality - HVAC natural gas with low Nox only	1277	20,27,46,52	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1277	20,27,46,52	
		Window Wall Attenuation & Alternate Ventilation	1277	20,27,46,52	
E-358 4/16/2015	15DCP052K 140209ZSK 28d	Hazardous Materials* Phase I and Phase II Testing Protocol	6996	53,59	
E-359 1/27/2015	14BSA169M 125-14BZ 12c	Hazardous Materials* Phase I and Phase II Testing Protocol	384	33	

E-360 3/10/2015	11BSA104Q 78-11BZ 11d	Hazardous Materials* Phase I and Phase II Testing Protocol	7880	550	
E-361 7/1/2015	14DCP136R 150271ZAR 150272ZAR 150273ZAR 150274ZCR 150275ZCR 26c 26d	Hazardous Materials* Phase I and Phase II Testing Protocol	2400	7,20,118,180,210, 220,500	
E-362 8/13/2015	15DCP123Q N150141ZRQ 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	239	6,7	
		Window Wall Attenuation & Alternate Ventilation	239	6,7	
E-363 10/21/2015	16DCP018K 150369ZCK 150368ZAK 16d	Window Wall Attenuation & Alternate Ventilation	5024	74	
E-364 2/5/2016	16DCP026M 150384ZSM 12a	Air Quality - HVAC fuel limited to natural gas	230	5	
		Exhaust stack location limitations	230	5	
		Window Wall Attenuation & Alternate Ventilation	230	5	

E-365	16DCP027M	Air Quality - HVAC fuel limited to natural gas	230	6	
2/5/2016	150385ZSM	Exhaust stack location limitations	230	6	
	12a	Window Wall Attenuation & Alternate Ventilation	230	6	
E-366	15DCP102K	Air Quality - HVAC fuel limited to natural gas	1437	1,21,23,46,58	
4/20/2016	160035ZMK 160050ZRK	Hazardous Materials* Phase I and Phase II Testing Protocol	1437	1,21,23,46,58	
	17c 17d	Window Wall Attenuation & Alternate Ventilation	1437	1,21,23,46,58	
		Air Quality - HVAC fuel limited to natural gas	1450	1,2,3,50,51,53	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1450	1,2,3,50,51,53	
		Window Wall Attenuation & Alternate Ventilation	1450	1,2,3,50,51,53	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1540	70,72,82	
		Window Wall Attenuation & Alternate Ventilation	1540	70,72,82	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1543	1	
		Window Wall Attenuation & Alternate Ventilation	1543	1	
		Air Quality - HVAC fuel limited to natural gas	1544	21,42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1544	14,15,16,21,42	
		Window Wall Attenuation & Alternate Ventilation	1544	14,15,16,21,42	
		Air Quality - HVAC fuel limited to natural gas	1553	13,18	

Hazardous Materials* Phase I and Phase II Testing Protocol	1553	13,18	
Window Wall Attenuation & Alternate Ventilation	1553	13,18	
Air Quality - HVAC fuel limited to natural gas	1554	1,16	
Exhaust stack location limitations	1554	16	
Hazardous Materials* Phase I and Phase II Testing Protocol	1554	1,16	
Window Wall Attenuation & Alternate Ventilation	1554	1,16	
Air Quality - HVAC fuel limited to natural gas	1574	23,32	
Hazardous Materials* Phase I and Phase II Testing Protocol	1574	23,32	
Window Wall Attenuation & Alternate Ventilation	1574	23,32	
Air Quality - HVAC fuel limited to natural gas	3660	1,2,29	
Hazardous Materials* Phase I and Phase II Testing Protocol	3660	1,2,29	
Window Wall Attenuation & Alternate Ventilation	3660	1,2,29	
Air Quality - HVAC fuel limited to natural gas	3661	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	3661	1	
Window Wall Attenuation & Alternate Ventilation	3661	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	3662	48,49	
Window Wall Attenuation & Alternate Ventilation	3662	48,49	

			Air Quality - HVAC fuel limited to natural gas	3669	13,17,20,22,26	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3669	13,17,20,22,26	
			Window Wall Attenuation & Alternate Ventilation	3669	13,17,20,22,26	
			Air Quality - HVAC fuel limited to natural gas	3670	9,13,14,15,16,17, 18,25,27,29,30,31, 33	
			Exhaust stack location limitations	3670	9,13,14,15,16,17, 18,25,27,29,30,31, 33	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3670	9,13,14,15,16,17, 18,25,27,29,30,31, 33	
			Window Wall Attenuation & Alternate Ventilation	3670	9,13,14,15,16,17, 18,25,27,29,30,31, 33	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3671	41,42,43	
			Window Wall Attenuation & Alternate Ventilation	3671	41,42,43	
			Air Quality - HVAC fuel limited to natural gas	3672	43,46,48,49,50,51	
			Exhaust stack location limitations	3672	48,49,50,51	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3672	43,46,48,49,50,51	
			Window Wall Attenuation & Alternate Ventilation	3672	43,46,48,49,50,51	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3673	14,15,16,20,21,36, 37,38,39	
			Window Wall Attenuation & Alternate Ventilation	3673	14,15,16,20,21,36, 37,38,39	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3674	38,39,40	
			Window Wall Attenuation & Alternate Ventilation	3674	38,39,40	

Hazardous Materials* Phase I and Phase II Testing Protocol	3675	1,10,11,25	
Window Wall Attenuation & Alternate Ventilation	3675	1,10,11,25	
Air Quality - HVAC fuel limited to natural gas	3686	15,16,17,19,21	
Exhaust stack location limitations	3686	15,16,17,19,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	3686	15,16,17,19,21	
Window Wall Attenuation & Alternate Ventilation	3686	15,16,17,19,21	
Air Quality - HVAC fuel limited to natural gas	3687	12,112	
Exhaust stack location limitations	3687	12,112	
Hazardous Materials* Phase I and Phase II Testing Protocol	3687	5,6,7,12,112	
Window Wall Attenuation & Alternate Ventilation	3687	5,6,7,12,112	
Air Quality - HVAC fuel limited to natural gas	3688	11,18	
Hazardous Materials* Phase I and Phase II Testing Protocol	3688	9,11,18,33	
Window Wall Attenuation & Alternate Ventilation	3688	9,11,18,33	
Air Quality - HVAC fuel limited to natural gas	3689	11,12,19,20,21,22, 23,24,25,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	3689	11,12,19,20,21,22, 23,24,25,26	
Window Wall Attenuation & Alternate Ventilation	3689	11,12,19,20,21,22, 23,24,25,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	3690	11,12,13,14,15	

Window Wall Attenuation & Alternate Ventilation	3690	11,12,13,14,15	
Air Quality - HVAC fuel limited to natural gas	3691	11,13,14,15,16,18, 24	
Exhaust stack location limitations	3691	11,13,14,15,16,18	
Hazardous Materials* Phase I and Phase II Testing Protocol	3691	11,13,14,15,16,18, 24	
Window Wall Attenuation & Alternate Ventilation	3691	11,13,14,15,16,18, 24	
Hazardous Materials* Phase I and Phase II Testing Protocol	3703	35,36	
Air Quality - HVAC fuel limited to natural gas	3705	16	
Hazardous Materials* Phase I and Phase II Testing Protocol	3705	16	
Window Wall Attenuation & Alternate Ventilation	3705	16	
Hazardous Materials* Phase I and Phase II Testing Protocol	3707	7,15,16	
	3720	21	
	3721	1	9/28/2017
Window Wall Attenuation & Alternate Ventilation	3721	1	
Air Quality - HVAC fuel limited to natural gas	3722	28	
Exhaust stack location limitations	3722	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	3722	28	
Window Wall Attenuation & Alternate Ventilation	3722	28	
Hazardous Materials* Phase I and Phase II Testing Protocol	3742	16,18,20	

Window Wall Attenuation & Alternate Ventilation	3742	16,18,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	3933	55	
Window Wall Attenuation & Alternate Ventilation	3933	55	
Hazardous Materials* Phase I and Phase II Testing Protocol	3935	44	
Window Wall Attenuation & Alternate Ventilation	3935	44	
Air Quality - HVAC fuel limited to natural gas	3936	42	
Hazardous Materials* Phase I and Phase II Testing Protocol	3936	42	
Window Wall Attenuation & Alternate Ventilation	3936	42	
Hazardous Materials* Phase I and Phase II Testing Protocol	3939	26,27	
Window Wall Attenuation & Alternate Ventilation	3939	26,27	
Hazardous Materials* Phase I and Phase II Testing Protocol	3942	1,16,19,21	
Window Wall Attenuation & Alternate Ventilation	3942	1,16,19,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	3946	14,17,18	
Window Wall Attenuation & Alternate Ventilation	3946	14,17,18	
Air Quality - HVAC fuel limited to natural gas	3947	1,5,9	
Hazardous Materials* Phase I and Phase II Testing Protocol	3947	1,5,9	
Window Wall Attenuation & Alternate Ventilation	3947	1,5,9	

Hazardous Materials* Phase I and Phase II Testing Protocol	3949	1	
Window Wall Attenuation & Alternate Ventilation	3949	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	3950	17,18,19,20	
Window Wall Attenuation & Alternate Ventilation	3950	17,18,19,20	
Air Quality - HVAC fuel limited to natural gas	3951	42	
Hazardous Materials* Phase I and Phase II Testing Protocol	3951	42	
Window Wall Attenuation & Alternate Ventilation	3951	42	
Hazardous Materials* Phase I and Phase II Testing Protocol	3952	42	
Window Wall Attenuation & Alternate Ventilation	3952	42	
Air Quality - HVAC fuel limited to natural gas	3953	45	
Hazardous Materials* Phase I and Phase II Testing Protocol	3953	45	
Window Wall Attenuation & Alternate Ventilation	3953	45	
Air Quality - HVAC fuel limited to natural gas	3954	45,55	
Hazardous Materials* Phase I and Phase II Testing Protocol	3954	45,55	
Window Wall Attenuation & Alternate Ventilation	3954	45,55	
Air Quality - HVAC fuel limited to natural gas	3955	45,46,47,48,49,52, 53	
Hazardous Materials* Phase I and Phase II Testing Protocol	3955	20,21,22,23,45,46, 47,48,49,52,53	

Window Wall Attenuation & Alternate Ventilation	3955	20,21,22,23,45,46, 47,48,49,52,53	
Hazardous Materials* Phase I and Phase II Testing Protocol	3956	23,24	
Window Wall Attenuation & Alternate Ventilation	3956	23,24	
Hazardous Materials* Phase I and Phase II Testing Protocol	3957	49,53	
Window Wall Attenuation & Alternate Ventilation	3957	49,53	
Air Quality - HVAC fuel limited to natural gas	3958	49	
Hazardous Materials* Phase I and Phase II Testing Protocol	3958	20,49	
Window Wall Attenuation & Alternate Ventilation	3958	20,49	
Air Quality - HVAC fuel limited to natural gas	3959	52,54	
Exhaust stack location limitations	3959	52,54	
Hazardous Materials* Phase I and Phase II Testing Protocol	3959	18,52,54	
Window Wall Attenuation & Alternate Ventilation	3959	18,52,54	
Air Quality - HVAC fuel limited to natural gas	3960	58	
Hazardous Materials* Phase I and Phase II Testing Protocol	3960	21,58	
Window Wall Attenuation & Alternate Ventilation	3960	21,58	
Air Quality - HVAC fuel limited to natural gas	3961	1,3,5,7,15,16,26, 27,29,30,31,32,33, 113	
Exhaust stack location limitations	3961	1,3,5,7,26,27,29, 30,31,32,33	

Hazardous Materials* Phase I and Phase II Testing Protocol	3961	1,3,5,7,15,16,26, 27,29,30,31,32,33, 113	
Window Wall Attenuation & Alternate Ventilation	3961	1,3,5,7,15,16,26, 27,29,30,31,32,33, 113	
Air Quality - HVAC fuel limited to natural gas	3962	1,2,9,30,31,32	
Exhaust stack location limitations	3962	30,31,32	
Hazardous Materials* Phase I and Phase II Testing Protocol	3962	1,2,9,30,31,32	
Window Wall Attenuation & Alternate Ventilation	3962	1,2,9,30,31,32	
Air Quality - HVAC fuel limited to natural gas	3963	8,14,15,16,18	
Exhaust stack location limitations	3963	8,14,15,16,18	
Hazardous Materials* Phase I and Phase II Testing Protocol	3963	3,8,14,15,16,18,26	
Window Wall Attenuation & Alternate Ventilation	3963	3,8,14,15,16,18,26	
Air Quality - HVAC fuel limited to natural gas	3964	1,2,3,4,8,23,24,25, 26,27,33,34,35	
Exhaust stack location limitations	3964	2,3,4,8,23	
Hazardous Materials* Phase I and Phase II Testing Protocol	3964	1,2,3,4,8,23,24,25, 26,27,33,34,35	
Window Wall Attenuation & Alternate Ventilation	3964	1,2,3,4,8,23,24,25, 26,27,33,34,35	
Air Quality - HVAC fuel limited to natural gas	3965	1,3,4,6,7,11,32,33	
Exhaust stack location limitations	3965	1,3,4,6,7,32,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	3965	1,3,4,6,7,11,32,33	

Window Wall Attenuation & Alternate Ventilation	3965	1,3,4,6,7,11,32,33	
Air Quality - HVAC fuel limited to natural gas	3966	12,13,14,15,16	
Hazardous Materials* Phase I and Phase II Testing Protocol	3966	12,13,14,15,16	
Window Wall Attenuation & Alternate Ventilation	3966	12,13,14,15,16	
Air Quality - HVAC fuel limited to natural gas	3967	13,15,19,20,21,22, 24,25	
Exhaust stack location limitations	3967	13,15,19,20,21,22, 24,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	3967	13,15,19,20,21,22, 24,25	
Window Wall Attenuation & Alternate Ventilation	3967	13,15,19,20,21,22, 24,25	
Air Quality - HVAC fuel limited to natural gas	3971	17,19,21,24,25,26	
Exhaust stack location limitations	3971	17,19,21,24,25,26	
Hazardous Materials* Phase I and Phase II Testing Protocol	3971	10,11,17,19,21,24, 25,26,39,40,41,44, 45,53,54	
Window Wall Attenuation & Alternate Ventilation	3971	17,19,21,24,25,26, 53,54	
Air Quality - HVAC fuel limited to natural gas	3972	20,22	
Hazardous Materials* Phase I and Phase II Testing Protocol	3972	20,22,56,57	
Window Wall Attenuation & Alternate Ventilation	3972	20,22,56,57	
Air Quality - HVAC fuel limited to natural gas	3973	46,50,52,53,55	

Exhaust stack location limitations	3973	46,50,52,53,55	
Hazardous Materials* Phase I and Phase II Testing Protocol	3973	22,24,46,50,52,53, 55,57,58	
Window Wall Attenuation & Alternate Ventilation	3973	57,58	
Air Quality - HVAC fuel limited to natural gas	3976	31,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	3976	31,35	
Window Wall Attenuation & Alternate Ventilation	3976	31,35	
Air Quality - HVAC fuel limited to natural gas	3977	17,18,19,20,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	3977	17,18,19,20,21	
Window Wall Attenuation & Alternate Ventilation	3977	17,18,19,20,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	3978	14,15	
Window Wall Attenuation & Alternate Ventilation	3978	14,15	
Hazardous Materials* Phase I and Phase II Testing Protocol	3979	11,12,13	
Window Wall Attenuation & Alternate Ventilation	3979	11,12,13	
Hazardous Materials* Phase I and Phase II Testing Protocol	3980	14,15,17,19	
Window Wall Attenuation & Alternate Ventilation	3980	14,15,17,19	
Hazardous Materials* Phase I and Phase II Testing Protocol	3982	11,13,17,18	
Window Wall Attenuation & Alternate Ventilation	3982	11,13,17,18	

			Hazardous Materials* Phase I and Phase II Testing Protocol	3983	13,15	
			Window Wall Attenuation & Alternate Ventilation	3983	13,15	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3984	15	
			Window Wall Attenuation & Alternate Ventilation	3984	15	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3985	15,16,17,18	
			Window Wall Attenuation & Alternate Ventilation	3985	15,16,17,18	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3986	11,13,14	
			Window Wall Attenuation & Alternate Ventilation	3986	11,13,14	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3987	17	
			Window Wall Attenuation & Alternate Ventilation	3987	17	
			Air Quality - HVAC fuel limited to natural gas	3988	28,34,35	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3988	28,34,35	
			Air Quality - HVAC fuel limited to natural gas	3989	1,9,10,12,14,16,20, 24,25,34,36	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3989	1,9,10,12,14,16,20, 24,25,34,36	
			Window Wall Attenuation & Alternate Ventilation	3989	9,10,12,14,16	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3991	8	
			Window Wall Attenuation & Alternate Ventilation	3991	8	

			Hazardous Materials* Phase I and Phase II Testing Protocol	3992	15,17,18,20	
			Window Wall Attenuation & Alternate Ventilation	3992	15,17,18,20	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3994	28	
			Window Wall Attenuation & Alternate Ventilation	3994	28	
			Air Quality - HVAC fuel limited to natural gas	3995	29,31,32,129	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3995	29,31,32,129	
			Window Wall Attenuation & Alternate Ventilation	3995	29,31,32,129	
			Air Quality - HVAC fuel limited to natural gas	3996	34,35,36,37,39	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3996	34,35,36,37,39	
			Window Wall Attenuation & Alternate Ventilation	3996	34,35,36,37,39	
			Hazardous Materials* Phase I and Phase II Testing Protocol	3998	30,32,33,37	
			Window Wall Attenuation & Alternate Ventilation	3998	30,32,33,37	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4003	35	
			Window Wall Attenuation & Alternate Ventilation	4003	35	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4004	19,20	
			Air Quality - HVAC fuel limited to natural gas	4005	16,17,19,20,21	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4005	16,17,19,20,21	

	4006	13	12/10/2019
	4006	11	
	4010	17,19	
Window Wall Attenuation & Alternate Ventilation	4010	17,19	
Air Quality - HVAC fuel limited to natural gas	4017	15,19,22,25	
Exhaust stack location limitations	4017	15,19,22,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	4017	15,19,22,25	
Window Wall Attenuation & Alternate Ventilation	4017	15,19,22,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	4018	15,16,17,18,19,118	
Window Wall Attenuation & Alternate Ventilation	4018	15,16,17,18,19,118	
Hazardous Materials* Phase I and Phase II Testing Protocol	4024	18	
Window Wall Attenuation & Alternate Ventilation	4024	18	
Hazardous Materials* Phase I and Phase II Testing Protocol	4126	1	
Window Wall Attenuation & Alternate Ventilation	4126	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	4128	66	
Window Wall Attenuation & Alternate Ventilation	4128	66	
Air Quality - HVAC fuel limited to natural gas	4137	39,43,44,56,63	

Exhaust stack location limitations	4137	39,43,44,56,63	
Hazardous Materials* Phase I and Phase II Testing Protocol	4137	39,43,44,56,63	
Window Wall Attenuation & Alternate Ventilation	4137	39,43,44,56,63	
Air Quality - HVAC fuel limited to natural gas	4139	25,29	
Hazardous Materials* Phase I and Phase II Testing Protocol	4139	25,29	
Window Wall Attenuation & Alternate Ventilation	4139	25,29	
Hazardous Materials* Phase I and Phase II Testing Protocol	4140	27,28	
Window Wall Attenuation & Alternate Ventilation	4140	27,28	
Air Quality - HVAC natural gas with low Nox only	4141	1,4,27,30,33,35,39	
Exhaust stack location limitations	4141	1,4,27,30,33,35,39	
Hazardous Materials* Phase I and Phase II Testing Protocol	4141	1,4,27,30,33,35,39	
Window Wall Attenuation & Alternate Ventilation	4141	1,4,27,30,33,35,39	
Air Quality - HVAC fuel limited to natural gas	4142	1	
Exhaust stack location limitations	4142	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	4142	1	
Window Wall Attenuation & Alternate Ventilation	4142	1	
Air Quality - HVAC fuel limited to natural gas	4143	1	

			Exhaust stack location limitations	4143	1	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4143	1	
			Window Wall Attenuation & Alternate Ventilation	4143	1	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4149	50	
			Window Wall Attenuation & Alternate Ventilation	4149	50	
			Air Quality - HVAC fuel limited to natural gas	4153	34,40	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4153	34,40,76,78,79,82	
			Window Wall Attenuation & Alternate Ventilation	4153	34,40,76,78,79,82	
			Air Quality - HVAC fuel limited to natural gas	4154	28,35,45,92,93,94, 95,99,100	
			Exhaust stack location limitations	4154	28,35,45,92,93,94, 95,99,100	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4154	28,35,45,92,93,94, 95,99,100	
			Window Wall Attenuation & Alternate Ventilation	4154	28,35,45,92,93,94, 95,99,100	
			Air Quality - HVAC fuel limited to natural gas	4156	1,45,50	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4156	1,45,50	
			Window Wall Attenuation & Alternate Ventilation	4156	1,45,50	
			Hazardous Materials* Phase I and Phase II Testing Protocol	4162	2,10,18,22,29	
			Window Wall Attenuation & Alternate Ventilation	4162	2,10,18,22,29	

Hazardous Materials* Phase I and Phase II Testing Protocol	4167	22,24,25	
Window Wall Attenuation & Alternate Ventilation	4167	22,24,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	4194	17	
Window Wall Attenuation & Alternate Ventilation	4194	17	
Air Quality - HVAC fuel limited to natural gas	4195	6,21,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	4195	6,21,30	
Window Wall Attenuation & Alternate Ventilation	4195	6,21,30	
Air Quality - HVAC fuel limited to natural gas	4210	1,34,35,43	
Hazardous Materials* Phase I and Phase II Testing Protocol	4210	1,34,35,43	
Window Wall Attenuation & Alternate Ventilation	4210	1,34,35,43	
Hazardous Materials* Phase I and Phase II Testing Protocol	4211	43,45	
Window Wall Attenuation & Alternate Ventilation	4211	43,45	
Air Quality - HVAC fuel limited to natural gas	4214	1,6	
Hazardous Materials* Phase I and Phase II Testing Protocol	4214	1,6,12,20	
Window Wall Attenuation & Alternate Ventilation	4214	1,6,12,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	4228	13,17	
Window Wall Attenuation & Alternate Ventilation	4228	13,17	

		Hazardous Materials* Phase I and Phase II Testing Protocol	4232	17,18	
		Window Wall Attenuation & Alternate Ventilation	4232	17,18	
E-367 3/22/2016	15DCP156K 150342ZRK 150343ZSK 29a	Air Quality - HVAC fuel limited to natural gas	8804	75	
		Exhaust stack location limitations	8804	75	
E-368 11/17/2015	14BSA140K 59-14-BZ 13a	Hazardous Materials* Phase I and Phase II Testing Protocol	2748	21	
E-369 2/5/2016 1/27/2021	15DCP163M 150416ZRM 150417ZSM 150418ZSM 12c	Hazardous Materials* Phase I and Phase II Testing Protocol	514	7506	1/27/2021
E-372 6/21/2016	16HPD014Q 160138ZMQ 160139ZRQ 160140ZSQ 160141ZSQ 10b	Air Quality - HVAC fuel limited to natural gas	5037	60,61,62,63	
		Exhaust stack location limitations	5037	60,61,62,63	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5037	60,61,62,63	
		Window Wall Attenuation & Alternate Ventilation	5037	60,61,62,63	

E-373 7/14/2016 2/24/2020	16DCP065K 160124ZSK 160125ZSK 160126ZRK 12c 13a	Air Quality - HVAC fuel limited to natural gas	2282	1	2/24/2020
		Exhaust stack location limitations	2282	1	2/24/2020
		Window Wall Attenuation & Alternate Ventilation	2282	1	2/24/2020
E-375 5/16/2016	16DCP086Q 820479BZMQ 13c	Hazardous Materials* Phase I and Phase II Testing Protocol	1846	1	
		Window Wall Attenuation & Alternate Ventilation	1846	1	
E-377 2/15/2017	16HPD078M 170050ZMM 170052ZRM 6a	Air Quality - HVAC fuel limited to natural gas	1915	29,31	
		Exhaust stack location limitations	1915	29,31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1915	29,31	
		Window Wall Attenuation & Alternate Ventilation	1915	29,31	
E-378 9/28/2016	16DCP106M 160082ZSM 8d	Air Quality - HVAC fuel limited to natural gas	819	15	
		Exhaust stack location limitations	819	15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	819	14,15,66	
		Window Wall Attenuation & Alternate Ventilation	819	14,15,66	
E-379 9/14/2016	15DCP047Q 150135ZMQ 9a	Air Quality - HVAC fuel limited to natural gas	659	75,76	

E-380 5/3/2016	14BSA064K 297-13-BZ 17c	Hazardous Materials* Phase I and Phase II Testing Protocol	3443	37	
E-381 6/8/2016	16DCP102M 160182ZAM 8d	Air Quality - HVAC fuel limited to natural gas	848	7	
E-383 11/16/2016	15DME003K 160029ZRK 160030ZMK 160054MMK 16c	Air Quality - HVAC fuel limited to natural gas	2060	1,4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2060	1,4,8	
		Window Wall Attenuation & Alternate Ventilation	2060	1,4	
E-384 12/15/2016	16DCP031M 160309ZMM 160308ZRM 12a	Air Quality - HVAC natural gas with low Nox only	596	7502	
		Exhaust stack location limitations	596	7502	
		Window Wall Attenuation & Alternate Ventilation	596	7502	
E-385 10/27/2016	16DCP154X 160251ZMX 160250ZRX 6c	Exhaust stack location limitations	2600	47,49,50,99,100, 101,103	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2600	30,47,49,50,51,96, 99,100,101,103,187, 213,220,222	
		Window Wall Attenuation & Alternate Ventilation	2600	30,47,49,50,51,96, 99,100,101,103,187, 213,220,222	

E-386 11/16/2016	16DCP146X 150312ZMX 150313ZRX 6a	Air Quality - HVAC fuel limited to natural gas	2458	6,13,35,43,49	
		Exhaust stack location limitations	2458	6,13,35,43,49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2458	6,13,35,43,49	
		Window Wall Attenuation & Alternate Ventilation	2458	6,13	
E-387 10/13/2016	16DCP145Q 160219ZMQ 160220ZRQ 30b	Air Quality - HVAC fuel limited to natural gas	16180	1,2,3,8,9	
		Exhaust stack location limitations	16180	1,2,3,8,9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16180	1,2,3,8,9	
		Window Wall Attenuation & Alternate Ventilation	16180	1,2,3,8,9	
E-388 11/29/2016	16DCP155X 160365ZMX 160366ZRX 160367ZSX 160368ZSX 160291AZSX 160369ZAX 3d	Air Quality - HVAC fuel limited to natural gas	3005	65	
		Exhaust stack location limitations	3005	65	
		Window Wall Attenuation & Alternate Ventilation	3005	65	
E-389 11/14/2016	16DCP187M 160213ZSM 6b	Hazardous Materials* Phase I and Phase II Testing Protocol	1503	56	
		Window Wall Attenuation & Alternate Ventilation	1503	56	

E-390 7/12/2016	14BSA151M 99-14-BZ 8d	Hazardous Materials* Phase I and Phase II Testing Protocol	728	50,55	
E-391 8/2/2016	15BSA181M 64-15-BZ 12a	Hazardous Materials* Phase I and Phase II Testing Protocol	601	72	
E-392 11/10/2016	16DCP175X 000617AZAX 1c 1d	Air Quality - HVAC natural gas with low Nox only	5814	1401	
		Exhaust stack location limitations	5814	1401	
E-393 11/29/2016	16HPD001X 160218MMX 160285ZMX 160287ZAX 160288ZRX 160290ZSX 160291ZSX 3d	Air Quality - HVAC fuel limited to natural gas	3132	2	6/27/2019
			3132	1	
		Exhaust stack location limitations	3132	2	6/27/2019
			3132	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	3132	2	6/27/2019
			3132	1	
		Window Wall Attenuation & Alternate Ventilation	3132	2	6/27/2019
			3132	1	
		Air Quality - HVAC fuel limited to natural gas	3138	1	
		Exhaust stack location limitations	3138	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3138	1	

		Window Wall Attenuation & Alternate Ventilation	3138	1	
		Air Quality - HVAC fuel limited to natural gas	3139	1,19	
		Exhaust stack location limitations	3139	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3139	1,19	
		Window Wall Attenuation & Alternate Ventilation	3139	1,19	
		Air Quality - HVAC fuel limited to natural gas	3140	7	
		Exhaust stack location limitations	3140	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3140	7	
		Window Wall Attenuation & Alternate Ventilation	3140	7	
E-394	16HPD152M	Air Quality - HVAC fuel limited to natural gas	1955	7,9,10,11	
2/15/2017	170081ZMM 170082ZRM 170083ZAM 170084ZCM	Exhaust stack location limitations	1955	7,9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1955	7,9,10,11	
	6a	Window Wall Attenuation & Alternate Ventilation	1955	7,9,10,11	
E-395	16DCP121K	Air Quality - HVAC fuel limited to natural gas	1884	40,48	
5/10/2017	160221ZMK 160222ZRK	Hazardous Materials* Phase I and Phase II Testing Protocol	1884	40,48	
	12d	Window Wall Attenuation & Alternate Ventilation	1884	40,48	

		Air Quality - HVAC fuel limited to natural gas	1885	15	
		Exhaust stack location limitations	1885	15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1885	15	
E-397	16DME004K	Hazardous Materials* Phase I and Phase II Testing Protocol	5063	58	
4/25/2017	170128ZMK 170129ZRK 170127PPK 16d	Window Wall Attenuation & Alternate Ventilation	5063	58	
E-398	17DCP025X	Hazardous Materials* Phase I and Phase II Testing Protocol	2624	41	5/29/2020
5/24/2017 5/29/2020	170140ZMX 170141ZRK 6c	Window Wall Attenuation & Alternate Ventilation	2624	41	5/29/2020
E-399	16DCP186R	Exhaust stack location limitations	701	1	
4/25/2017	160378ZMR 21b 27a				
E-400	17DCP068K	Hazardous Materials* Phase I and Phase II Testing Protocol	1435	40,42,43	
5/24/2017	170142ZMK 170143ZRK 17c	No operable window and/or air intakes limitations	1435	40,42,43	
		Window Wall Attenuation & Alternate Ventilation	1435	40,42,43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1436	6	
		Window Wall Attenuation & Alternate Ventilation	1436	6	

E-401 7/20/2017	17DCP069R 150402ZMR 150404ZCR 150403ZAR 150401ZRR 21d	Air Quality - HVAC fuel limited to natural gas	2820	90	
		Exhaust stack location limitations	2820	90	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2820	90,95,105,110	
		No operable window and/or air intakes limitations	2820	90	
		Window Wall Attenuation & Alternate Ventilation	2820	90	
E-402 7/20/2017	17DCP062M 170137ZSM 12a	Exhaust stack location limitations	230	13	
		Window Wall Attenuation & Alternate Ventilation	230	13	
E-403 6/21/2017	17DCP075X 170150ZMX 170151ZRX 3d 4b	Air Quality - HVAC fuel limited to natural gas	3751	1	
		Exhaust stack location limitations	3751	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3751	1	
		Window Wall Attenuation & Alternate Ventilation	3751	1	
E-405 12/20/2018	17DCP067K 180347ZMK 180348ZRK 16d	Air Quality - HVAC fuel limited to natural gas	1188	53,54,55,58	
		Exhaust stack location limitations	1188	53,54,55,58	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1188	53,54,55,58	
		Air Quality - HVAC fuel limited to natural gas	1190	29,45,50	
		Exhaust stack location limitations	1190	29,45,50	

		Hazardous Materials* Phase I and Phase II Testing Protocol	1190	29,45,50	
E-406 5/24/2017	17DCP080X 160326ZMX 160327ZRX 4b	Air Quality - HVAC fuel limited to natural gas	3805	30,34,41,55,56,69, 71,72,73,75,76,123, 124	
		Exhaust stack location limitations	3805	30,34,41,55,56,69, 71,72,73,75,76,123, 124	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3805	30,34,41,55,56,69, 71,72,73,75,76,123, 124	
		Window Wall Attenuation & Alternate Ventilation	3805	30,34,41,124	
E-407 6/21/2017	17DCP072Q 170162ZMQ 170163ZRQ 9d	Exhaust stack location limitations	1247	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1247	1	
		Window Wall Attenuation & Alternate Ventilation	1247	1	
E-408 8/9/2017	17DCP001M N170186AZRM C170187ZMM 8c	Con Edison steam only	869	16,58,61,64	
		Hazardous Materials* Phase I and Phase II Testing Protocol	869	16,58,61,64	
		Window Wall Attenuation & Alternate Ventilation	869	16,58,61,64	
		Exhaust stack location limitations	895	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	895	1	
		Window Wall Attenuation & Alternate Ventilation	895	1	
		Con Edison steam only	1275	23	
		Exhaust stack location limitations	1275	8,11,12,14,16,59, 60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1275	8,11,12,14,16,23, 59,60	

Window Wall Attenuation & Alternate Ventilation	1275	8,11,12,14,16,23, 59,60	
Con Edison steam only	1278	8,14,62,63,64,65	
Hazardous Materials* Phase I and Phase II Testing Protocol	1278	8,14,62,63,64,65	
Window Wall Attenuation & Alternate Ventilation	1278	8,14,62,63,64,65	
Con Edison steam only	1279	9,17,57,63,65	
Hazardous Materials* Phase I and Phase II Testing Protocol	1279	9,17,57,63,65	
Window Wall Attenuation & Alternate Ventilation	1279	9,17,57,63,65	
Con Edison steam only	1281	9,56,59,7501	
Hazardous Materials* Phase I and Phase II Testing Protocol	1281	9,56,59,7501	
Window Wall Attenuation & Alternate Ventilation	1281	9,56,59,7501	
Exhaust stack location limitations	1282	34	
Hazardous Materials* Phase I and Phase II Testing Protocol	1282	34	
Window Wall Attenuation & Alternate Ventilation	1282	34	
Con Edison steam only	1283	12,13,14,15,58	
Hazardous Materials* Phase I and Phase II Testing Protocol	1283	12,13,14,15,58	
Window Wall Attenuation & Alternate Ventilation	1283	12,13,14,15,17,58	
Con Edison steam only	1284	14,17,21,52,55,56, 59,60,152	
Hazardous Materials* Phase I and Phase II Testing Protocol	1284	14,17,21,52,55,56, 59,60,152	

			Window Wall Attenuation & Alternate Ventilation	1284	14,17,21,52,55,56, 59,60,152	
			Exhaust stack location limitations	1285	36	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1285	36	
			Window Wall Attenuation & Alternate Ventilation	1285	36	
			Con Edison steam only	1287	8,9,58,61,62,63	
			Exhaust stack location limitations	1287	33	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1287	8,9,33,58,61,62,63	
			Window Wall Attenuation & Alternate Ventilation	1287	8,9,10,14,33,58,61, 62,63	
			Exhaust stack location limitations	1290	36,37	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1290	36,37	
			Window Wall Attenuation & Alternate Ventilation	1290	36,37	
			Con Edison steam only	1292	52	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1292	52	
			Window Wall Attenuation & Alternate Ventilation	1292	52	
			Con Edison steam only	1295	17,58	
			Exhaust stack location limitations	1295	20,23	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1295	17,20,23,58	
			Window Wall Attenuation & Alternate Ventilation	1295	17,20,23,58	

Con Edison steam only	1300	26,33,42,44	
Hazardous Materials* Phase I and Phase II Testing Protocol	1300	26,33,42,44	
Window Wall Attenuation & Alternate Ventilation	1300	26,33,42,44	
Exhaust stack location limitations	1301	23	
Hazardous Materials* Phase I and Phase II Testing Protocol	1301	23	
Window Wall Attenuation & Alternate Ventilation	1301	23	
Con Edison steam only	1303	14	
Hazardous Materials* Phase I and Phase II Testing Protocol	1303	14	
Window Wall Attenuation & Alternate Ventilation	1303	14	
Con Edison steam only	1304	20	
Hazardous Materials* Phase I and Phase II Testing Protocol	1304	20	
Window Wall Attenuation & Alternate Ventilation	1304	20	
Con Edison steam only	1305	33,40	
Hazardous Materials* Phase I and Phase II Testing Protocol	1305	33,40	
Window Wall Attenuation & Alternate Ventilation	1305	33,40	
Con Edison steam only	1306	23,33	
Hazardous Materials* Phase I and Phase II Testing Protocol	1306	23,33	
Window Wall Attenuation & Alternate Ventilation	1306	23,33	

Con Edison steam only	1307	43,7501	
Hazardous Materials* Phase I and Phase II Testing Protocol	1307	43,7501	
Window Wall Attenuation & Alternate Ventilation	1307	43,7501	
Air Quality - HVAC fuel limited to natural gas	1310	33,34,35,36,37,38, 39,40,133,140	
Exhaust stack location limitations	1310	33,34,35,36,37,38, 39,40,133,140	
Hazardous Materials* Phase I and Phase II Testing Protocol	1310	33,34,35,36,37,38, 39,40,133,140	
Window Wall Attenuation & Alternate Ventilation	1310	33,34,35,36,37,38, 39,40,133,140	
Exhaust stack location limitations	1316	12,23,30	
Hazardous Materials* Phase I and Phase II Testing Protocol	1316	12,23,30	
Window Wall Attenuation & Alternate Ventilation	1316	12,23,30	
Con Edison steam only	1317	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	1317	1	
Window Wall Attenuation & Alternate Ventilation	1317	1	
Exhaust stack location limitations	1318	1,43,44,143	
Hazardous Materials* Phase I and Phase II Testing Protocol	1318	1,43,44,143	
Window Wall Attenuation & Alternate Ventilation	1318	1,43,44,143	
Con Edison steam only	1319	47	
Hazardous Materials* Phase I and Phase II Testing Protocol	1319	47	

		Window Wall Attenuation & Alternate Ventilation	1319	47	
		Con Edison steam only	1325	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1325	1	
		Window Wall Attenuation & Alternate Ventilation	1325	1	
E-409 9/27/2017	16DME011M 170275ZMM 170276ZRM 170093MMM 170278PPM 6b	Air Quality - HVAC fuel limited to natural gas	1803	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1803	1	
		Window Wall Attenuation & Alternate Ventilation	1803	1	
E-411 7/20/2017	17DCP063M 170182ZSM 8d	Hazardous Materials* Phase I and Phase II Testing Protocol	829	50	
		Window Wall Attenuation & Alternate Ventilation	829	50	
E-412 7/20/2017	17DCP071K 170070ZMK 170071ZRK 17a	Air Quality - HVAC fuel limited to natural gas	1205	28	
		Exhaust stack location limitations	1205	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1205	28	
		Window Wall Attenuation & Alternate Ventilation	1205	28	
E-413 7/20/2017	17DCP078X 170087ZMX 170088ZRX 6c	Air Quality - HVAC fuel limited to natural gas	2756	85,90	
		Exhaust stack location limitations	2756	85,90	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2756	85,90	

		Window Wall Attenuation & Alternate Ventilation	2756	85,90	
E-414 5/24/2017	17DCP031R 170197ZAR 170198ZAR 27b	Hazardous Materials* Phase I and Phase II Testing Protocol	3969	1,6,31,35	
		Window Wall Attenuation & Alternate Ventilation	3969	1,6,31,35	
E-415 9/7/2017	16DME010Q 170243AZMQ 170244AZRQ 25b 31a	Air Quality - HVAC fuel limited to natural gas	15528	9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15528	5,9	
		Window Wall Attenuation & Alternate Ventilation	15528	5,9	
		Air Quality - HVAC fuel limited to natural gas	15529	9,10	
		Exhaust stack location limitations	15529	9,10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15529	9,10,161	
		Window Wall Attenuation & Alternate Ventilation	15529	9,10,161	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15535	1,11,58,59,60,61	
		Window Wall Attenuation & Alternate Ventilation	15535	1,11,58,59,60,61	
		Air Quality - HVAC fuel limited to natural gas	15536	6,12,15,18,22,28, 31	
		Exhaust stack location limitations	15536	6,31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15536	6,12,15,18,22,28, 31	
		Window Wall Attenuation & Alternate Ventilation	15536	6,12,15,18,22,28, 31	

Air Quality - HVAC fuel limited to natural gas	15537	40,46,50,51,53,54, 55,56,57,58,59,60, 112	
Air Quality - HVAC natural gas with low Nox only	15537	1,5,63,65,71,79,89, 92,94,99,100,101	
Exhaust stack location limitations	15537	1,5,40,46,50,51,53, 54,55,56,57,58,59, 60,63,65,71,79,89, 92,94,99,100,101, 112	
Hazardous Materials* Phase I and Phase II Testing Protocol	15537	1,5,40,46,50,51,53, 54,55,56,57,58,59, 60,63,65,71,79,89, 92,94,99,100,101, 112,128,130	
Window Wall Attenuation & Alternate Ventilation	15537	1,5,40,46,50,51,53, 54,55,56,57,58,59, 60,63,65,71,79,89, 92,94,99,100,101, 112,128,130	
	15543	43	
Air Quality - HVAC fuel limited to natural gas	15544	40	
Exhaust stack location limitations	15544	40	
Hazardous Materials* Phase I and Phase II Testing Protocol	15544	34,40	
Window Wall Attenuation & Alternate Ventilation	15544	34,40	
Air Quality - HVAC fuel limited to natural gas	15559	8,12,54,58,62	
Exhaust stack location limitations	15559	8,12,54,58,62	
Hazardous Materials* Phase I and Phase II Testing Protocol	15559	12,54	
Window Wall Attenuation & Alternate Ventilation	15559	8,12,54	
Air Quality - HVAC fuel limited to natural gas	15560	8	

Exhaust stack location limitations	15560	8	
Hazardous Materials* Phase I and Phase II Testing Protocol	15560	8	
	15561	8,10,34,58	
Window Wall Attenuation & Alternate Ventilation	15561	8,10,34,58	
Hazardous Materials* Phase I and Phase II Testing Protocol	15563	31,40,43	
Air Quality - HVAC natural gas with low Nox only	15564	45	
Exhaust stack location limitations	15564	45	
Hazardous Materials* Phase I and Phase II Testing Protocol	15564	40,42,45	
Window Wall Attenuation & Alternate Ventilation	15564	40,42,45	
Air Quality - HVAC natural gas with low Nox only	15574	36	
Exhaust stack location limitations	15574	36	
Hazardous Materials* Phase I and Phase II Testing Protocol	15574	36	
Air Quality - HVAC natural gas with low Nox only	15661	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	15661	1,80	
Window Wall Attenuation & Alternate Ventilation	15661	1,80	
Air Quality - HVAC fuel limited to natural gas	15705	1,6,59,69,78,81,84, 88	
Hazardous Materials* Phase I and Phase II Testing Protocol	15705	1,6,78,81,84,88, 140	

		Window Wall Attenuation & Alternate Ventilation	15705	1,6,59,69,78,81,84, 88	
		Air Quality - HVAC fuel limited to natural gas	15709	101,109	
		Exhaust stack location limitations	15709	101,109	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15709	101,109	
		Window Wall Attenuation & Alternate Ventilation	15709	101,109	
E-416 9/7/2017	17DCP113M 160349ZSM 12a	Air Quality - HVAC powered by electricity only	475	34	
E-417 6/21/2017	17DCP114Q 170256ZMQ 170257ZRQ 24b 24d 30a 30c	Exhaust stack location limitations	15460	1,29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15460	1,29	
		Window Wall Attenuation & Alternate Ventilation	15460	1,29	
E-418 10/17/2017	16DME012X 170311ZMX 170312ZRX 170315ZSX 6a	Air Quality - HVAC fuel limited to natural gas	2356	2,72	
		Exhaust stack location limitations	2356	2,72	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2356	2,72	
		Window Wall Attenuation & Alternate Ventilation	2356	2,72	
		Air Quality - HVAC fuel limited to natural gas	2539	1,2,3	
		Exhaust stack location limitations	2539	1,2,3	

		Hazardous Materials* Phase I and Phase II Testing Protocol	2539	1,2,3	
		Window Wall Attenuation & Alternate Ventilation	2539	1,2,3	
E-419 9/7/2017	17DCP088K 170189ZMK 170190ZRK 17d	Air Quality - HVAC fuel limited to natural gas	3861	1,6	
		Exhaust stack location limitations	3861	1,6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3861	1,6	
		Window Wall Attenuation & Alternate Ventilation	3861	1,6	
		Air Quality - HVAC fuel limited to natural gas	3862	1,23,24,25,26	
		Exhaust stack location limitations	3862	1,23,24,25,26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3862	1,23,24,25,26	
		Window Wall Attenuation & Alternate Ventilation	3862	1,23,24,25,26	
E-421 9/7/2017	17DCP117K 170029ZMK 170030ZRK 16c	Air Quality - HVAC fuel limited to natural gas	172	37	
		Exhaust stack location limitations	172	37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	172	37	
		Window Wall Attenuation & Alternate Ventilation	172	37	

E-422	17DCP048M	Hazardous Materials* Phase I and Phase II Testing Protocol	1620	23	
11/30/2017	170358ZMM 170359ZRM 170361ZMM 170362ZRM	Window Wall Attenuation & Alternate Ventilation	1620	23	
	6b	Hazardous Materials* Phase I and Phase II Testing Protocol	1621	32	
		Window Wall Attenuation & Alternate Ventilation	1621	32	
		Air Quality - HVAC fuel limited to natural gas	1622	33	
		Exhaust stack location limitations	1622	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1622	33,35,36	
		Window Wall Attenuation & Alternate Ventilation	1622	33,35,36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1623	33,34	
		Window Wall Attenuation & Alternate Ventilation	1623	33,34	
		Air Quality - HVAC fuel limited to natural gas	1632	35,37,40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1632	20,35,37,40	
		Window Wall Attenuation & Alternate Ventilation	1632	20,35,37,40	
		Air Quality - HVAC fuel limited to natural gas	1633	38,39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1633	38,39,52	
		Window Wall Attenuation & Alternate Ventilation	1633	38,39,52	

Air Quality - HVAC fuel limited to natural gas	1634	33,34,35,36,37,38, 158	
Exhaust stack location limitations	1634	158	
Hazardous Materials* Phase I and Phase II Testing Protocol	1634	33,34,35,36,37,38, 158	
Window Wall Attenuation & Alternate Ventilation	1634	33,34,35,36,37,38, 158	
Air Quality - HVAC fuel limited to natural gas	1635	51,52,149,150	
Exhaust stack location limitations	1635	149,150	
Hazardous Materials* Phase I and Phase II Testing Protocol	1635	33,35,36,37,38,39, 40,48,49,51,52,149, 150	
Window Wall Attenuation & Alternate Ventilation	1635	33,35,36,37,38,39, 40,48,49,51,52,149, 150	
Hazardous Materials* Phase I and Phase II Testing Protocol	1636	37,38,39,40,138, 139	
Window Wall Attenuation & Alternate Ventilation	1636	37,38,39,40,138, 139	
Air Quality - HVAC fuel limited to natural gas	1637	21,22,51,52	
Air Quality - HVAC natural gas with low Nox only	1637	21,22,51,52	
Exhaust stack location limitations	1637	21,22,51,52	
Hazardous Materials* Phase I and Phase II Testing Protocol	1637	21,22,24,25,51,52	
Window Wall Attenuation & Alternate Ventilation	1637	21,22,24,25,51,52	
Air Quality - HVAC fuel limited to natural gas	1638	56	
Exhaust stack location limitations	1638	56	

Hazardous Materials* Phase I and Phase II Testing Protocol	1638	33,56	
Window Wall Attenuation & Alternate Ventilation	1638	33,56	
Air Quality - HVAC fuel limited to natural gas	1639	38,39,40,41,137	
Hazardous Materials* Phase I and Phase II Testing Protocol	1639	21,38,39,40,41,48, 49,137	
Window Wall Attenuation & Alternate Ventilation	1639	21,38,39,40,41,48, 49,137	
Hazardous Materials* Phase I and Phase II Testing Protocol	1640	1,21	
Window Wall Attenuation & Alternate Ventilation	1640	1,21	
Air Quality - HVAC fuel limited to natural gas	1643	38,39,40	
Air Quality - HVAC natural gas with low Nox only	1643	41,47,48	
Exhaust stack location limitations	1643	38,39,40,41,47,48	
Hazardous Materials* Phase I and Phase II Testing Protocol	1643	21,33,35,37,38,39, 40,41,47,48,49,50, 56,63,71,137,149	
Window Wall Attenuation & Alternate Ventilation	1643	21,33,35,37,38,39, 40,41,47,48,49,50, 56,63,71,137,149	
Air Quality - HVAC fuel limited to natural gas	1644	37,38,39	
Hazardous Materials* Phase I and Phase II Testing Protocol	1644	12,37,38,39	
Window Wall Attenuation & Alternate Ventilation	1644	12,37,38,39	
Hazardous Materials* Phase I and Phase II Testing Protocol	1645	33,35	

Window Wall Attenuation & Alternate Ventilation	1645	33,35	
Air Quality - HVAC natural gas with low Nox only	1654	3,4,45	
Exhaust stack location limitations	1654	3,4,45	
Hazardous Materials* Phase I and Phase II Testing Protocol	1654	3,4,45	
Window Wall Attenuation & Alternate Ventilation	1654	3,4,45	
Air Quality - HVAC fuel limited to natural gas	1655	1,3,45,102	
Exhaust stack location limitations	1655	45	
Hazardous Materials* Phase I and Phase II Testing Protocol	1655	1,3,24,45,102	
Window Wall Attenuation & Alternate Ventilation	1655	1,3,24,45,102	
Hazardous Materials* Phase I and Phase II Testing Protocol	1659	1	
Window Wall Attenuation & Alternate Ventilation	1659	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	1660	1,3,45	
Window Wall Attenuation & Alternate Ventilation	1660	1,3,4,45	
Hazardous Materials* Phase I and Phase II Testing Protocol	1661	4	
Window Wall Attenuation & Alternate Ventilation	1661	4	
Hazardous Materials* Phase I and Phase II Testing Protocol	1662	1,16	
Window Wall Attenuation & Alternate Ventilation	1662	1,16	

Hazardous Materials* Phase I and Phase II Testing Protocol	1665	23,24,25,122	
Window Wall Attenuation & Alternate Ventilation	1665	23,24,25,122	
Hazardous Materials* Phase I and Phase II Testing Protocol	1666	5,23,105	
Window Wall Attenuation & Alternate Ventilation	1666	5,23,105	
Air Quality - HVAC fuel limited to natural gas	1667	45	
Air Quality - HVAC natural gas with low Nox only	1667	102	
Hazardous Materials* Phase I and Phase II Testing Protocol	1667	22,26,45,102,120	
Window Wall Attenuation & Alternate Ventilation	1667	22,26,45,102,120	
Hazardous Materials* Phase I and Phase II Testing Protocol	1676	49	
Window Wall Attenuation & Alternate Ventilation	1676	49	
Hazardous Materials* Phase I and Phase II Testing Protocol	1680	3	
Window Wall Attenuation & Alternate Ventilation	1680	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	1682	3,4,49	
Window Wall Attenuation & Alternate Ventilation	1682	3,4,49	
Hazardous Materials* Phase I and Phase II Testing Protocol	1683	50	
Window Wall Attenuation & Alternate Ventilation	1683	50	
Hazardous Materials* Phase I and Phase II Testing Protocol	1684	1	

Window Wall Attenuation & Alternate Ventilation	1684	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	1687	3,102	
Window Wall Attenuation & Alternate Ventilation	1687	3,102	
Hazardous Materials* Phase I and Phase II Testing Protocol	1688	1,2	
Window Wall Attenuation & Alternate Ventilation	1688	1,2	
Hazardous Materials* Phase I and Phase II Testing Protocol	1689	1,51	
Window Wall Attenuation & Alternate Ventilation	1689	1,51	
Hazardous Materials* Phase I and Phase II Testing Protocol	1745	134	
Window Wall Attenuation & Alternate Ventilation	1745	134	
Air Quality - HVAC fuel limited to natural gas	1746	33	
Hazardous Materials* Phase I and Phase II Testing Protocol	1746	33	
Window Wall Attenuation & Alternate Ventilation	1746	33	
Air Quality - HVAC fuel limited to natural gas	1748	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	1748	1,35	
Window Wall Attenuation & Alternate Ventilation	1748	1,35	
	1750	40	
Air Quality - HVAC fuel limited to natural gas	1751	33,35,36,37,38,40, 132,137	

			Hazardous Materials* Phase I and Phase II Testing Protocol	1751	33,35,36,37,38,40, 132,137	
			Window Wall Attenuation & Alternate Ventilation	1751	33,35,36,37,38,40, 132,137	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1753	37	
			Window Wall Attenuation & Alternate Ventilation	1753	37	
			Air Quality - HVAC fuel limited to natural gas	1754	33,40	
			Exhaust stack location limitations	1754	33,40	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1754	33,40	
			Window Wall Attenuation & Alternate Ventilation	1754	33,40	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1755	33	
			Window Wall Attenuation & Alternate Ventilation	1755	33	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1756	33	
			Window Wall Attenuation & Alternate Ventilation	1756	33	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1767	33	
			Window Wall Attenuation & Alternate Ventilation	1767	33	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1768	39,40,69,70,71,169, 170	
			Window Wall Attenuation & Alternate Ventilation	1768	39,40,69,70,71,169, 170	
			Hazardous Materials* Phase I and Phase II Testing Protocol	1769	3	

Window Wall Attenuation & Alternate Ventilation	1769	3	
Hazardous Materials* Phase I and Phase II Testing Protocol	1770	36	
Window Wall Attenuation & Alternate Ventilation	1770	36	
Air Quality - HVAC fuel limited to natural gas	1771	33,36	
Hazardous Materials* Phase I and Phase II Testing Protocol	1771	33,36,51,69,70	
Window Wall Attenuation & Alternate Ventilation	1771	33,36,51,69,70	
Air Quality - HVAC fuel limited to natural gas	1772	55	
Exhaust stack location limitations	1772	55	
Hazardous Materials* Phase I and Phase II Testing Protocol	1772	33,34,35,37,38,39, 55,69,70,134,140	
Window Wall Attenuation & Alternate Ventilation	1772	33,34,35,37,38,39, 55,69,70,134,140	
Hazardous Materials* Phase I and Phase II Testing Protocol	1773	67	
Window Wall Attenuation & Alternate Ventilation	1773	1,67,69	
Air Quality - HVAC fuel limited to natural gas	1774	68	
Window Wall Attenuation & Alternate Ventilation	1774	68	
Air Quality - HVAC fuel limited to natural gas	1775	3,6,165,168,170	
Air Quality - HVAC natural gas with low Nox only	1775	170	
Exhaust stack location limitations	1775	3,6,165,168,170	

Hazardous Materials* Phase I and Phase II Testing Protocol	1775	3,6,165,168,170	
Window Wall Attenuation & Alternate Ventilation	1775	3,6,165,168,170	
Hazardous Materials* Phase I and Phase II Testing Protocol	1784	4,25,26,27,28,45, 47,48,120,128	
Window Wall Attenuation & Alternate Ventilation	1784	4,25,26,27,28,45, 47,48,120,128	
Air Quality - HVAC fuel limited to natural gas	1785	21,22,23,104	
Exhaust stack location limitations	1785	104	
Hazardous Materials* Phase I and Phase II Testing Protocol	1785	21,22,23,104	
Window Wall Attenuation & Alternate Ventilation	1785	21,22,23,104	
Air Quality - HVAC fuel limited to natural gas	1786	28	
Air Quality - HVAC natural gas with low Nox only	1786	4,22,23,47,121,123	
Exhaust stack location limitations	1786	4,22,23,28,47,121, 123	
Hazardous Materials* Phase I and Phase II Testing Protocol	1786	4,22,23,24,26,28, 47,121,123	
Window Wall Attenuation & Alternate Ventilation	1786	4,22,23,24,26,28, 47,121,123	
Hazardous Materials* Phase I and Phase II Testing Protocol	1788	4,28,48,49,50	
Window Wall Attenuation & Alternate Ventilation	1788	4,28,48,49,50	
Hazardous Materials* Phase I and Phase II Testing Protocol	1795	1,2,3	
Window Wall Attenuation & Alternate Ventilation	1795	1,2,3	

		Hazardous Materials* Phase I and Phase II Testing Protocol	1796	2	
		Window Wall Attenuation & Alternate Ventilation	1796	2	
E-423 9/7/2017	17DCP150R 170373ZMR 170374ZRR 27d 34a	Exhaust stack location limitations	3832	21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3832	21	
		Window Wall Attenuation & Alternate Ventilation	3832	21	
		Exhaust stack location limitations	3848	13	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3848	13	
		Window Wall Attenuation & Alternate Ventilation	3848	13	
		Exhaust stack location limitations	3850	27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3850	27	
		Window Wall Attenuation & Alternate Ventilation	3850	27	
E-424 10/17/2017	17DCP143Q 170180AZMQ 170181ZRQ 10a	Air Quality - HVAC fuel limited to natural gas	4950	1	
		Exhaust stack location limitations	4950	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4950	1	
		Window Wall Attenuation & Alternate Ventilation	4950	1	

E-425 10/17/2017	17DCP154X 170377ZMX 170378ZRX 3d	Air Quality - HVAC fuel limited to natural gas	3780	1,51	
		Exhaust stack location limitations	3780	1,51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3780	1,51	
		Window Wall Attenuation & Alternate Ventilation	3780	1,51	
E-426 10/17/2017	17DCP161Q 170336ZMQ 170337ZRQ 18c 19a	Air Quality - HVAC fuel limited to natural gas	12277	2	3/1/2021
			12277	1	
		Exhaust stack location limitations	12277	2	3/1/2021
			12277	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12277	2	3/1/2021
			12277	1	
		Window Wall Attenuation & Alternate Ventilation	12277	2	3/1/2021
			12277	1	
E-427 10/31/2017	15DCP117K 150278ZMK 150277ZRK 13b	Air Quality - HVAC fuel limited to natural gas	2249	23,37,41,122	
		Exhaust stack location limitations	2249	23,37,41,122	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2249	23,37,41,122	
		Window Wall Attenuation & Alternate Ventilation	2249	23,37,41,122	
		Air Quality - HVAC fuel limited to natural gas	2265	14	
		Exhaust stack location limitations	2265	14	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2265	14	

		Window Wall Attenuation & Alternate Ventilation	2265	14	
E-428 11/30/2017	16DME005K 170416ZMK 170417ZRK 170418ZSK 170419ZSK 17b	Air Quality - HVAC fuel limited to natural gas	1274	1,2,101	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1274	1,2,101	
		Window Wall Attenuation & Alternate Ventilation	1274	1,2,101	
E-429 6/26/2019	16DCP156R 190113ZMR 190114ZRR 21c	Air Quality - HVAC natural gas with low Nox only	487	60,64,80	
		Exhaust stack location limitations	487	60,64,80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	487	42,60,64,80	
		Window Wall Attenuation & Alternate Ventilation	487	42,60,64,80	
		Air Quality - HVAC fuel limited to natural gas	488	9,18,26,71,175,201, 206	
		Air Quality - HVAC natural gas with low Nox only	488	1,53,65,157,162, 164	
		Exhaust stack location limitations	488	1,9,18,26,53,65,71, 157,162,164,175, 201,206	
		Hazardous Materials* Phase I and Phase II Testing Protocol	488	1,9,18,26,53,65,71, 157,162,164,175, 201,206	
		Window Wall Attenuation & Alternate Ventilation	488	1,9,18,26,53,65,71, 157,162,164,175, 201,206	
		Hazardous Materials* Phase I and Phase II Testing Protocol	489	1,5,16,19	
		Window Wall Attenuation & Alternate Ventilation	489	1,5,16,19	
		Exhaust stack location limitations	497	1,7,9	

Hazardous Materials* Phase I and Phase II Testing Protocol	497	1,7,9	
Window Wall Attenuation & Alternate Ventilation	497	1,7,9	
Air Quality - HVAC fuel limited to natural gas	498	5	
Exhaust stack location limitations	498	5	
Hazardous Materials* Phase I and Phase II Testing Protocol	498	1,5,74	
Window Wall Attenuation & Alternate Ventilation	498	1,5,74	
Air Quality - HVAC fuel limited to natural gas	500	16,18,20,22,24	
Exhaust stack location limitations	500	16,18,20,22,24	
Hazardous Materials* Phase I and Phase II Testing Protocol	500	1,10,11,12,16,18, 20,22,24	
Window Wall Attenuation & Alternate Ventilation	500	1,10,11,12,16,18, 20,22,24	
Hazardous Materials* Phase I and Phase II Testing Protocol	502	1,34	
Window Wall Attenuation & Alternate Ventilation	502	1,34	
Air Quality - HVAC fuel limited to natural gas	503	1,32	
Exhaust stack location limitations	503	1,32	
Hazardous Materials* Phase I and Phase II Testing Protocol	503	1,32	
Window Wall Attenuation & Alternate Ventilation	503	1,32	
Air Quality - HVAC fuel limited to natural gas	505	1,18,22,24,25	

Air Quality - HVAC natural gas with low Nox only	505	4,11,12,14,51	
Exhaust stack location limitations	505	1,4,11,12,14,18,22, 24,25,51	
Hazardous Materials* Phase I and Phase II Testing Protocol	505	1,4,11,12,14,18,22, 24,25,51	
Window Wall Attenuation & Alternate Ventilation	505	1,4,11,12,14,18,22, 24,25,51	
Air Quality - HVAC fuel limited to natural gas	507	12,17	
Air Quality - HVAC natural gas with low Nox only	507	1,5,6	
Exhaust stack location limitations	507	1,5,6,12,17	
Hazardous Materials* Phase I and Phase II Testing Protocol	507	1,5,6,12,17	
Window Wall Attenuation & Alternate Ventilation	507	1,5,6,12,17	
Air Quality - HVAC natural gas with low Nox only	508	1	
Exhaust stack location limitations	508	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	508	1,9,21,22,23,24	
Window Wall Attenuation & Alternate Ventilation	508	1,9,21,22,23,24	
Air Quality - HVAC natural gas with low Nox only	509	1,4,8	
Exhaust stack location limitations	509	1,4,8	
Hazardous Materials* Phase I and Phase II Testing Protocol	509	1,4,8,34	
Window Wall Attenuation & Alternate Ventilation	509	1,4,8,34	

		Hazardous Materials* Phase I and Phase II Testing Protocol	510	43	
		Window Wall Attenuation & Alternate Ventilation	510	43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	511	1	
		Window Wall Attenuation & Alternate Ventilation	511	1	
		Air Quality - HVAC fuel limited to natural gas	526	11	
		Air Quality - HVAC natural gas with low Nox only	526	19,21,25	
		Exhaust stack location limitations	526	11,19,21,25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	526	8,11,19,21,25,43, 52,53,57,59,61	
		Window Wall Attenuation & Alternate Ventilation	526	8,11,19,21,25,43, 52,53,57,59,61	
		Air Quality - HVAC fuel limited to natural gas	527	49,59	
		Exhaust stack location limitations	527	49,59	
		Hazardous Materials* Phase I and Phase II Testing Protocol	527	49,50,52,55,59,65, 66,68,70	
		Window Wall Attenuation & Alternate Ventilation	527	49,50,52,55,59,65, 66,68,70	
E-431	17DCP186M	Air Quality - HVAC fuel limited to natural gas	633	24	
8/23/2017	170441ZAM	Exhaust stack location limitations	633	24	
	12a	Hazardous Materials* Phase I and Phase II Testing Protocol	633	24	

E-432 10/31/2017	17DCP155K 170430ZMK 170431ZRK 18b	Exhaust stack location limitations	4496	15,16,17,18,24,27, 29,32,33,35,44,45, 47	
		Air Quality - HVAC fuel limited to natural gas	4496	1,3,5,8,9,11,12,14, 15,16,17,18,24,27, 29,32,33,35,39,42, 43,44,45,47,48,50, 51,52	
		Exhaust stack location limitations	4496	1,3,5,8,9,11,12,14, 39,42,43,48,50,51, 52	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4496	1,3,5,8,9,11,12,14, 15,16,17,18,24,27, 29,32,33,35,39,42, 43,44,45,47,48,50, 51,52	
		Window Wall Attenuation & Alternate Ventilation	4496	1,3,5,8,9,11,12,14, 15,16,17,18,24,27, 29,32,33,35,39,42, 43,44,45,47,48,50, 51,52	
E-433 11/30/2017	16DCP177K 170025ZMK 170026ZRK 13b	Air Quality - HVAC fuel limited to natural gas	1736	35,37,38,39,137	
		Exhaust stack location limitations	1736	35,37,38,39,137	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1736	35,37,38,39,137	
		Window Wall Attenuation & Alternate Ventilation	1736	35,37,38,39,137	
		Air Quality - HVAC fuel limited to natural gas	1737	35,41,42	
		Exhaust stack location limitations	1737	35,41,42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1737	35,41,42	
		Window Wall Attenuation & Alternate Ventilation	1737	35,41,42	

E-434 12/19/2017	17DCP172X 170392ZMX 170393ZRX 7a	Air Quality - HVAC fuel limited to natural gas	3672	1	
		Exhaust stack location limitations	3672	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3672	1	
		Window Wall Attenuation & Alternate Ventilation	3672	1	
E-435 12/19/2017	17DCP134M 170442ZMM 170443ZRM 170444ZSM 6a	Exhaust stack location limitations	1750	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1750	1	
		Window Wall Attenuation & Alternate Ventilation	1750	1	
E-436 12/19/2017	17DCP165X 170445ZMX 170447ZSX 170446ZRX 4a	Air Quality - HVAC fuel limited to natural gas	4226	7502	
		Exhaust stack location limitations	4226	7502	
E-437 10/31/2017	17DCP176K 170400ZMK 170401ZRK 12d	Air Quality - HVAC fuel limited to natural gas	2050	100	
		Exhaust stack location limitations	2050	100	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2050	100	
		Window Wall Attenuation & Alternate Ventilation	2050	100	
E-438 7/18/2017	17BSA075K 2017-29BZ 23b	Hazardous Materials* Phase I and Phase II Testing Protocol	8590	31	

E-439 1/31/2018	17DCP163K 170356ZMK 170357ZRK 16c	Air Quality - HVAC fuel limited to natural gas	1137	77,81,82	
		Exhaust stack location limitations	1137	77,81,82	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1137	77,81,82	
E-440 1/31/2018	17DCP021K 170024ZMK 13a	Hazardous Materials* Phase I and Phase II Testing Protocol	2297	13,14,15,17,18,19, 20,120	
E-441 9/12/2018	17DCP055R 160401ZMR 21a	Exhaust stack location limitations	150	1,9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	150	1,9	
E-442 3/21/2018	17DCP019X 180051AZMZ 180050AZRX 170305MMX 3b 3c	Air Quality - HVAC fuel limited to natural gas	2487	10,20,30,32,38	
		Exhaust stack location limitations	2487	10,20,30,32,38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2487	10,20,30,32,38	
		Window Wall Attenuation & Alternate Ventilation	2487	10,20,30,32,38	
		Air Quality - HVAC fuel limited to natural gas	2488	1,12,14,20,23	
		Exhaust stack location limitations	2488	1,12,14,20,23	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2488	1,12,14,20,23	
		Window Wall Attenuation & Alternate Ventilation	2488	1,12,14,20,23	

Air Quality - HVAC fuel limited to natural gas	2489	6,8,11,14	
Exhaust stack location limitations	2489	6,8,11,14	
Hazardous Materials* Phase I and Phase II Testing Protocol	2489	1,6,8,11,14,27,29, 30,33	
Window Wall Attenuation & Alternate Ventilation	2489	1,6,8,11,14,27,29, 30,33	
Air Quality - HVAC fuel limited to natural gas	2496	58,64,73	
Exhaust stack location limitations	2496	58,64,73	
Hazardous Materials* Phase I and Phase II Testing Protocol	2496	58,64,73	
Window Wall Attenuation & Alternate Ventilation	2496	58,64,73	
Air Quality - HVAC fuel limited to natural gas	2506	40,44,54,62,98,100	
Exhaust stack location limitations	2506	44,54,62,100	
Hazardous Materials* Phase I and Phase II Testing Protocol	2506	40,44,54,62,98,100	
Window Wall Attenuation & Alternate Ventilation	2506	40,44,54,62,98,100	
Hazardous Materials* Phase I and Phase II Testing Protocol	2520	45	
Window Wall Attenuation & Alternate Ventilation	2520	45	
Hazardous Materials* Phase I and Phase II Testing Protocol	2521	15	
Window Wall Attenuation & Alternate Ventilation	2521	15	
Air Quality - HVAC fuel limited to natural gas	2522	96	

Exhaust stack location limitations	2522	96	
Hazardous Materials* Phase I and Phase II Testing Protocol	2522	65,68,81,96	
Window Wall Attenuation & Alternate Ventilation	2522	65,68,81,96	
Hazardous Materials* Phase I and Phase II Testing Protocol	2829	45	
Window Wall Attenuation & Alternate Ventilation	2829	45	
Air Quality - HVAC fuel limited to natural gas	2833	1,35,37	
Exhaust stack location limitations	2833	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	2833	1,35,37	
Window Wall Attenuation & Alternate Ventilation	2833	1,35,37	
Air Quality - HVAC fuel limited to natural gas	2842	10,13,15,18,42,47	
Exhaust stack location limitations	2842	10,13,15,18,42,47	
Hazardous Materials* Phase I and Phase II Testing Protocol	2842	6,10,13,15,18,42, 47,51,55	
Window Wall Attenuation & Alternate Ventilation	2842	6,10,13,15,18,42, 47,51,55	
Air Quality - HVAC fuel limited to natural gas	2843	5,12,69,98	
Exhaust stack location limitations	2843	5,12,69,98	
Hazardous Materials* Phase I and Phase II Testing Protocol	2843	1,5,12,69,98	
Window Wall Attenuation & Alternate Ventilation	2843	1,5,12,69,98	

Air Quality - HVAC fuel limited to natural gas	2844	1,5,9,12,116,117	
Exhaust stack location limitations	2844	1,5,9,12,116,117	
Hazardous Materials* Phase I and Phase II Testing Protocol	2844	1,5,9,12,116,117	
Window Wall Attenuation & Alternate Ventilation	2844	1,5,9,12,116,117	
Air Quality - HVAC fuel limited to natural gas	2846	1,4,6,14	
Exhaust stack location limitations	2846	1,4,6,14	
Hazardous Materials* Phase I and Phase II Testing Protocol	2846	1,4,6,14,21,27,32	
Window Wall Attenuation & Alternate Ventilation	2846	1,4,6,14,21,27,32	
Hazardous Materials* Phase I and Phase II Testing Protocol	2848	12,16	
Window Wall Attenuation & Alternate Ventilation	2848	12,16	
Air Quality - HVAC fuel limited to natural gas	2849	1,5,9,13	
Exhaust stack location limitations	2849	9,13	
Hazardous Materials* Phase I and Phase II Testing Protocol	2849	1,5,9,13	
Window Wall Attenuation & Alternate Ventilation	2849	1,5,9,13	
Air Quality - HVAC fuel limited to natural gas	2850	9	
Exhaust stack location limitations	2850	9	
Hazardous Materials* Phase I and Phase II Testing Protocol	2850	1,3,7,9	

Window Wall Attenuation & Alternate Ventilation	2850	1,3,7,9	
Hazardous Materials* Phase I and Phase II Testing Protocol	2851	1,2	
Window Wall Attenuation & Alternate Ventilation	2851	1,2	
Air Quality - HVAC fuel limited to natural gas	2852	1,4,9	
Exhaust stack location limitations	2852	1,4,9	
Hazardous Materials* Phase I and Phase II Testing Protocol	2852	1,4,9	
Window Wall Attenuation & Alternate Ventilation	2852	1,4,9	
Air Quality - HVAC fuel limited to natural gas	2853	1,6,9,11,12,15,17, 22,27	
Exhaust stack location limitations	2853	1,6,9,11,12,15,17, 22,27	
Hazardous Materials* Phase I and Phase II Testing Protocol	2853	1,6,9,11,12,15,17, 22,27	
Window Wall Attenuation & Alternate Ventilation	2853	1,6,9,11,12,15,17, 22,27	
Air Quality - HVAC fuel limited to natural gas	2854	39,42,44	
Exhaust stack location limitations	2854	39,42,44	
Hazardous Materials* Phase I and Phase II Testing Protocol	2854	3,30,39,42,44	
Window Wall Attenuation & Alternate Ventilation	2854	3,30,39,42,44	
Air Quality - HVAC fuel limited to natural gas	2855	42,45,51,53,65	
Exhaust stack location limitations	2855	42,45,51,53,65	

Hazardous Materials* Phase I and Phase II Testing Protocol	2855	1,8,12,15,42,45,51, 53,65	
Window Wall Attenuation & Alternate Ventilation	2855	1,8,12,15,42,45,51, 53,65	
Air Quality - HVAC fuel limited to natural gas	2856	1,11,19,20,23,24, 29,45,49,53	
Exhaust stack location limitations	2856	1,11,19,20,23,24, 29,45,49	
Hazardous Materials* Phase I and Phase II Testing Protocol	2856	1,11,19,20,23,24, 29,45,49,53	
Window Wall Attenuation & Alternate Ventilation	2856	1,11,19,20,23,24, 29,45,49,53	
Air Quality - HVAC fuel limited to natural gas	2857	8,23,24,51,64,71, 90	
Air Quality - HVAC natural gas with low Nox only	2857	15,45,48	
Exhaust stack location limitations	2857	8,15,23,24,45,48, 51,64,71	
Hazardous Materials* Phase I and Phase II Testing Protocol	2857	1,6,21,22,23,24,43, 64,71,90	
Window Wall Attenuation & Alternate Ventilation	2857	1,6,21,22,23,24,43, 64,71,90	
Air Quality - HVAC fuel limited to natural gas	2858	9,15,19,23,28	
Exhaust stack location limitations	2858	9,15,19,23,28	
Hazardous Materials* Phase I and Phase II Testing Protocol	2858	9,15,19,23,28	
Window Wall Attenuation & Alternate Ventilation	2858	9,15,19,23,28	
Air Quality - HVAC fuel limited to natural gas	2859	4,5,8,10,17,18,26, 30,33,34,35,38,41, 44,46,50,51,89	

Exhaust stack location limitations	2859	4,5,8,10,17,18,33, 34,35,38,41,44,46, 50,89	
Hazardous Materials* Phase I and Phase II Testing Protocol	2859	4,5,8,10,17,18,26, 30,33,34,35,38,41, 44,46,50,51,89	
Window Wall Attenuation & Alternate Ventilation	2859	4,5,8,10,17,18,26, 30,33,34,35,38,41, 44,46,50,51,89	
Air Quality - HVAC fuel limited to natural gas	2860	34	
Hazardous Materials* Phase I and Phase II Testing Protocol	2860	34	
Window Wall Attenuation & Alternate Ventilation	2860	34	
Air Quality - HVAC fuel limited to natural gas	2861	1,25,26,27,28,29, 30,31,32,34,35,39, 74,79,80,86,91,94, 140,145,148,151, 154,163	
Exhaust stack location limitations	2861	25,26,27,28,29,30, 31,32,34,35,74,79, 80,140,145,148,151, 154	
Hazardous Materials* Phase I and Phase II Testing Protocol	2861	74,79,129,163	
Window Wall Attenuation & Alternate Ventilation	2861	74,79,129,163	
Air Quality - HVAC fuel limited to natural gas	2862	90,97,103	
Exhaust stack location limitations	2862	90,97,103	
Hazardous Materials* Phase I and Phase II Testing Protocol	2862	90,97,103	
Window Wall Attenuation & Alternate Ventilation	2862	90,97,103	
Air Quality - HVAC fuel limited to natural gas	2863	1,28,30,32,35,40, 42,46,50,54	

Exhaust stack location limitations	2863	42,46,50,54	
Hazardous Materials* Phase I and Phase II Testing Protocol	2863	1,28,30,32,35,40, 42,46,50,54	
Window Wall Attenuation & Alternate Ventilation	2863	1,28,30,32,35,40, 42,46,50,54	
Air Quality - HVAC fuel limited to natural gas	2864	1,8,21,69,70,71,72, 73,74	
Air Quality - HVAC natural gas with low Nox only	2864	25	
Exhaust stack location limitations	2864	1,8,21,25,69,70,71, 72,73,74	
Hazardous Materials* Phase I and Phase II Testing Protocol	2864	21,25,27	
Window Wall Attenuation & Alternate Ventilation	2864	21,25,27	
Air Quality - HVAC fuel limited to natural gas	2865	15,88	
Exhaust stack location limitations	2865	15,88	
Hazardous Materials* Phase I and Phase II Testing Protocol	2865	15,19,88,122,134	
Window Wall Attenuation & Alternate Ventilation	2865	15,19,88,122,134	
Hazardous Materials* Phase I and Phase II Testing Protocol	2868	139	
Window Wall Attenuation & Alternate Ventilation	2868	139	
Hazardous Materials* Phase I and Phase II Testing Protocol	2869	127,130	
Window Wall Attenuation & Alternate Ventilation	2869	127,130	
Air Quality - HVAC fuel limited to natural gas	2870	26,31	

Exhaust stack location limitations	2870	26,31	
Hazardous Materials* Phase I and Phase II Testing Protocol	2870	26,31	
Window Wall Attenuation & Alternate Ventilation	2870	26,31	
Air Quality - HVAC fuel limited to natural gas	2871	2,61,69,78,110,112, 133,140	
Exhaust stack location limitations	2871	2,61,69,78,110,112, 133,140	
Hazardous Materials* Phase I and Phase II Testing Protocol	2871	2,61,78,85,94,106, 110,112,115,133, 140	
Window Wall Attenuation & Alternate Ventilation	2871	2,61,78,85,94,106, 110,112,115,133, 140	
Air Quality - HVAC fuel limited to natural gas	2872	74,78,82,86,170, 177,179,182,183	
Exhaust stack location limitations	2872	74,78,86,170,177, 179,182,183	
Hazardous Materials* Phase I and Phase II Testing Protocol	2872	46,50,82,86	
Window Wall Attenuation & Alternate Ventilation	2872	46,50,82,86	
Hazardous Materials* Phase I and Phase II Testing Protocol	2873	1	
Window Wall Attenuation & Alternate Ventilation	2873	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	2874	1	
Window Wall Attenuation & Alternate Ventilation	2874	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	3160	1	
Window Wall Attenuation & Alternate Ventilation	3160	1	

Air Quality - HVAC fuel limited to natural gas	3178	1,60	
Exhaust stack location limitations	3178	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	3178	1,60	
Window Wall Attenuation & Alternate Ventilation	3178	1,60	
Air Quality - HVAC fuel limited to natural gas	3179	8,13,20,30,63	
Exhaust stack location limitations	3179	8,13,20,30,63	
Hazardous Materials* Phase I and Phase II Testing Protocol	3179	2,8,13,20,30,63	
Window Wall Attenuation & Alternate Ventilation	3179	2,8,13,20,30,63	
Hazardous Materials* Phase I and Phase II Testing Protocol	3185	1	
Window Wall Attenuation & Alternate Ventilation	3185	1	
Air Quality - HVAC fuel limited to natural gas	3186	1,10,12,17	
Exhaust stack location limitations	3186	1,10,12,17	
Hazardous Materials* Phase I and Phase II Testing Protocol	3186	1,10,12,17,41,44, 47,48,55,59	
Window Wall Attenuation & Alternate Ventilation	3186	1,10,12,17,41,44, 47,48,55,59	
Air Quality - HVAC fuel limited to natural gas	3187	1,3,5,7,9,14,18,25	
Exhaust stack location limitations	3187	1,3,5,7,9,14,18,25	
Hazardous Materials* Phase I and Phase II Testing Protocol	3187	1,3,5,7,9,14,18,25	

Window Wall Attenuation & Alternate Ventilation	3187	1,3,5,7,9,14,18,25	
Air Quality - HVAC fuel limited to natural gas	3192	37,39,42,50,66,75	
Exhaust stack location limitations	3192	37,39,42,50,66,75	
Hazardous Materials* Phase I and Phase II Testing Protocol	3192	34,37,39,42,50,55, 56,60,66,75	
Window Wall Attenuation & Alternate Ventilation	3192	34,37,39,42,50,55, 56,60,66,75	
Hazardous Materials* Phase I and Phase II Testing Protocol	3193	33	
Window Wall Attenuation & Alternate Ventilation	3193	33	
Air Quality - HVAC fuel limited to natural gas	3195	40,83,84,90,92	
Exhaust stack location limitations	3195	40,83,84,90,92	
Hazardous Materials* Phase I and Phase II Testing Protocol	3195	40,66,69,83,84,90, 92	
Window Wall Attenuation & Alternate Ventilation	3195	40,66,69,83,84,90, 92	
Hazardous Materials* Phase I and Phase II Testing Protocol	3196	36,79,81	
Window Wall Attenuation & Alternate Ventilation	3196	36,79,81	
Air Quality - HVAC fuel limited to natural gas	3197	29,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	3197	29,35	
Window Wall Attenuation & Alternate Ventilation	3197	29,35	
Air Quality - HVAC fuel limited to natural gas	3198	76,77,78,81	

		Exhaust stack location limitations	3198	76,77,78,81	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3198	76,77,78,81,102, 105	
		Window Wall Attenuation & Alternate Ventilation	3198	76,77,78,81,102, 105	
		Air Quality - HVAC fuel limited to natural gas	3208	35,36,39,45,46	
		Exhaust stack location limitations	3208	35,36,39,45,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3208	35,36,39,45,46	
		Window Wall Attenuation & Alternate Ventilation	3208	35,36,39,45,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3210	65	
		Window Wall Attenuation & Alternate Ventilation	3210	65	
E-445 8/22/2017	08BSA091M 159-08-BZ 12c	Hazardous Materials* Phase I and Phase II Testing Protocol	482	19	
E-446 3/21/2018	17DCP175Q 170299ZMQ 170300ZRQ 180061ZRQ 9a	Air Quality - HVAC fuel limited to natural gas	633	34,41,134	
		Exhaust stack location limitations	633	34,35,41,134	
		Window Wall Attenuation & Alternate Ventilation	633	34,35,41,134	

E-447 3/21/2018	17DCP098K 170240ZMK 170241ZRK 28d	Air Quality - HVAC fuel limited to natural gas	7011	1,11,45,46,47,49, 51,52,53,54	
		Exhaust stack location limitations	7011	1,11,45,46,47,49, 51,52,53,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7011	1,11,45,46,47,49, 51,52,53,54	
		Window Wall Attenuation & Alternate Ventilation	7011	1,11	
E-448 11/13/2017	17DCP195M 920493JZAM 5d	Window Wall Attenuation & Alternate Ventilation	1209	1	
E-449 11/30/2017	18DCP039M 180082ZRM 8d	Air Quality - HVAC fuel limited to natural gas	1369	22,29,30,34,35,36, 129,133	
		Exhaust stack location limitations	1369	22,29,30,34,35,36, 129,133	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1369	22,29,30,34,35,36, 129,133	
E-450 3/7/2018	17DCP109M 170068ZSM 12c	Window Wall Attenuation & Alternate Ventilation	308	14	
E-451 3/21/2018	17DME001X 180121ZMX 180122ZRX 180123ZSX 180124ZSX 180125ZAX 180126PPX 6c	Air Quality - HVAC fuel limited to natural gas	2738	35	
		Exhaust stack location limitations	2738	35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2738	35	
		Window Wall Attenuation & Alternate Ventilation	2738	35	

		Air Quality - HVAC fuel limited to natural gas	2763	29	
		Exhaust stack location limitations	2763	29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2763	29	
		Window Wall Attenuation & Alternate Ventilation	2763	29	
E-452 10/31/2017	17BSA090M 2017-45-BZ 3a	Hazardous Materials* Phase I and Phase II Testing Protocol	2223	16	
E-453 10/31/2017	17BSA042K 2016-4334-BZ 16c	Hazardous Materials* Phase I and Phase II Testing Protocol	447	1	
E-454 6/7/2018	18DCP007X 180088ZMX 6b	Air Quality - HVAC fuel limited to natural gas	2562	41	
		Exhaust stack location limitations	2562	41,49,56,58,60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2562	41,49,56,58,60	
E-455 6/28/2018	17DCP159M 180127ZMM 180128ZRM 180129ZSM 180150ZMM 180151ZRM 180152ZSM 8b	Air Quality - HVAC natural gas with low Nox only	675	12,29,36,38,39	
		Exhaust stack location limitations	675	12,29,36,38,39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	675	12,29,36,38,39	
		Window Wall Attenuation & Alternate Ventilation	675	12,29,36,38,39	

E-456 2/14/2018	18DCP050K 180140ZAK 16c	Window Wall Attenuation & Alternate Ventilation	1180	6	
E-457 8/8/2018	17DME002M 180201ZMM 180202ZRM 180203ZSM 12c	Air Quality - HVAC natural gas with low Nox only	559	16	
		Exhaust stack location limitations	559	16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	559	16	
E-458 8/8/2018	17DCP203M 170380ZMM 170381ZRM 8d	Exhaust stack location limitations	939	24,25,26,27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	939	24,25,26,27	
		Window Wall Attenuation & Alternate Ventilation	939	24,25,26,27	
E-459 8/8/2018	17DME007M 180204ZMM 180205ZRM 1b 1d 3a 3c	Air Quality - HVAC fuel limited to natural gas	2184	20	
		Exhaust stack location limitations	2184	20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2184	20	
		Window Wall Attenuation & Alternate Ventilation	2184	20	
		Air Quality - HVAC fuel limited to natural gas	2185	1	
		Exhaust stack location limitations	2185	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2185	1,25,36,51	
		Window Wall Attenuation & Alternate Ventilation	2185	1,25,36,51	

Air Quality - HVAC fuel limited to natural gas	2186	1	
Exhaust stack location limitations	2186	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	2186	1	
Window Wall Attenuation & Alternate Ventilation	2186	1	
Air Quality - HVAC fuel limited to natural gas	2187	1,5,7,20	
Exhaust stack location limitations	2187	1,5,7,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	2187	1,5,7,20	
Window Wall Attenuation & Alternate Ventilation	2187	1,5,7,20	
Hazardous Materials* Phase I and Phase II Testing Protocol	2188	1,10	
Window Wall Attenuation & Alternate Ventilation	2188	1,10	
Air Quality - HVAC fuel limited to natural gas	2189	60	
Exhaust stack location limitations	2189	60	
Hazardous Materials* Phase I and Phase II Testing Protocol	2189	60	
Window Wall Attenuation & Alternate Ventilation	2189	60	
Hazardous Materials* Phase I and Phase II Testing Protocol	2197	47,67,71,74,75,174	
Window Wall Attenuation & Alternate Ventilation	2197	47,67,71,74,75,174	
Hazardous Materials* Phase I and Phase II Testing Protocol	2198	1,5	

Window Wall Attenuation & Alternate Ventilation	2198	1,5	
Hazardous Materials* Phase I and Phase II Testing Protocol	2199	1,11,34	
Window Wall Attenuation & Alternate Ventilation	2199	1,11,34	
Air Quality - HVAC fuel limited to natural gas	2200	1,15,21,29,35	
Exhaust stack location limitations	2200	15,21,29,35	
Hazardous Materials* Phase I and Phase II Testing Protocol	2200	1,5,15,21,29,35	
Window Wall Attenuation & Alternate Ventilation	2200	1,5,15,21,29,35	
Air Quality - HVAC fuel limited to natural gas	2201	21	
Exhaust stack location limitations	2201	21	
Hazardous Materials* Phase I and Phase II Testing Protocol	2201	21	
Window Wall Attenuation & Alternate Ventilation	2201	21	
Air Quality - HVAC fuel limited to natural gas	2202	17,21	
Exhaust stack location limitations	2202	17,21	
Hazardous Materials* Phase I and Phase II Testing Protocol	2202	1,5,17,21,25	
Window Wall Attenuation & Alternate Ventilation	2202	1,5,17,21,25	
Air Quality - HVAC fuel limited to natural gas	2203	9,21	
Exhaust stack location limitations	2203	9,21	

			Hazardous Materials* Phase I and Phase II Testing Protocol	2203	3,5,7,9,21	
			Window Wall Attenuation & Alternate Ventilation	2203	3,5,7,9,21	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2214	1,24,35,39,41	
			Window Wall Attenuation & Alternate Ventilation	2214	1,24,35,39,41	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2215	801,806,807,842, 852,857,863,866, 877,885	
			Window Wall Attenuation & Alternate Ventilation	2215	801,806,807,842, 852,857,863,866, 877,885	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2219	17,19	
			Window Wall Attenuation & Alternate Ventilation	2219	17,19	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2223	34	
			Window Wall Attenuation & Alternate Ventilation	2223	34	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2228	32	
			Window Wall Attenuation & Alternate Ventilation	2228	32	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2229	25,32	
			Window Wall Attenuation & Alternate Ventilation	2229	25,32	
			Air Quality - Operable Window Limitations	2230	21	
			Hazardous Materials* Phase I and Phase II Testing Protocol	2230	21	
			Window Wall Attenuation & Alternate Ventilation	2230	21	

		Air Quality - HVAC fuel limited to natural gas	2232	1,4,5,13,14	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2232	1,4,5,13,14,18	
		Window Wall Attenuation & Alternate Ventilation	2232	1,4,5,13,14,18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2233	1,5,10	
		Window Wall Attenuation & Alternate Ventilation	2233	1,5,10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2243	247,250,255,261, 264,266,270,273	
		Window Wall Attenuation & Alternate Ventilation	2243	247,250,255,261, 264,266,270,273	
E-460	18DCP044K	Air Quality - HVAC fuel limited to natural gas	2003	30,31,32,33,37	
6/28/2018	180096ZMK 180097ZRK 16c	Hazardous Materials* Phase I and Phase II Testing Protocol	2003	30,31,32,33,37	
E-461	17DCP100K	Air Quality - HVAC fuel limited to natural gas	5322	4	
9/26/2018	170213ZMK 170214ZRK 16k	Exhaust stack location limitations	5322	4	
E-462	17DCP121K	Air Quality - HVAC fuel limited to natural gas	3217	10	
4/11/2018	180093ZCK 180094ZAK	Exhaust stack location limitations	3217	10,53	
	13b	Window Wall Attenuation & Alternate Ventilation	3217	10,53	

E-464 9/26/2018	15DCP083K 170164ZMK 170165ZRK 12d	Air Quality - HVAC fuel limited to natural gas	2033	50	
		Exhaust stack location limitations	2033	50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2033	50	
		Window Wall Attenuation & Alternate Ventilation	2033	50	
E-465 9/12/2018	18DCP061K 180148ZMK 180149ZRK 13b	Air Quality - HVAC fuel limited to natural gas	3237	23,41	
		Exhaust stack location limitations	3237	23,41	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3237	23,41	
		Window Wall Attenuation & Alternate Ventilation	3237	23,41	
E-466 9/12/2018	18DCP072K 170047ZMK N170046ZRK 16a	Air Quality - HVAC fuel limited to natural gas	352	48,49,50,51,52	
		Exhaust stack location limitations	352	48,49,50,51,52	
		Hazardous Materials* Phase I and Phase II Testing Protocol	352	48,49,50,51,52	
		Window Wall Attenuation & Alternate Ventilation	352	48,49,50,51,52	
E-467 3/12/2018	10DCP038K M110059AZSK M110060BZSK M110061AZSK M110062AZSK 82b 28d	Air Quality - HVAC fuel limited to natural gas	7065	6,12	
		Exhaust stack location limitations	7065	6,12,20	

E-468 4/10/2018	17BSA132Q 2017-190-BZ 9a	Hazardous Materials* Phase I and Phase II Testing Protocol	569	17	
E-469 9/26/2018	15DCP182R 170178ZMR 20d	Exhaust stack location limitations	2159	13,15,18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2159	13,15,18	
E-471 9/26/2018	18DCP075Q 180138ZMQ 13c	Air Quality - HVAC fuel limited to natural gas	2374	101	
		Exhaust stack location limitations	2374	101	
E-472 10/31/2018	18DCP132Q 180265ZMQ 180266ZRQ 180267ZSQ 9d	Air Quality - HVAC fuel limited to natural gas	2432	8,9,21,41,44,50	
		Exhaust stack location limitations	2432	8,9,21,41,44,50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2432	8,9,21,41,44,50	
		Window Wall Attenuation & Alternate Ventilation	2432	8,9,21,41,44,50	
E-473 4/17/2018	17BSA005X 2016-4230-BZ 3d	Hazardous Materials* Phase I and Phase II Testing Protocol	4254	11,12,13,14	

E-474 9/26/2018	18DCP105K 180029ZMK 180030ZRK 22d	Air Quality - HVAC fuel limited to natural gas	6633	45,48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	6633	45,48	
		Window Wall Attenuation & Alternate Ventilation	6633	45,48	
		Air Quality - HVAC fuel limited to natural gas	6658	1,86	
		Exhaust stack location limitations	6658	1,86	
		Hazardous Materials* Phase I and Phase II Testing Protocol	6658	1,86	
		Window Wall Attenuation & Alternate Ventilation	6658	1,86	
E-475 4/17/2018	17BSA149X 2017-216-BZ 6c	Air Quality - Operable Window Limitations	2574	82	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2574	82	
E-476 5/21/2018	18DCP120Q 850785BZSQ 10a 7b	Hazardous Materials* Phase I and Phase II Testing Protocol	4138	1	
E-477 11/14/2018	18DCP134X 180321ZSX 180322ZAX 180323ZAX 180324ZAX 180325ZAX 180326ZAX 180327ZCX 1c	Air Quality - HVAC fuel limited to natural gas	5933	55,225	
		Exhaust stack location limitations	5933	55,225	

E-478 10/31/2018	18DCP121Q 180085ZMQ 180086ZRQ 9a	Exhaust stack location limitations	550	7,10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	550	7,10	
		Window Wall Attenuation & Alternate Ventilation	550	7,10	
E-479 10/31/2018	18DCP107K 180186ZMK 180187ZRK 22c	Exhaust stack location limitations	5583	6,12,13,15,16,17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5583	6,12,13,15,16,17	
		Use of Natural Gas or Steam	5583	6,12,13,15,16,17	
E-480 10/31/2018	18DCP079Q 180211ZMQ 180212ZRQ 9a	Air Quality - HVAC fuel limited to natural gas	331	27,38,50	
		Exhaust stack location limitations	331	27,38,50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	331	27,38,50	
		Window Wall Attenuation & Alternate Ventilation	331	50	
E-481 10/31/2018	18DCP159M 180263ZSM 180264ZSM 12c	Hazardous Materials* Phase I and Phase II Testing Protocol	871	74	
E-482 10/17/2018	18DCP155K 180188ZRK 16c	Window Wall Attenuation & Alternate Ventilation	2061	101,110	

E-483 2/28/2019	18DCP099K 180387ZSK 180388ZRK 180389ZSK 12c	Exhaust stack location limitations	2614	1,3,8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2614	1,3,8	
		Window Wall Attenuation & Alternate Ventilation	2614	1,3,8	
E-484 2/13/2019	18DCP094X 180083ZMX 180084ZRX 2a	Air Quality - HVAC fuel limited to natural gas	5087	1,9,12,13,14,16,18, 20,22,24,28,33,40, 48,53,54,55,58,65, 128	
		Exhaust stack location limitations	5087	1,9,12,13,14,16,18, 20,22,24,28,33,40, 48,53,54,55,58,65, 128	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5087	1,9,12,13,14,16,18, 20,22,24,28,33,40, 48,53,54,55,58,65, 128	
		Window Wall Attenuation & Alternate Ventilation	5087	1,9,12,13,14,16,18, 20,22,24,28,33,40, 48,53,54,55,58,65, 128	
E-485 12/20/2018	18DCP101K 180489ZMK 180487ZRK 180488ZSK 180490ZSK 17d	Air Quality - HVAC natural gas with low Nox only	3560	1	
		Exhaust stack location limitations	3560	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3560	1	
		Window Wall Attenuation & Alternate Ventilation	3560	1	
		Air Quality - HVAC natural gas with low Nox only	3573	1	
		Exhaust stack location limitations	3573	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3573	1	
		Window Wall Attenuation & Alternate Ventilation	3573	1	
		Air Quality - HVAC natural gas with low Nox only	3574	1	

Exhaust stack location limitations	3574	1	
Hazardous Materials* Phase I and Phase II Testing Protocol	3574	1	
Window Wall Attenuation & Alternate Ventilation	3574	1	
Air Quality - HVAC natural gas with low Nox only	3587	1,27	
Exhaust stack location limitations	3587	1,27	
Hazardous Materials* Phase I and Phase II Testing Protocol	3587	1,27	
Window Wall Attenuation & Alternate Ventilation	3587	1,27	
Air Quality - HVAC natural gas with low Nox only	3588	27,32,33,34,35,36	
Exhaust stack location limitations	3588	27,32,33,34,35,36	
Hazardous Materials* Phase I and Phase II Testing Protocol	3588	27,32,33,34,35,36	
Window Wall Attenuation & Alternate Ventilation	3588	27,32,33,34,35,36	
Air Quality - HVAC natural gas with low Nox only	3589	21	
Exhaust stack location limitations	3589	21	
Hazardous Materials* Phase I and Phase II Testing Protocol	3589	21	
Window Wall Attenuation & Alternate Ventilation	3589	21	
Air Quality - HVAC natural gas with low Nox only	3602	12	
Exhaust stack location limitations	3602	12	

		Hazardous Materials* Phase I and Phase II Testing Protocol	3602	12	
E-486	17DCP149M	Air Quality - HVAC natural gas with low Nox only	761	5,7	
12/20/2018	180373ZRM	Exhaust stack location limitations	761	5,7	
	8d	Window Wall Attenuation & Alternate Ventilation	761	5,7	
		Air Quality - HVAC natural gas with low Nox only	762	46	
		Exhaust stack location limitations	762	46	
		Window Wall Attenuation & Alternate Ventilation	762	46	
		Air Quality - HVAC natural gas with low Nox only	785	49	
		Exhaust stack location limitations	785	49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	785	49	
		Window Wall Attenuation & Alternate Ventilation	785	49	
		Air Quality - HVAC natural gas with low Nox only	813	64	
		Exhaust stack location limitations	813	64	
		Hazardous Materials* Phase I and Phase II Testing Protocol	813	64	
		Window Wall Attenuation & Alternate Ventilation	813	64	

E-487	18DCP150K	Air Quality - HVAC fuel limited to natural gas	20	1	
12/20/2018	180344ZMK 180345ZRK 12d	Exhaust stack location limitations	20	1	
E-489	17DCP148M	Air Quality - HVAC natural gas with low Nox only	246	5	
12/5/2018	180505AZSM 180506BZSM 180498ZCM 180507CZSM 12d	Exhaust stack location limitations	246	5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	246	5	
		Window Wall Attenuation & Alternate Ventilation	246	5	
		Air Quality - Central Heating System	247	2	
		Air Quality - HVAC natural gas with low Nox only	247	1,2	
		Exhaust stack location limitations	247	1,2	
		Hazardous Materials* Phase I and Phase II Testing Protocol	247	1,2	
		Window Wall Attenuation & Alternate Ventilation	247	1,2	
		Air Quality - HVAC fuel limited to natural gas	248	15,70,76	
		Exhaust stack location limitations	248	15,70,76	
		Hazardous Materials* Phase I and Phase II Testing Protocol	248	15,70,76	
		Window Wall Attenuation & Alternate Ventilation	248	15,70,76	

E-490 3/13/2019	18DCP111K 180459ZMK 180458ZSK 180456ZMK 180455ZCK 16c	Air Quality - HVAC natural gas with low Nox only	2106	24,35	
		Exhaust stack location limitations	2106	24,35	
		Window Wall Attenuation & Alternate Ventilation	2106	24,35	
E-491 2/13/2019	18DCP040K 180229ZMK 180230ZRK 17a	Air Quality - HVAC fuel limited to natural gas	1750	1,46,47,49	
		Exhaust stack location limitations	1750	1,46,47,49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1750	1,46,47,48,49	
		Window Wall Attenuation & Alternate Ventilation	1750	1,46,47,48,49	
E-492 2/28/2019	18DCP118K 180393ZMK 180394ZRK 16d	Exhaust stack location limitations	5074	4	
		Window Wall Attenuation & Alternate Ventilation	5074	4	
E-493 2/13/2019	18DCP017Q 170492ZMQ 18b	Exhaust stack location limitations	11562	106,111,113,119	
		Window Wall Attenuation & Alternate Ventilation	11562	106,111,113,119	
E-494 3/13/2019	06DCP092Q 060432ZMQ 180281ZRQ 11a	Air Quality - HVAC fuel limited to natural gas	8092	25,28,39	
		Exhaust stack location limitations	8092	25,28,39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8092	28	

		Window Wall Attenuation & Alternate Ventilation	8092	25,28,39	
E-495 8/21/2018	18BSA064K 2017-304-BZ 16d	Hazardous Materials* Phase I and Phase II Testing Protocol	630	22	
E-496 8/21/2018	18BSA006Q 2017-228-BZ 10b	Hazardous Materials* Phase I and Phase II Testing Protocol	5060	37,47	
E-497 8/27/2020	18DCP020Q 180154ZMQ 180155ZRQ 9b	Air Quality - HVAC fuel limited to natural gas	1321	10,12,15,16,17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1321	7,19	
		Window Wall Attenuation & Alternate Ventilation	1321	7,10,12,15,16,17, 19	
E-498 3/13/2019	18DCP071X 180261ZMX 180262ZRX 4a	Exhaust stack location limitations	4516	8,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4516	8,46	
E-499 4/9/2019	18DCP179K 190071ZMK 190072ZSK 190073ZSK 190074ZRK 16c	Air Quality - HVAC fuel limited to natural gas	2010	1	
		Air Quality - HVAC natural gas with low Nox only	2010	59	
		Exhaust stack location limitations	2010	1,59	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2010	1,59	

		Window Wall Attenuation & Alternate Ventilation	2010	1,59	
E-500 9/13/2018	17BSA146K 2017-213-BZ 22d	Hazardous Materials* Phase I and Phase II Testing Protocol	6592	39	
E-501 1/9/2019	18DCP158R 180236RAR 33c	Hazardous Materials* Phase I and Phase II Testing Protocol	5497	95	
E-502 4/9/2019	18DCP021Q 180447ZMQ 180448ZRQ 14a	Air Quality - HVAC fuel limited to natural gas	2248	228	
		Exhaust stack location limitations	2248	228	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2248	228	
		Window Wall Attenuation & Alternate Ventilation	2248	228	
E-503 5/8/2019	16DCP134K 180042ZMK 180043ZRK 16c	Air Quality - HVAC fuel limited to natural gas	1133	46,47,53	
		Exhaust stack location limitations	1133	32,42,45,46,47,48, 49,51,52,53	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1133	32,42,45,46,47,48, 49,51,52,53	
		Window Wall Attenuation & Alternate Ventilation	1133	47,48,49,51,52,53	

E-505 4/18/2019	17DCP194X 170438ZMX 170439ZRX 4b	Air Quality - HVAC fuel limited to natural gas	4133	1,2,10,61,62,63	
		Exhaust stack location limitations	4133	1,2,10,61,62,63	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4133	1,2,10,61,62,63	
		No operable window and/or air intakes limitations	4133	10	
		Window Wall Attenuation & Alternate Ventilation	4133	1,2,10,61,62,63	
		Air Quality - HVAC fuel limited to natural gas	4134	1	
		Exhaust stack location limitations	4134	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4134	1	
		No operable window and/or air intakes limitations	4134	1	
		Window Wall Attenuation & Alternate Ventilation	4134	1	
E-506 5/8/2019	19DCP028K 190053ZMK 190054ZRK 23a	Air Quality - HVAC natural gas with low Nox only	7577	60	
		Exhaust stack location limitations	7577	60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7577	60	
		Window Wall Attenuation & Alternate Ventilation	7577	60	

E-507 4/9/2019	18DCP182K 190083ZRK 190084ZSK 190085ZSK 12c 13a	Air Quality - HVAC electricity only for heating and cooling	2279	34	
		Air Quality - HVAC natural gas for hot water only	2279	34	
		Exhaust stack location limitations	2279	34	
		Window Wall Attenuation & Alternate Ventilation	2279	34	
E-508 12/4/2018	18BSA050X 2017-289-BZ 3d	Hazardous Materials* Phase I and Phase II Testing Protocol	2850	34,38,63,160	
E-509 5/29/2019	19DCP003Q 180530ZMQ 180529ZRQ 9b	Air Quality - HVAC fuel limited to natural gas	722	1,3,4,5,70	
		Exhaust stack location limitations	722	1,3,4,5,70	
		Hazardous Materials* Phase I and Phase II Testing Protocol	722	1,3,4,5,70	
			723	1,8	
		Window Wall Attenuation & Alternate Ventilation	723	1,8	
E-510 5/8/2019	17DCP205K 160175ZMK 160176ZRK 16c	Air Quality - HVAC fuel limited to natural gas	1134	2,4,5,7,8,9,11,12, 96,97	
		Exhaust stack location limitations	1134	2,4,5,7,8,9,11,12, 96,97	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1134	2,4,5,7,8,9,11,12, 96,97	
		Window Wall Attenuation & Alternate Ventilation	1134	2,4,5,7,8,9,11,12, 96,97	

E-511 4/9/2019	19DCP071M 180481ZMM 8d	Exhaust stack location limitations	1327	19	
E-512 11/8/2018	18BSA080Q 2018-1-BZ 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	361	18	
E-513 6/26/2019	18DCP130K 180292ZMK 180293ZRK 17a	Air Quality - HVAC fuel limited to natural gas	1481	35	
		Exhaust stack location limitations	1481	35,39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1481	35,39	
		Window Wall Attenuation & Alternate Ventilation	1481	35,39	
E-515 4/18/2019	19DCP082X 190102ZMX 190103ZRX 4b	Air Quality - Natural Gas Heat & Hot Water	3797	33	
		Exhaust stack location limitations	3797	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3797	33	
		Window Wall Attenuation & Alternate Ventilation	3797	33	
E-517 4/23/2019	17BSA025M 2016-4265-BZ 12c	Hazardous Materials* Phase I and Phase II Testing Protocol	529	54	

E-518 10/17/2019	12DCP139Q 100421ZMQ 190152ZMQ 190151ZRQ 9a	Air Quality - HVAC fuel limited to natural gas	315	1	
		Exhaust stack location limitations	315	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	315	1	
		Window Wall Attenuation & Alternate Ventilation	315	1	
E-519 10/15/2020	19DCP009K 190111ZMK 12d	Exhaust stack location limitations	202	14,18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	202	14,18	
		Window Wall Attenuation & Alternate Ventilation	202	14,18	
E-520 5/29/2019	18DCP189Q 180518ZRQ 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	115	1	
		Window Wall Attenuation & Alternate Ventilation	115	1	
E-521 6/28/2019	19DCP041M M840090BZSM 6a	Air Quality - HVAC fuel limited to natural gas	1929	57	
		Exhaust stack location limitations	1929	57	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1929	57	
E-522 7/23/2019	19DCP023Q 180399ZMQ 14b	Hazardous Materials* Phase I and Phase II Testing Protocol	3342	1,61	
		Window Wall Attenuation & Alternate Ventilation	3342	1,61	

E-523 6/26/2019	19DCP038Q N190036ZRQ 9b	Air Quality - HVAC fuel limited to natural gas	80	5,6,7,9,10,11,12	
		Exhaust stack location limitations	80	5,6,7,9,10,11,12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	80	5,6,7,9,10,11,12	
		Window Wall Attenuation & Alternate Ventilation	80	5,6,7,9,10,11,12	
E-524 7/23/2019	18DCP137Q 180315ZMQ 9c	Exhaust stack location limitations	805	61	
E-525 9/12/2019	18DCP104K 180164ZMK N180165ZRK 28c	Air Quality - HVAC fuel limited to natural gas	7103	42	
		Exhaust stack location limitations	7103	42	
		Window Wall Attenuation & Alternate Ventilation	7103	42	
E-526 5/8/2019	18HPD104K 190161ZMK N190162ZRK 17a	Hazardous Materials* Phase I and Phase II Testing Protocol	1557	1,2,3,4,23,26,28, 31,32,33,34,35,36, 37,38	
		Window Wall Attenuation & Alternate Ventilation	1557	1,2,3,4,23,26,28, 31,32,33,34,35,36, 37,38	
E-529 9/25/2019	18DCP180K 190222ZMK 18a	Exhaust stack location limitations	4151	1,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4151	1,54	
		Window Wall Attenuation & Alternate Ventilation	4151	1,54	

E-531 10/17/2019	19DCP070M 190158ZMM 190156ZRM 6b	Air Quality - HVAC natural gas with low Nox only	1611	1	
		Exhaust stack location limitations	1611	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1611	1,15	
		Window Wall Attenuation & Alternate Ventilation	1611	1,15	
E-532 11/14/2019	18DCP124Q 190325ZMQ 190364ZRQ 190366ZSQ 190375ZSQ 30c	Air Quality - Electric PTAC for residential heating and natural gas for hot water systems	15842	1,100	
		Air Quality - HVAC natural gas with low Nox only	15842	1,100	
		Exhaust stack location limitations	15842	1,100	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15842	1,100	
		Window Wall Attenuation & Alternate Ventilation	15842	1,100	
		Air Quality - Electric PTAC for residential heating and natural gas for hot water systems	15843	1,15,25,35,45,55, 65,75,85,95	
		Air Quality - HVAC natural gas with low Nox only	15843	1,15,25,35,45,55, 65,75,85,95	
		Exhaust stack location limitations	15843	1,15,25,35,45,55, 65,75,85,95	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15843	1,15,25,35,45,55, 65,75,85,95	
		Window Wall Attenuation & Alternate Ventilation	15843	1,15,25,35,45,55, 65,75,85,95	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15857	1	
		Window Wall Attenuation & Alternate Ventilation	15857	1	

E-533 10/17/2019	08DCP045Q 180036ZMQ N180037ZRQ 9b	Air Quality - HVAC fuel limited to natural gas	645	15,25,28,30,31,32, 33,34,35,36,37,38, 40,42,44,45,46,47, 126,127,131	
		Exhaust stack location limitations	645	15,25,28,30,31,32, 33,34,35,36,37,38, 40,42,44,45,46,47, 126,127,131	
		Hazardous Materials* Phase I and Phase II Testing Protocol	645	15,25,28,30,31,32, 33,34,35,36,37,38, 40,42,44,45,46,47, 126,127,131	
		Window Wall Attenuation & Alternate Ventilation	645	25,28,30,31,126, 127	
E-534 10/17/2019	18DCP181Q 180282ZMQ 30c	Exhaust stack location limitations	16125	23,24,64	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16125	23,24,64	
		Window Wall Attenuation & Alternate Ventilation	16125	23,24,64	
E-535 10/17/2019	19DCP034Q 180291ZMQ 7d	Air Quality - HVAC fuel limited to natural gas	4721	6,7	
		Exhaust stack location limitations	4721	6,7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4721	6,7	
E-536 10/15/2020	19HPD057K 200085ZMK 17a	Hazardous Materials* Phase I and Phase II Testing Protocol	1489	1	
		Window Wall Attenuation & Alternate Ventilation	1489	1	

E-537 11/14/2019	19DCP108Q 190124ZMQ 190125ZRQ 9b	Exhaust stack location limitations	704	1,12,42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	704	1,12,42	
		Window Wall Attenuation & Alternate Ventilation	704	1,12	
E-538 12/19/2019	19DCP116M 190434ZMM 190433ZRM 190435ZSM 190436ZSM 6b	Air Quality - HVAC fuel limited to natural gas	1594	41	
		Exhaust stack location limitations	1594	41	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1594	41	
		Window Wall Attenuation & Alternate Ventilation	1594	41	
E-539 12/10/2019	19DCP069K 180524ZMK 180525ZRK 180526ZSK 190139ZSK 16c	Air Quality - HVAC fuel limited to natural gas	2061	100	
		Exhaust stack location limitations	2061	100	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2061	100	
		Window Wall Attenuation & Alternate Ventilation	2061	100	
E-541 2/27/2020	19DCP015K 190438ZMK 23b	Window Wall Attenuation & Alternate Ventilation	7679	4	
E-543 7/16/2019	16BSA100K 2016-4153-BZ 22c	Hazardous Materials* Phase I and Phase II Testing Protocol	5457	166	

E-544 7/23/2019	18BSA058M 2017-298-BZ 12a	Hazardous Materials* Phase I and Phase II Testing Protocol	191	8	
E-545 9/17/2019	18BSA140K 2018-95-BZ 22d	Hazardous Materials* Phase I and Phase II Testing Protocol	6564	1	
E-546 2/11/2020	19DCP141Q 190029ZMQ 7d	Exhaust stack location limitations	4646	11,12,14	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4646	8,11,12,14	
E-548 2/27/2020	19DCP119M 200064ZMM 200061ZSM 200065ZRM 200066ZAM 200067ZAM 7900721BZSM 12c	Air Quality - HVAC fuel limited to natural gas	346	75,95	
		Air Quality - HVAC natural gas with low Nox only	346	37	
		Exhaust stack location limitations	346	37,75,95	
		Hazardous Materials* Phase I and Phase II Testing Protocol	346	37,75,95	
		Window Wall Attenuation & Alternate Ventilation	346	37,75,95	
E-549 2/11/2020	19DCP145Q 190267ZMQ 190266ZRQ 9c	Exhaust stack location limitations	769	25,36,38,42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	769	36,38	

E-550	19DCP114K	Hazardous Materials* Phase I and Phase II Testing Protocol	1125	1	
8/27/2020	190256ZMK 190257ZRK	Window Wall Attenuation & Alternate Ventilation	1125	1	
	16c	Hazardous Materials* Phase I and Phase II Testing Protocol	1133	7,10,11,12	
		Window Wall Attenuation & Alternate Ventilation	1133	7,10,11,12	
E-551	19DCP206Q	Air Quality - HVAC fuel limited to natural gas	1341	77	
4/22/2020	190352ZRQ	Exhaust stack location limitations	1341	77	
	9d	Window Wall Attenuation & Alternate Ventilation	1341	77	
		Exhaust stack location limitations	1342	1,5,36	
		Window Wall Attenuation & Alternate Ventilation	1342	1	
		Air Quality - HVAC fuel limited to natural gas	2444	40	
		Air Quality - HVAC natural gas with low Nox only	2444	1,2,4,6,8,10,12,18	
		Exhaust stack location limitations	2444	1,2,4,6,8,10,12,18, 40,57	
		Window Wall Attenuation & Alternate Ventilation	2444	40	
		Air Quality - HVAC fuel limited to natural gas	2446	1,4,30,31,36,41	
		Exhaust stack location limitations	2446	1,4,30,31,36,41	
		Window Wall Attenuation & Alternate Ventilation	2446	1,4,30,31,36,41	

E-554	19DCP208K	Exhaust stack location limitations	5515	43,44,45,46	
10/15/2020	190377ZMK 190378ZRK	Hazardous Materials* Phase I and Phase II Testing Protocol	5515	43,44,45,46	
	22a 29d	Window Wall Attenuation & Alternate Ventilation	5515	43,44,45,46	
E-555	20DCP036K	Exhaust stack location limitations	5322	10,20	
12/17/2020	200092ZMK 200093ZRK 200094ZSK	Hazardous Materials* Phase I and Phase II Testing Protocol	5322	10,20	
	16d	Window Wall Attenuation & Alternate Ventilation	5322	10,20	
E-556	18DCP038K	Exhaust stack location limitations	5509	58,62,64,65,68,70	
1/6/2021	200086ZMK 200087ZRK	Hazardous Materials* Phase I and Phase II Testing Protocol	5509	58,62,64,65,68,70	
	22d	Window Wall Attenuation & Alternate Ventilation	5509	58,62,64,65,68,70	
		Exhaust stack location limitations	5516	14,17,20,21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5516	14,17,20,21	
		Window Wall Attenuation & Alternate Ventilation	5516	14,17,20,21	
E-557	20DCP083Q	Air Quality - HVAC fuel limited to natural gas	4963	200	
12/10/2020	200033ZMQ 200034ZRQ	Air Quality - HVAC natural gas with low Nox only	4963	7,8,9,65,85	
	10b	Air Quality - No air intakes in the bulkheads	4963	7,8,9,65,85	
		Exhaust stack location limitations	4963	7,8,9,65,85,200	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4963	7,8,9,65,75,85,200, 212,249	

		No operable window and/or air intakes limitations	4963	65,85	
		Window Wall Attenuation & Alternate Ventilation	4963	7,8,9,65,75,85,200, 212,249	
E-558 11/19/2020	20DCP010Q 200103ZMQ 200104ZRQ 10b	Hazardous Materials* Phase I and Phase II Testing Protocol	1972	28	
E-559 12/10/2020	20DCP072K 200158ZMK 12d 13a	Exhaust stack location limitations	2380	20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2380	20	
		Window Wall Attenuation & Alternate Ventilation	2380	20	
E-561 12/10/2020	19DCP220K 200056ZMK 200057ZRK 17d	Air Quality - HVAC fuel limited to natural gas	3603	10	
		Air Quality - HVAC natural gas with low Nox only	3603	1,19,42,45,49,53	
		Exhaust stack location limitations	3603	1,10,19,42,45,49, 53	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3603	19,42	
E-562 3/18/2021	20DCP078Q 200303ZSQ 200304ZRQ 9b	Air Quality - Central Industrial Exhaust	461	16	
		Air Quality - Central Particulate Matter Filter	461	16	
		Air Quality - Operable Window Limitations	461	16	
		Air Quality - Require NYC DEP Certificate Of Operation	461	16	
		Air Quality - Terrace Access Restriction	461	16	

		Exhaust stack location limitations	461	16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	461	16	
		Window Wall Attenuation & Alternate Ventilation	461	16	
E-563 5/27/2021	20DCP080K 210049ZMK 210050ZCK 210051ZAK 16c	Exhaust stack location limitations	477	8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	477	8	
		Window Wall Attenuation & Alternate Ventilation	477	8	
E-564 3/18/2021	20DCP101K 180496ZMK 180497ZRK 22c	Hazardous Materials* Phase I and Phase II Testing Protocol	5159	1	
		Window Wall Attenuation & Alternate Ventilation	5159	1	
E-568 3/18/2021	20DCP107Q 200178ZMQ 200179ZRQ 14a	Exhaust stack location limitations	3104	16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3104	16	
		Window Wall Attenuation & Alternate Ventilation	3104	16	
E-571 3/17/2020	19BSA053M 2018-171-BZ 8c	Air Quality - HVAC natural gas with low Nox only	1385	1	

E-572	20DCP003M	Exhaust stack location limitations	1000	49	
2/25/2021	200123ZSM 200124ZRM 8d	Window Wall Attenuation & Alternate Ventilation	1000	49	
E-573	20DCP038Q	Hazardous Materials* Phase I and Phase II Testing Protocol	119	143	
3/25/2021	200243ZMQ 200244ZRQ 9b	Window Wall Attenuation & Alternate Ventilation	119	143	
E-574	20DCP082Q	Exhaust stack location limitations	10673	3	
2/25/2021	200190ZMQ	Hazardous Materials* Phase I and Phase II Testing Protocol	10673	3	
	15a	Window Wall Attenuation & Alternate Ventilation	10673	3	
E-575	19DCP127K	Air Quality - HVAC fuel limited to natural gas	652	7	
4/22/2021	200029ZMK 200030ZRK	Exhaust stack location limitations	652	1,7	
	16d	Hazardous Materials* Phase I and Phase II Testing Protocol	652	1,7	
		Window Wall Attenuation & Alternate Ventilation	652	1,7	
E-576	19DCP115X	Air Quality - HVAC fuel limited to natural gas	2426	17,21,25	
3/25/2021	210103ZMX 210104ZRX	Exhaust stack location limitations	2426	17,21,25	
	3d	Window Wall Attenuation & Alternate Ventilation	2426	17,21,25	

E-577 3/18/2021	19DCP128K 190447ZMK 190448ZRK 29a 22b	Exhaust stack location limitations	6087	23,26,27,28,29,30, 31,32,33,34,129	
		Hazardous Materials* Phase I and Phase II Testing Protocol	6087	26,27,28,29,30,32, 33,34,129	
		Window Wall Attenuation & Alternate Ventilation	6087	23,26,27,28,29,30, 31,32,33,34,129	
E-578 2/25/2021	20DCP043Q 190517ZMQ 190518ZRQ 9c	Hazardous Materials* Phase I and Phase II Testing Protocol	701	5,6,8,9,108	
		Window Wall Attenuation & Alternate Ventilation	701	5,6,8,9,108	
E-580 6/9/2021	19DCP058M 200022ZAM 8d	Window Wall Attenuation & Alternate Ventilation	850	7501	
E-583 5/27/2021	18DCP177K 200344ZMK 200343ZRK 200326ZSK 13b	Air Quality - Require NYC DEP Certificate Of Operation	3210	48,51	
		Exhaust stack location limitations	3210	15,16,17,18,19,20, 21,48,51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3210	15,16,17,18,19,20, 21,48,51	
E-585 5/27/2021	20DCP009K 210138ZMK 210139ZSK 13a	Air Quality - HVAC natural gas with low Nox only	2615	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2615	1,6,19,21,25,50, 125	
		No operable window and/or air intakes limitations	2615	1,19,21,25,50,125	
		Window Wall Attenuation & Alternate Ventilation	2615	1,6,19,21,25,50, 125	

E-587 4/29/2021	20DCP067K 210043ZMK 13a	Hazardous Materials* Phase I and Phase II Testing Protocol	2305	2,3,4,7	
E-588 5/27/2021	21DCP007X 200274ZMX 200275ZRX 6c	Air Quality - HVAC natural gas with low Nox only	2578	15	
		Exhaust stack location limitations	2578	15,16,18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2578	15	
E-589 5/12/2021	20DCP155Q 200272ZMQ 200273ZRQ 14b	Hazardous Materials* Phase I and Phase II Testing Protocol	3184	2	
		Window Wall Attenuation & Alternate Ventilation	3184	2	
E-590 5/27/2021	20DCP156X 200286ZMX 200287ZRX 6a	Exhaust stack location limitations	2344	60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2344	60	
		Window Wall Attenuation & Alternate Ventilation	2344	60	
E-593 6/17/2021	20DCP090Q 200282ZMQ 200283ZRQ 9a	Exhaust stack location limitations	595	19,26,27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	595	19,26,27	
		Window Wall Attenuation & Alternate Ventilation	595	19,26,27	

E-594 6/17/2021	21DCP045X 210149ZMX 4d	Exhaust stack location limitations	5633	137	
E-595 5/12/2021	21DCP047K 210061ZRK 16c	Window Wall Attenuation & Alternate Ventilation	2061	7501	
E-596 6/30/2021	19DCP222X 190118ZMX 210096ZRX 7a	Exhaust stack location limitations	3687	43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3687	43	
		Window Wall Attenuation & Alternate Ventilation	3687	43	
E-598 3/17/2021	20DCP139R 200311ZAR 200312ZAR N200313ZCR 21d	Exhaust stack location limitations	624	32	
E-599 5/27/2021	21DCP079X 210027ZMX 210028ZRX 3c	Air Quality - HVAC fuel limited to natural gas	3077	53,54,55,56,58	
		Exhaust stack location limitations	3077	29,31,53,54,55,56, 58	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3077	29,31,53,54,55,56, 58	

E-602	21DCP081X	Exhaust stack location limitations	3043	10,16,22,23	
6/17/2021	210063ZMX 210062ZRX 3d	Hazardous Materials* Phase I and Phase II Testing Protocol	3043	10,16,22,23	

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX C, Table 2 — City Environmental Quality Review (CEQR) Environmental Requirements: Environmental Restrictive Declarations

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APPENDIX C, Table 2 — City Environmental Quality Review (CEQR) Environmental Requirements: Environmental Restrictive Declarations

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements

Table 2 – Environmental Restrictive Declarations

The Environmental Restrictive Declarations (ERD) listed below were recorded in connection with a zoning action against the noted Tax Blocks and Tax Lots, or portion thereof, and are available in the property records on file at the Office of the City Register for Bronx, Kings, New York and Queens counties or at the Richmond County Clerk's office. They contain environmental requirements with respect to hazardous materials, air quality and/or noise in accordance with Section 11-15 of this Resolution.

Tax Lot changes that may have occurred since the recordation of an ERD may not be reflected in this table. If the property in question is located on the same ***Tax Block*** as an ERD, review of the related CEQR documentation is recommended. For an ERD recorded against a condominium, the condominium billing tax lot number is displayed instead of the individual condominium unit tax lot numbers.

Reference No. – refers to the Environmental Restrictive Declaration identification number used for Table 2 reference purposes only.

Application No. – refers to a ULURP or non-ULURP application (containing six numbers followed by a three- or four-letter suffix) for a zoning map or text amendment, special permit, authorization or certification or to a Board of Standards and Appeals application (containing the letters "BZ") for a special permit or variance.

Recording Reference No. – refers to one of the following: Reel No./Page No., City Register File No., or Land Doc No. For ERDs for properties in boroughs other than Staten Island, use the City Register File No. to locate the ERD online in the Automated City Register Information System (ACRIS) on the NYC Department of Finance's website. For older ERDs for properties in boroughs other than Staten Island, use the year in ***Date Recorded*** along with the Reel No./Page No. to locate the ERD in ACRIS. For ERDs for properties in Staten Island, use the Land Doc. No. to locate the ERD via the website of the Office of the Richmond County Clerk.

Lot Remediation Date – refers to the date of the duly issued notice from the NYC Office of Environmental Remediation indicating that no investigative/remedial work is required for any current or future development of the lot.

Reference No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lots	Lot Remediation Date
R-2 12/18/1998	98DCP052K 980584 ZMK 4351/1858	Hazmat	36	16	

R-3 12/28/1999	99DCP004M 990440 ZMM 3019/1709	Hazmat	1096	1,14,15,21,38	
R-4 10/24/2001	01DCP059M 010556 ZMM 3379/1330	Hazmat	1099	27,32	
R-5 11/14/2001	01DCP050M 010547 ZMM 3409/1438	Hazmat	1462	5	
			1463	5,11,7501	8/10/2012
R-6 11/15/2001	01DCP024M 010689 ZMM 3391/396	Hazmat	1084	25,29,36,38,39	
R-7 11/15/2001	01DCP065K 010725 ZMK 5360/911	Hazmat	53	3,6,21,24,25,26,27	
R-8 1/3/2002	00DCP046R 000374 ZMR 12005/0075	Hazmat	2903	13,17,20,23	

R-9 1/22/2002	01DCP068M 010700 ZSM 3433/2445	Hazmat	1034	34,36,37	
R-10 2/25/2002	01DCP025Q 010185 ZMQ 6233/1519	Hazmat	890	1	
R-11 4/30/2002	02DCP006M 020081 ZSM 3503/490	Hazmat	485	8	
R-12 6/28/2002	01BSA060M 287-00-BZ 3550/869	Hazmat	602	1	
R-13 7/3/2002	00DCP008K 000087 ZMK 5700/1424	Hazmat	2135	1,35,100	
R-14 2/4/2003	99DCP012R 020188 ZMR 10127	Hazmat	1116	94,100,102,104	10/26/2016
			1116	77,78,79,80,81	9/28/2017

			1116	60,61,62,63,64,65, 66,67,68,69,70,71, 72,73,74,75,76,82, 83,85,86,87,88,89, 91,92,93,95,96,97, 98,99,103,106,107, 108,113,114,115, 116,117,118,119, 120,121,122,123, 124,125,126,127, 128,129,130,131, 132,133,134,135, 136,137,138,139, 140,141,142,143, 144,145,146,147, 148,149,150,151, 152,153,154,155	
			1121	155	
R-15 3/18/2003	02DCP013K 010719 ZMK 2003000052129	Hazmat	2250	4,10,11,12	
R-16 3/27/2003	03DAS002X 030325 ZMX 2003000065149	Hazmat	3273	75,175,184	
R-17 6/12/2003	02DCP030M 020244 ZSM 2003000168411	Hazmat	819	14,15,66	
R-18 7/9/2003	01HPD011K 010615 ZMK 2003000217245	Hazmat	2134	36	

R-19 8/4/2003	01DCP026K 010212 ZMK 2003000277279	Hazmat	42	1	
R-20 9/3/2003	03BSA016K 384-02-BZ 2003000324094	Hazmat	277	8	
R-21 10/20/2003	03DCP011K N030227 ZAK 2003000429197	Hazmat	4353	12,13,14,15,21,25, 26	
R-22 10/22/2003	01HPD003M 020463 ZMM 2003000431514	Hazmat	1081	1,50	11/5/2020
R-23 11/3/2003	03DCP037M 030214 ZMM 2003000442128	Hazmat	1151	1	
R-24 2/10/2004 3/16/2017	03DCP036K 030294 ZMK 2004000078127	Hazmat	1142	44,48	3/16/2017

R-25 3/9/2004	01DCP004K 010645 ZMK 2004000143138	Hazmat	36	1,3,14	
R-26 3/18/2004	04DCP038M 040331 ZMM 2004000163530	Hazmat	823	7507	8/7/2018
R-27 3/26/2004	03DCP038K 030276 ZMK 2004000185285	Hazmat	1763	1,2	4/22/2019
R-28 4/7/2004	03BSA135M 69-03-BZ 2004000207358	Hazmat	530	48	
R-29 4/20/2004	03DCP010R N020688 ZAR 17747/153	Hazmat	5460	37	
R-30 5/14/2004	04DCP023X N040194 ZAX 2004000304501	Hazmat	5635	128	

R-31 8/6/2004 3/13/2014	04DCP058M 040496 ZMM 2004000483845	Hazmat	857	40,46	3/13/2014
R-32 9/20/2004	91DCP152Q 910332 ZMQ 2004000588983	Hazmat	11358	1,7,17,26,30,31,33, 35,37,38,40,41,42	
			11359	1,25	
			11376	1,2,19,45,143	
			11377	1,3,13,26	
R-33 9/22/2004	04DCP014M 040249 ZMM 2004000594494	Hazmat	1090	36,42	
R-34 9/22/2004	04DCP029M 040250 ZMM 2004000594496	Hazmat	1095	18,40	
R-35 9/27/2004	02DCP036Q N020331 ZAQ 2004000603317	Hazmat	3916	90,100,120,300,400	
R-36 11/24/2004	03DCP031M 040499(A) ZMM 2004000726038	Hazmat	1070	20	
		Noise	1070	20	

R-37 11/24/2004	04DCP031K 040331 ZMM 2004000727910	Hazmat	4153	46,48	
R-38 12/14/2004	04DCP064M 040454 ZSM 2004000768412	Hazmat	515	7501	
R-39 2/16/2005	03BSA160K 102-03-BZ 2005000097019	Hazmat	2415	10,14,15,41,42,43, 114,116	
R-40 2/17/2005	02DCP044Q 020127 ZMQ 2005000100634	Hazmat	1536	215,247	
R-41 2/23/2005	02DME003M 040257(A) ZSM 2005000110151	Hazmat	142	9	
R-42 3/3/2005	04DCP040Q 040542 ZSQ 2005000126643	Hazmat	2080	7501	

R-43 3/15/2005	04DCP056M 040488 ZMM 2005000152020	Hazmat	1456	21	
R-44 3/21/2005	03DCP053X 030370 ZMX 2005000163697	Hazmat	2953	13	
R-45 3/25/2005	05DCP037M 050282 ZSM 2005000176123	Hazmat	212	24,26,41,43	
R-46 4/14/2005	03DCP065K 050393 ZMK 2005000214806	Hazmat	7065	6,12,15,20,25	
R-47 4/22/2005	020DCP045K 020518 ZMK 2005000236522	Hazmat	2128	5,25	
			2134	48,50,56,250	
R-48 4/26/2005	04BSA149K 138-04-BZ 2005000240045	Hazmat	5524	1	

R-49 5/3/2005	03DCP074R 030399 ZSR 023551	Hazmat	7511	1,19,21,23,30	
R-50 5/6/2005	04HPD020X 050060 ZMX 2005000266216	Hazmat	2442	34,59,60	
R-51 5/9/2005	04BSA174M 68-04-BZ 2005000267216	Hazmat	594	1,3	
R-52 6/10/2005	04BSA208Q 209-04-BZ 2005000337112	Hazmat	4044	60	
R-53 6/21/2005	05BSA058K 355-04-BZ 2005000353990	Hazmat	2331	9,20	
R-54 3/6/2007	03BSA218Q 218-03-BZ 2007000121185	Hazmat	811	1	

R-55	05BSA062K	Hazmat	5715	7501	8/10/2016
7/13/2005	363-04-BZ		5715	21,27	
	2005000390588				
R-56	05DCP047K	Hazmat	5320	55	
8/10/2005	050203 ZMK				
	2005000448823				
R-57	05BSA009K	Hazmat	181	1	
8/23/2005	257-04-BZ				
	2005000473110				
R-58	05DCP050K	Hazmat	5457	5,6	
10/5/2005	050236 ZMK				
	2005000556052				
R-59	06BSA001M	Hazmat	582	43	
10/13/2005	156-05-BZ				
	2005000572243				
R-60	05DCP089M	Hazmat	826	33,7501	
11/15/2005	060210 ZMM				
	2005000633806				

R-61 11/15/2005	05DCP089M 060210 ZMM 2005000633808	Hazmat	825	29	
R-62 11/15/2005	05DCP089M 060210 ZMM 2005000633810	Hazmat	825	31	
R-63 11/21/2005	05DCP040K 050192 ZMK 2005000646915	Hazmat	3221	31	
R-64 12/1/2005	02DCP090K 020573 ZMK 2005000665957	Hazmat	836	19	
R-65 12/7/2005	05BSA129K 122-05-BZ 2005000675946	Hazmat	2011	12	
R-66 12/16/2005	05DME011M 050430 ZSM 2005000693435	Hazmat	142	110	

R-67 12/16/2005	03BSA193Q 156-03-BZ 2005000694052	Hazmat	4958	38,48	
R-68 1/6/2006	04BSA021K 269-04-BZ 2006000007833	Hazmat	32	4	
R-69 2/7/2006	05BSA103M 48-05-BZ 2006000071049	Hazmat	640	1	
R-70 3/10/2006	06DCP076X 060214 ZMX 2006000136829	Hazmat	5776	632	
R-71 3/29/2006	05DCP038M 060202 ZSM 2006000173417	Hazmat	228	12	
R-72 3/30/2006	04BSA072M 340-03-BZ 2006000177003	Hazmat	217	23	

R-73 4/5/2006	06BSA033M 334-05-BZ 2006000188439	Hazmat	1389	50,7503	
R-74 4/18/2006	05DCP070M 50414 ZMM 2006000213211	Hazmat	2013	1,3,61	
R-75 4/28/2006	03DCP013Q 030129 ZMQ 2006000237154	Hazmat	8401	550	
R-76 5/4/2006	06DCP067M 040543 ZMM 2006000247471 2006000247472	Hazmat	223	3,5,7,9,11,12	5/1/2018
			223	13,20	
			224	1	
R-77 5/12/2006	05BSA076M 396-04-BZ 2006000266017	Hazmat	179	32	
R-78 5/12/2006	05BSA068K 381-04-BZ 2006000266503	Hazmat	3073	97	8/9/2016

R-79 5/22/2006	03DCP018R 030153 ZMR 128698	Hazmat	1262	1,12,15,18,19,20, 28,35	
R-80 7/18/2006	06DCP017M 060102 ZSM 2006000404696	Hazmat	515	7501	
R-81 8/29/2006	06BSA074Q 66-06-BZ 2006000489617	Hazmat	1064	100	
R-82 8/30/2006	04DCP013Q 030223 ZMQ 2006000491988	Hazmat	4949	46	
R-83 9/14/2006	06DCP109M 60530 ZSM 2006000518544	Hazmat	215	27	
R-84 9/27/2006	02HPD004Q 030510 ZMQ 2006000544541	Hazmat	16112	7501	

R-85 10/6/2006	07DCP004M 060492 ZSM 2006000562892	Hazmat	228	30	
R-86 10/23/2006	08DCP012M 060032 ZMM 2006000592713	Hazmat	195	27	
R-87 10/31/2006	06DCP036M 060334 ZSM 2006000606514	Hazmat	1072	24	9/19/2019
R-88 11/1/2006	06BSA095X 112-06-BZ 2006000609763	Hazmat	2924	38,39,42	
R-89 11/2/2006	06DCP097M 070105 ZSM 2006000613158	Hazmat	231	16	
R-90 11/6/2006	05BSA048K 328-04-BZ 2006000619861	Hazmat	1898	49,50	

R-91 11/14/2006	05DCP063Y 060104 ZMM 2006000629429	Hazmat	1152 1152	13 5,8,10	11/7/2014
R-92 11/30/2006	07DCP022M M840900H ZSM 2006000662459	Hazmat	1480	1	
R-93 1/2/2007	06BSA054K 25-06-BZ 2007000001670	Hazmat	7690	79,80	
R-94 1/4/2007	06BSA067K 50-06-BZ 2007000005665	Hazmat	447	45	
R-95 1/11/2007 10/17/2008	06DCP045R N060182 RAR 172343	Hazmat	7584	65	10/17/2008
R-96 1/24/2007	07BSA010M 181-06-BZ 2007000044021	Hazmat	595	33	

R-97 1/26/2007	06DCP047Q 060228 ZMQ 2007000051108	Hazmat	848	42	
R-98 2/2/2007	02DCP063Q 030032 ZSQ 2007000064068	Hazmat	9363	8,10,12,14,16,18, 20,22,40,42,44,46, 48,50,52,54	
R-99 2/7/2007	05BSA066K 378-04-BZ 2007000073229	Hazmat	2849	1	
R-100 3/9/2007 5/21/2008	07DCP008M 070073 ZSM 2007000127870	Hazmat	805	59	5/21/2008
R-101 3/9/2007	06DCP082K 060353 ZMK 2007000129415	Hazmat	5794	75	
R-102 3/14/2007 10/29/2015	07BSA034M 290-06-BZ 2007000137368	Hazmat	530	13	10/29/2015

R-103 3/20/2007	07BSA020K 261-06-BZ 2007000148201	Hazmat	2241	39	
R-104 3/29/2007	06BSA104Q 134-06-BZ 2007000162274	Hazmat	8092	39	
R-105 4/10/2007	06DCP079M 060372 ZMM 2007000181957	Hazmat	887	84	
R-106 4/10/2007	07DCP059M N070395 ZAM 2007000182767	Hazmat	636	7503	2/19/2013
R-107 4/12/2007 3/29/2012	07BSA043X 316-06-BZ 2007000189084	Hazmat	3274	1	3/29/2012
R-108 4/19/2007	06DCP007K 60377 ZMK 2007000204836	Hazmat	2263	30,31,37,62,63,64, 65,67	

R-109	06DCP042Q	Hazmat	642	36	12/19/2018
4/25/2007	050491 ZMQ 2007000213406		642	42,44	
R-110	06BSA106K	Hazmat	35	7,8,9	
4/25/2007	136-06-BZ 2007000214811				
R-111	07DCP069K	Hazmat	286	17,21	
4/27/2007	070156 ZSK 2007000220838				
R-112	06BSA080K	Hazmat	1142	85,86	
5/9/2007	79-06-BZ 2007000241994				
R-113	07BSA029K	Hazmat	1142	92	
5/15/2007	278-06-BZ 2007000252711				
R-114	06DCP084X	Hazmat	5643	235	
5/16/2007	060288 ZMX 2007000254232				

R-115 5/21/2007	07DCP074M 070469 ZSM 2007000263184	Hazmat	838	42,45,46,47	
R-116 5/23/2007	06DCP062X 060320 ZMX 2007000268510	Hazmat	3236	25	
R-117 5/23/2007	04DCP053M 040443 ZMM 2007000269641, 2004000520184	Hazmat	1749	31,33,35,40,43	
R-118 6/7/2007	06DCP082K 060353 ZMK 2007000296324	Hazmat	5794	150	
R-119 6/14/2007	06DCP082K 060353 ZMK 2007000308207	Hazmat	5794	165	
R-120 6/20/2007	07DCP026M M990544B ZSM 2007000317347	Hazmat	939	6,7,8,9	

R-121 6/25/2007	07DCP049M 060525 ZSM 2007000325395	Hazmat	544	59,65,66,67	
R-122 7/10/2007	06DME014Q 070079 ZMQ 2007000351552	Hazmat	9755	31	
R-123 7/13/2007	06BSA090K 100-06-BZ 2007000359721	Hazmat	958	35,36	
R-124 7/13/2007	07DCP038M 070161 ZSM 2007000361307	Hazmat	229	1	
R-125 7/23/2007	06DCP061M 060223 ZMM 2007000378347	Hazmat	1996	56	
R-126 7/23/2007	06DCP060M 060225 ZMM 2007000378349	Hazmat	1987	1	

R-127 8/9/2007	06BSA093M 108-06-BZ 2007000410318	Hazmat	806	12	
R-128 8/22/2007	07DCP062K 070203 ZMK 2007000433700	Hazmat	6050	15,19,51,59	
R-129 8/28/2007	07BSA040K 311-06-BZ, 312-06-BZ, 313-06-BZ 2007000443677	Hazmat	357	1,2	
R-130 9/7/2007	07BSA064K 53-07-BZ 2007000461730	Hazmat	888	7	
R-131 9/11/2007	07DCP045M 070055 ZSM 2007000465564	Hazmat	231	5	
R-132 9/11/2007	01DCP055M 000198 ZMM 2007000466779	Hazmat	1455	21	

R-133 9/19/2007	07BSA049M 328-06-BZ 2007000481821	Hazmat	219	2,3	
R-134 9/27/2007	06DCP048Q 060467 ZMQ 2007000496517	Hazmat	1082	34	
			1083	121	
R-135 10/9/2007	07DCP043M 070289 ZMM 2007000509777	Hazmat	1077	7501	3/23/2015
			1077	8,9,10	
R-136 10/11/2007	07BSA046K 306-06-BZ 2007000516198	Hazmat	5422	10	
R-137 10/17/2007	07DCP018M 070159 ZSM 2007000526578	Hazmat	475	40	
R-138 10/22/2007	07DCP073K 080116 ZMK 2007000532867	Hazmat	299	1	

R-139 10/22/2007	07DCP073K 080116 ZMK 2007000532868	Hazmat	299	16,18,19,39	
R-140 10/22/2007	07DCP073K 080116 ZMK 2007000532869	Hazmat	304	16,17	
R-141 11/1/2007	07DCP095M 070575 ZMM 2007000549989	Hazmat	602	55,58,77,79,81,83, 85,86	
R-142 11/1/2007	08DCP008M N080045 ZAM 2007000551000	Hazmat	1026	55	3/18/2015
R-143 11/13/2007	06DCP032M 070495 ZMM 2007000565924	Hazmat	1997	1,9,18,21,27,33,34, 47,49,52,55,56,64	
R-144 11/13/2007	06DCP032M 070495 ZMM 2007000565925	Hazmat	1996	23	12/23/2016
			1996	14,15,16,18,20,21, 29,36,50	

R-145 11/13/2007	06DCP032M 070495 ZMM 2007000565926	Hazmat	1998	1,6,10,13,16,57,61	
R-146 11/13/2007	06DCP032M 070495 ZMM 2007000565927	Hazmat	1986	1,6,10,30,65	
R-147 11/13/2007	06DCP032M 070495 ZMM 2007000565928	Hazmat	1995	31	
R-148 11/13/2007	06DCP032M 070495 ZMM 2007000565929	Hazmat	1987	7,9	
R-149 11/23/2007	07DCP015M 070137 ZMM 2007000582968	Hazmat	931	1,17	
R-150 11/28/2007	06DCP041Q 060021 ZMQ 2007000590373	Hazmat	1096	1	

R-151 11/30/2007	05DCP034X 050172 ZMX 2007000592833	Hazmat	3805	7501	
R-152 1/9/2008	07BSA057K 33-07-BZ 2008000010818	Hazmat	347	54	
R-153 1/23/2008	06DME009K 060545 ZMK 2008000030352	Hazmat	1433	3,5,6	
R-154 3/12/2008	06BSA057Q 31-06-BZ 2008000101335	Hazmat	14182	88	
R-155 4/1/2008	05BSA142M 154-05-BZ 2008000130496	Hazmat	489	1,41	
R-156 4/17/2008	06DCP039M 070522 ZMM, 070529 ZMM 2008000153631, 2010000007223	Air	945	23,33	
		Noise	945	23,33	
		Air	967	1	
		Noise	967	1	
		Air	970	1,2	

		Noise	970	1,2	
R-157 4/17/2008	06DCP083Q 060550 ZMQ 2008000154748	Hazmat	3347	24	
R-158 4/23/2008	07DCP076M 080039 ZMM 2008000162921	Hazmat	1969	6	
R-159 4/23/2008	08DCP040M 080313 ZSM 2008000163513	Hazmat	222	1	
R-160 5/13/2008	08BSA045M 13-08-BZ 2008000191393	Hazmat	506	11,12	
R-161 5/23/2008	05DCP051X 050018 ZMX 2008000210078	Air	2618	43,47,7501	
		Noise	2618	43,47,7501	
R-162 6/11/2008	08DCP028Q 080203 ZMQ 2008000234393	Hazmat	4487	160,169,170,200	
			4524	79,92	
			4531	77,92	

R-163 8/1/2008	05BSA006K 252-04-BZ 2008000305746	Hazmat	2298	9	
R-164 8/11/2008 12/9/2011	08BSA031K 245-07-BZ 2008000319021	Hazmat	41	17	12/9/2011
R-165 8/28/2008	08BSA075X 78-08-BZ 2008000345309	Hazmat	2546	27	
R-166 9/12/2008	08BSA012K 201-07-BZ 2008000362056	Hazmat	8364	34	
R-167 9/23/2008	08BSA028Q 238-07-BZ 2008000375672	Hazmat	28	21,121	5/9/2013
			28	12,15,17,18	
R-168 10/1/2008	07DCP046X N070230 ZAX 2008000389300	Hazmat	3487	29,34,237	

R-169 10/28/2008 10/12/2009	08BSA033M 257-07-BZ 2008000421939	Hazmat	1607	3,5,59	10/12/2009
R-170 11/14/2008	09DCP025K 090181 ZMK 2008000441753	Hazmat	36	1,3,14,49,52,53	
R-171 12/10/2008	08BSA065K 51-08-BZ 2008000470983	Hazmat	6681	394	
R-172 12/31/2008	09BSA009M 190-08-BZ 2008000492916	Hazmat	529	29,30	
R-173 1/8/2009 8/6/2012	08BSA100M 170-08-BZ 2009000006241	Air	1464	8,14,15,16,21	8/6/2012
		Hazmat	1464	8,14,15,16,21	8/6/2012
		Noise	1464	8,14,15,16,21	8/6/2012
R-174 3/12/2009 2/6/2012	09BSA018X 215-08-BZ 2009000072480	Hazmat	2984	1	2/6/2012

R-175 3/16/2009 1/26/2011	09BSA103R 45-08-BZ 284168	Hazmat	7407	1,80,82	1/26/2011
R-177 3/31/2009	09BSA059X 3-09-BZ 2009000093648	Hazmat	2619	27	
R-178 4/13/2009	09BSA053M 310-08-BZ 2009000108374	Hazmat	1570	41	
R-179 4/30/2009	05DCP020M 050260 ZSM 2009000127467	Hazmat	1132	35	5/6/2013
			1132	1,20**	
R-180 5/6/2009	07DCP051R 080482 ZMR 290597	Hazmat	6145	13	9/27/2017
R-181 5/26/2009	09DCP072K M090312 ZMK 2009000156049	Hazmat	4469	1	

R-182 5/26/2009	09DCP072K M090312 ZMK 2009000156050	Hazmat	4469	6,10,16	
R-183 6/1/2009	09DCP081K 090441 ZMK 2009000162828	Hazmat	2009	26	9/23/2019
			2009	1	
R-184 6/17/2009	07DCP071M 080008 ZMM 2009000184787	Air	1082	1	
		Noise	1082	1	
R-185 10/19/2009	09DCP081K 090443 ZSK 2009000339852	Air	2009	1	
		Noise	2009	1,26	
R-186 10/28/2009	08DCP056K 080339ZMK 2009000352564	Hazmat	2134	1,150	
R-187 11/10/2009	09DCP028X 090397 ZMX 2009000369101 2009000003321	Air	3360	77	6/7/2018
			3360	70,176,7501	

R-188 12/31/2009	08DCP054X 080157 ZMX 2009000430755	Hazmat	2984	46,67	
R-189 1/21/2010	09DCP063Q 090356 ZSQ 2010000021504	Hazmat	3884	2	
R-190 1/26/2010	09DCP074R 090383 ZSR See City Planning Commission Report	Hazmat	6145	40,300	9/27/2017
R-191 6/23/2010	09DCP032K 090225 ZMK 2010000209747	Hazmat	347	50,51,52,53,151, 152	
R-192 8/27/2010	08DCP017K 070579 ZMK 20100000291264	Hazmat	1475	55,56,57,58,59,60, 61,62	
R-193 8/31/2010 6/6/2016	10DCP031M 100277 ZMM 2010000295263	Hazmat	2069	7501	6/6/2016

R-194 9/3/2010	09DCP019M 100049 ZSM 2010000298804	Hazmat	808	40,7501	
		Noise	808	40,7501	
R-195 11/24/2010	07DCP094K 100185 ZMK 2010000396103	Air	2414	1,2,3,25,26,27	
		Hazmat	2414	1,2,3,25,26,27	
		Noise	2414	1,2,3,25,26,27	
		Air	2428	1	
		Hazmat	2428	1	
		Noise	2428	1	
R-196 1/13/2011	10DCP016Q 100175 ZMQ 2011000016083	Hazmat	4645	1,37	
R-197 3/8/2011	11BSA029M 186-10-BZ 2011000084677	Hazmat	962	80,108,7501	
R-198 3/14/2011	10DCP004M 100063 ZMM 2011000091926	Hazmat	778	13,16,18,66	

R-199 4/22/2011	10DCP028M M840090A ZSM 2011000148845	Hazmat	1929	17	
R-200 5/12/2011	11DCP101M 110243 ZMM 2011000171907	Hazmat	1600	20	
R-201 6/2/2011	07SBS021M 080409 ZSM 2011000196766	Hazmat	644	5	
R-202 6/16/2011	11BSA037R 197-10-BZ, 198-10-BZ, 199-10-BZ 385092	Hazmat	61	27,29,31	
R-203 7/15/2011	10DCP027R N110018 ZAR 388068	Hazmat	2460	50,98	
R-204 9/9/2011	09DCP004M 090432 ZSM 2011000320298	Hazmat	1269	5,6,7,8,66,69,165	11/11/2020
			1269	9,11,12,13,14,20, 30,58,7501	

R-205 11/9/2011	06DME001R 060471 ZMR 402111	Hazmat	487	20,30,50,100	
R-206 12/2/2011	10DCP017X 100310 ZMX 2011000420230	Air	3009	33	
		Hazmat	3009	33	
		Noise	3009	33	
R-207 12/5/2011	10DCP017X 100310 ZMX 2011000422101	Air	3016	11	11/9/2018
		Hazmat	3016	11	11/9/2018
		Noise	3016	11	
R-208 12/5/2011	10DCP017X 100310 ZMX 2011000423714	Air	3013	12,29,31,35,37,46	
		Hazmat	3013	12,29,31,35,37,46	
		Noise	3013	12,29,31,35,37,46	
		Air	3014	5,7501	1/12/2018
			3014	15,16	
		Hazmat	3014	5,7501	1/12/2018
			3014	15	2/12/2020
			3014	16	
		Noise	3014	15	2/12/2020
			3014	5,16,7501	

R-209 12/14/2011	09DCP020M 100296A ZSM 2011000434594	Air	1171	7511	10/17/2018
			1171	157	11/1/2019
			1171	154,155,156,164, 7510	
		Hazmat	1171	7511	10/17/2018
			1171	157	11/1/2019
			1171	154,155,156,164, 7510	
		Noise	1171	157	11/1/2019
			1171	154,155,156,164, 7510,7511	
R-210 12/30/2011	10DCP017X 100310 ZMX 2011000452612	Air	3016	60,66	
		Hazmat	3016	60,66	
		Noise	3016	60,66	
R-211 1/24/2012	10DCP001K 100041 ZMK 2012000030222	Hazmat	2245	55,58	
R-212 3/6/2012	11DCP022K 090154 ZMK 2012000086295	Hazmat	5516	34,35,36,38,40,42, 50,52,54,56,58,60, 66,67,133	
R-213 3/21/2012	06DCP032M 070495 ZMM 2012000113726	Hazmat	2094	36	

R-214 4/16/2012	10DCP003M 120033 ZMM 2012000149442	Air	607	7503	
		Hazmat	607	7503	
		Noise	607	7503	
		Air	617	1	
		Hazmat	617	1	
		Noise	617	1	
R-216 5/21/2012	10DCP024K 100218 ZMK, N100219 ZRK 2012000200000	Hazmat	2576	23	
R-217 7/25/2012	10DCP002K 110047 ZMK 2012000293689	Hazmat	6491	207,292	
R-218 8/7/2012	11DCP121M 120124 ZSM 2012000311259	Air	524	9,66	
		Hazmat	524	9,66	
		Noise	524	9,66	
		Air	533	1,10	
		Hazmat	533	1,10	
		Noise	533	1,10	

R-219 12/26/2012	06DCP032M 070495 ZMM 2012000503431	Hazmat	1997	6	
R-222 7/6/2006 8/16/2007	05DCP056R 050213 ZAR 137471	Hazmat	569	103,107,109,113, 114	8/16/2007
R-223 1/7/2011	08BSA085K 98-08-BZ 2011000009822	Hazmat	1199	3	6/8/2017
R-224 10/10/2008	07DCP056K 070396ZMX 2008000401271	Hazmat	4837	17,27,38	
R-225 10/11/2005	05BSA118M 83-05-BZ 2005000565043	Hazmat	528	12	
R-226 1/6/2012	06DCP032M 070495ZMM 2012000005762	Air	1986	6,10,30,65	
		Hazmat	1986	6,10,30,65	
		Noise	1986	6,10,30,65	
		Air	1987	7,9	
		Hazmat	1987	7,9	

		Noise	1987	7,9	
		Air	1995	31	
		Hazmat	1995	31	
		Noise	1995	31	
		Air	1996	1,14,15,16,18,20, 21,23,29,34,36,50	
		Hazmat	1996	23	12/23/2016
			1996	1,14,15,16,18,20, 21,29,34,36,50	
		Noise	1996	1,14,15,16,18,20, 21,23,29,34,36,50	
		Air	1997	1,6,9,14,17,18,21, 27,29,30,33,34,40, 47,48,49,52,55,56, 61,64	
		Hazmat	1997	1,6,9,14,17,18,21, 27,29,30,33,34,40, 47,48,49,52,55,56, 61,64	
		Noise	1997	1,6,9,14,17,18,21, 27,29,30,33,34,40, 47,48,49,52,55,56, 61,64	
		Air	1998	1,3,6,10,13,16,24, 26,57,61	
		Hazmat	1998	1,3,6,10,13,16,24, 26,57,61	
		Noise	1998	1,3,6,10,13,16,24, 26,57,61	
R-227 1/26/2010	08DCP022X 080129ZMX 2010000027295	Hazmat	2389	20	

R-228 1/18/2007	07DCP006Q 060419ZMQ 2007000035312	Hazmat	13513	58	
R-229 11/15/2006	05BSA102Q 47-05-BZ 2006000632906	Hazmat	1586	10	
R-230 5/7/2014	09DCP007M 090433ZMM 2014000154631	Air	676	1,5	
		Hazmat	676	1,5	
		Noise	676	1,5	
R-231 9/30/2015	09DCP084Q 130244ZSQ 2015000403410	Air	490	1,11,50,60,70,80, 90,101,102,250	
		Hazmat	490	1,11,50,60,70,80, 90,101,102,250	
		Noise	490	1,11,50,60,70,80, 90,101,102,250	
		Air	913	100	
		Hazmat	913	100	
		Noise	913	100	
		Air	915	6	
		Hazmat	915	6	
		Noise	915	6	
		Air	916	1,10	
		Hazmat	916	1,10	

		Noise	916	1,10	
R-232 6/22/2012	08DCP056K 080339ZMK 2010000247424	Air	2134	1,150	
		Noise	2134	1,150	
R-233 11/17/2010	06DCP092Q 060432ZMQ 2010000386228	Hazmat	8092	25	
R-234 1/9/2007	06BSA007K 175-05-BZ 2007000014464	Hazmat	520	13,16	

APPENDIX E — Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

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APPENDIX E — Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

(12/19/19)

APPENDIX E

Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

The following text has been relocated from Article II, Chapter 7, and Section 37–04 (Requirements for Urban Plazas). APPENDIX E is intended for reference purposes only and contains design requirements for #plazas#, #residential plazas# and #urban plazas# developed prior to October 17, 2007.

The provisions of Section 37-60 (PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007) set forth instances where the provisions of this APPENDIX E are superseded.

RESIDENTIAL PLAZA STANDARDS

(4/21/77)

E 27 - 00

GENERAL PURPOSES

The purpose of this Chapter is to promote the development of an improved quality of residential plaza for the public.

(8/27/98)

E 27 - 01

Applicability of this Chapter

The provisions of this Chapter shall apply to all #developments# constructed after April 21, 1977 containing a #residential plaza# or #arcade# that qualifies for a #floor area# bonus under the following provisions:

Section 24-14 (Floor Area Bonus for a Residential Plaza)

Section 24-15 (Floor Area Bonus for an Arcade)

Section 34-223 (Floor area bonus for a residential plaza)

Section 35-35 (Floor Area Bonus for a Residential Plaza, Urban Plaza or Arcade in Connection with Mixed Buildings)

A #development# that contains a #residential plaza# and that has been granted a special permit by the City Planning Commission prior to February 9, 1994, may be started or continued pursuant to that special permit. However, this Chapter shall not apply within a Special Purpose District except where permitted within such Special Purpose District, nor shall it apply to any #development# pursuant to the Quality Housing Program, except as otherwise set forth therein.

After June 12, 1996, no foundation permit shall be issued by the Department of Buildings for any #development# that includes a #residential plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#, a site plan indicating the area and dimensions of the proposed #residential plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#, computations of proposed #floor area#, including bonus #floor area#, and a detailed plan or plans demonstrating compliance with the provisions of this Section.

All plans for #residential plazas#, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the #residential plaza# pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

6/12/96

E 27 - 02

Definitions

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

Northern plaza

A "northern plaza" is a primary space that has only northern exposure.

Primary space

A "primary space" is the major portion of a #residential plaza# that abuts a #street#, and is accessible to the public for recreational use.

Residual space

A "residual space" is the remaining portion of a #residential plaza# that is not a #primary space#. Such space may be used either for public recreation or as a landscaped visual amenity.

4/21/77

E 27 - 10

PRIMARY SPACE

A #primary space# shall consist of at least 60 percent of the total area of a #residential plaza# and shall be directly accessible to the public from the public sidewalk.

#Zoning lots# having a maximum #lot area# of 20,000 square feet shall aggregate such #primary space# in one location.

For #zoning lots# having a #lot area# in excess of 20,000 square feet, such #primary space# may be located in more than one location on the #zoning lot# provided that the area of at least one #primary space# is not less than 4,000 square feet.

4/21/77

E 27 - 11

Mandatory Requirements

4/21/77

E 27 - 111

Size and proportions

For #zoning lots# having a #lot area# of 20,000 square feet or more, the minimum dimension of any #primary space# shall be 40 feet measured perpendicular to the perimeter of the #primary space#, except that where a #primary space# has only one #street# frontage, the minimum dimension shall be 50 feet.

For #zoning lots# having a #lot area# less than 20,000 square feet but not less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that where a #primary space# has only one #street# frontage or where the #primary space# links two #streets# which are parallel or within 45 degrees of being parallel to each other, the minimum dimensions shall be 40 feet.

For #zoning lots# having a #lot area# less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that there shall be no minimum dimensional requirements for #primary space# on #corner lots# having a #lot area# less than 12,500 square feet.

For the purpose of dimensional calculations only, a driveway or a vehicular accessway may be counted towards the minimum dimensional requirements of a #primary space#. However, in no case may such driveway or a vehicular accessway be bonused as part of a #residential plaza#. Such driveway or vehicular accessway may be located only alongside a #side lot line# or adjacent to the wall of the #building# of the #development#, and shall not interrupt the continuous area of the #primary space#.

For #zoning lots# having a #lot area# of 12,500 square feet or more, the depth of any #primary space# having only one #street# frontage shall not be greater than twice the width of the #primary space street# frontage. For #zoning lots# having a #lot area# less than 12,500 square feet, the depth of any #primary space# having only one #street# frontage shall not be greater than two and a half times the width of the #primary space street# frontage.

A #primary space# having only one #narrow street# frontage, and a #primary space# that links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be permitted only when one of the adjacent #buildings# on the #zoning lot# of the #development# or on a #zoning lot# sharing a common #side lot line# with the #zoning lot# of the #development# abutting the #primary space# is not more than 65 feet in height or five floors, whichever is less, before a 10 foot setback is provided. Such restrictions shall be waived for a #primary space# of more than 80 feet in width measured with or without adjoining #residual space#.

4/21/77

E 27 - 112

Orientation

All #developments# shall provide southern exposure where possible to provide maximum sunlight in #primary space#. Other exposures are permitted only when southern exposure is not possible.

Following are the types of orientation of different #primary spaces# based upon the size and location of the #zoning lot#:

(a) Southern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from south to west;

(b) Eastern exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south;

(c) Western exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from west to north;

(d) Northern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from north to east or a #street line# less than 125 feet in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south or west to north.

In a #development# to which this Chapter applies:

The #primary space# of any #zoning lot# having a #street line# with southern exposure, as defined in this Section, shall abut that #street line#. The #primary space# of any #zoning lot# having a #street line# with eastern, and no southern, exposure, as defined, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with western, and no southern or eastern, exposure, as defined in this Section, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with northern, and no southern, eastern or western exposure, as defined in this Section, shall be #developed# as a #northern plaza# pursuant to Section E27-30 (NORTHERN PLAZA).

The orientation requirements may be waived or modified by the City Planning Commission provided the Commission certifies to the Commissioner of Buildings that due to the surrounding area and the site configuration, including the disposition of surrounding #buildings# which may cast a permanent shadow on the #plaza#, a modification will enhance the usability and design of the #primary space# and of the #building#.

4/21/77

E 27 - 113

Access

All #primary spaces# shall be accessible directly from an adjoining public sidewalk along at least 50 percent of the total #street# frontage. Driveways or vehicular accessways included as part of the minimum dimension calculated, may not be counted as providing access.

All #primary spaces# shall be accessible to the public at all times, except that for a #primary space# having only one #narrow street# frontage, or a #primary space# which links two #streets# that are parallel or are within 45 degrees of being parallel, access may be restricted between the hours of 8:00 p.m. or dark whichever is later and 8:00 a.m. Such access may be restricted by the use of horizontal railings and/or vertical bars of a maximum one and 1/2 inch thickness and lockable gates. The railings when placed along the perimeter of the #primary space# shall occupy not more than 50 percent of the #street# frontage of the #primary space#, and shall not be higher than 8 feet, 0 inches. Gates, when placed along the perimeter of the #primary space#, when open during hours of accessibility, shall allow access along at least 50 percent of the #street# frontage of the #primary space# or 40 feet, whichever is less, and shall not be higher than eight feet. Such gates shall remain unlocked between the hours of 8:00 a.m. and 8:00 p.m. or dark whichever is later. In order to allow maximum visibility from the public sidewalk, the bars of any horizontal railing and/or vertical bars and gate shall be at least five inches apart. Spikes, pointed railings or other sharp objects shall not be placed anywhere within the #primary space#, except that such railings as permitted above may be pointed. Enclosures designed without horizontal railings and/or vertical bars may be permitted provided the City Planning Commission certifies to the Commissioner of Buildings that such design will enhance the quality and visual access of the #primary space#.

4/21/77

E 27 - 114

Access for the physically disabled

The following standards shall apply to assure access for disabled persons into and within all #primary spaces#.

There shall be at least one path of travel to major portions of #primary space# which in area total at least 60 percent of the unobstructed #primary space# area, and a path to any building lobby accessible from the #primary space#. All paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.

Ramps shall be provided alongside any stairs or steps which provide access to or within #primary spaces#. Ramps shall have a minimum width of 3 feet, 0 inches, a slope of not greater than 1:12, a non-skid surface, and, for open-edged ramps, a two-inch high safety curb. At each end of a ramp there shall be a level area, which may be public sidewalk, at least five feet long.

All stairs or ramps within such paths shall provide handrails. Handrails shall be 2 feet, 8 inches high, have a midrail not lower than 16 inches and not higher than 22 inches, and shall extend at least 18 inches beyond the stair or ramp ends.

Where stairs are used to affect changes of grade for such paths they shall have closed risers, no projecting nosings, a maximum riser height of seven and 1/2 inches, and a minimum tread width of 11 inches.

4/21/77

E 27 - 115

Elevation

All #primary spaces# shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A #primary space# fronting on one #street#, or a #primary space# which links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to Section E27-113 (Access), for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a #primary space# is 8,000 square feet or more, a maximum of 25 percent of its area may be located at an elevation more than three feet above or below the nearest adjoining sidewalk, which area however may not be located within a depth of 10 feet from the sidewalk, measured perpendicular to the #street line#.

When there is a grade change of at least three feet in 100 along the portion of #street# upon which a #primary space# of 4,000 square feet or more fronts, for a distance of at least 100 feet, the level of such #primary space# may be located at an elevation greater than three feet above or below the #curb level#, provided the City Planning Commission certifies to the Commissioner of Buildings that such elevation will enhance the usability and design while maintaining safety and visibility of the #primary space#.

Where an existing subway station entry is located on the sidewalk area abutting a #primary space#, the #primary space# shall be developed at the same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry. No obstruction shall be permitted within such portion of the #primary space#.

4/21/77

E 27 - 116

Treatment of adjoining walls

Any exposed blank walls of a #building# which is located at the #lot line# of an adjacent #zoning lot# and which abuts a #primary space# shall be:

(a) covered with vines or similar planting; or

(b) contain artwork or be treated so as to enhance the visual quality of the #primary space#.

Plants shall be planted in soil having a depth of not less than two feet, six inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the Certificate of Occupancy being issued for the #development#.

Whenever an adjoining wall, which is required to be treated in accordance with the provisions of this Section, is in separate ownership the owner of such adjoining wall if it is a party wall shall grant to the party required to treat the wall adjoining the #primary space#, a license to perform such treatment of the wall, however, the owner may in granting such license reserve the right to perform any work necessary for safety or maintenance of the wall.

4/21/77

E 27 - 117

Lighting

All #primary spaces# shall be illuminated at an overall minimum average level of not less than two horizontal foot candles during the hours of darkness.

To minimize the adverse effect on the surrounding #residential buildings#, such lighting shall be shielded.

4/21/77

E 27 - 118

Paving

The #primary space# shall be paved with unit pavers, such as bricks or quarry tiles, and/or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have non-skid surface when wet or dry.

4/21/77

E 27 - 12

Mandatory Amenities

All #primary spaces# shall provide amenities as set forth in this Section, which amenities shall be subject to the restrictions for total area occupied by amenities, as set forth in Section E27-14 (Optional Amenities).

4/21/77

E 27 - 121

Seating

All #primary spaces# shall provide a minimum of one linear foot of seating for each 30 square feet of the #primary space#. Such seating shall have a minimum depth of one foot, four inches. Seating with backs at least one foot high shall have a minimum depth of one foot, two inches. Seating two feet, six inches or more in depth shall count as double provided there is access on both sides.

For the benefit of handicapped persons, a minimum of ten percent of the required seating shall have backs.

Seating higher than three feet or lower than one foot above the level of the adjacent walking surface shall not count towards meeting the seating requirements. Moveable seating or chairs may be credited as two feet, six inches of linear seating per chair. Movable seating shall not exceed 50 percent of the total required. Steps shall not count towards the seating requirements. The top of walls, including but not limited to those which bound planting beds, fountains or pools, may be counted as seating when they conform to the dimensional standards set forth herein.

12/15/77

E 27 - 122

Tree planting

All #primary spaces# shall provide a minimum of one tree per 1,000 square feet of #primary space# area.

Such trees shall be of four-inch caliper. Each tree shall be planted in at least 3.5 cubic yards of top soil per tree, with a depth of soil not less than three feet, six inches and be planted either with grating flush to grade or in a planting bed with a minimum continuous area of 75 square feet.

Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to December 15, 1977.

4/21/77

E 27 - 123

Bicycle parking facilities

All #primary spaces# shall provide bicycle parking facilities. There shall be facilities for parking two bicycles for every 1,000 square feet of #primary space#.

4/21/77

E 27 - 124

Drinking fountains

All #primary spaces# shall provide at least one drinking fountain.

4/21/77

E 27 - 13

Additional Amenities

In addition to the mandatory amenities required above, all #primary spaces# shall provide at least two of the amenities listed in this Section. These amenities are to be provided in addition to, and not in place of, those amenities required by Section E27-12 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section E27-14 (Optional Amenities).

A #primary space# shall provide at least two of the following amenities as set forth in Sections E27-131 through E27-137, inclusive.

4/21/77

E 27 - 131

Tree planting

A minimum of one tree per 2,000 square feet of #primary space# area.

4/21/77

E 27 - 132

Planting

Planters, including hanging planters, or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying a total area not less than 150 square feet for each 1,000 square feet of #primary space#. The area occupied by an individual planter that is permanent in nature, or a planting bed, shall be at least 30 square feet with a depth of soil of at least two feet.

Hanging planters shall be exempt from these minimum size and location provisions.

4/21/77

E 27 - 133

Grass and other ground cover

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of #primary space#. Such grass or other ground cover shall be planted in a soil depth of at least two feet, six inches.

4/21/77

E 27 - 134

Game tables

Game tables and seating to accommodate 16 persons for the #primary space# for each #zoning lot#. The seating shall conform to the dimensional standards for seating as set forth in Section E27-121 (Seating).

4/21/77

E 27 - 135

Artwork

A work of art, such as sculpture, for the #primary space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final certificate of occupancy is issued for the #development#.

4/21/77

E 27 - 136

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for the #primary space# for each #zoning lot#.

4/21/77

E 27 - 137

Play equipment

One play apparatus or facility such as cross bars, climbers, swings, sandbox, paddle pool or similar play facility, for each 1,000 square feet of #primary space# area.

The play equipment or facilities shall not be located within 40 feet of any #wide street lot line#. All play equipment or facilities shall meet safety standards set forth by the Federal Consumer Products Safety Council.

When this amenity is chosen, the mandatory trees may be reduced to half the required amount as set forth for the #primary space# in Section E27-122 (Tree planting), for that #zoning lot#.

4/21/77

E 27 - 14

Optional Amenities

The #primary space# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheel chair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #primary space# area of the #residential plaza#.

The area occupied by such amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable, such as movable chairs, game tables, movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities. Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

E 27 - 20

RESIDUAL SPACE

#Residual space# shall abut a public sidewalk or a #primary space# and shall be developed either as a landscaped visual amenity or as usable space for the general public in accordance with the provisions of this Section. Not more than 40 percent of the total area of #residential plaza# on a #zoning lot# shall be developed as #residual space#.

All #residual spaces# shall conform to the standards set forth in Sections E27-115 (Elevation), E27-116 (Treatment of adjoining walls), E27-117 (Lighting), and E27-118 (Paving).

4/21/77

E 27 - 21

Visual Residual Space

The total area of the visual #residual space# shall be landscaped, except for the entrance paths to the #building# which paths may not occupy more than 30 percent of such visual #residual space#.

The visual #residual space# shall be landscaped with trees, planters or planting beds with flowers and shrubs, ivy, grass or similar ground cover, ornamental fountains, reflecting pools, artwork or other plants, sculpture or unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

The visual #residual space# may be enclosed with railings or fences for safety and maintenance. In order to allow maximum visibility from the public sidewalk the railings or fences shall not be higher than three feet above the visual #residual space# level or #curb level#, whichever is higher, and the bars of such railings and fences shall be at least five inches apart.

4/21/77

E 27 - 22

Usable Residual Space

The #residual space# when developed as usable #residual space# shall be accessible to the public and shall conform to the standards set forth in Section E27-113 (Access).

A usable #residual space# shall be located abutting a #street#. The total area occupied by amenities shall not exceed 50 percent of total usable #residual space# of the #residential plaza#.

All usable #residual space# shall provide seating in accordance with the provisions of Section E27-121 (Seating) or Section E27-321 (Seating) when the #zoning lot# provides a #northern plaza#. In addition, a usable #residual space# shall provide at least one of the amenities listed in Sections E27-221 through E27-225.

4/21/77

E 27 - 221

Tree planting

A minimum of one tree per 1,000 square feet of usable #residual space#. Such trees shall conform to the standards set forth for caliper and soil in Section E27-122 (Tree planting).

4/21/77

E 27 - 222

Planting

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy or other plants occupying a total area of not less than 150 square feet for 1,000 square feet of usable #residual space#. Such planter shall conform to the standards set forth for size and depth in Section E27-132 (Planting).

4/21/77

E 27 - 223

Grass and other ground cover

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of usable #residual space#. Such grass or other ground cover shall be planted in a soil depth of at least one foot six inches.

4/21/77

E 27 - 224

Artwork

A work of art such as sculpture for the usable #residual space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

E 27 - 225

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet, for the usable #residual space# for each #zoning lot#.

4/21/77

E 27 - 226

Optional amenities

The usable #residual space# may also include additional amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, drinking fountains which are operable by wheelchair users, and unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

4/21/77

E 27 - 30

NORTHERN PLAZA

Any #primary space# which pursuant to Section E27-112 (Orientation) is a #northern plaza# shall comply with the requirements of this Section.

4/21/77

E 27 - 31

Mandatory Requirements

All #northern plazas# shall conform to the mandatory requirements set forth for #primary space# in Section E27-11 (Mandatory Requirements).

4/21/77

E 27 - 32

Mandatory Amenities

All provisions of Section E27-12 (Mandatory Amenities) shall be applicable to #northern plazas# except as modified by this Section.

4/21/77

E 27 - 321

Seating

All #northern plazas# shall provide a minimum of one linear foot of seating for each 80 square feet of #northern plaza# area and conform to the standards set forth for seating in Section E27-121 (Seating).

4/21/77

E 27 - 322

Planting

All #northern plazas# shall conform to the provisions for planting as set forth in Section E27-132 (Planting). Those species which have the ability to flourish in shade are recommended in #northern plazas#.

4/21/77

E 27 - 33

Additional Amenities

In addition to the mandatory amenities required above, all #northern plazas# shall provide at least two of the amenities listed in this Section.

These amenities are to be provided in addition to, and not in place of, those amenities required by Section E27-32 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section E27-34 (Optional Amenities).

A #northern plaza# shall provide at least two of the following amenities.

4/21/77

E 27 - 331

Planting

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying an area not less than 150 square feet per 1,000 square feet of a #northern plaza#.

4/21/77

E 27 - 332

Artwork

A work of art such as sculpture, for each #northern plaza#. Such artwork or sculpture shall be subject to approval by the New York City Art Commission which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

E 27 - 333

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for each #northern plaza#.

4/21/77

E 27 - 334

Pavilions

A pavilion is a one #story# structure for the use of the public, constructed predominantly of transparent materials such as glass or plastic.

The clear height of the ceiling of the pavilion shall not be less than ten feet from the #northern plaza# level. However, when the pavilion occupies 60 percent or more of the #northern plaza# the clear height of the ceiling of the pavilion shall not be less than 12 feet from the #northern plaza# level. Not less than 50 percent of a pavilion roof shall be of transparent or translucent materials in conformance with the Building Code.

A pavilion shall be developed as an integral part of the #northern plaza# upon which it is located, in accordance with the standards set forth in Section E27-30 (NORTHERN PLAZA).

All amenities may be located inside or outside such pavilion.

A pavilion shall be either unenclosed along its sides and called "unenclosed pavilion" or be enclosed with walls and called "enclosed pavilion."

An unenclosed pavilion shall be accessible directly at all times from an adjoining public sidewalk or from the remaining portion of the #northern plaza# along at least 75 percent of the total linear frontage of its boundary with the public sidewalk and/or #northern plaza#. The perimeter of such pavilion shall have no walls. The interior of the pavilion shall be totally visible from the adjacent public sidewalk. Such pavilion may occupy the entire #northern plaza# area. For the purpose of calculating the area occupied by an amenity, an unenclosed pavilion shall not be considered as an amenity occupying an area.

The aggregate area occupied by an enclosed pavilion shall not exceed 20 percent of the total area of the #northern plaza# measured by exterior dimensions.

An enclosed pavilion shall be directly accessible to the public from at least 8 a.m. to 8 p.m. or until dark, whichever is later, through doors and openings occupying not less than 25 percent of the linear frontage with its total boundary with the #northern plaza# and/or public sidewalk. The interior of the pavilion shall be visible from the adjoining public sidewalk. Not less than 80 percent of the total surface area of the pavilion walls and doors shall be of non-colored transparent material. For the purpose of measurement an enclosed pavilion shall be considered as an amenity occupying an area. At no time shall the dimensions of the remaining portion of the #northern plaza# be less than the minimum required dimension for a #zoning lot# as set forth in Section E27-111 (Size and proportion).

In all cases the floor space of a pavilion shall be excluded from the definition of #floor area#.

4/21/77

E 27 - 34

Optional Amenities

A #northern plaza# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheelchair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #northern plaza# area of the #residential plaza#.

The area occupied by amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable such as movable chairs, game tables or movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities. Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

E 27 - 40

MAINTENANCE

To ensure that convenience, safety and enjoyment of the general public, all #residential plazas# shall conform to the following standards of maintenance.

4/21/77

E 27 - 41

Maintenance Requirements

The building owner shall be responsible for the maintenance of the #residential plaza# including, but not limited to, the confinement of permitted amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjoining the #zoning lot#.

Litter receptacles shall be provided with a minimum capacity of two cubic feet for each 1,000 square feet of #primary space# of the #residential plaza#.

4/21/77

E 27 - 42

Plaques

A plaque or other permanent sign shall be displayed on all #residential plazas# in a prominent location, visible from the adjacent public sidewalk.

Such plaque or permanent sign shall have a surface area of not less than three nor more than six square feet, and shall contain the following statement: "This Plaza is open to the Public." It shall also contain the International Symbol of Access, the statement: "This plaza is accessible to the physically disabled," and the following information:

(a) the type and quantity of mandatory amenities and additional amenities;

(b) the name of the owner;

(c) the name and address of whomever the owner has designated to maintain the #residential plaza#; and

(d) in addition it shall contain the following statement:

"Complaints regarding this plaza may be addressed to the Department of City Planning or the Department of Buildings, the City of New York."

For a #primary space# of a #residential plaza# that is enclosed with railings and is entered through a gate pursuant to Section E27-113 (Access), the plaque shall be displayed at the entrance to such #primary space# and shall contain the hours during which the #primary space# is open.

4/21/77

E 27 - 43

Vehicle, Refuse and Exhaust Prohibitions

No parking spaces, passenger drop off, driveways, or loading berths are permitted as part of a #residential plaza#.

No building trash storage facilities are permitted as part of a #residential plaza#.

No exhaust vents are permitted as part of a #residential plaza#, except within visual #residual spaces#, nor are exhaust vents permitted on a building wall or the #development# fronting on such #residential plaza# unless such intakes and vents are more than ten feet six inches above the level of the #residential plaza# or #curb level#, or above the roof of a pavilion, whichever is higher.

4/21/77

E 27 - 44

Performance Bonds

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post to the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to insure the mandatory tree planting, movable seating, bicycle parking facilities, drinking fountain, plaque, and the litter-free maintenance of the #residential plaza#, including the replacement of such trees, bicycle parking facilities and plaques and movable seating during the life of the #development#.

The value of the bond, City securities or fixed income securities, if rendered prior to January 1, 1980, shall be at a rate of $400 per required tree, $100 per movable chair, and $100 per 1,000 square feet of #residential plaza# for litter removal as set forth in this Section.

In the event that the Department of City Planning receives a complaint, the Chairperson of the City Planning Commission shall investigate and make a determination whether there has been a failure in the required performance of the owner concerning the #residential plaza#, its amenities or maintenance. In the event of a failure in the required performance, the Chairperson shall notify the building owner in writing and shall stipulate the period of time in which the building owner has to correct the failure.

If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default of the required performance, and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond, City securities or fixed income securities that the building owner is required to post.

In the event that the City enforces the aforesaid obligation as provided for in this Section, the building owner shall, within 90 days of such enforcement, provide the City with an additional bond, City securities or fixed income securities in an amount not less than that which was expended to cure the default. In the event of a failure in furnishing additional bond or securities to replace the bond used up, the City may enforce the obligation by whatever means may be appropriate to the situation.

At five year intervals, after January 1, 1980, the City Planning Commission, with the approval of the City Council, shall establish new rates for the mandatory tree planting, movable seating and other amenities and litter-free maintenance of the #residential plaza#.

PLAZA STANDARDS

6/12/96

E 27 - 50

PLAZA STANDARDS OF 1961

A "plaza" shall be accessible to the public at all times, except as provided for in Section 37-06 (Nighttime Closing of Existing Public Open Areas), and shall be either:

(a) along a #front lot line#, a continuous open area not less than 10 feet deep (measured perpendicular to the #front lot line#), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such #front lot line# or for a distance of at least 50 feet thereof, whichever is the lesser distance;

(b) on a #through lot#, a continuous open area extending from #street# to #street# and not less than 40 feet in width, measured perpendicular to the nearest #side lot line#;

(c) on a #corner lot#, an open area of not less than 500 square feet, that is bounded on two sides by the two intersecting #street lines# and has a minimum dimension of 10 feet; or

(d) an open area of not less than 8,000 square feet, with a minimum dimension of 80 feet, that is bounded on one side by a #front lot line# or is connected to the #street# by means of an #arcade# or by an open area not less than 40 feet wide.

Except for an open area as set forth in paragraph (d) of this Section, no portion of such an open area that is bounded on all sides, except for one opening, by either building walls, or building walls and a #side lot line#, shall be considered part of the #plaza#, unless the opening of such portion is at least 50 feet in width.

A #plaza# shall not at any point be more than five feet above, nor more than 12 feet below, the #curb level# of the nearest adjoining #street#, and shall be unobstructed from its lowest level to the sky, except that arbors or trellises, awnings or canopies, railings not less than 50 percent open and not exceeding 3 feet, 8 inches in height, flag poles, open terraces or porches, steps, subway station entrances, ornamental fountains or statuary, or unenclosed balconies subject to the provisions of Section 23-13 or 24-165 (Balconies in R3 through R10 Districts), shall be considered permitted obstructions in #plazas#.

URBAN PLAZA STANDARDS

4/25/01

E 37 - 04

Requirements for Urban Plazas

All #urban plazas# shall comply with the provisions of this Section. These provisions may be modified pursuant to Sections 74-91 (Modification of Urban Plazas) and 81-23 (Floor Area Bonus for Urban Plazas).

(a) Area dimensions

An #urban plaza# shall contain an area of not less than 1,600 square feet. In no case may spaces between existing #buildings# remaining on the #zoning lot# qualify as #urban plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #urban plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #urban plazas#, or between an #urban plaza# and a building wall or #arcade# of the #development#.

(b) Locational restrictions

In other than C5-5 or C6-9 Districts, no #urban plaza#, or portion thereof, is permitted to occupy more than 33 percent of the frontage of the #zoning lot#, or portion thereof, within 175 feet of an existing #plaza#, #urban plaza#, #public park# or urban park that occupies more than 33 percent of its #block# frontage on the same or opposite side of the same #street# and has a depth of at least 12 feet. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts.

(c) Restrictions on orientation

In other than C5-5 or C6-9 Districts, the following restrictions shall apply to all #urban plazas#:

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 27 degrees of the direction indicated. "To front on a #street#" means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

(1) Where the major portion of an #urban plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.

(2) No major portion of an #urban plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.

(3) An #urban plaza# that is located on an intersection of two #streets# must have its major portion, as defined in paragraph (d)(2) of this Section, front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

(d) Requirements for major portions of #urban plazas#

(1) All contiguous #urban plaza# areas on a #zoning lot# shall be considered as one #urban plaza#.

(2) The shape and dimensions of an #urban plaza# shall be such that for a major portion of the #urban plaza#, comprising at least the percentage of total area specified herein, all points within such major portion shall be visible from all other points therein. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible

one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade.

The major portion of an #urban plaza# shall be at least 70 percent of the #urban plaza's# total area, except that in the case of a through #block urban plaza# as defined in paragraph (e) of this Section, the major portion shall be at least 50 percent of such #urban plaza's# total area. The major portion of the #urban plaza# shall be subject to the proportional requirements set forth in paragraphs (d)(4) and (d)(5) of this Section.

(3) The major portion of an #urban plaza# shall have a minimum dimension of 40 feet. The remaining portion of such #urban plaza# shall have a minimum dimension of 20 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #urban plaza# fronts.

(4) For major portions of #urban plazas# with frontage on two or more intersecting #streets#, the length of the frontage along any one #street# shall not be greater than three times the average depth of the #urban plaza# measured perpendicular to the #street line# of said #street# from the building wall that faces it.

(5) For major portions of #urban plazas# with frontage on only one #street#, at no point shall the depth from the building wall or rear #lot line# that faces the #street# to the #street line# be less than one-third nor more than three times the length of the frontage of the major portion along such #street line#.

(e) Regulations for through #block urban plazas#

Where an #urban plaza# or portion of an #urban plaza# extends through the #block# connecting two #streets# that are parallel or within 45 degrees of being parallel to each other, and any building wall or walls adjoin such through #block urban plaza# or through #block# portion of an #urban plaza#, no more than 120 feet aggregate length of such walls within 50 feet of the opposite side of the through #block urban plaza# shall exceed 90 feet in height from the surface of the #urban plaza#. In addition to the 20 feet minimum width requirement described in paragraph (d)(3) of this Section, such a through #block urban plaza# shall maintain a straight path at least 15 feet in width, free of any obstructions from #street line# to #street line#.

(f) Circulation and access

(1) To facilitate access to an #urban plaza#, within 10 feet of a #street line# or sidewalk widening, along at least 50 percent of each #street# frontage of the major portion and the entire #street# frontage of the remaining portion of an #urban plaza#, the surface of the #urban plaza# shall be at the same elevation as the adjoining public sidewalk. Along at least 50 percent of each #street# frontage of the major portion and at least 50 percent of each #street# frontage of the remaining portion of an #urban plaza#, for a depth of at least 20 feet from the #street line#, there shall be no obstruction to public access to the #urban plaza# from a sidewalk or sidewalk widening. For the remaining 50 percent of the frontage and within 20 feet of the #street line#, no walls or other obstructions shall be higher than three feet above the #curb level# of the #street line# in front of the #urban plaza#. However, the City Planning Commission may permit, by authorization, certain obstructions such as light stanchions, flag poles, trash receptacles, public space signage or other features to be located in the #urban plaza# within 20 feet of the #street line#, provided that the Commission finds that:

(i) such obstructions are desirable or necessary features for the public enjoyment of the #urban plaza#; and

(ii) sufficient public access additional to the minimum required under the provisions of this paragraph (Circulation and access) is provided to offset any adverse impact on public circulation or access caused by the obstructions or features permitted by such authorization.

The Commission shall furnish a copy of the application for such authorization to the affected Community Board and the local Council Member at the earliest possible stage and will give due consideration to their opinions as to the appropriateness of such obstructions. If the Community Board or local Council Member elects to comment on such application, it must be done within 45 days of such application.

(2) The level of an #urban plaza# shall not at any point be more than three feet above or below the #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#; however, an #urban plaza# with an area of 10,000 square feet or more may additionally have a maximum of 15 percent of its area at an elevation more than three feet above or below, but not more than five feet above or below #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#.

(3) Where there is a grade change of at least 2.25 feet in 100 feet along a portion of a #street# fronted upon, for a distance of at least 75 feet, by an #urban plaza# with an area of 10,000 square feet or more, the level of such #urban plaza# may be at any elevation that is not more than five feet above or below the #curb level# of the nearest adjoining #street# in front of the #urban plaza#. Along the length of frontage not required for access, no wall higher than three feet above the level of the adjoining sidewalk may be constructed.

(4) For areas of #urban plazas# not obstructed by permitted obstructions as set forth in paragraph (f)(1) of this Section, a circulation path shall be provided of at least five feet clear width. A major public path at least eight feet in width shall extend to at least 75 percent of the depth of the major portion of the #urban plaza#, measured from the #street line#.

(5) Where an entry to a subway station exists in the sidewalk area of a #street# on which an #urban plaza# fronts and such entry is not replaced within the #urban plaza# itself, the #urban plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #urban plaza# area around a subway entry shall be free of all obstructions.

(6) Where an entry to a subway station is provided within the #urban plaza# itself, stairs shall have a minimum width of 10 feet.

(7) All #urban plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing in accordance with Section 37-06 or, within C6-4X Districts, for a #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#, where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:

(i) the enclosure or barrier that limits public access shall not obstruct access to the #urban plaza# or impede pedestrian circulation into, through or along the frontage of the #urban plaza# during hours of public access, and shall allow visibility of the #urban plaza# when the enclosure or barrier is in closed position;

(ii) public access to the #urban plaza# will be provided, at a minimum, between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, and that the hours of public access to the #urban plaza# shall be prominently displayed on a plaque affixed to the enclosure or barrier at each #street# frontage of the #urban plaza#; and

(iii) the #urban plaza# shall be illuminated at night in accordance with paragraph (n) of this Section.

All applications for such certification shall include detailed plans demonstrating compliance with the provisions of this paragraph, (f)(7), inclusive. The plans shall include, but not necessarily be limited to, a site plan and elevation showing location and dimensions of the proposed gates, fences or other enclosure devices, and signage indicating hours of public access to the #urban plaza#. All such plans, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of certification pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the restricted hours of public access of an #urban plaza#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot#, issued after the recording date.

(g) Permitted obstructions

(1) #Urban plazas# shall be unobstructed from their lowest level to the sky except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: fountains and reflecting pools; waterfalls; sculptures and other works of art; benches; seats; trees planted at grade or in planting beds; bushes and flowers in planters or in planting beds; arbors or trellises over public seating areas; litter receptacles; bicycle racks; outdoor furniture; lights and lighting stanchions; flag poles; public telephones; public toilets; temporary exhibitions; awnings or canopies over the entrances to retail stores fronting on the #urban plaza#; bollards; subway station entrances, which may include escalators; and drinking fountains. If drinking fountains are provided, at least one fountain shall be accessible to wheelchair users by being 30 inches high, hand-and-foot operated, and display the International Symbol of Access. In addition to the obstructions listed in this paragraph, #urban plazas# having an area of 10,000 square feet or more may include an open air amphitheater or an outdoor ice skating rink. However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (g)(2) of this Section.

(2) Permitted obstructions may occupy a maximum percentage of the area of a #urban plaza#, as follows:

For #urban plazas# less than 5,000 square feet in area: 38 percent

For #urban plazas# at least 5,000 square feet in area and less than 10,000 square feet in area: 40 percent

For #urban plazas# 10,000 square feet or more in area: 50 percent

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or movable, such as movable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

Trees do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions.

(3) Kiosks and open air cafes may be placed within an #urban plaza# upon certification, pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of paragraph (g).

Where a kiosk is provided, it shall be a one-story structure, predominantly of light-colored materials, such as metal, glass, plastic or fabric as approved by the Department of Buildings in conformance with the Building Code, that, including roofed areas, does not occupy an area in excess of 150 square feet, except that where the #urban plaza# has an area of less than 5,000 square feet, the aggregate area of the kiosks shall not exceed 100 square feet measured by exterior dimensions. The aggregate area occupied by kiosks in an #urban plaza# larger than 5,000 square feet shall not exceed 150 square feet or 1.5 percent of the total area of the #urban plaza#, whichever is greater, provided no one kiosk occupies an area of more than 150 square feet. A kiosk may be freestanding or may be attached on only one side to a wall of the #building# of the #development# or a #building# on the adjacent #zoning lot#. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may be occupied by #uses# such as news or magazine stands, candy stands, flower stands or information booths.

Where an open air café is provided, it shall occupy an aggregate area not more than 20 percent of the total area of the #urban plaza#. It shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have a temporary fabric roof in conformance with the Building Code. An open air café must be accessible from all sides where there is a boundary with the remainder of the #urban plaza#. No kitchen equipment shall be installed within an open air cafe; however, kitchen equipment may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in an #urban plaza# through open windows. In all cases, only #uses# permitted by the applicable district regulations may occupy #urban plazas# or front on #urban plazas#.

(4) Open air amphitheaters and open air ice skating rinks that charge admission may be placed within an #urban plaza# upon certification pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of this paragraph (Permitted obstructions).

(5) Kiosks and open air cafes that comply with the provisions of paragraph (g)(3) of this Section, and open air amphitheaters or open air ice skating rinks that charge admission may be placed within the area of an #urban plaza# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

(i) such #use# promotes public use and enjoyment of the #urban plaza#;

(ii) such #use# complements and stabilizes desirable #uses# in the surrounding area;

(iii) such #use# is provided in accordance with the requirements set forth in this Section; and

(iv) the owners of such #use# will maintain such #use# in accordance with the provisions of paragraph (q) (Maintenance) of this Section.

All applications for the placement of kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission within an #urban plaza# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section. All such plans for kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk, open air café, open air amphitheater or open air ice skating rink that charges admission, pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk, open air café, open air amphitheater or open air ice skating rink that charges admission within the #urban plaza#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(6) An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years but, upon application, may be renewed for a similar period by the Chairperson of the City Planning Commission.

(h) Prohibition of driveways, parking spaces, loading berths, exhaust vents and building trash storage facilities

No driveways, parking spaces, passenger drop offs or loading berths shall be permitted within an #urban plaza#. No building trash storage facilities are permitted within an #urban plaza#, nor shall any building trash storage facility be accessed or serviced through the #urban plaza#. If parking spaces, passenger drop-offs, driveways, loading berths or building trash storage facilities are located near or adjoin an #urban plaza#, they shall be separated from it by a building wall or planted area sufficient to visually conceal these facilities and any vehicles therein from any point in the #urban plaza#.

No exhaust vents are permitted on any #urban plaza# or on the building wall of the #development# fronting upon the #urban plaza#, except where such vents on the building wall are more than 8 feet, 6 inches above the level of the #urban plaza#.

(i) Seating

There shall be a minimum of one linear foot of seating for each 30 square feet of #urban plaza# area, except that for #urban plazas# fronting upon a #street# having a grade change of at least 2.25 feet in 100 feet or for through #block urban plazas#, there shall be a minimum of one linear foot of seating for each 40 square feet of #urban plaza# area.

Not more than 50 percent of the linear seating capacity may be in movable seats that may be stored between the hours of sunset and sunrise.

The following standards shall be met for all required seating:

(1) Seating shall have a minimum depth of 16 inches; however, seating with backs shall have a minimum depth of 14 inches and a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth shall count double, provided there is access to both sides.

(2) At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface and at least 50 percent of this seating shall have backs at least 12 inches high. Seating higher than 36 inches or lower than 12 inches above the level of the adjacent walking surface shall not count towards meeting the seating requirements.

(3) The flat tops of walls including but not limited to those that bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (f)(1) and (f)(2) of this Section, provided that they are made of stone, concrete or similar composite material, wood or plastic with a smooth surface and rounded upper edges with a radius of at least one inch to ensure seating comfort.

(4) Movable seating or chairs, excluding seating for open air cafes, may be credited as 18 inches of linear seating per chair.

(5) Steps, seats in outdoor amphitheaters and seating of open air cafes do not count towards meeting the seating requirement.

(6) Seating for any #use# within an #urban plaza# is subject to applicable articles and amendments of the New York City Building Code.

(7) For the benefit of persons with disabilities, a minimum of five percent of the required seating shall have backs.

(j) Planting and trees

For an #urban plaza# not exceeding 2,000 square feet in area, four trees are required.

For an #urban plaza# greater than 2,000 square feet in area but not exceeding 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban plaza# area.

For an #urban plaza# greater than 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban plaza# area for the first 6,000 square feet of area and one additional tree is required for every 1,000 square feet, or part thereof, of the remaining #urban plaza# area.

For all #urban plazas#, at least 50 percent of the required plaza trees shall be planted with gratings flush to grade.

Where trees are planted within an #urban plaza#, they shall measure at least four inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches. Any planting bed containing required plaza trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls and shall have bounding walls not higher than 20 inches above the adjacent walking surface. Trees shall be planted at a maximum spacing of 25 feet within a single planting bed.

When planting beds are provided, they shall have a soil depth of at least two feet for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #urban plazas#. At least one tree of four-inch caliper or more shall be planted for each 25 feet of the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways. The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may also be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. The required trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, located and maintained in accordance with the specifications established by the Department of Parks and the Department of Highways. If the Commissioner of Buildings determines that the tree planting requirements of this paragraph cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel, the number of required #street# trees that cannot be planted as required in this paragraph shall be planted in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage or within the #urban plaza#.

(k) Mandatory allocation of frontages for permitted #uses#

At least 50 percent of the total frontage of building walls of the #development# fronting on an #urban plaza#, or fronting on an #arcade# adjoining an #urban plaza#, exclusive of such frontage occupied by vertical circulation elements, building lobbies and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall be directly accessible from the major portion of the #urban plaza# or adjoining arcade.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

Frontage on the #urban plaza# that is occupied by a building lobby shall not exceed 75 feet or 40 percent of the total frontage of the #development's# building walls on the major portion of the #urban plaza#, whichever is less.

The building frontage on the major portion of the #urban plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #urban plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower.

(l) Paving

The paving of the #urban plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern. The paving of the #street# sidewalk area adjacent to the #development# may be treated with design patterns and materials sympathetic to that of the paving of the #urban plaza#. Any change of paving materials within the public right-of-way shall require review by the Department of Highways and the Art Commission.

(m) Standards of accessibility for persons with disabilities to #urban plazas#

(1) There shall be at least one path of travel conforming to the standards set forth in paragraph (m)(2) of this Section, providing access to each of the following:

(i) the major portion of an #urban plaza#;

(ii) any building lobby accessible to the #urban plaza#; and

(iii) any #use# that may be present on or adjacent to the #urban plaza#.

(2) The following standards shall apply to assure access for persons with disabilities:

(i) Such paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.

(ii) Ramps shall be provided alongside any stairs or steps for such paths. Ramps shall have a minimum width of three feet, a slope of not greater than 1:12, a non-skid surface and, for open-edged ramps, a two-inch high safety curb. At each end of a ramp there shall be a level area, which may be a public sidewalk, at least five feet long.

(iii) All stairs or ramps within such paths shall provide handrails. Handrails shall be 34 inches high, have a midrail 22 inches high and shall extend at least 18 inches beyond the stair or ramp ends.

(iv) Where stairs are used to effect changes of grade for such paths, they shall have closed risers, no projecting nosings, a maximum riser height of seven and one-half inches and a minimum tread width of eleven inches.

(n) Lighting and electrical power

#Urban plazas# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. Such level of illumination shall be maintained from sunset to sunrise. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution shall be part of the required detailed design plans as set forth in this Section. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of an #urban plaza#.

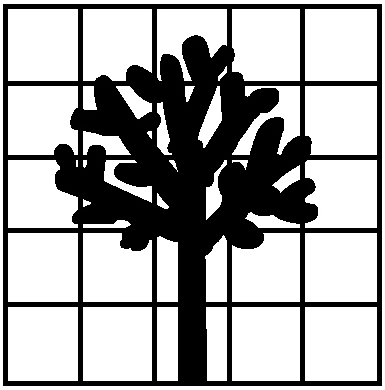
(o) Public space signage systems

The following public space signage systems shall be required for all #urban plazas#:

(1) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #urban plaza#. A maximum of two entry plaques may be provided. The entry plaque shall contain:

(i) a public space symbol which is at least 14 inches square in dimension; has a white background; has a grid of four (4) straight lines no greater than one-eighth inch wide and green in color; and has a tree-shaped symbol as shown;



(ii) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine inches of the public space symbol; and

(iii) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post with its center five feet above the elevation of the nearest walkable pavement. It shall be in a position that clearly identifies the entry into the #urban plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #urban plaza#.

(2) Information plaque

An information plaque, with a surface area of not less than two feet square, constructed from the same permanent materials as the entry plaque and located within the most frequently used area of the #urban plaza#, with clear lettering consisting of:

(i) the type and quantity of trees, movable seating and permanent artwork;

(ii) the name of the current owner of the building and the name, address and phone number of the person designated to maintain the #urban plaza# between the hours of 9:00 a.m. and 5:00 p.m.;

(iii) the statement, "Complaints regarding this urban plaza may be addressed to the Department of City Planning or the Department of Buildings of the City of New York"; and

(iv) the statement, "This urban plaza is accessible to persons with disabilities."

(p) #Signs#

An #urban plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by paragraph (o) of this Section, are permitted only as #accessory# to #uses# permitted within the #urban plaza# and #uses# adjoining the #urban plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).

(q) Maintenance

(1) The building owner shall be responsible for the maintenance of the #urban plaza# including, but not limited to, the confinement of permitted obstructions, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#.

(2) Litter receptacles shall be provided with a minimum capacity of one cubic foot for each 2,000 square feet of #urban plaza# area excluding the area of any sidewalk widening. An additional capacity of one cubic foot of litter receptacle shall be provided for each 2,000 square feet of #urban plaza# area in connection with outdoor eating services or other #uses# permitted within #urban plazas# that generate litter.

(3) Kiosks, open air cafes, open air amphitheaters and open air ice skating rinks permitted in accordance with the provisions of this Section shall be confined within areas designated on building plans as available for occupancy by such #uses#. Encroachment by an #urban plaza use# outside an area so designated shall be a valid ground for complaint and removal.

(4) Performance bond

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post with the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to ensure the mandatory tree planting, movable seating exclusive of any seating for open air cafes, and the litter-free maintenance of the #urban plaza# including the replacement of such trees and movable furniture during the life of the #development#.

In the event of a failure in the required performance, the Chairperson of the City Planning Commission shall notify the building owner in writing of such failure and shall stipulate the period of time in which the building owner has to correct the failure. If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default in the required performance and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond or City securities that the building owner is required to provide.

In the event that the City enforces the aforementioned obligation as provided for in this paragraph (Performance bond), the building owner shall, within 90 days of such enforcement, provide the City with an additional bond or City securities in an amount not less than that which was expended to cure the default.

The value of the bond or City securities if tendered prior to January 1, 1998, shall be at a rate of $750 per required tree, $100 per movable chair and $200 per 1,000 square feet of #urban plaza# for litter removal as set forth in this Section.

Effective January 1, 1989, and at five-year intervals thereafter, the City Planning Commission shall establish new rates for the mandatory tree planting, movable seating and litter-free maintenance of the #urban plaza#.

(r) Penalties for violations

Failure to comply with the conditions or restrictions of the bonused #urban plaza# shall constitute a violation of this Resolution and shall constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

No foundation permit shall be issued by the Department of Buildings for any #development# that includes an #urban plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #urban plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans demonstrating compliance with the provisions of this Section.

All plans for #urban plazas#, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the #urban plaza# pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX F – Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

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APPENDIX F – Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

(12/15/21)

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

The boundaries of #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# are shown on the maps listed in this APPENDIX F.

INCLUSIONARY HOUSING DESIGNATED AREAS
AND MANDATORY INCLUSIONARY HOUSING AREAS
BY ZONING MAP

Zoning Map	Community District	Maps of #Inclusionary Housing designated areas#	Maps of #Mandatory Inclusionary Housing areas#
1d	Bronx CD 7	Map 1	
2a	Bronx CD 12		Map 1
3a	Manhattan CD 12		Map 1
3b	Bronx CD 4	Map 1	Map 1
3b	Bronx CD 4, 5		Map 2 (partial)
3c	Bronx CD 5, 7		Map 1 (partial)
3c	Bronx CD 6	Maps 1-3	Map 1
3c	Bronx CD 7	Map 1	
3d	Bronx CD 3	Map 1	
3d	Bronx CD 4		Map 3
3d	Bronx CD 5		Maps 1 (partial), 2 (partial)
3d	Bronx CD 6	Maps 2-5	Maps 3, 4, 6, 7
3d	Bronx CD 9		Maps 2, 3
4a	Bronx CD 11		Maps 1, 2
4b	Bronx CD 9		Maps 1, 5 (partial)

4b	Bronx CD 11		Map 3
5d	Manhattan CD 7	Map 1	Map 3
6a	Manhattan CD 9	Map 1	
6a	Manhattan CD 10	Map 1	Map 1
6a	Manhattan CD 11	Map 1	Maps 1, 5 (partial), 6
6a	Bronx CD 1	Map 1	Maps 1, 2, 4, 6, 7 (partial)
6a	Bronx CD 4	Map 1	Maps 1, 2
6b	Bronx CD 1		Map 5
6b	Manhattan CD 10	Map 1	Maps 1, 3
6b	Manhattan CD 11	Map 1	Maps 1–4, 5 (partial)
6c	Bronx CD 1		Maps 3, 7 (partial), 9
6c	Bronx CD 2		Map 1
7a	Bronx CD 9		Maps 4, 5 (partial), 6
8b	Manhattan CD 4	Map 1	
8c	Manhattan CD 4	Map 2	
8c	Manhattan CD 7	Map 2	
8d	Manhattan CD 4	Maps 3, 4	
8d	Manhattan CD 5	Map 1	
8d	Manhattan CD 6	Map 1	Map 2
8d	Queens CD 2	Map 3	
9a	Queens CD 1	Map 1	Maps 1, 4, 9 (partial)
9b	Queens CD 1	Map 2	Maps 5, 6, 7
9b	Queens CD 2	Maps 1	Maps 1 (partial), 2, 4 (partial)

9c	Queens CD 1		Maps 7, 8, 9 (partial)
9d	Queens CD 2	Maps 1, 2	Maps 1 (partial), 2, 4 (partial)
9d	Queens CD 3		Map 1
10a	Queens CD 7		Maps 2, 3 (partial)
10b	Queens CD 4		Map 1
10b	Queens CD 7		Maps 1, 3 (partial)
11a	Queens CD 11		Map 1
12a	Manhattan CD 1	Map 1	
12a	Manhattan CD 2	Map 1	
12c	Manhattan CD 3	Map 1	Maps 1-3
12c	Brooklyn CD 1	Maps 1, 2	
12d	Brooklyn CD 1	Maps 2, 3	
12d	Brooklyn CD 2	Maps 1, 4	Maps 1, 5, 7, 9
12d	Brooklyn CD 3	Map 3	Map 3
13a	Brooklyn CD 1	Maps 1, 2	
13b	Brooklyn CD 1	Maps 2, 4	Map 4
13b	Brooklyn CD 3	Maps 3-5	Map 3
13b	Brooklyn CD 4	Map 1	Map 2
14a	Queens CD 6		Maps 1, 2
14b	Queens CD 6		Map 2
14d	Queens CD 8	Map 1	
14d	Queens CD 12	Map 1	
16a	Brooklyn CD 6		Map 2

16b	Brooklyn CD 7	Map 2	
16c	Brooklyn CD 2	Maps 1-3	Maps 3, 5, 6, 8
16c	Brooklyn CD 3	Map 1	
16c	Brooklyn CD 6	Map 1	
16c	Brooklyn CD 8	Map 1	Maps 2-4
16c	Brooklyn CD 15		Map 1
16d	Brooklyn CD 7	Map 1	Maps 1, 3
16d	Brooklyn CD 8	Map 1	
16d	Brooklyn CD 9		Map 2
16d	Brooklyn CD 14	Map 2	Maps 2, 4
17a	Brooklyn CD 3	Maps 1-5	Maps 2, 3, 6
17a	Brooklyn CD 8	Map 1	Map 1
17a	Brooklyn CD 16		Map 5
17b	Brooklyn CD 8	Map 1	
17b	Brooklyn CD 9		Map 1
17b	Brooklyn CD 14	Map 2	
17b	Brooklyn CD 16		Map 3, 4 (partial)
17c	Brooklyn CD 5		Map 1
17c	Brooklyn CD 16		Map 1
17d	Brooklyn CD 16		Map 4 (partial)
18b	Brooklyn CD 5		Map 2
19a	Queens CD 12		Map 1
21c	Staten Island CD 1		Maps 1, 2

22a	Brooklyn CD 7	Map 2	
22b	Brooklyn CD 10		Map 1
22c	Brooklyn CD 7	Map 2	
22c	Brooklyn CD 12		Map 1
22c	Brooklyn CD 14	Maps 1-3	Map 3
22d	Brooklyn CD 12		Map 2
22d	Brooklyn CD 15		Map 1
23a	Brooklyn CD 14	Map 2	Map 5
25b	Queens CD 14		Map 2
28c	Brooklyn CD 11		Map 1
28d	Brooklyn CD 13	Map 1	
30b	Queens CD 14		Map 1
30c	Queens CD 14		Map 3
31a	Queens CD 14		Map 2

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Appendix F – The Bronx

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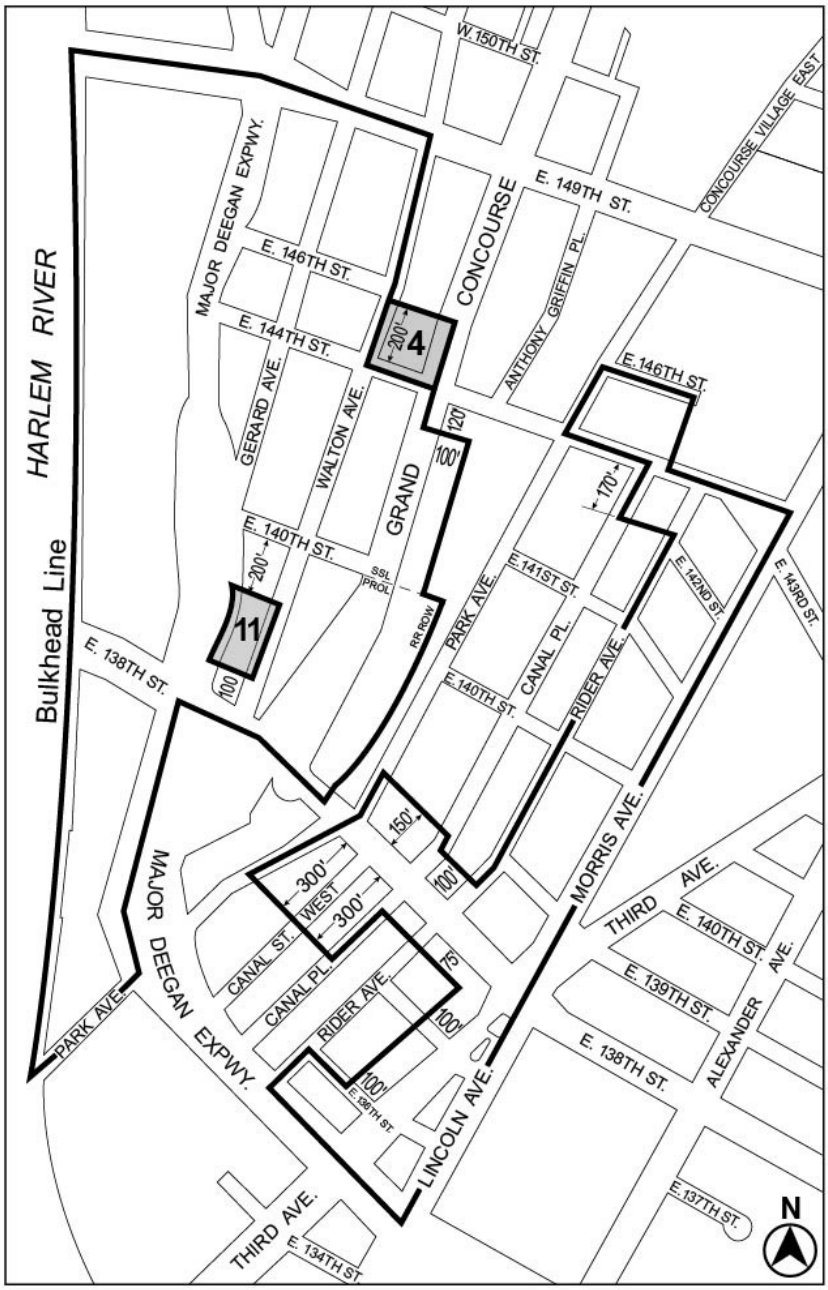
The Bronx Community District 1

Map 1 - (5/27/21)



Inclusionary Housing designated area

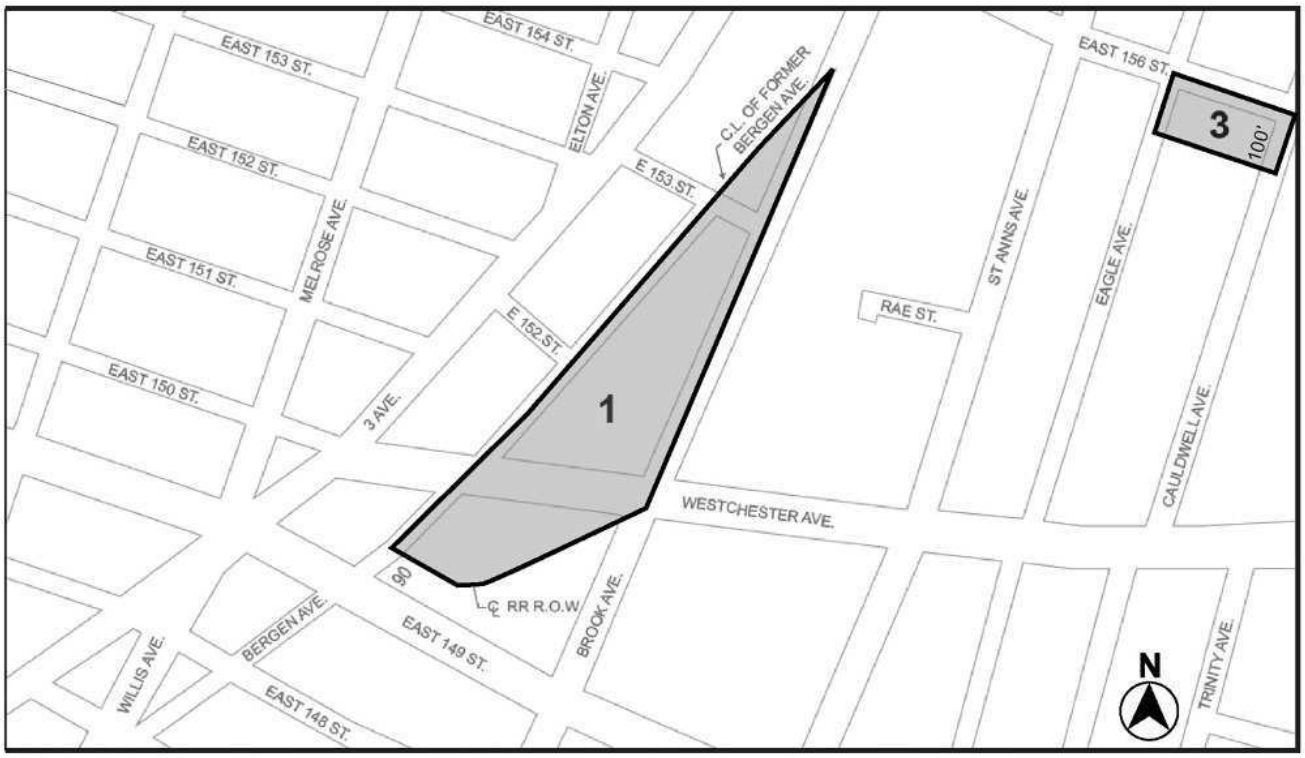
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **4** – 2/14/18 MIH Program Option 1

Area **11** – 5/27/21 MIH Program Option 1

Portion of Community District 1, The Bronx

Map 2 – (5/24/17)



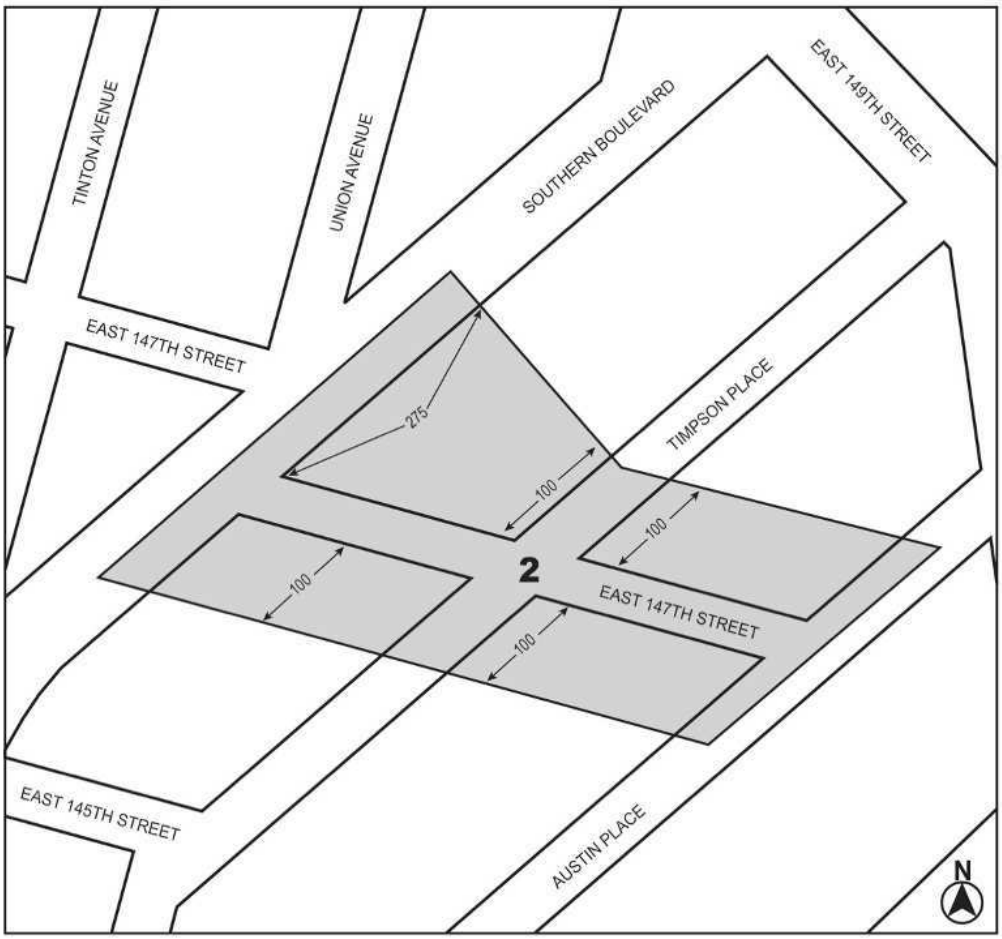
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 9/14/16 MIH Program Option 1 and Option 2

Area **3** — 5/24/17 MIH Program Option 1

Portion of Community District 1, The Bronx

Map 3 – (10/27/16)

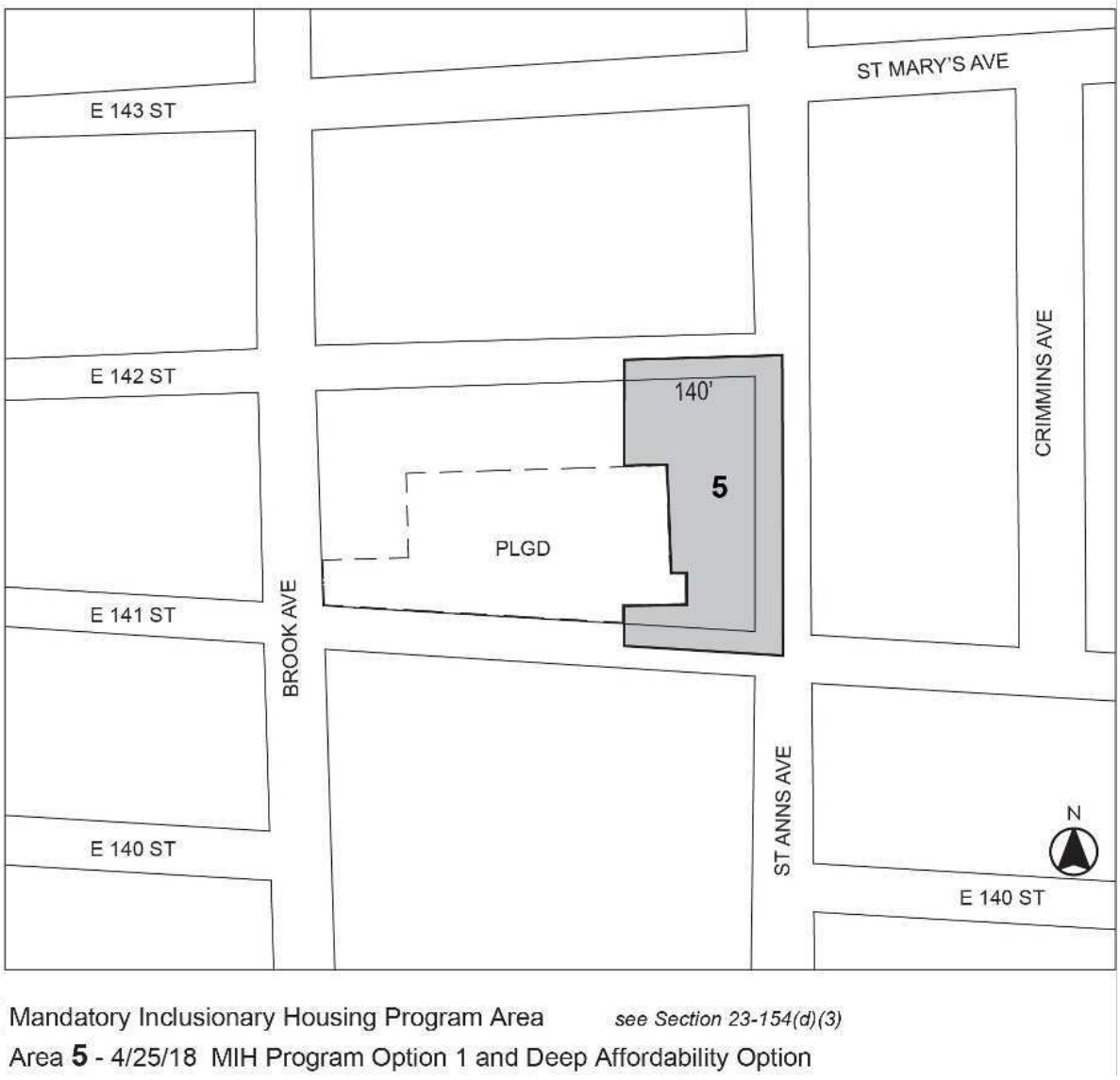


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **2** — 10/27/16 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 1, The Bronx

Map 4 – (4/25/18)

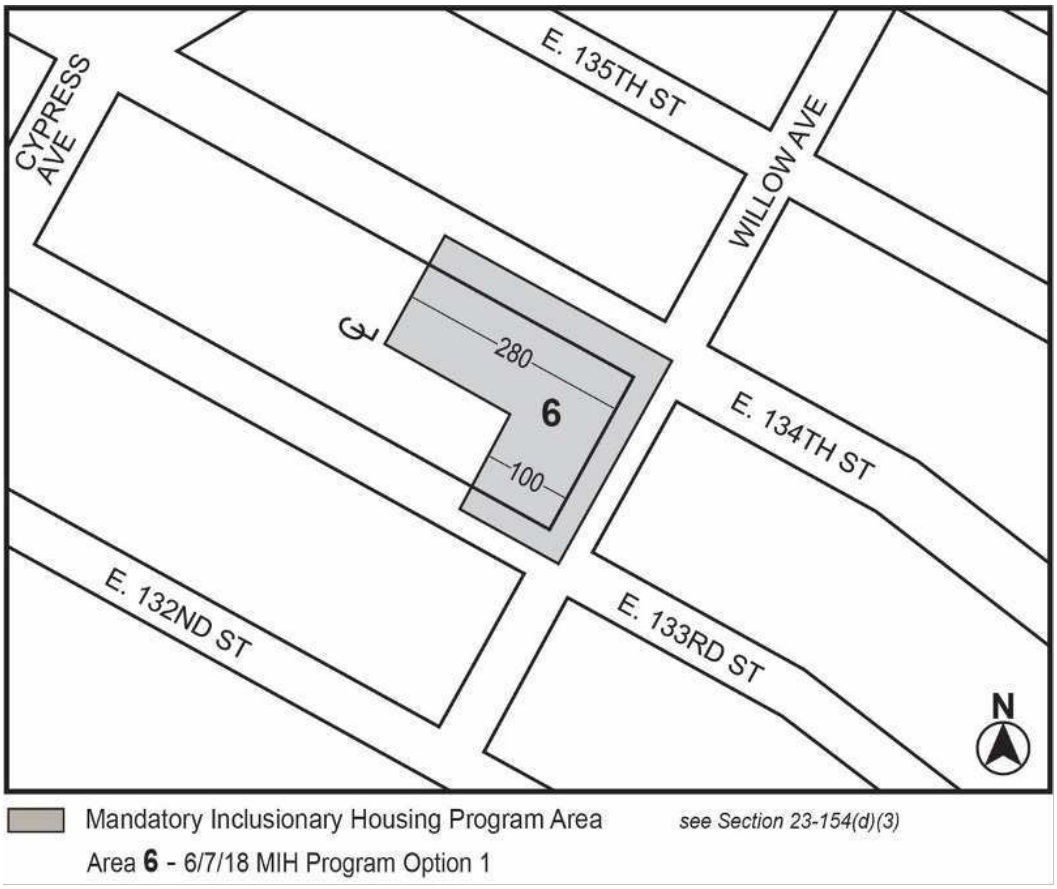


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **5** - 4/25/18 MIH Program Option 1 and Deep Affordability Option

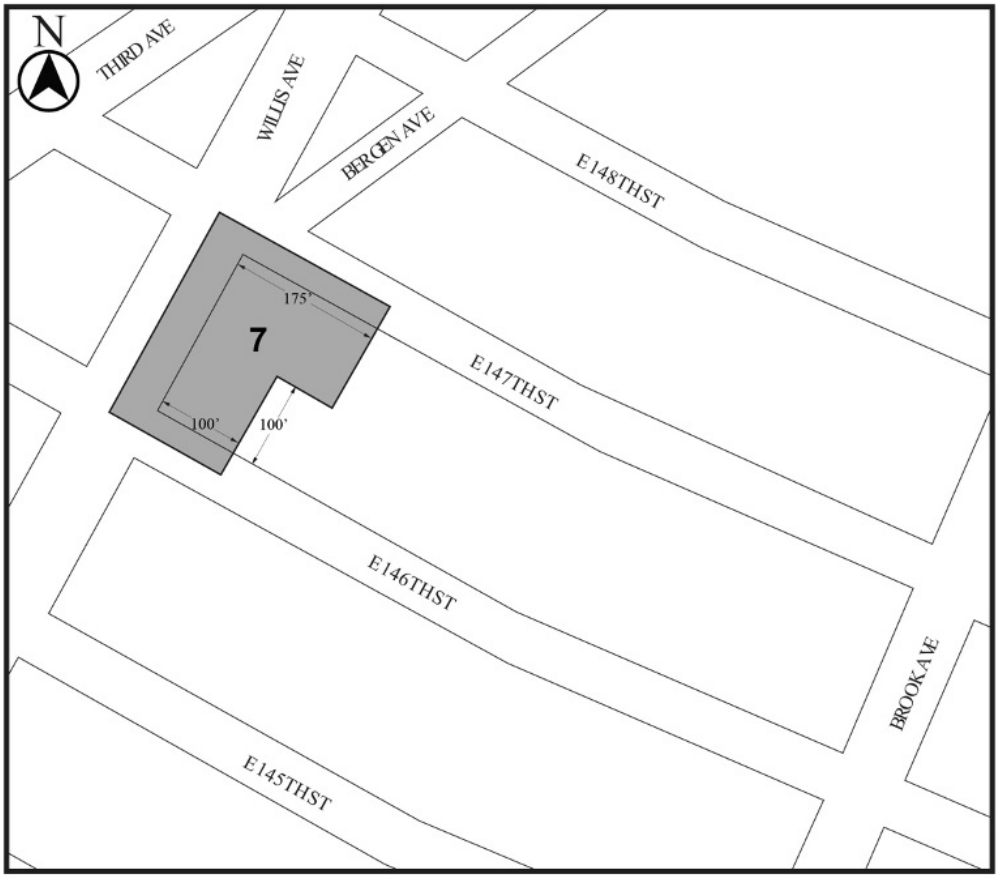
Portion of Community District 1, The Bronx

Map 5 – (6/7/18)



Portion of Community District 1, The Bronx

Map 6 – (3/13/19)



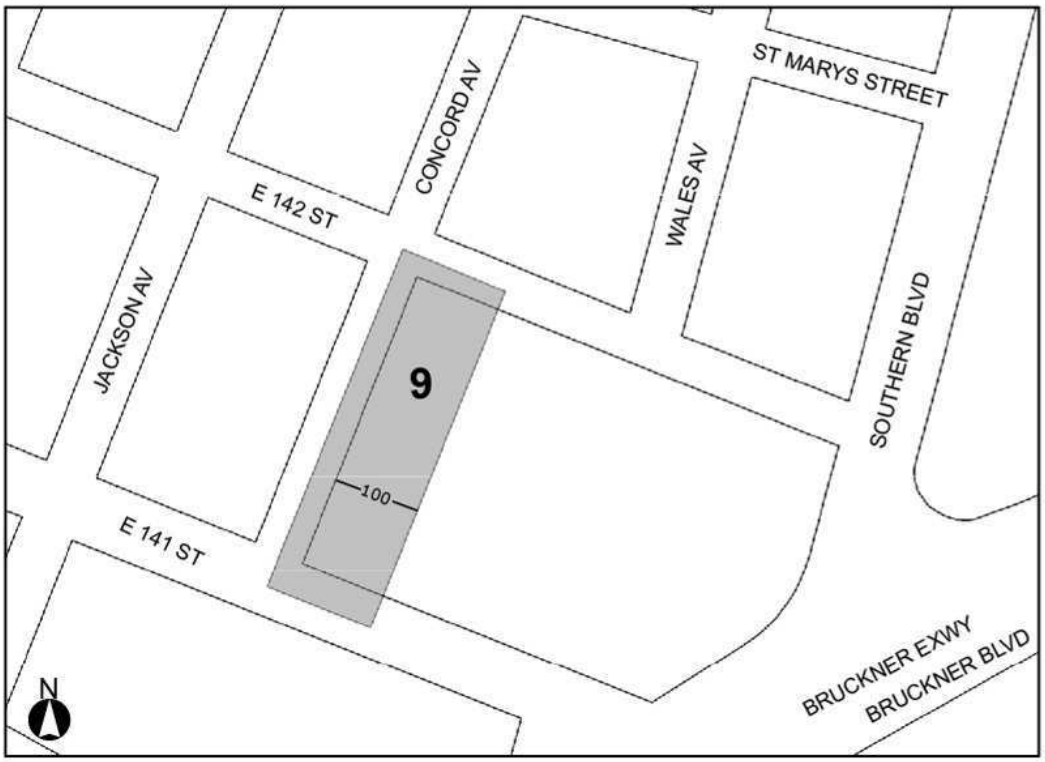
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **7** — 3/13/19 MIH Program Option 1

Portion of Community District 1, The Bronx

Map 7 – (6/26/19)

Portion of Community District 1, The Bronx

Map 8 – (10/17/19)

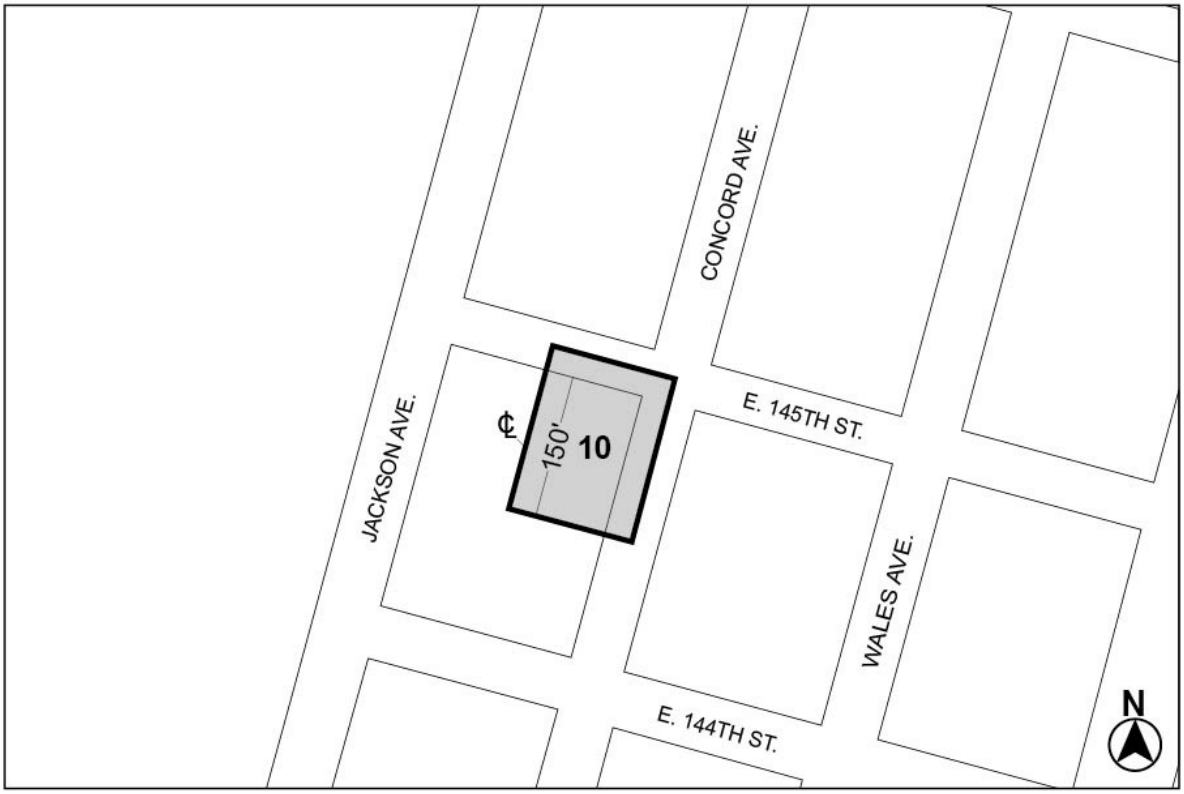


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **9** — (10/17/19) MIH Program Option 1 and Deep Affordability Option

Portion of Community District 1, The Bronx

Map 9 – (5/27/21)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **10** – 5/27/21 MIH Program Option 1

Portion of Community District 1, The Bronx

The Bronx Community District 2

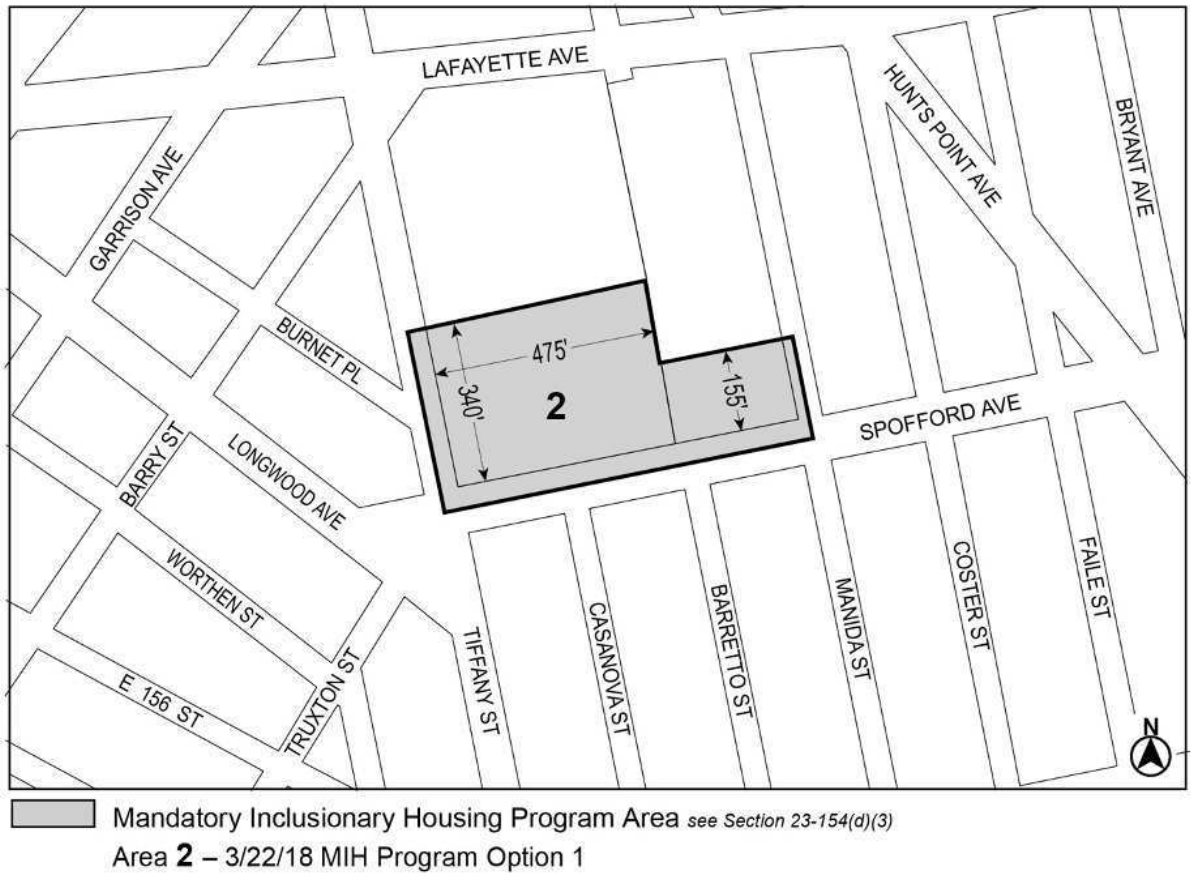
Map 1 – (7/20/17)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** – 7/20/17 MIH Program Option 1

Portion of Community District 2, The Bronx

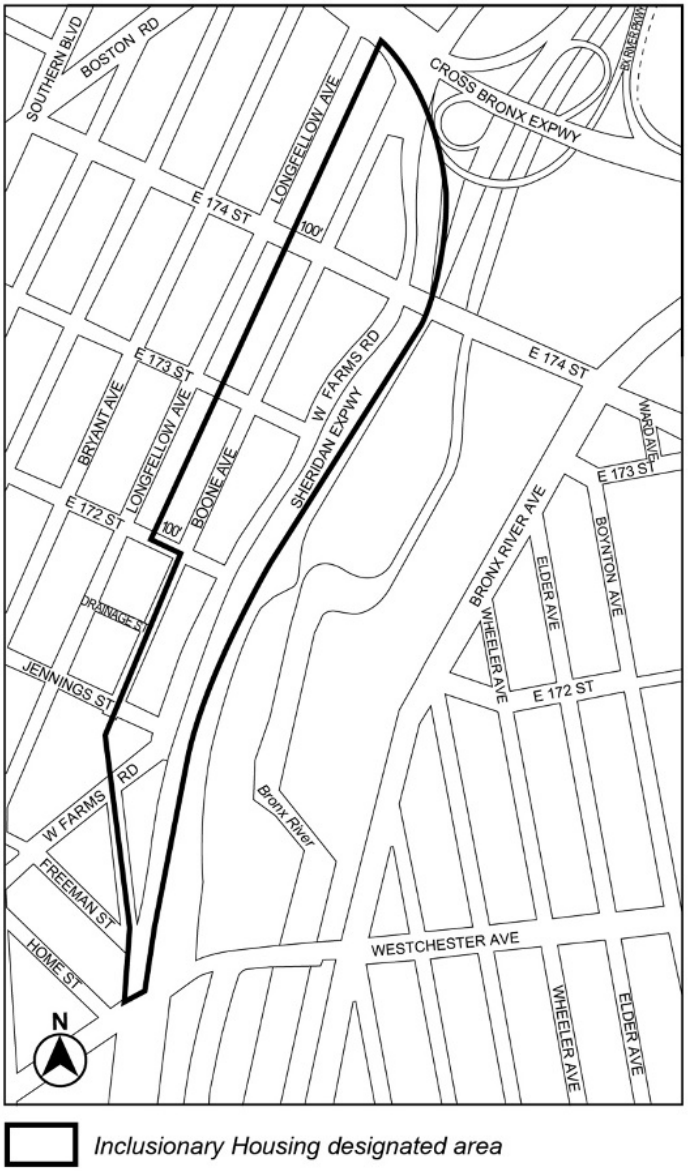
Map 2 – (3/22/18)



Portion of Community District 2, The Bronx

The Bronx Community District 3

Map 1 - (10/5/11)



Portion of Community District 3, The Bronx

The Bronx Community District 4

Map 1 – (11/16/16)

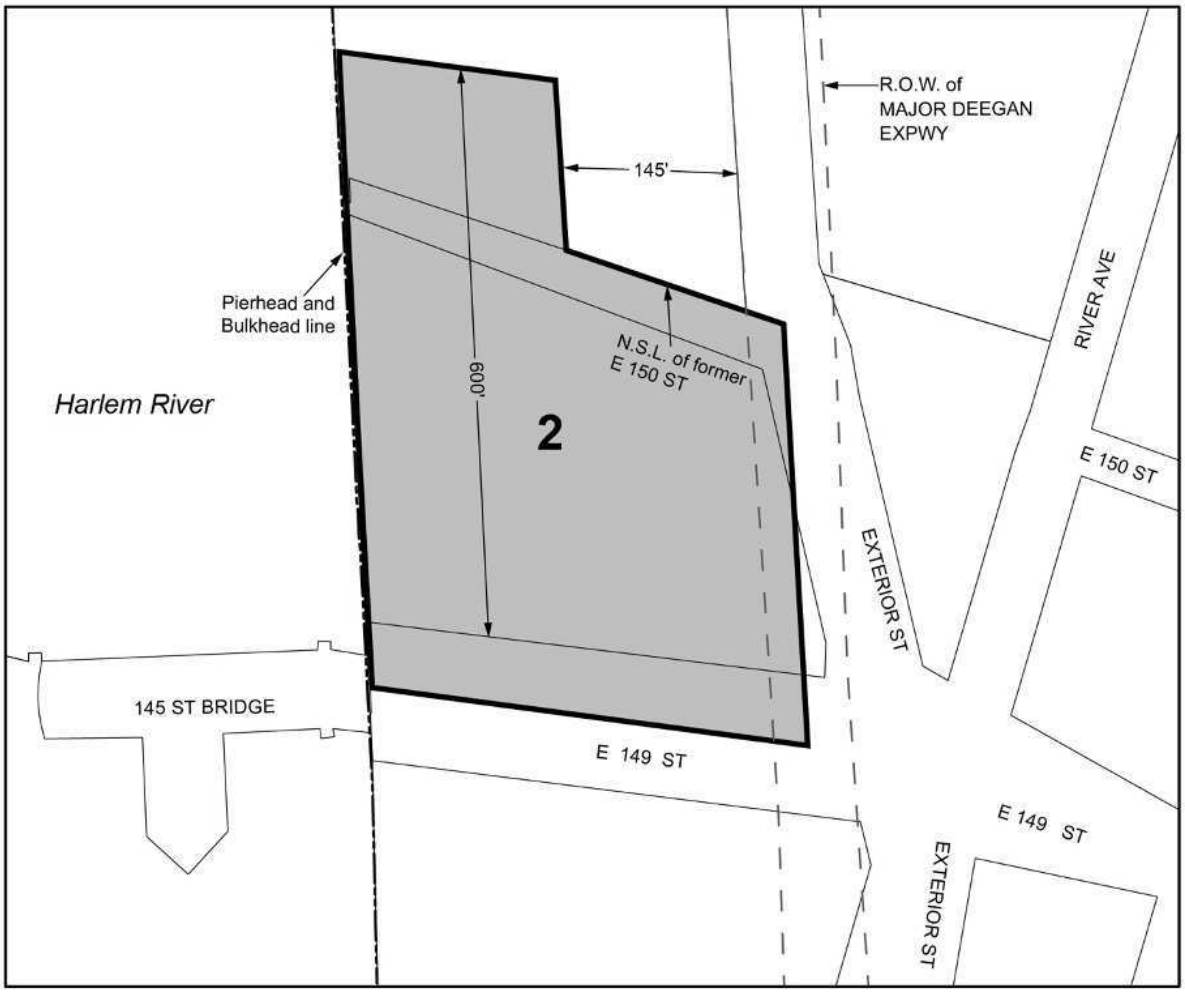
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154 (d)(3)*

Area **1** — 11/16/16 MIH Program Option 1

Portion of Community District 4, The Bronx

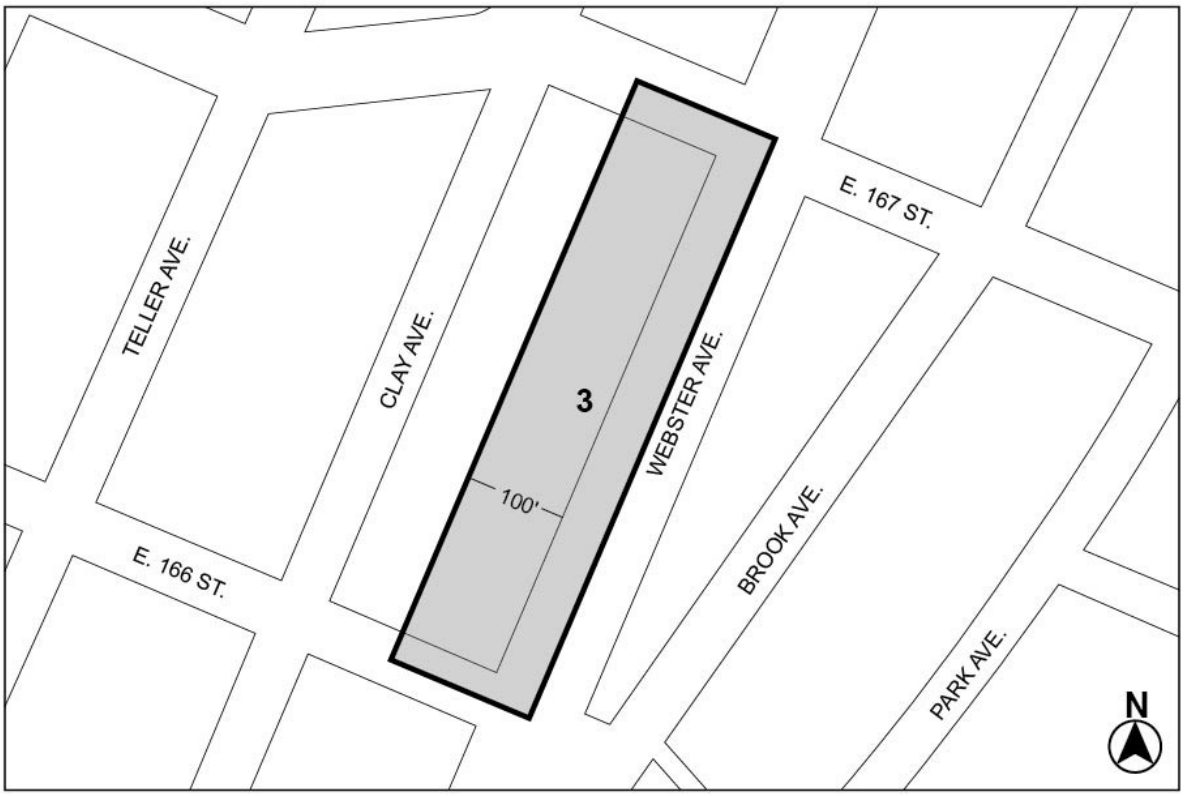
Map 2 – (10/17/17)



Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*
Area **2** — 10/17/17 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 4, The Bronx

Map 3 - (3/25/21)

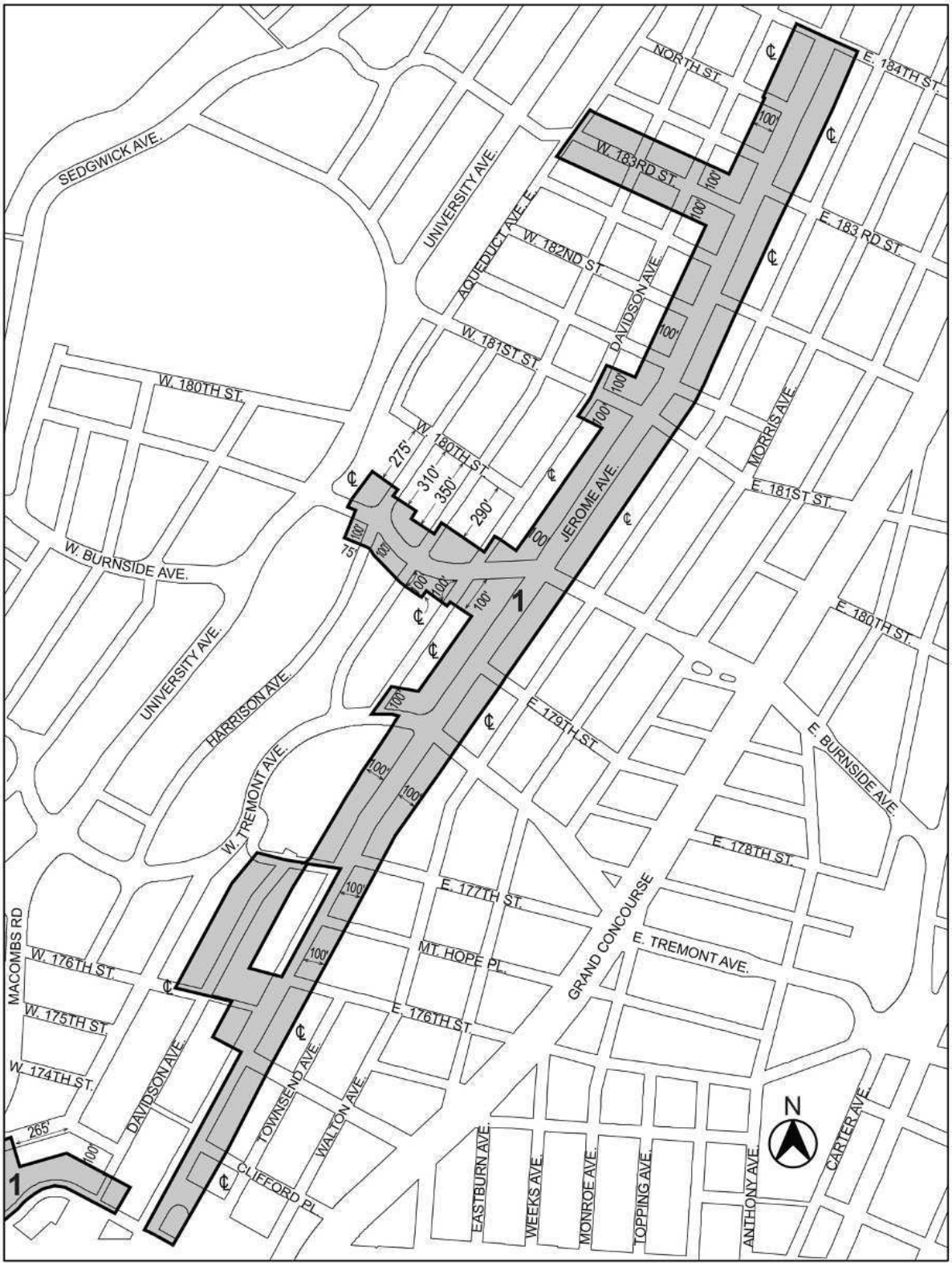


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** – 3/25/21 MIH Program Option 1

Portion of Community District 4, The Bronx

The Bronx Community Districts 4, 5, and 7

Map 1 - (3/22/18)

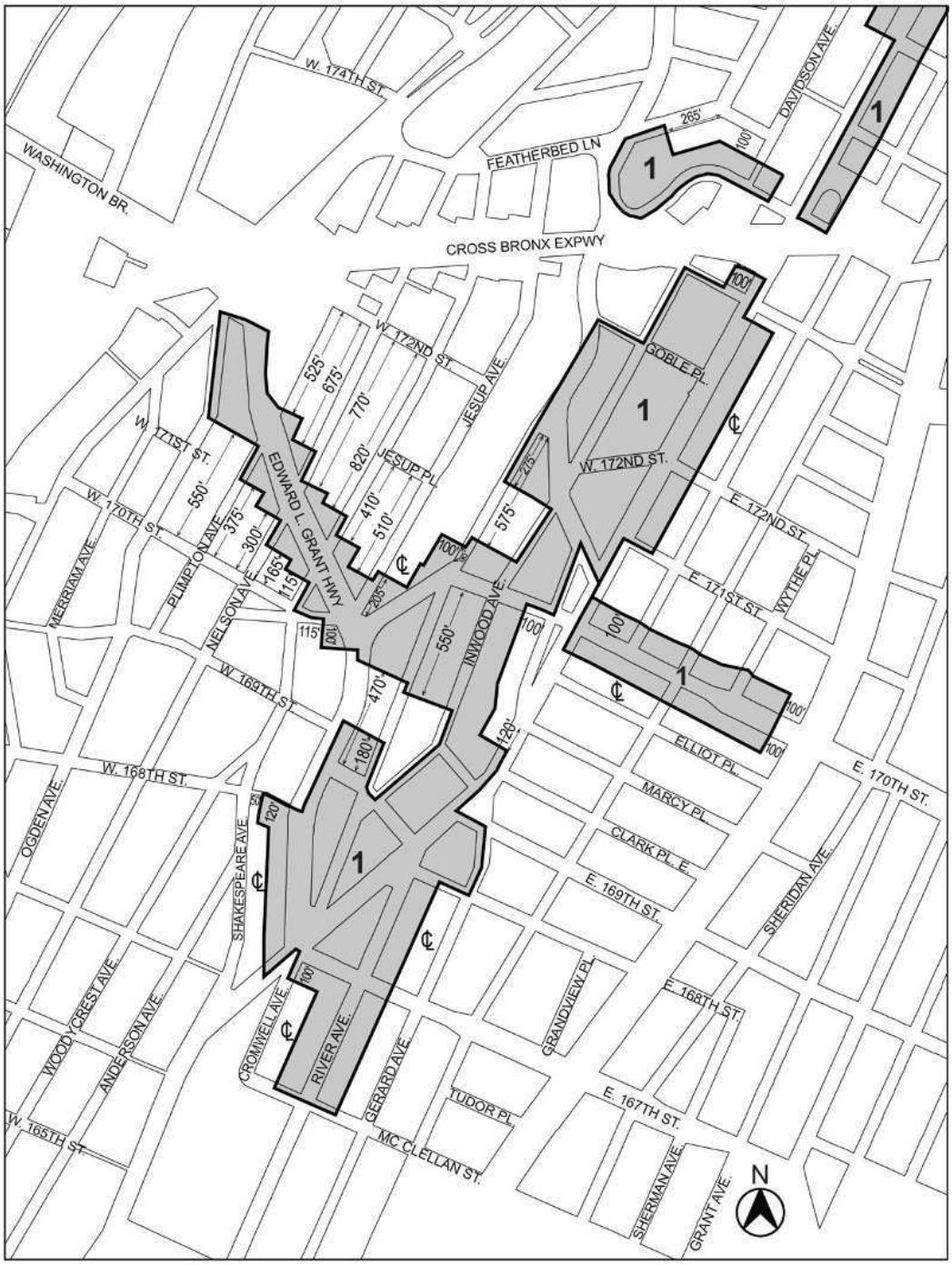


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 3/22/18 MIH Program Option 1 and Deep Affordability Option

Portions of Community Districts 5 and 7, The Bronx

Map 2 - (3/22/18)



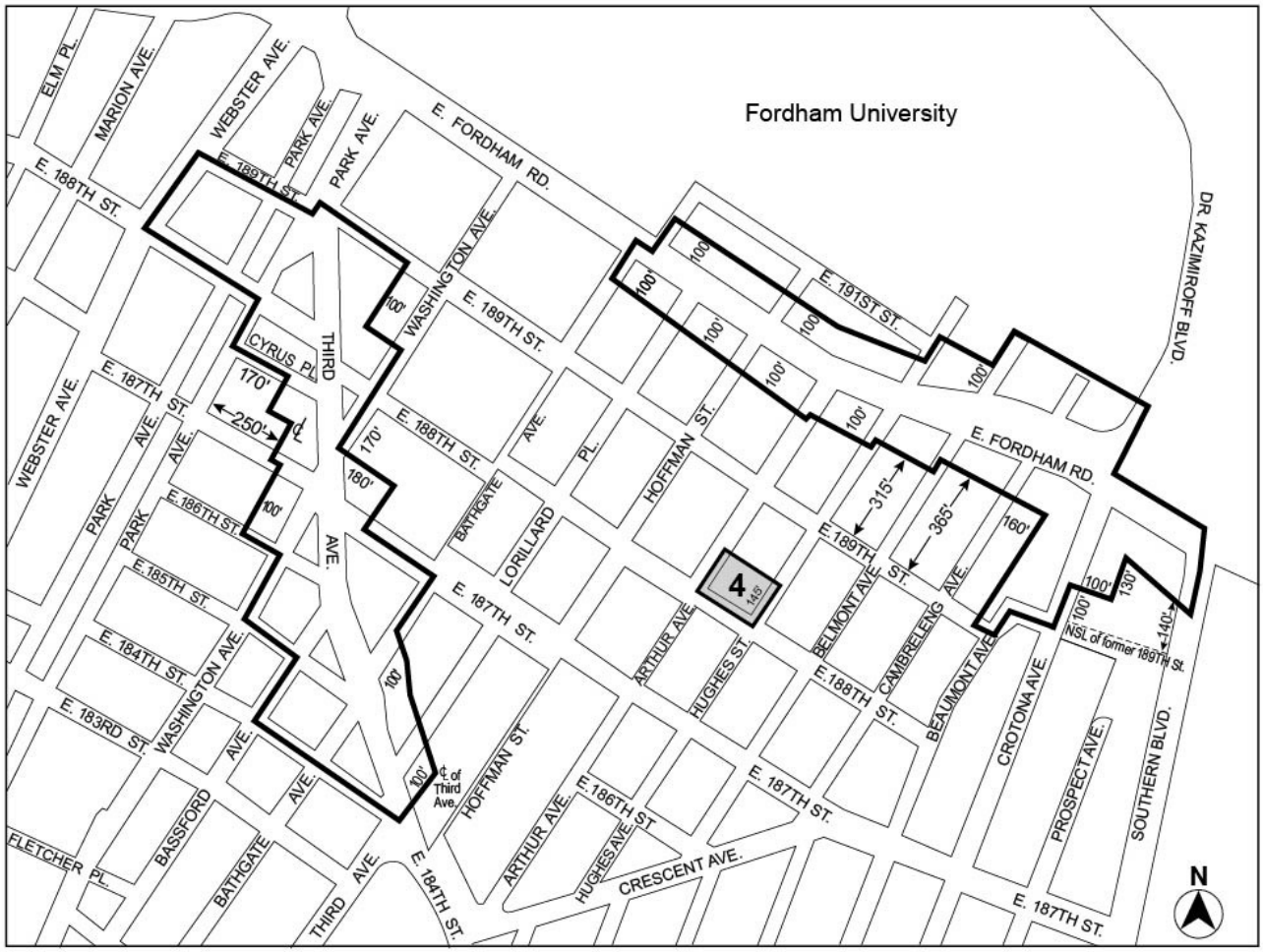
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 3/22/18 MIH Program Option 1 and Deep Affordability Option

Portions of Community Districts 4 and 5, The Bronx

The Bronx Community District 6

Map 1 – (5/27/21)



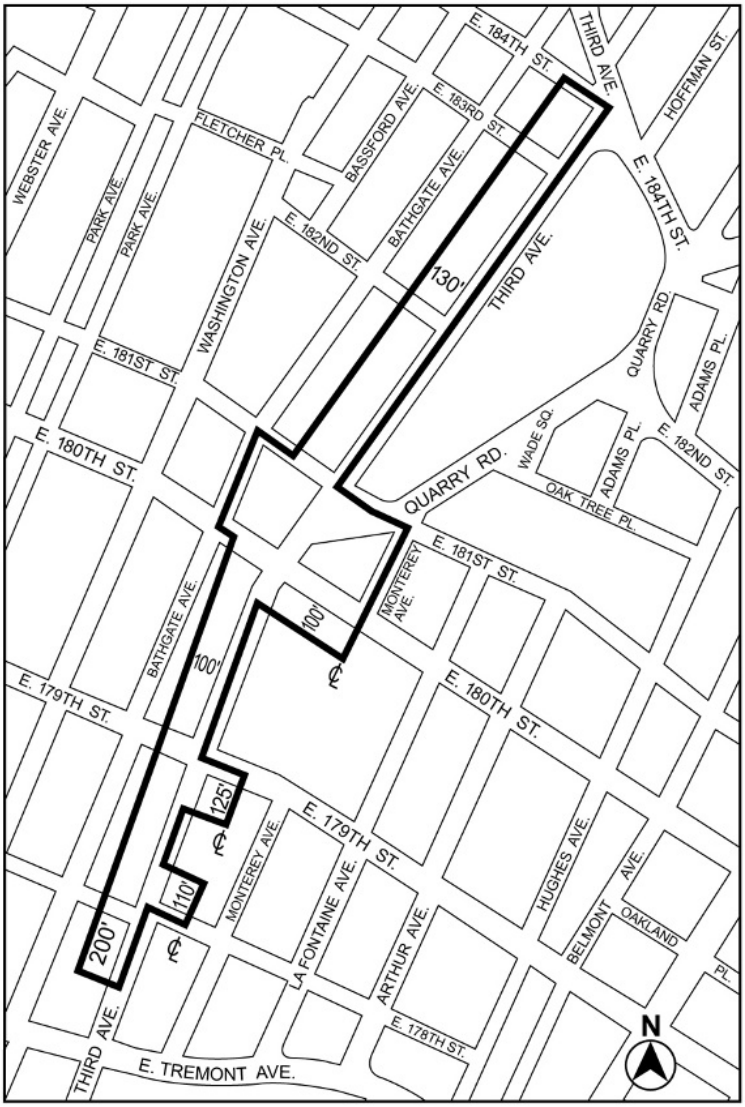
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **4** – 5/27/21 MIH Program Option 2 and Workforce Option

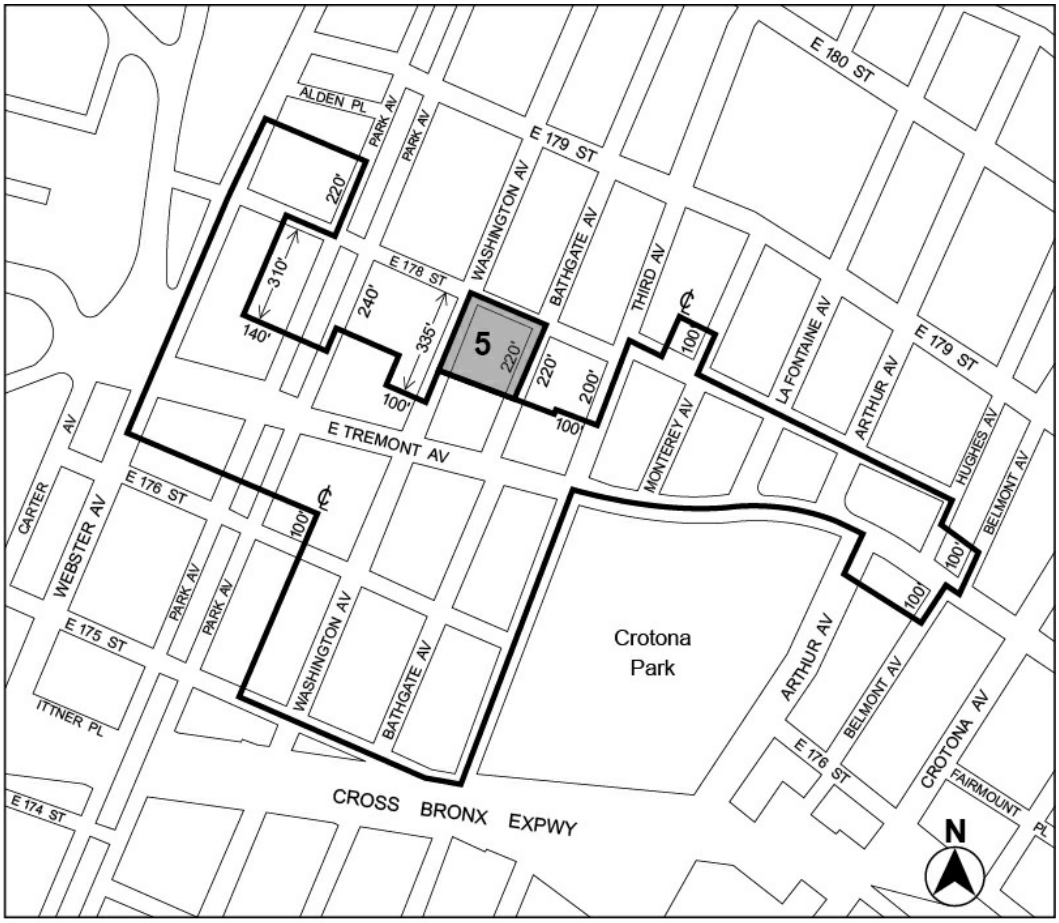
Portion of Community District 6, The Bronx

Map 2 – (10/9/13)



Portion of Community District 6, The Bronx

Map 3 – (6/17/21)



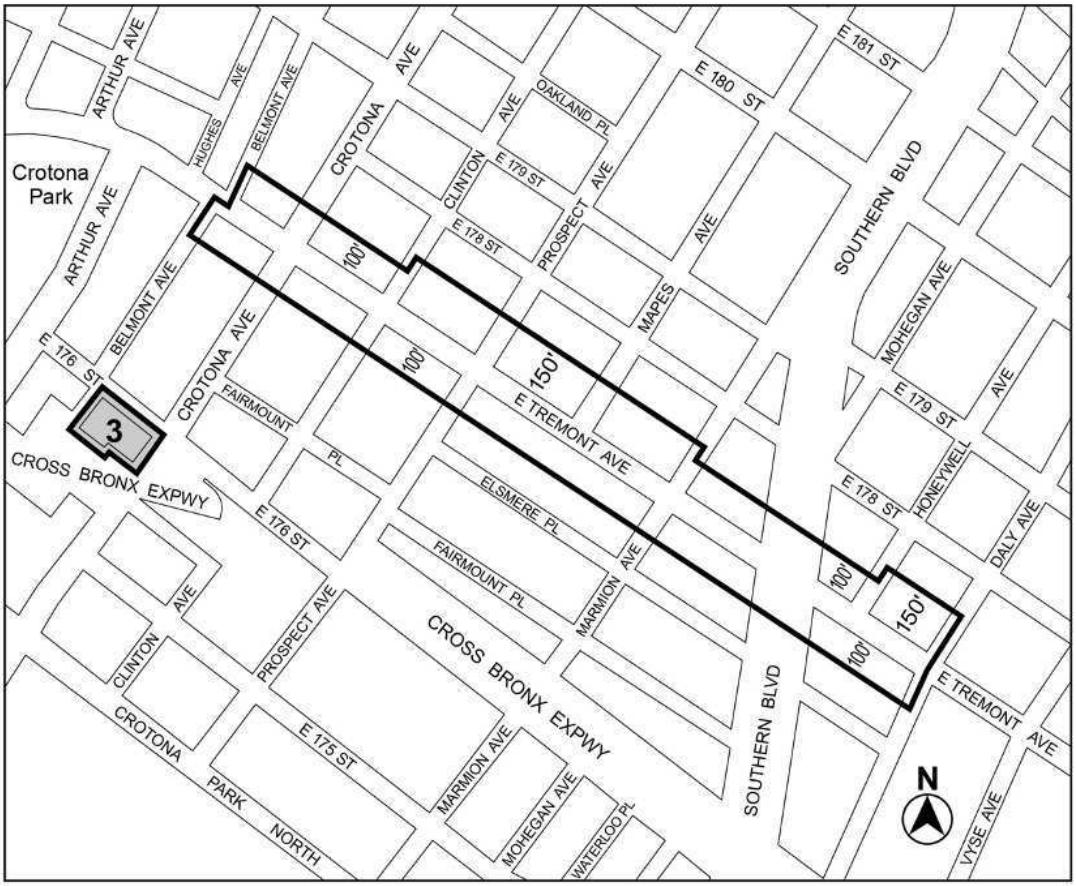
Inclusionary Housing designated area

Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **5** 6/17/21 – MIH Program Option 1 and Option 2

Portion of Community District 6, The Bronx

Map 4 – (2/13/19)

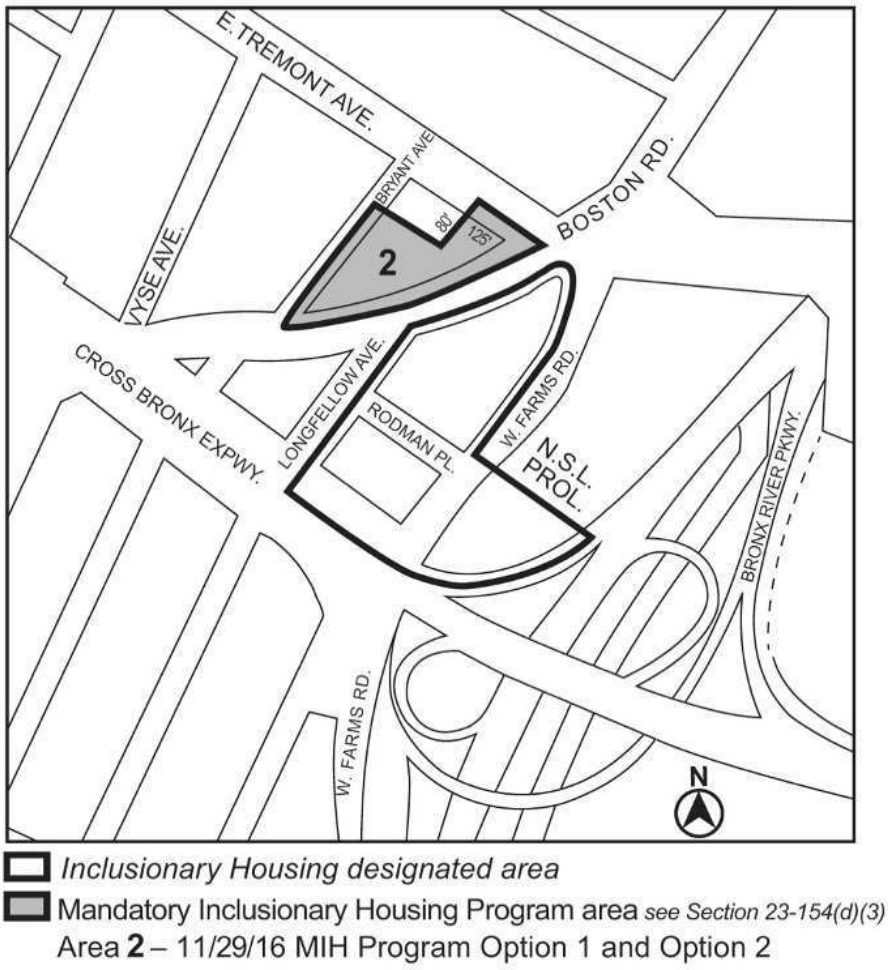


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** – 2/13/19 MIH Program Option 1

Portion of Community District 6, The Bronx

Map 5 – (11/29/16)



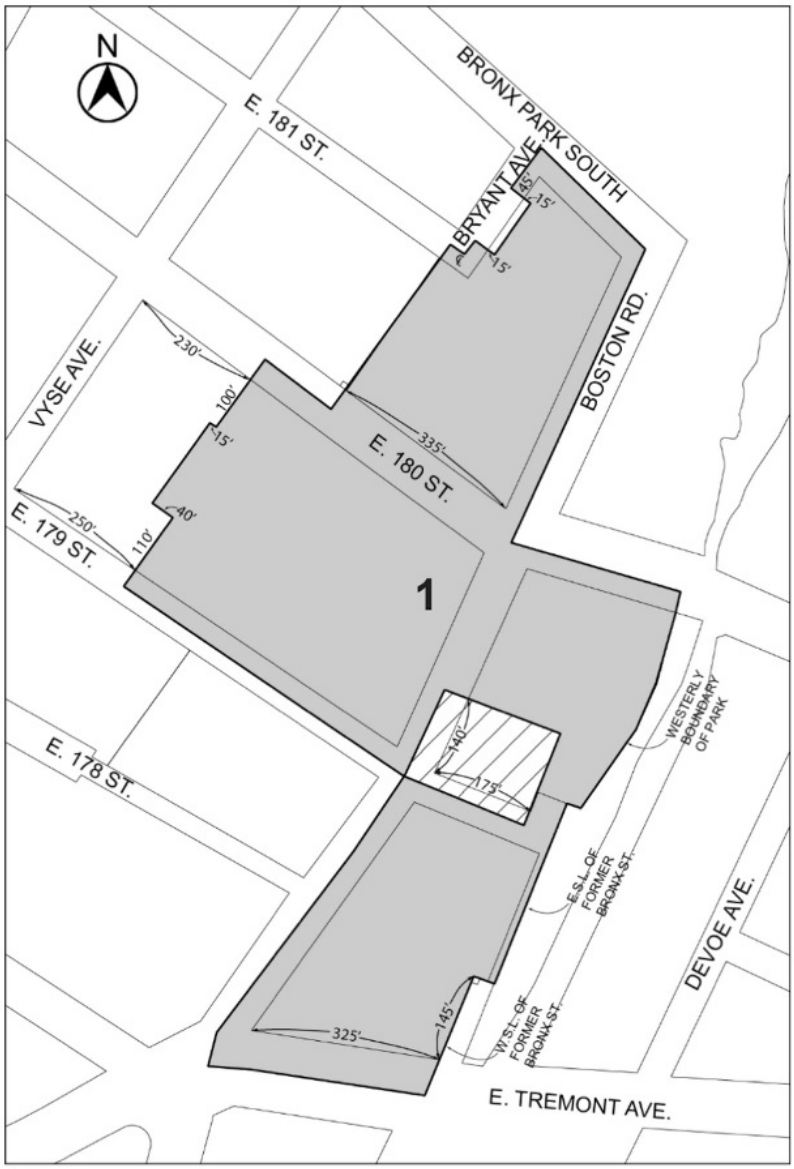
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **2** – 11/29/16 MIH Program Option 1 and Option 2

Portion of Community District 6, The Bronx

Map 6 – (11/29/16)

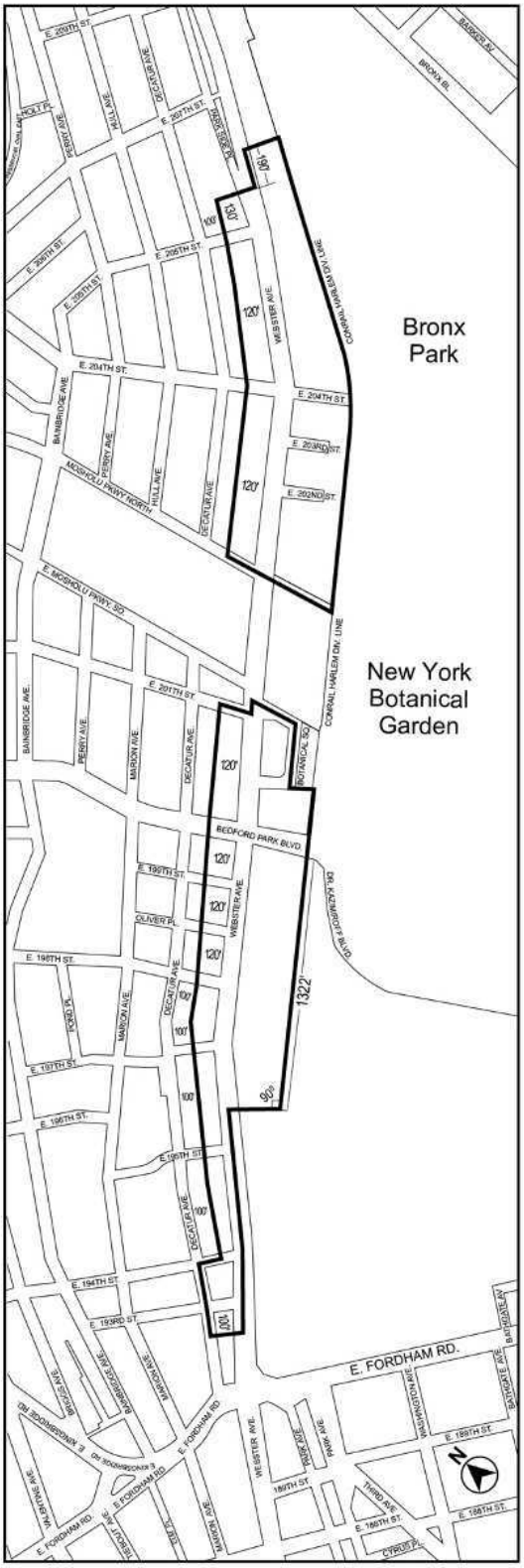


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** — 11/29/16 MIH Program Option 1 and Deep Affordability Option
Excluded area

Portion of Community District 6, The Bronx

The Bronx Community District 7

Map 1 – (3/23/11)

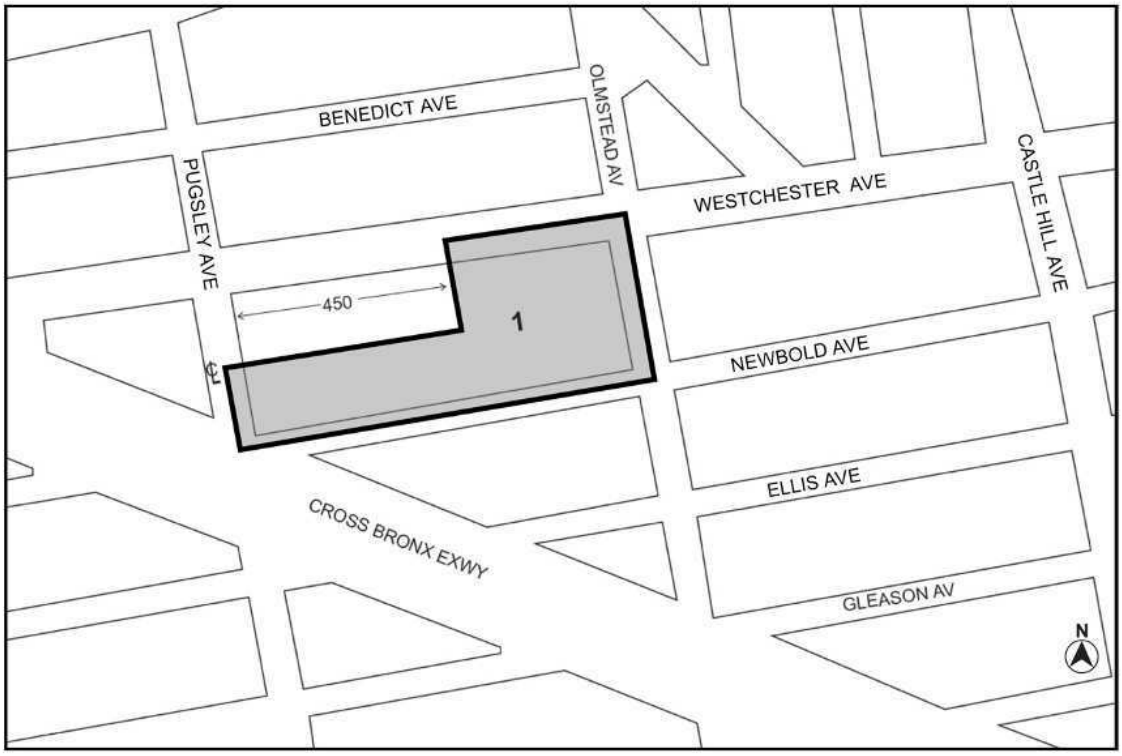


Inclusionary Housing designated area

Portion of Community District 7, The Bronx

The Bronx Community District 9

Map 1 – (5/24/17)

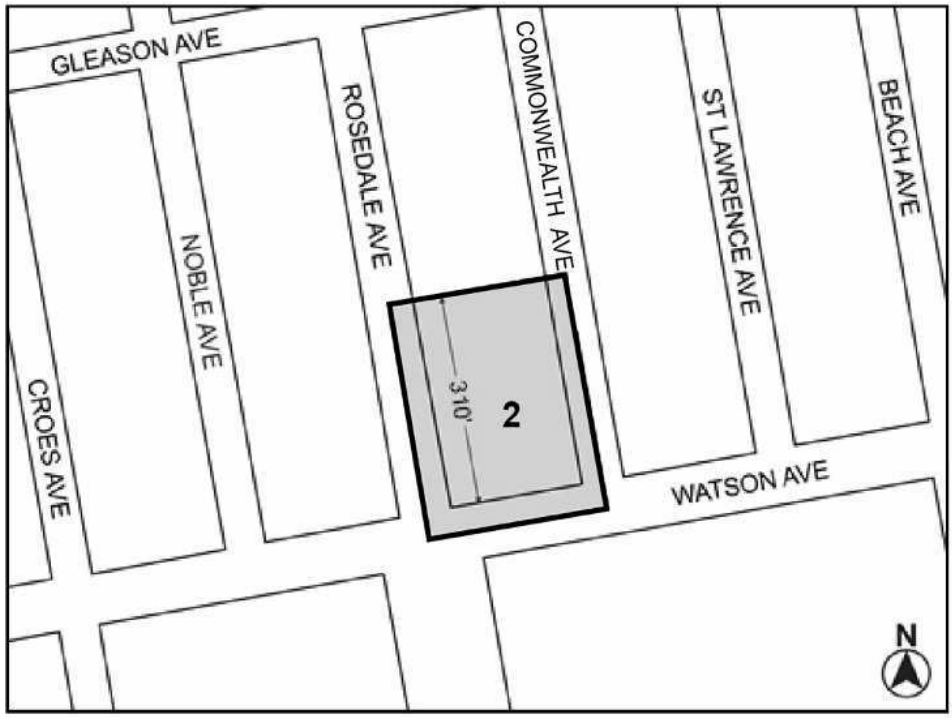


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1**– 5/24/17 MIH Program Option 1

Portion of Community District 9, The Bronx

Map 2 - (6/21/17)

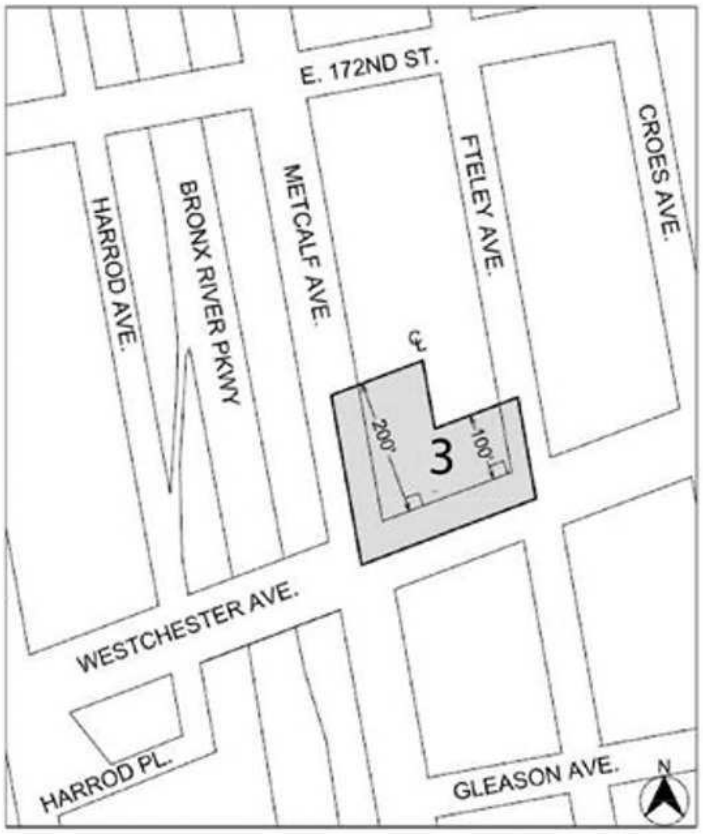


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** – 6/21/17 MIH Program Option 1

Portion of Community District 9, The Bronx

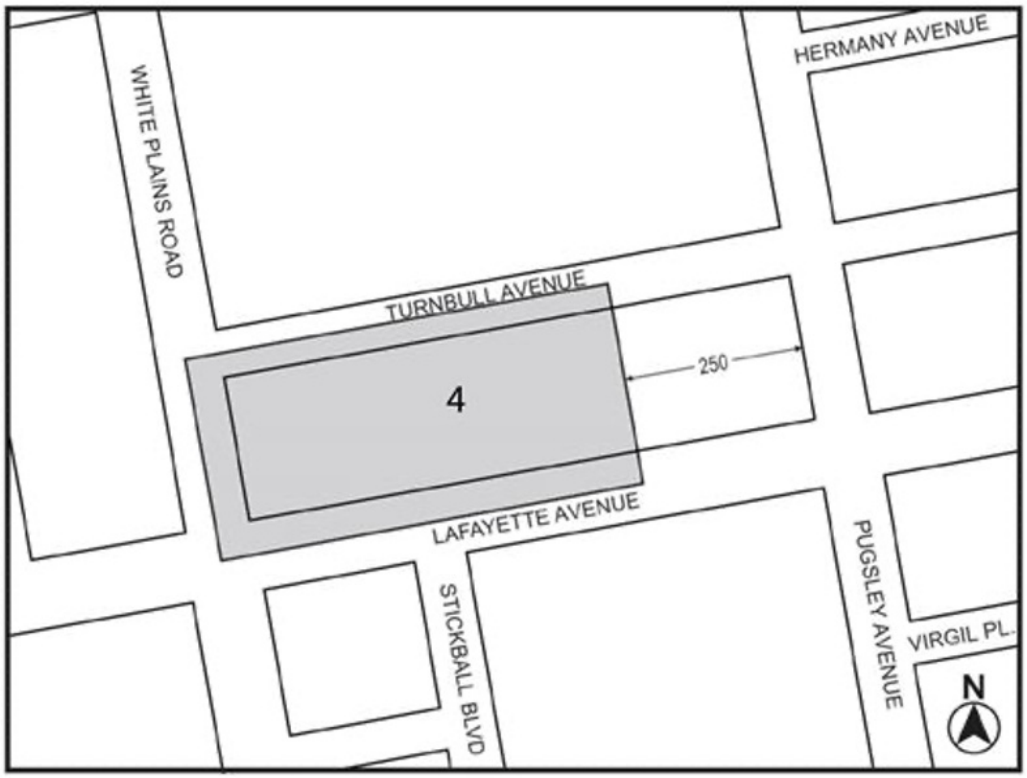
Map 3 - (10/17/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** 10/17/17 – MIH Program Option 1

Portion of Community District 9, The Bronx

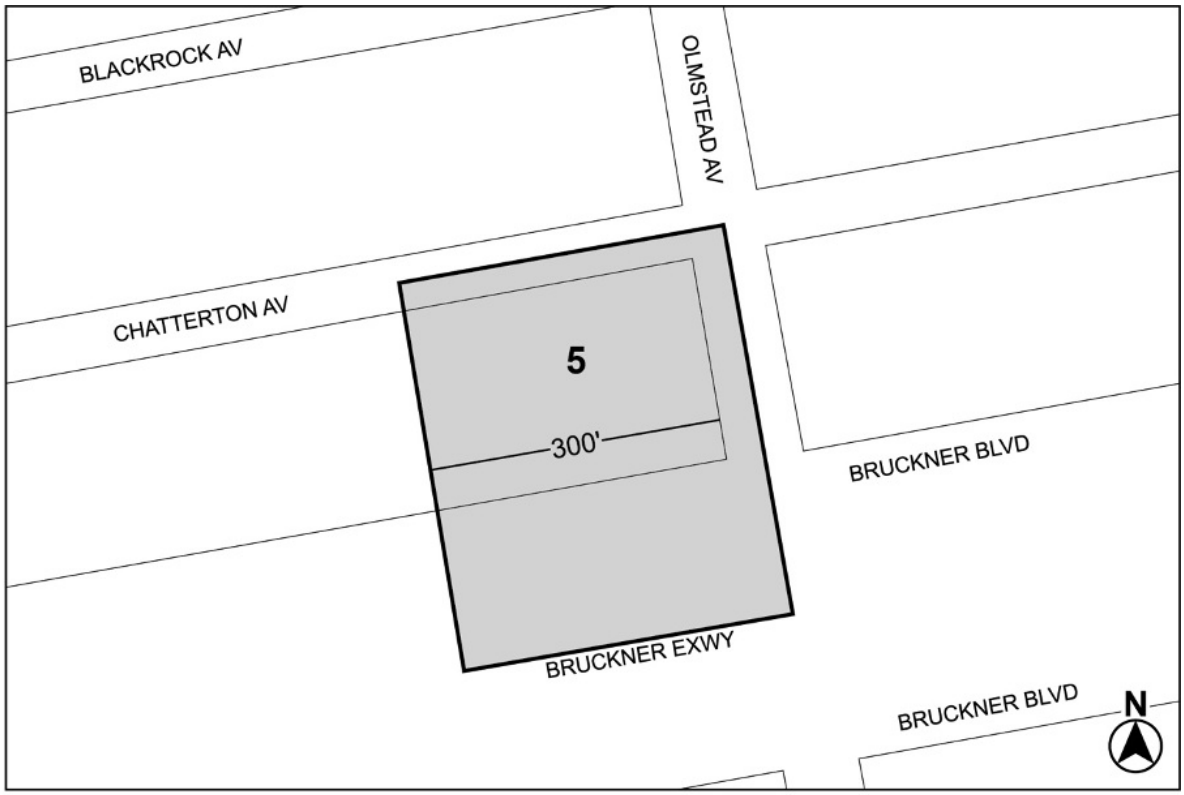
Map 4 – (12/19/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **4** 12/19/17 – MIH Program Option 1

Portion of Community District 9, The Bronx

Map 5 – (4/18/19)

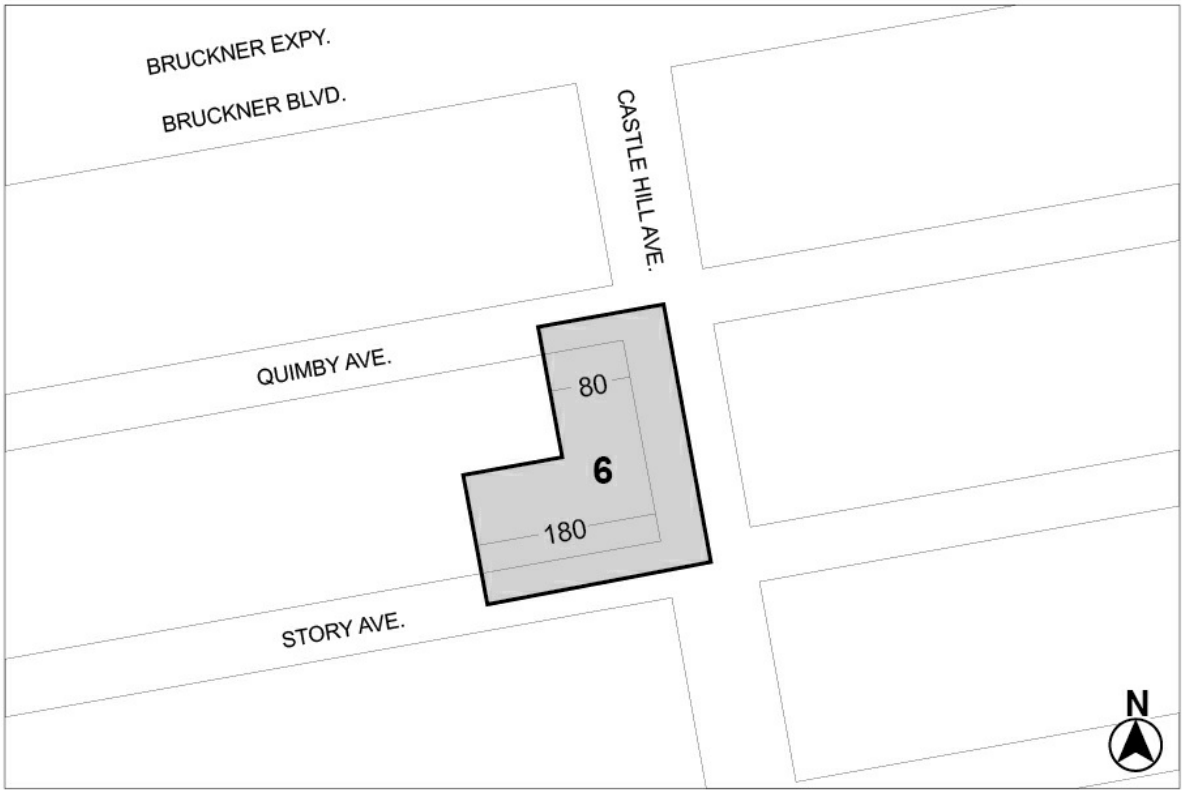


Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **5** – 4/18/19 MIH Program Option 1

Portion of Community District 9, The Bronx

Map 6 – (6/30/21)



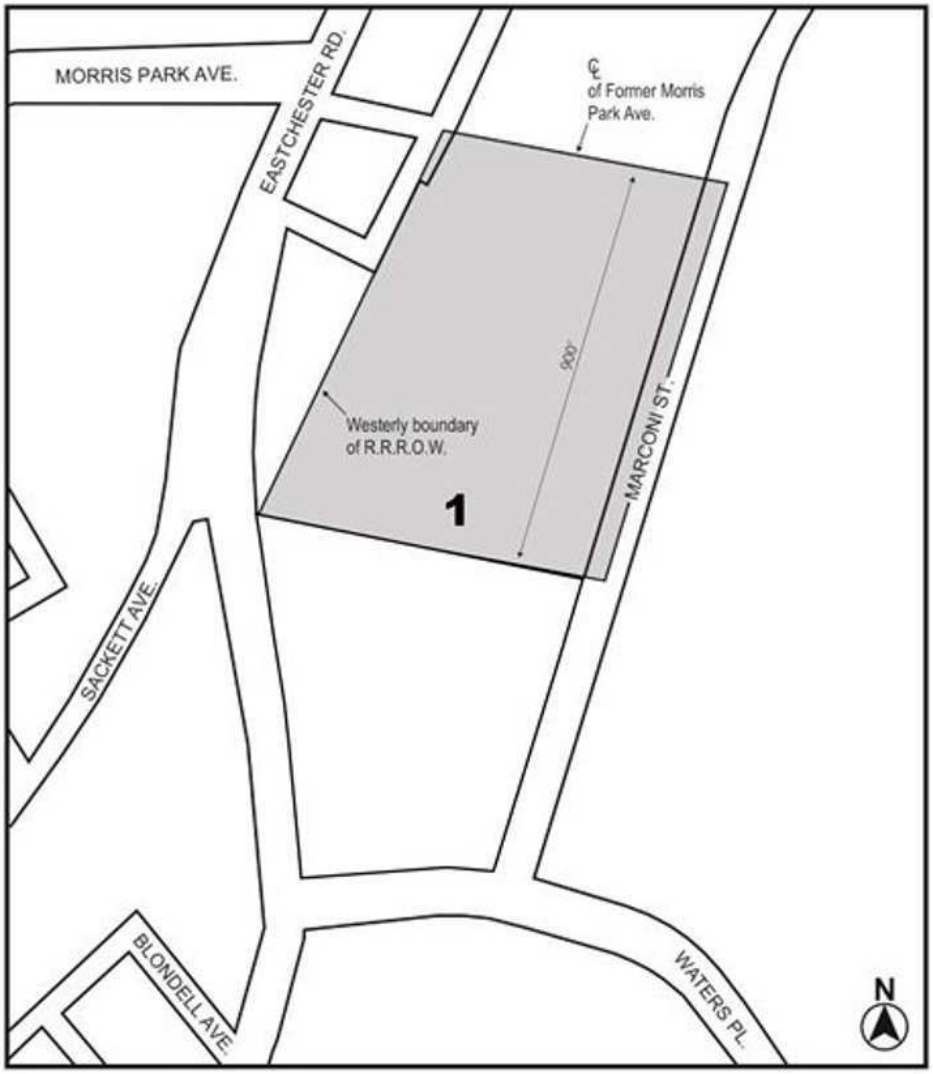
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **6** (6/30/21) — MIH Program Option 1

Portion of Community District 9, The Bronx

The Bronx Community District 11

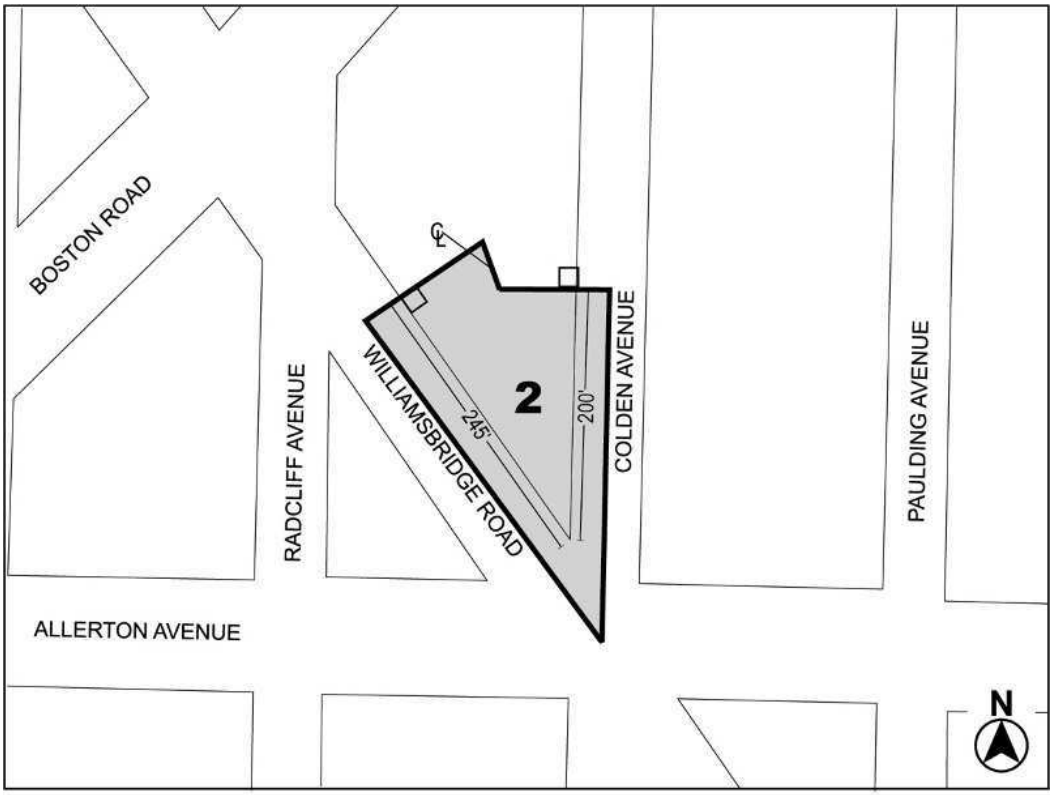
Map 1 – (12/19/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** 12/19/17 – MIH Program Option 2

Portion of Community District 11, The Bronx

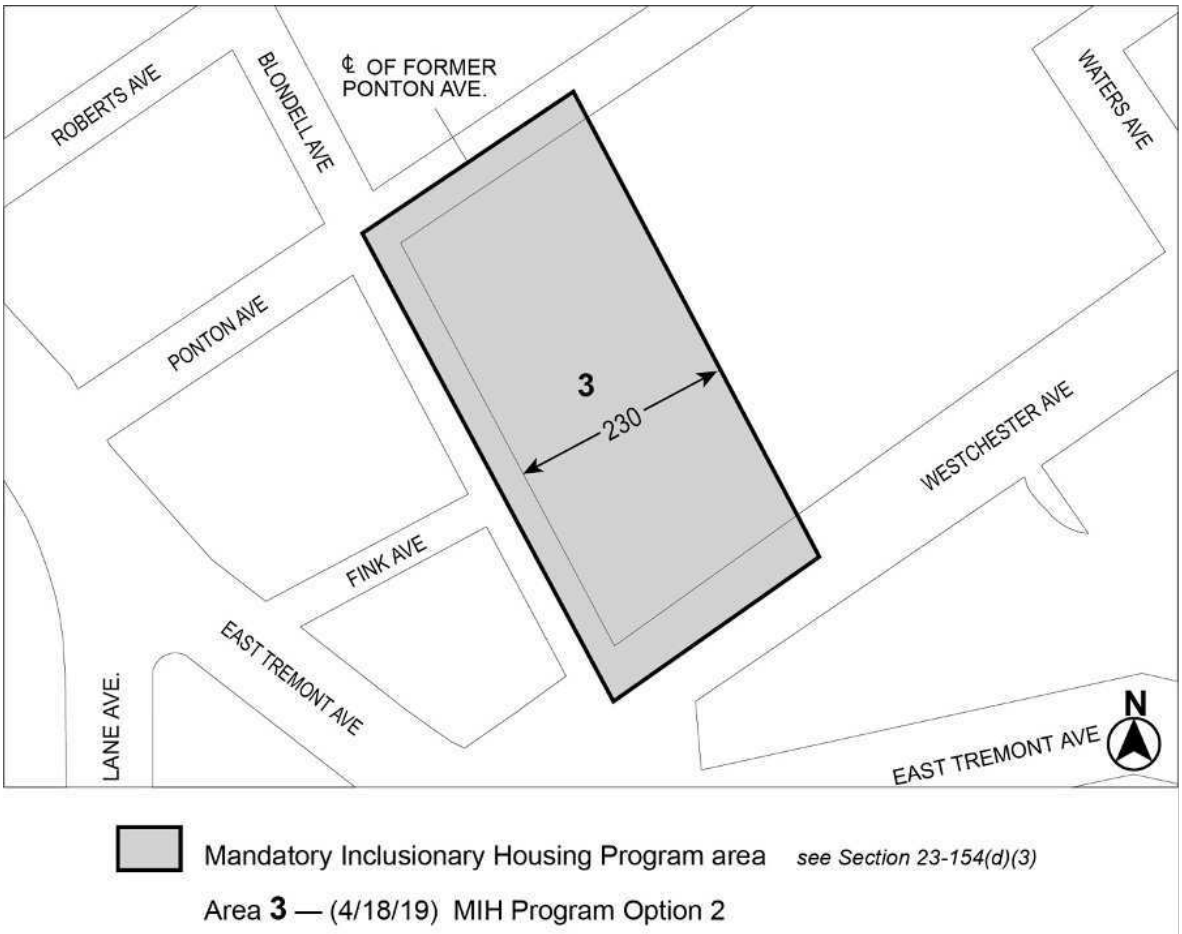
Map 2 – (3/13/19)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** — 3/13/19 MIH Program Option 1 and Option 2

Portion of Community District 11, The Bronx

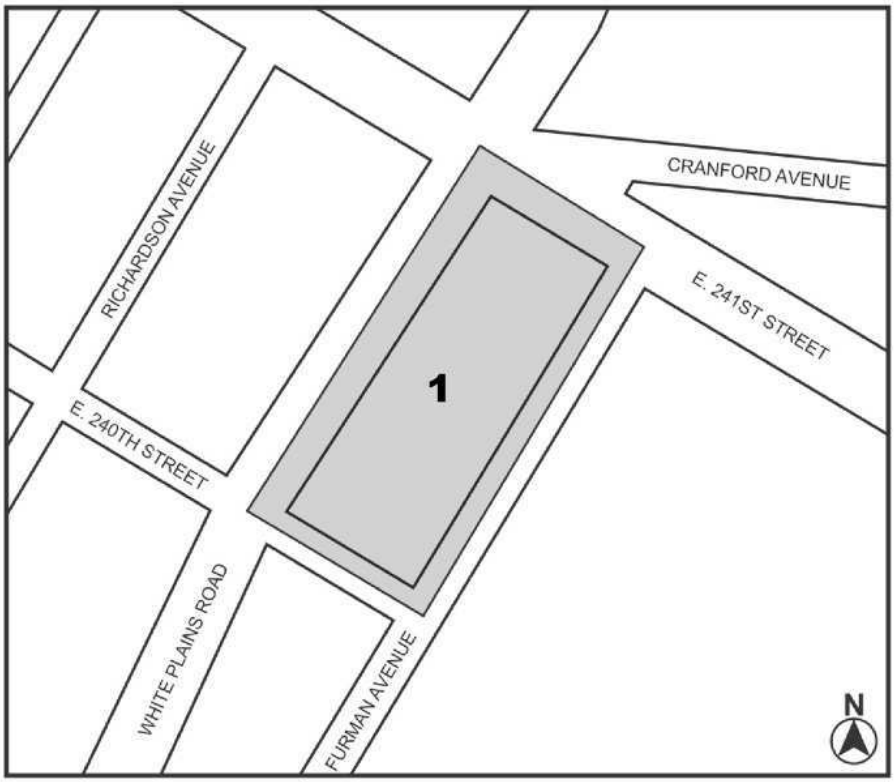
Map 3 – (4/18/19)



Portion of Community District 11, The Bronx

The Bronx Community District 12

Map 1 – (2/13/19)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 2/13/19 MIH Program Option 1 and Option 2

Portion of Community District 12, The Bronx

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

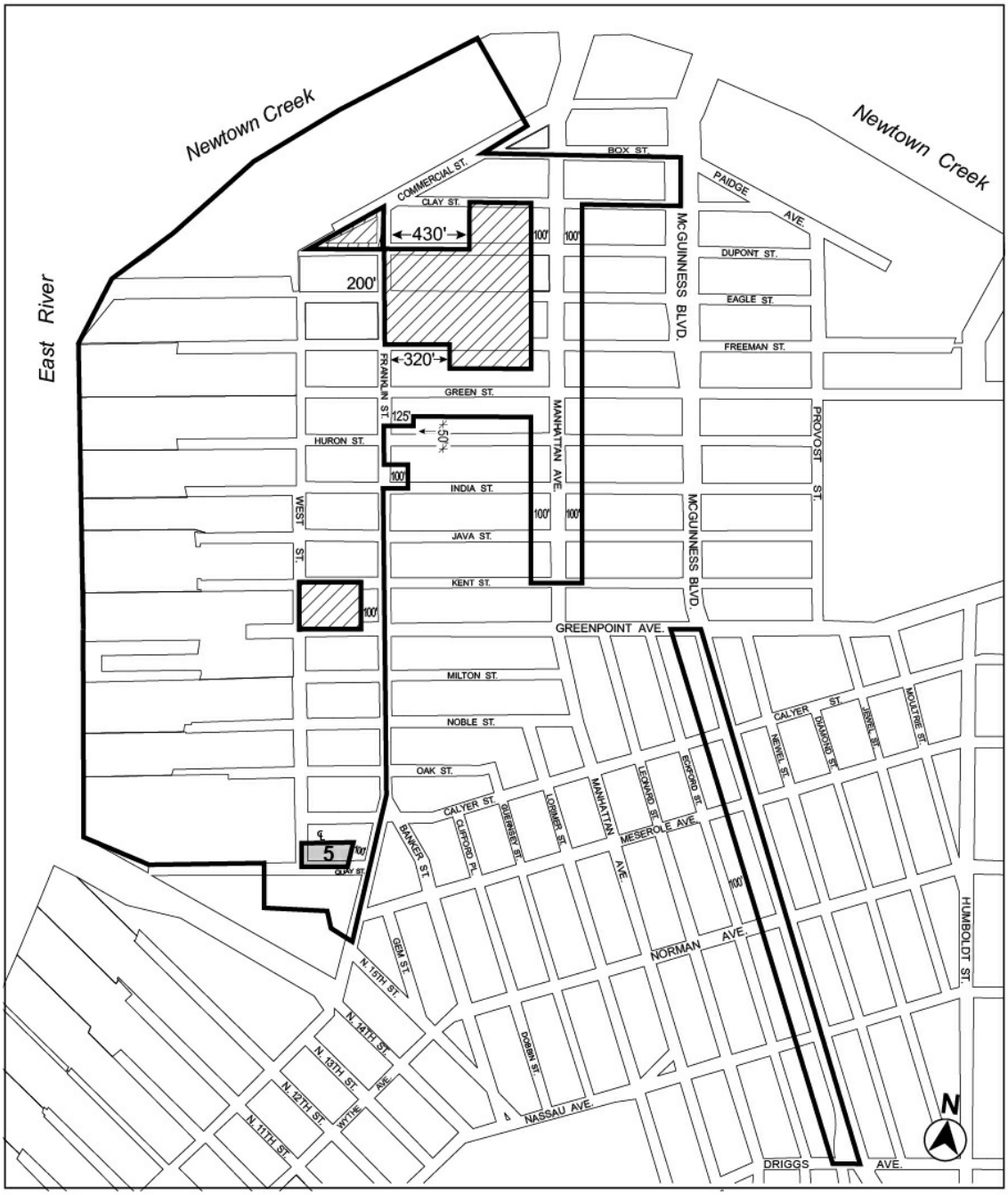
Appendix F – Brooklyn

File generated by https://zr.planning.nyc.gov on 3/22/2022

Appendix F – Brooklyn

Brooklyn Community District 1

Map 1 – (12/15/21)



Inclusionary Housing designated area

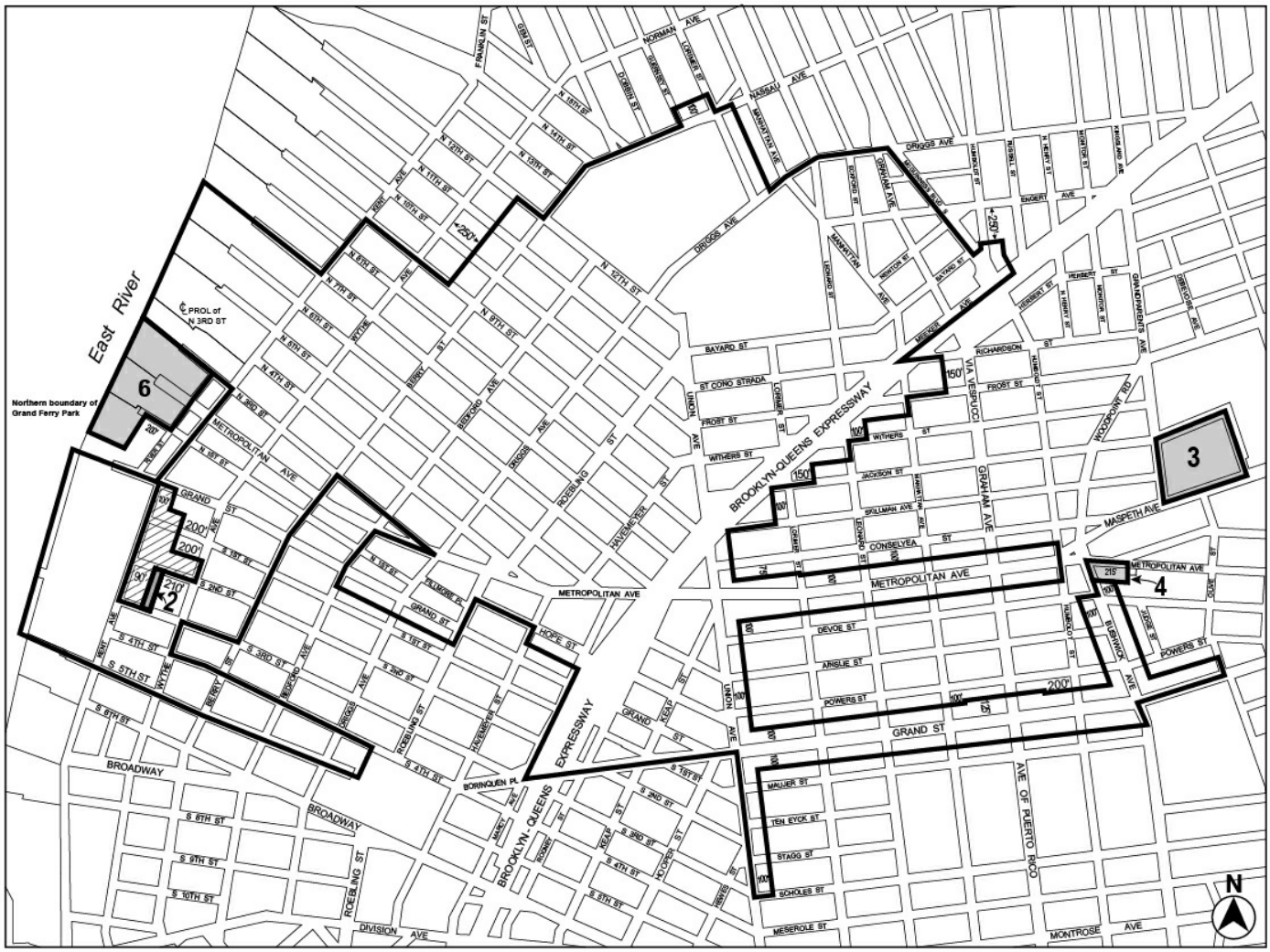
Excluded Area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **5** – 12/15/21 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 1, Brooklyn

Map 2 - (12/15/21)



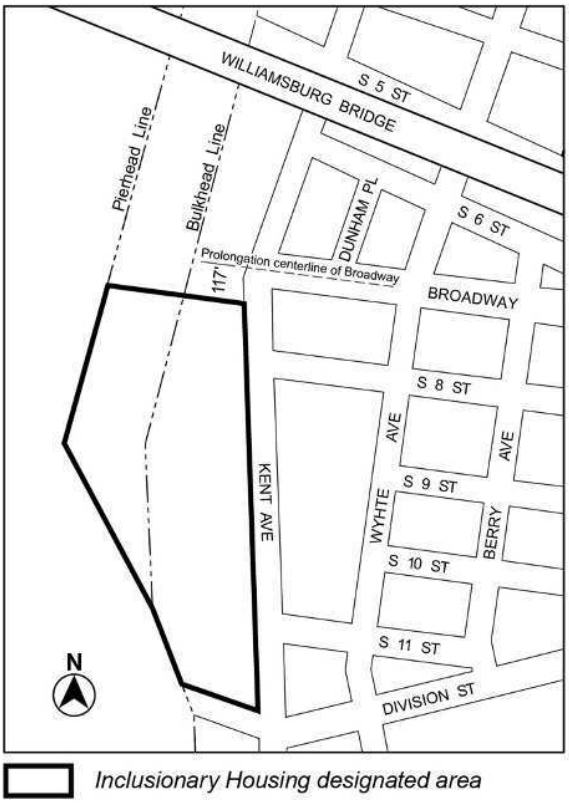
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2**–10/7/21 MIH Program Option 1 and Option 2
Area **3**–11/23/21 MIH Program Option 1 and Deep Affordability Option
Area **4**–11/23/21 MIH Program Option 1 and Deep Affordability Option
Area **6**–12/15/21 MIH Program Option 1

Excluded Area

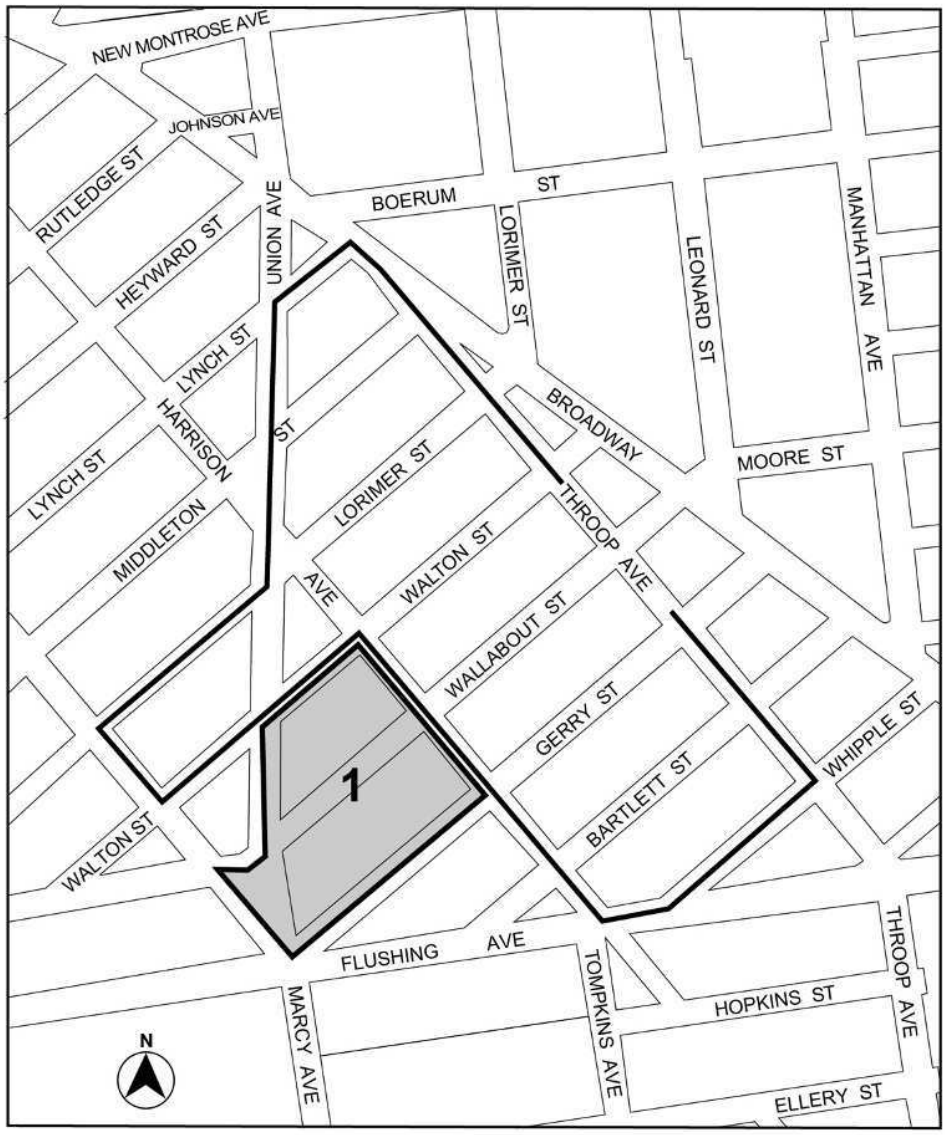
Portion of Community District 1, Brooklyn

Map 3 - (4/14/10)



Portion of Community District 1, Brooklyn

Map 4 - (10/31/17)



Inclusionary Housing designated area

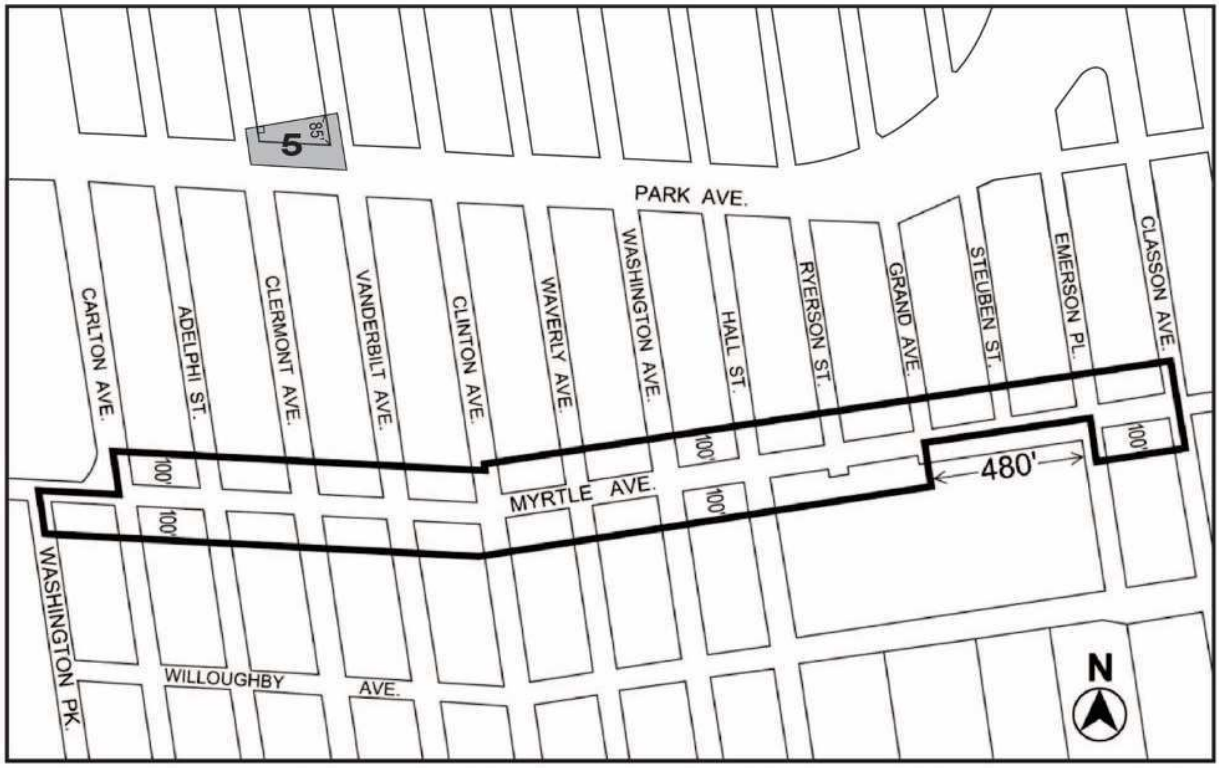
Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **1** – 10/31/17 MIH Program Option 1

Portion of Community District 1, Brooklyn

Brooklyn Community District 2

Map 1 - (9/26/18)



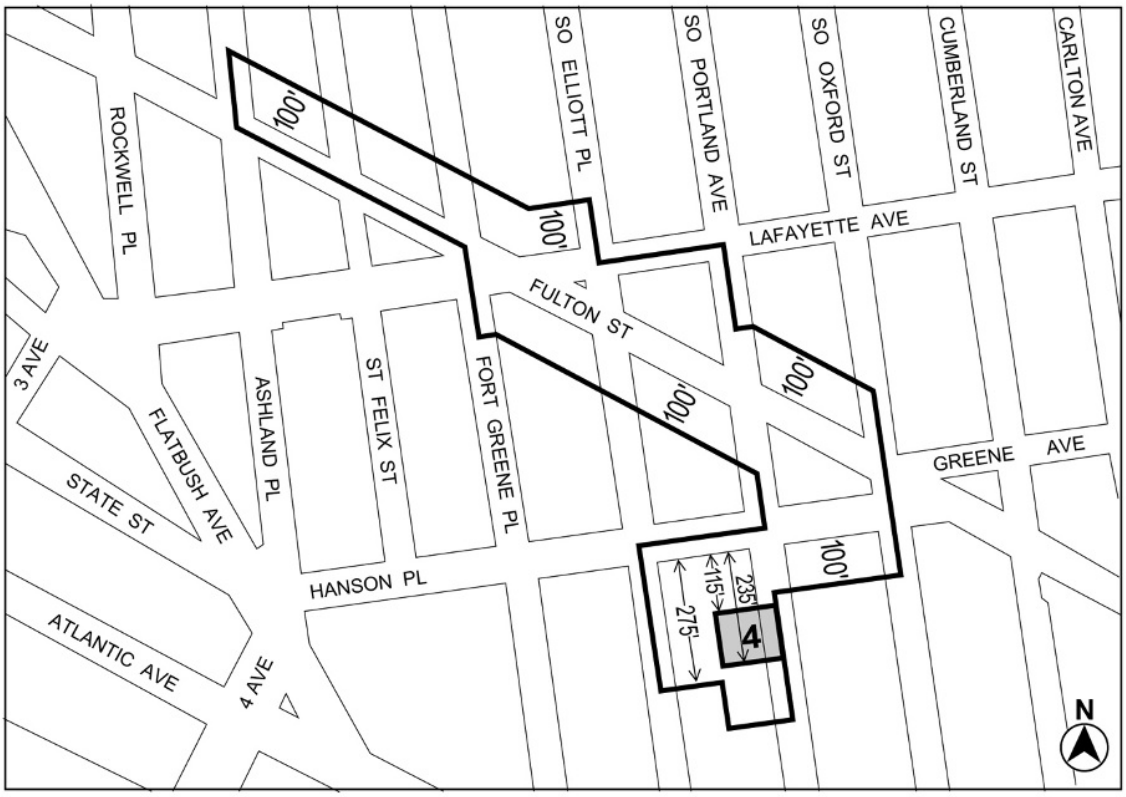
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **5** — 9/26/18 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 2, Brooklyn

Map 2 - (6/28/18)



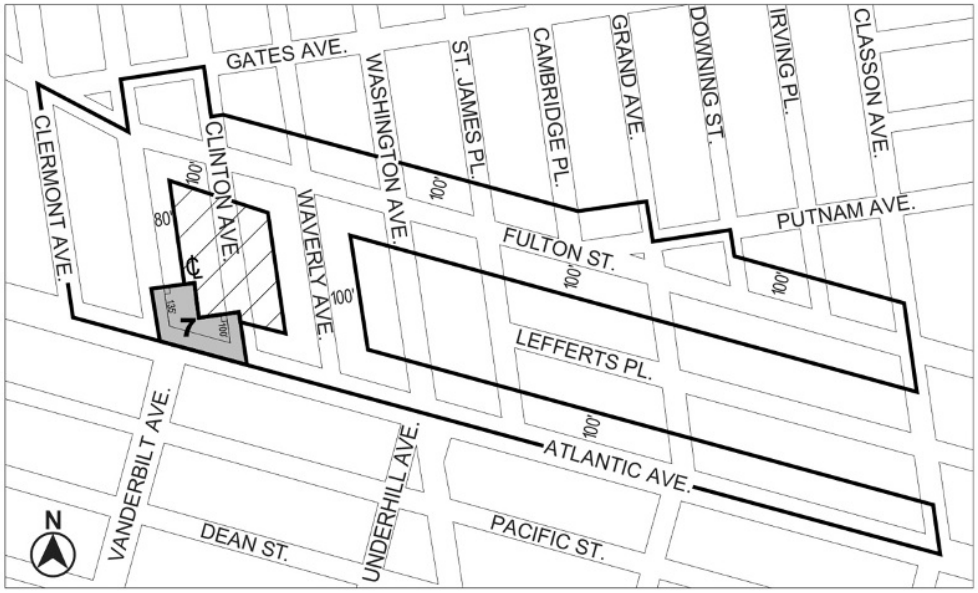
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **4** – 6/28/18 MIH Program Option 1

Portion of Community District 2, Brooklyn

Map 3 - (4/9/19)



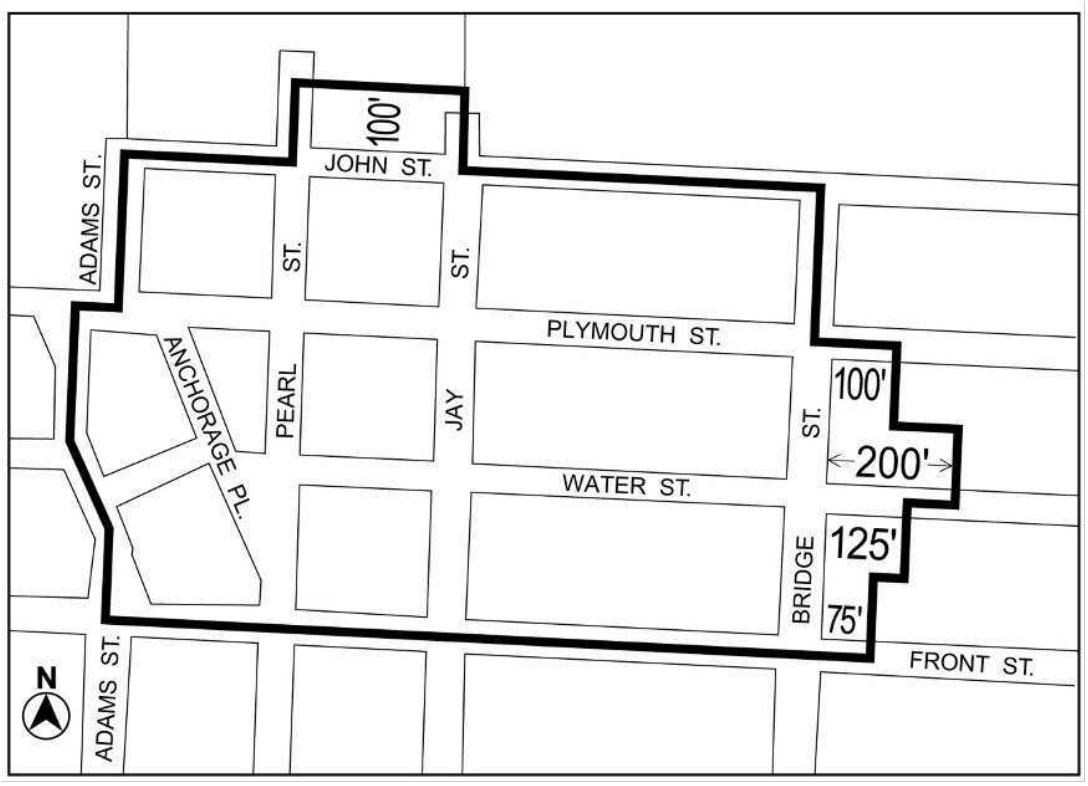
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **7** — (4/9/19) MIH Program Option 2

Excluded area

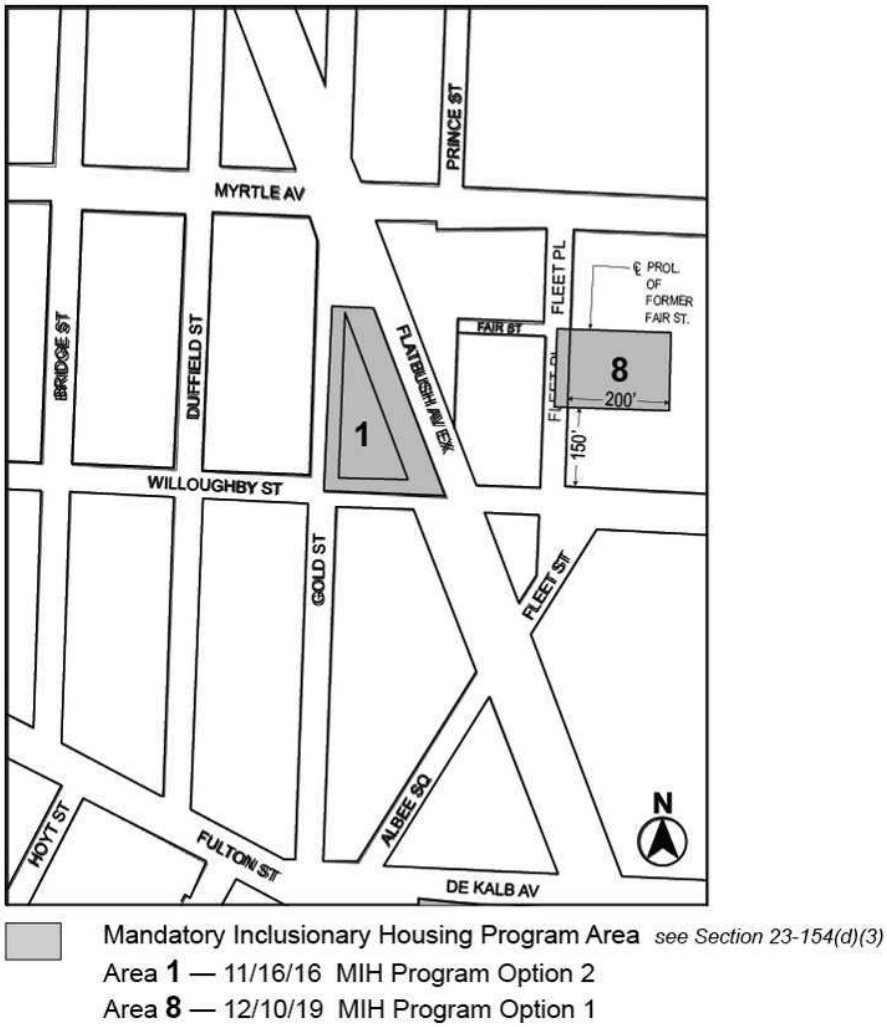
Portion of Community District 2, Brooklyn

Map 4 - (7/29/09)



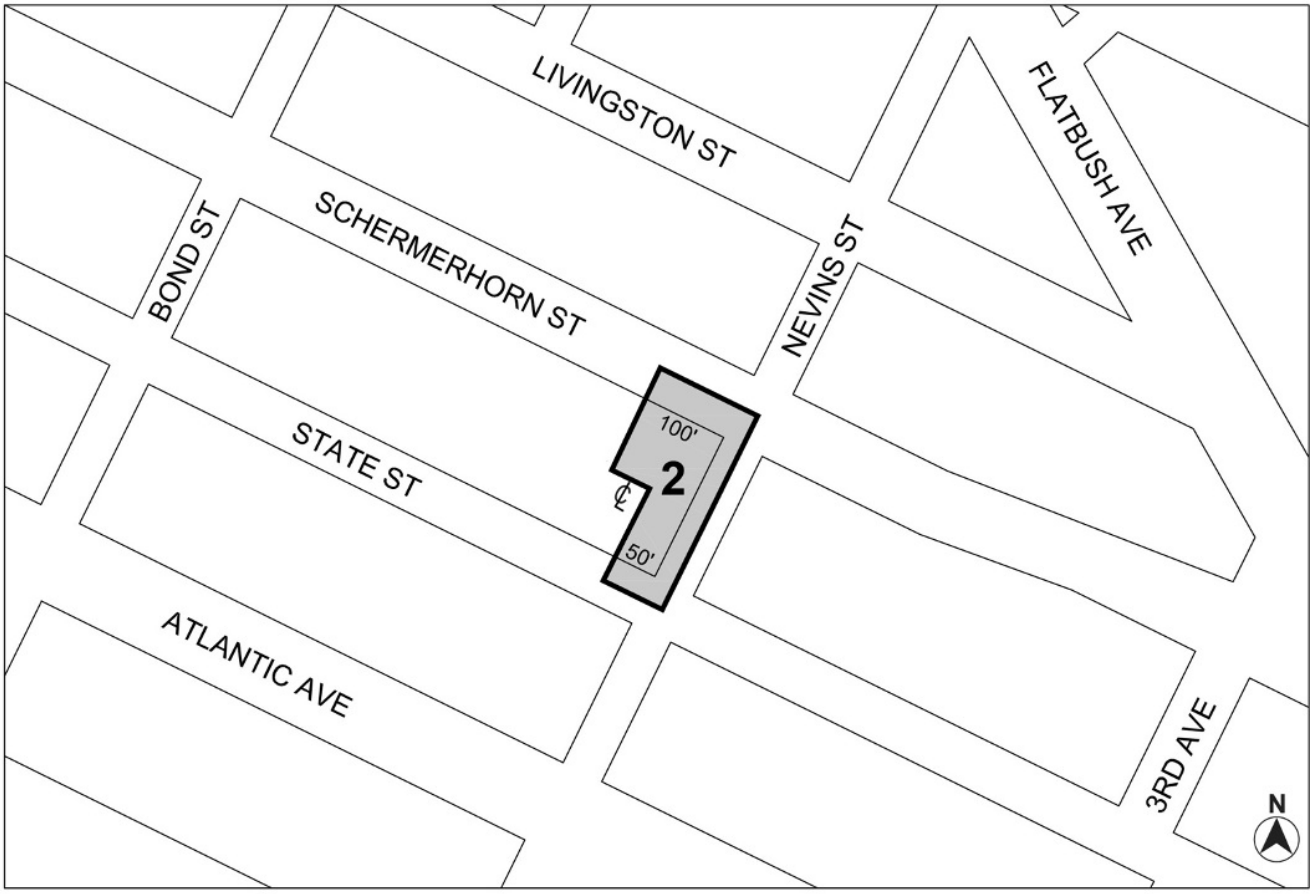
Portion of Community District 2, Brooklyn

Map 5 - (12/10/19)



Portion of Community District 2, Brooklyn

Map 6 - (9/7/17)

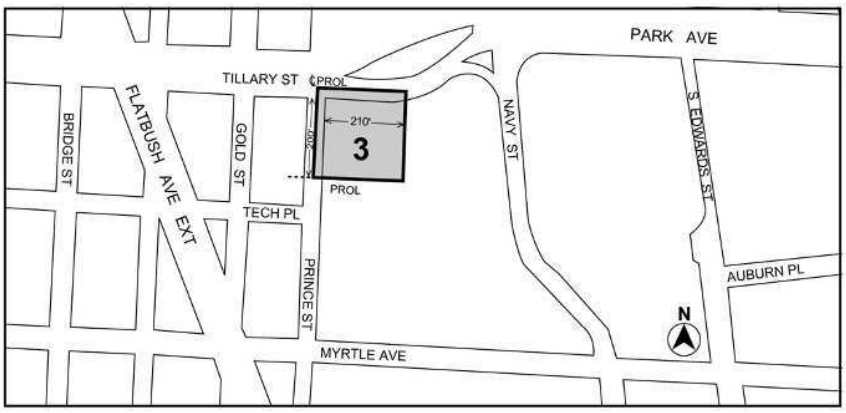


Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **2** – 9/7/17 MIH Program Option 1

Portion of Community District 2, Brooklyn

Map 7 - (10/31/17)



Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **3** – 10/31/17 MIH Program Option 1

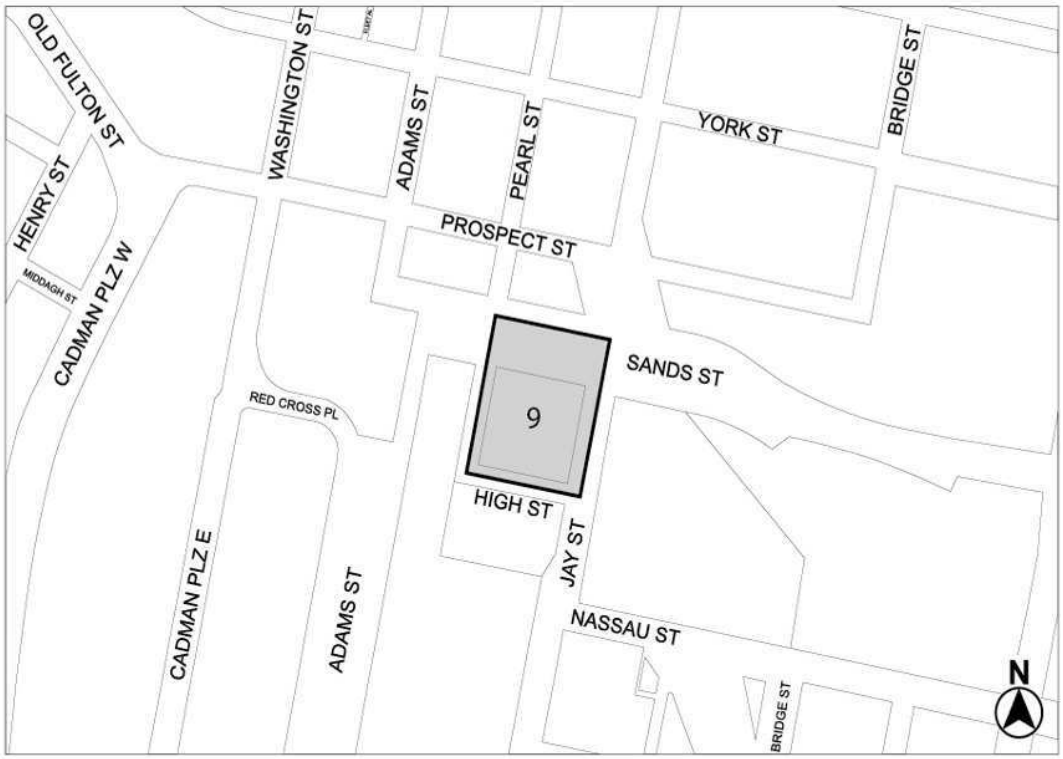
Portion of Community District 2, Brooklyn

Map 8 – (10/21/21)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **6** — 9/26/18 MIH Program Option 1 and Option 2
Area **10** — 10/21/21 MIH Program Option 1 and Workforce Option

Portion of Community District 2, Brooklyn

Map 9 – (4/22/20)



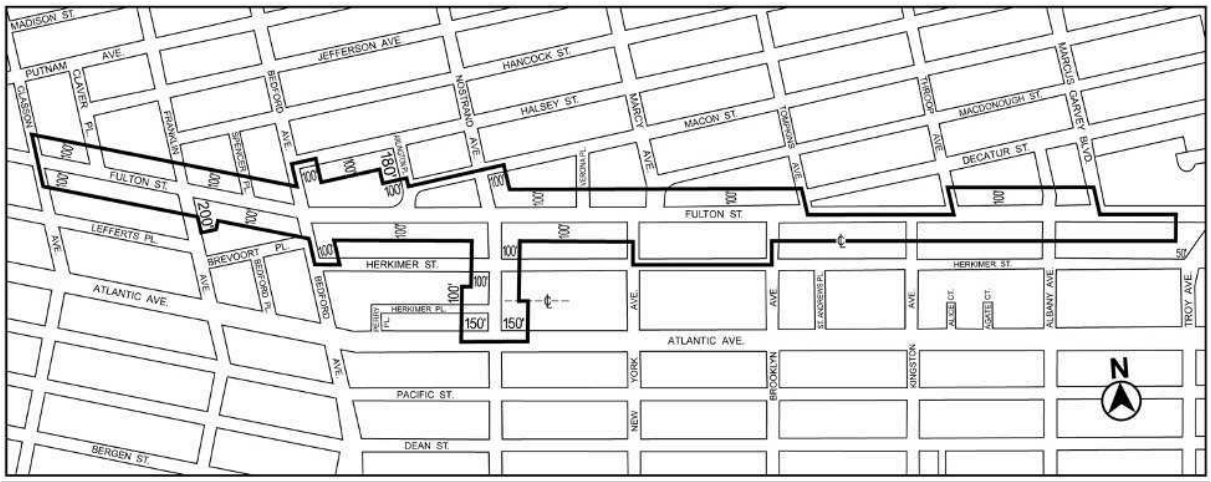
Mandatory Inclusionary Housing Area *(see Section 23-154(d)(3))*

Area 9 — 4/22/20 MIH Program Option 1 and Option 2

Portion of Community District 2, Brooklyn

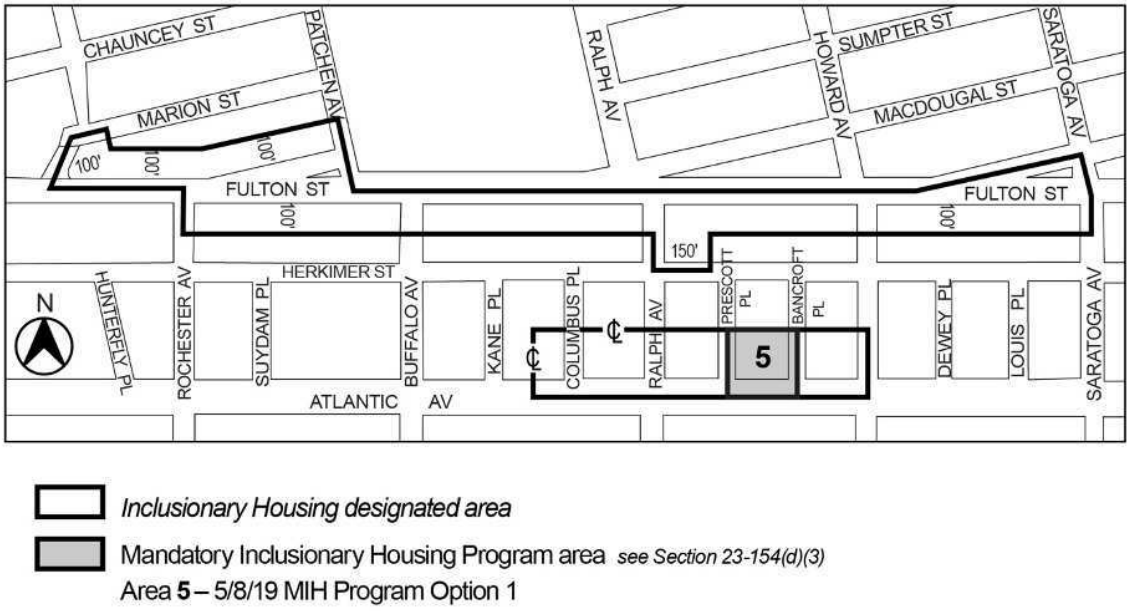
Brooklyn Community District 3

Map 1 - (10/29/07)



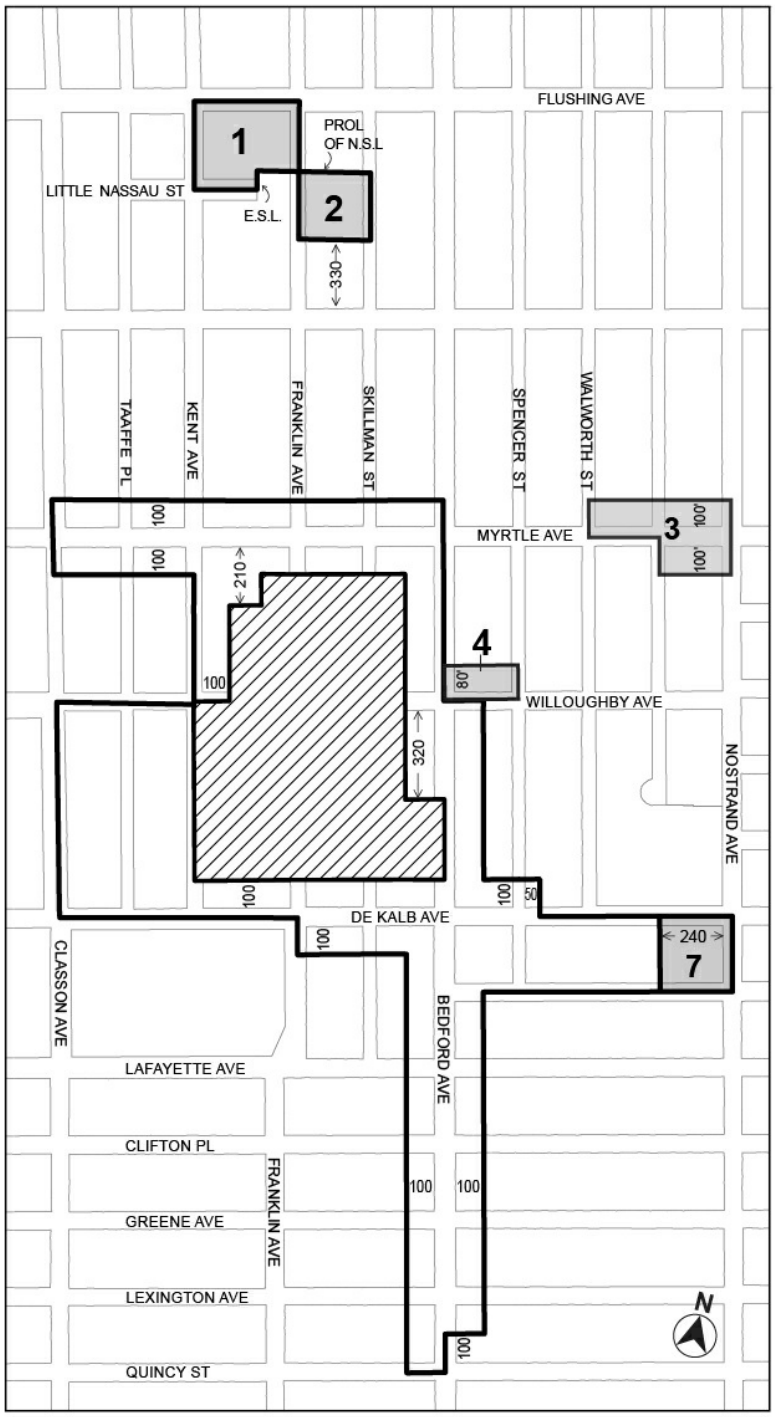
Portion of Community District 3, Brooklyn

Map 2 - (5/8/19)



Portion of Community District 3, Brooklyn

Map 3 - (11/10/21)



Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option

Area **2** – 5/10/17 MIH Program Option 1 and Option 2

Area **3** –11/30/17 MIH Program Option 1

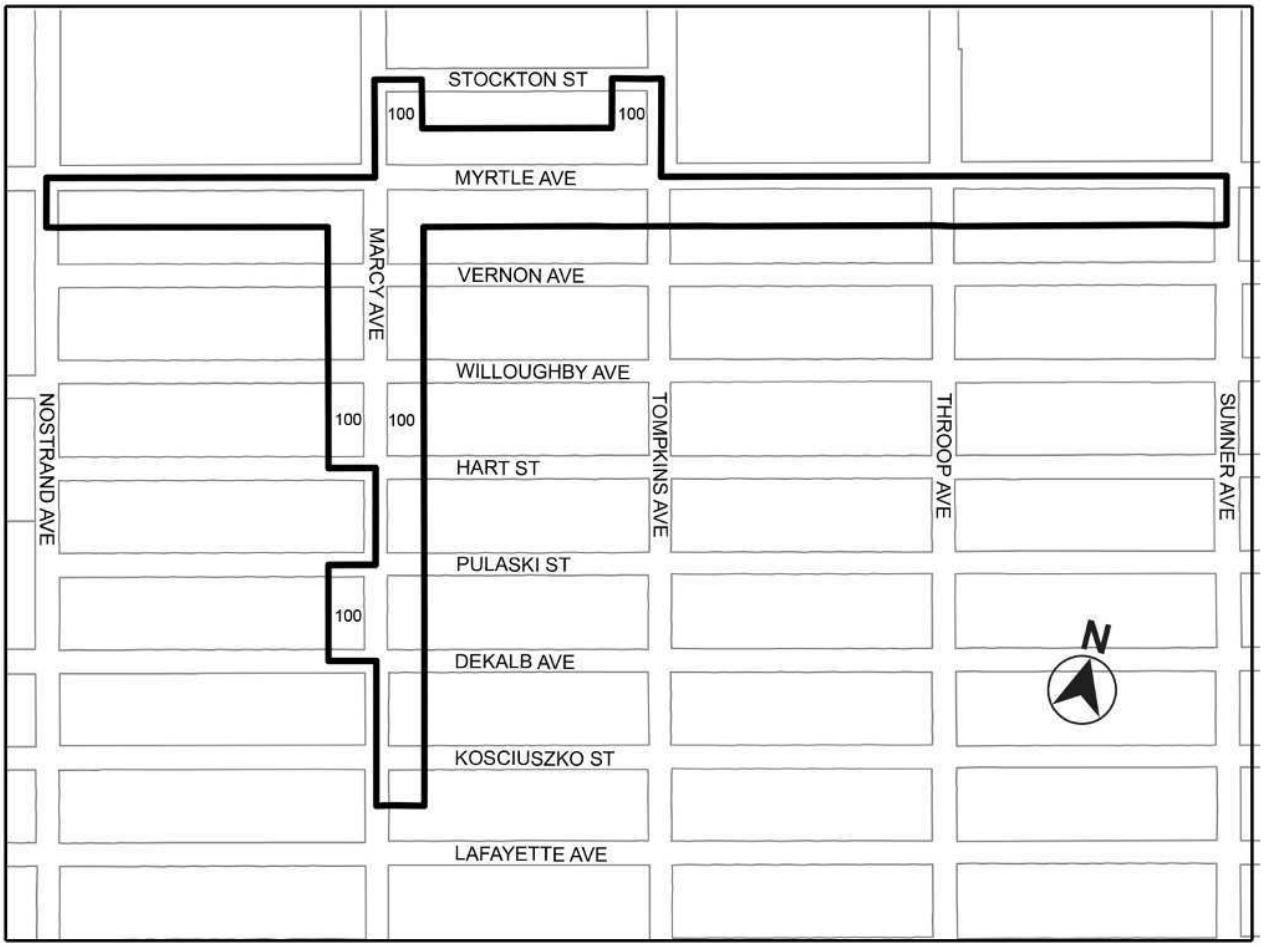
Area **4** – 2/13/19 MIH Program Option 1 and Option 2

Area **7** – 11/10/21 MIH Program Option 2

Excluded Area

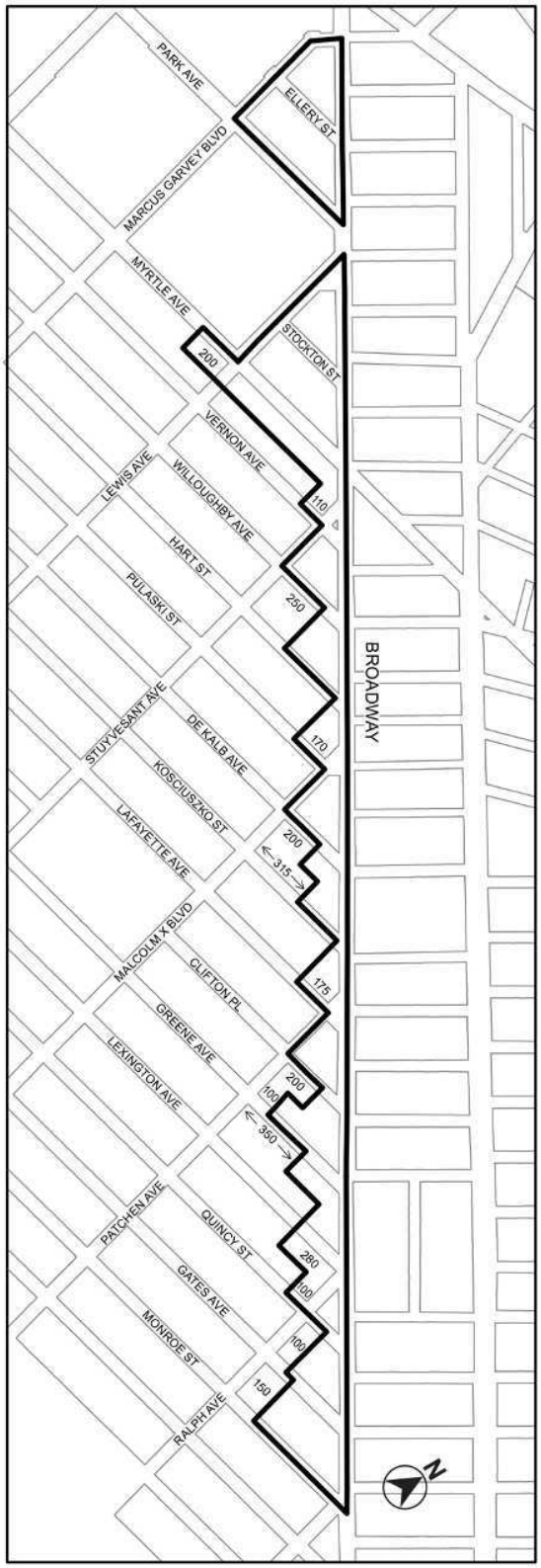
Portion of Community District 3, Brooklyn

Map 4 - (10/11/12)



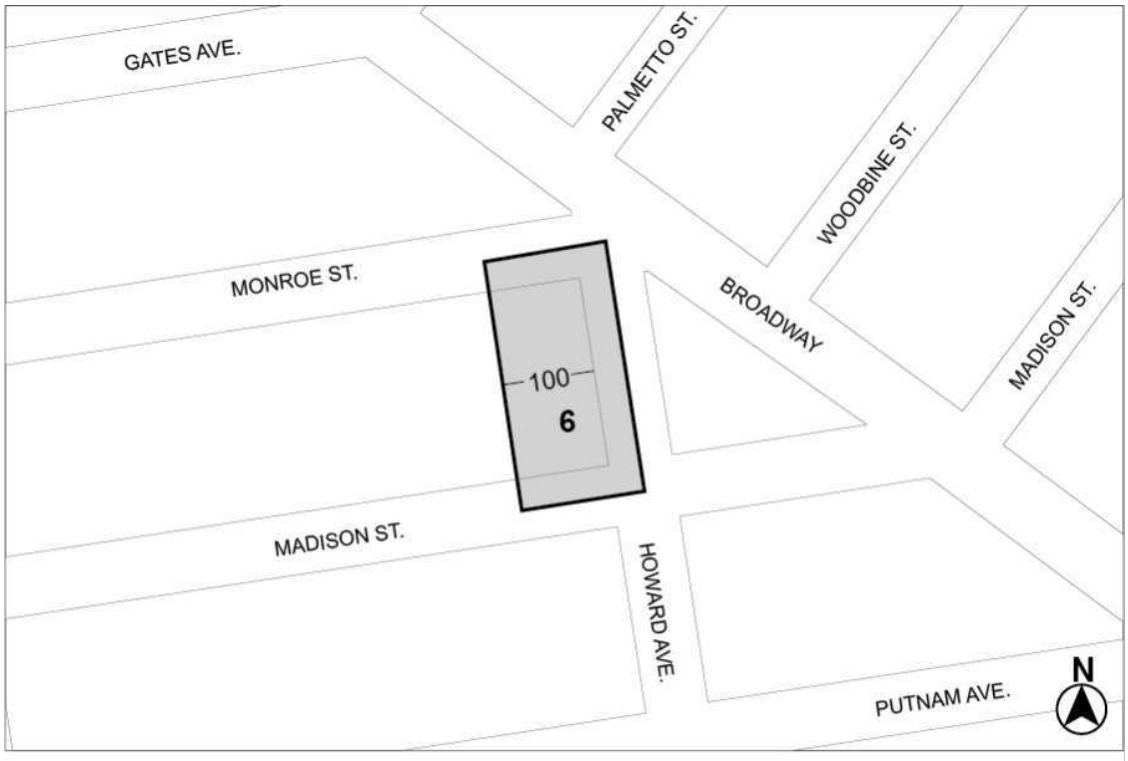
Portion of Community District 3, Brooklyn

Map 5 - (10/11/12)



Portion of Community District 3, Brooklyn

Map 6 - (6/26/19)

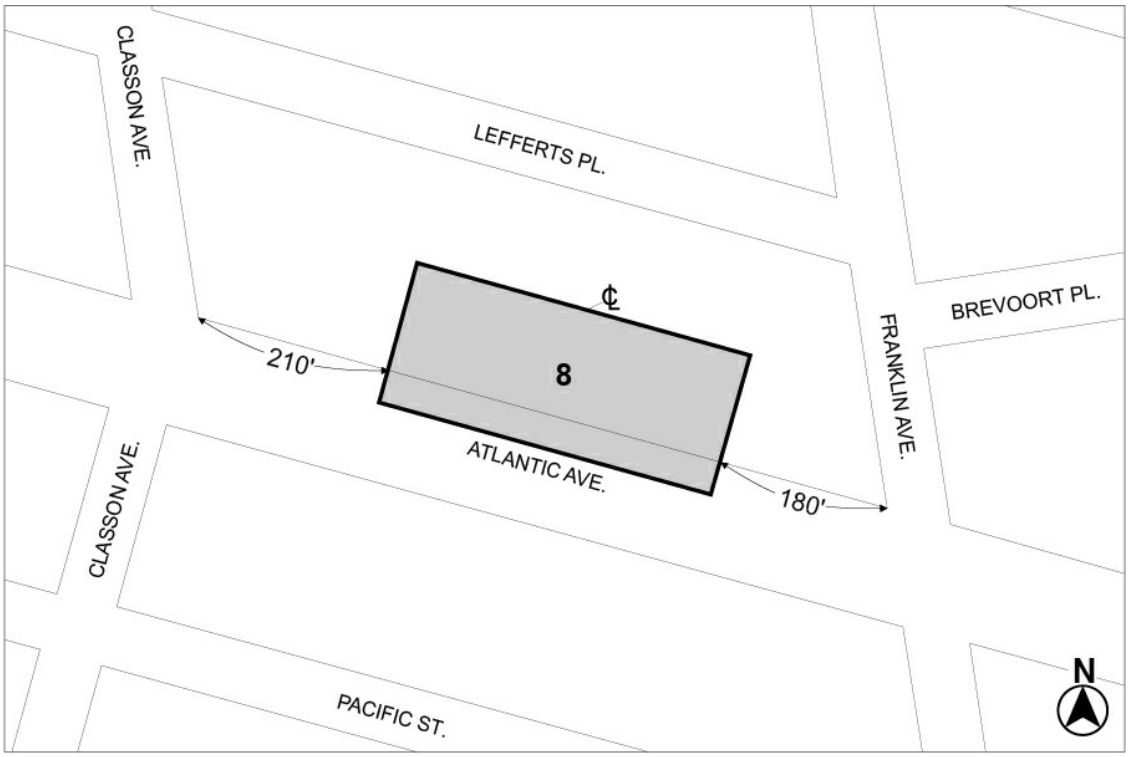


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **6** — 6/26/19 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 3, Brooklyn

Map 7 - (11/23/21)



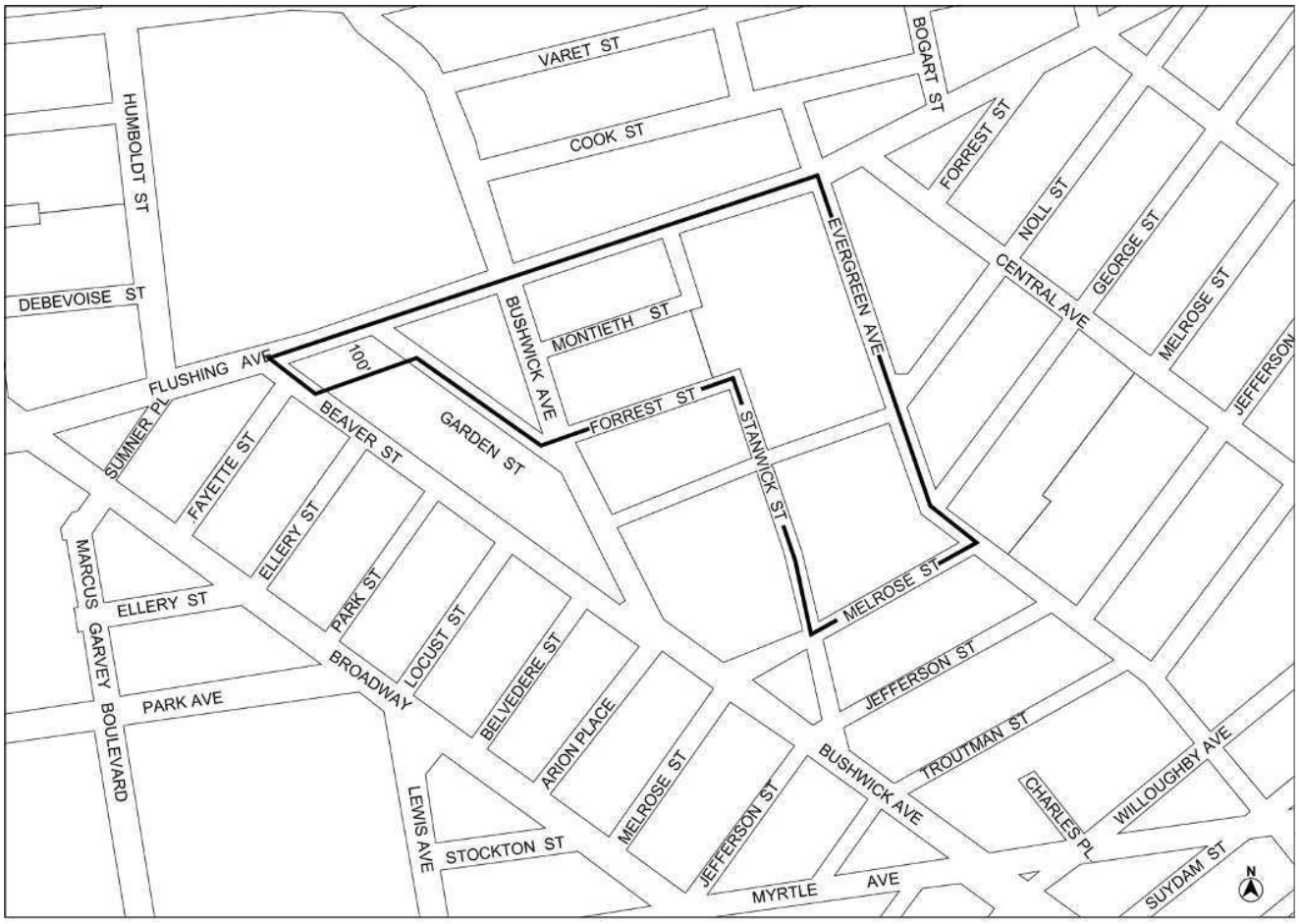
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **8** — (11/23/21) MIH Program Option 2

Portion of Community District 3, Brooklyn

Brooklyn Community District 4

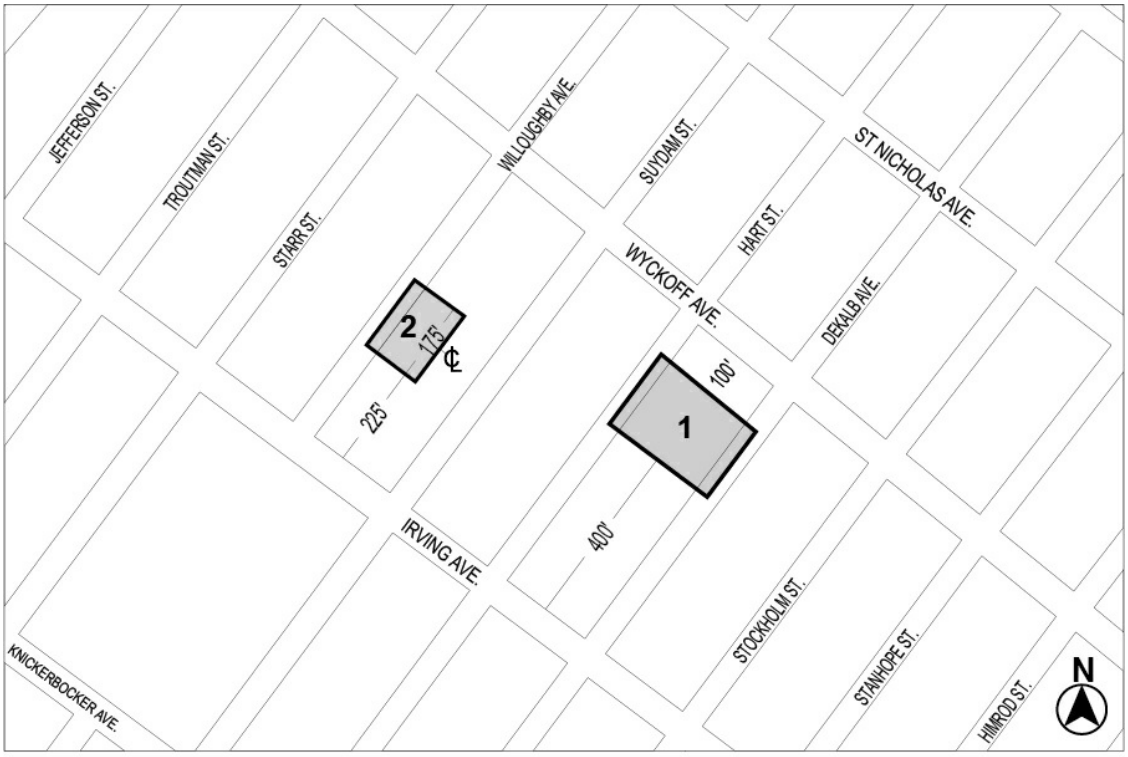
Map 1 - (12/10/13)



Inclusionary Housing designated area

Portion of Community District 4, Brooklyn

Map 2 - (5/27/21)

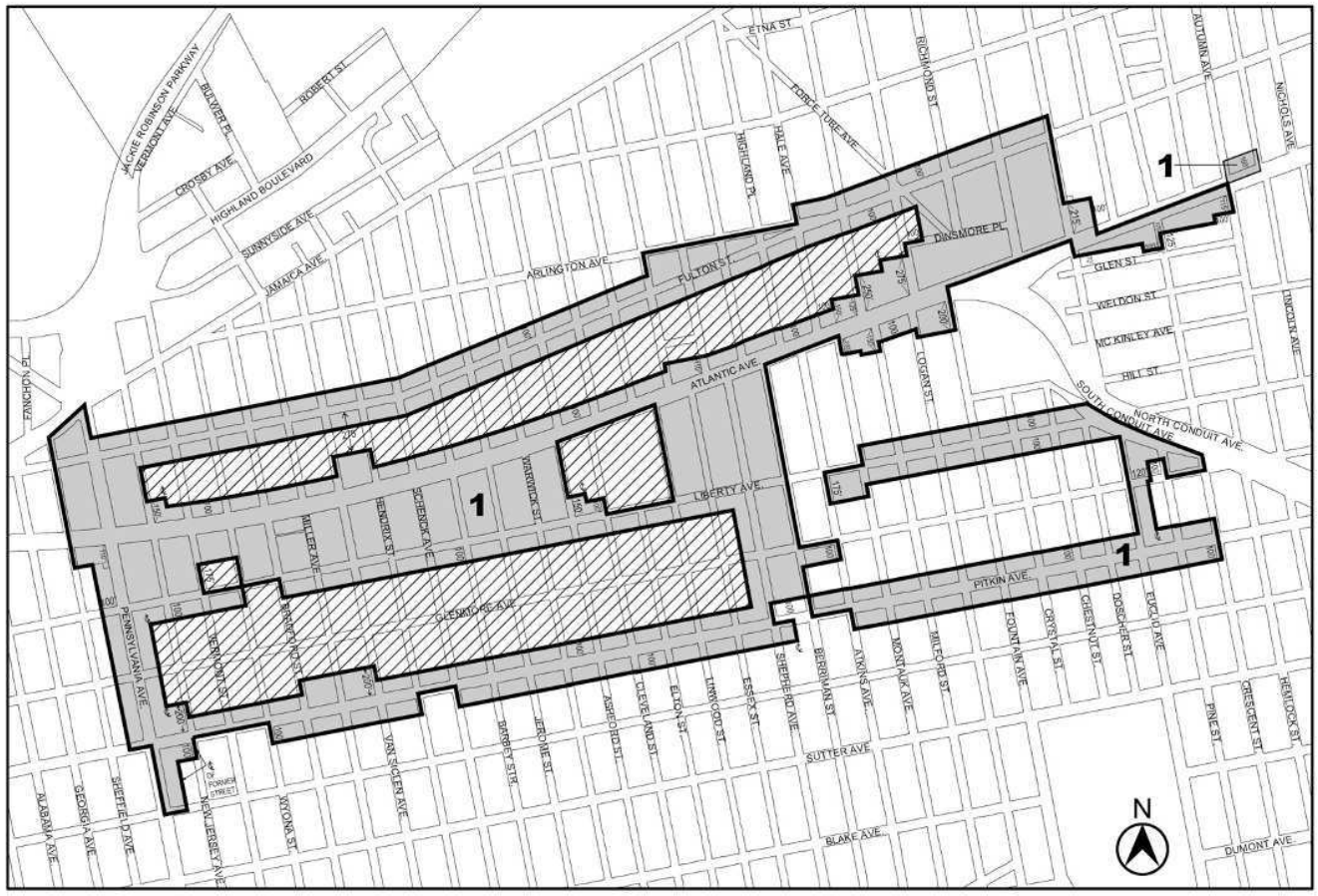


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** (9/12/18) — MIH Program Option 1 and Deep Affordability Option
Area **2** (5/27/21) — MIH Program Option 1 and Deep Affordability Option

Portion of Community District 4, Brooklyn

Brooklyn Community District 5

Map 1 – (4/20/16)

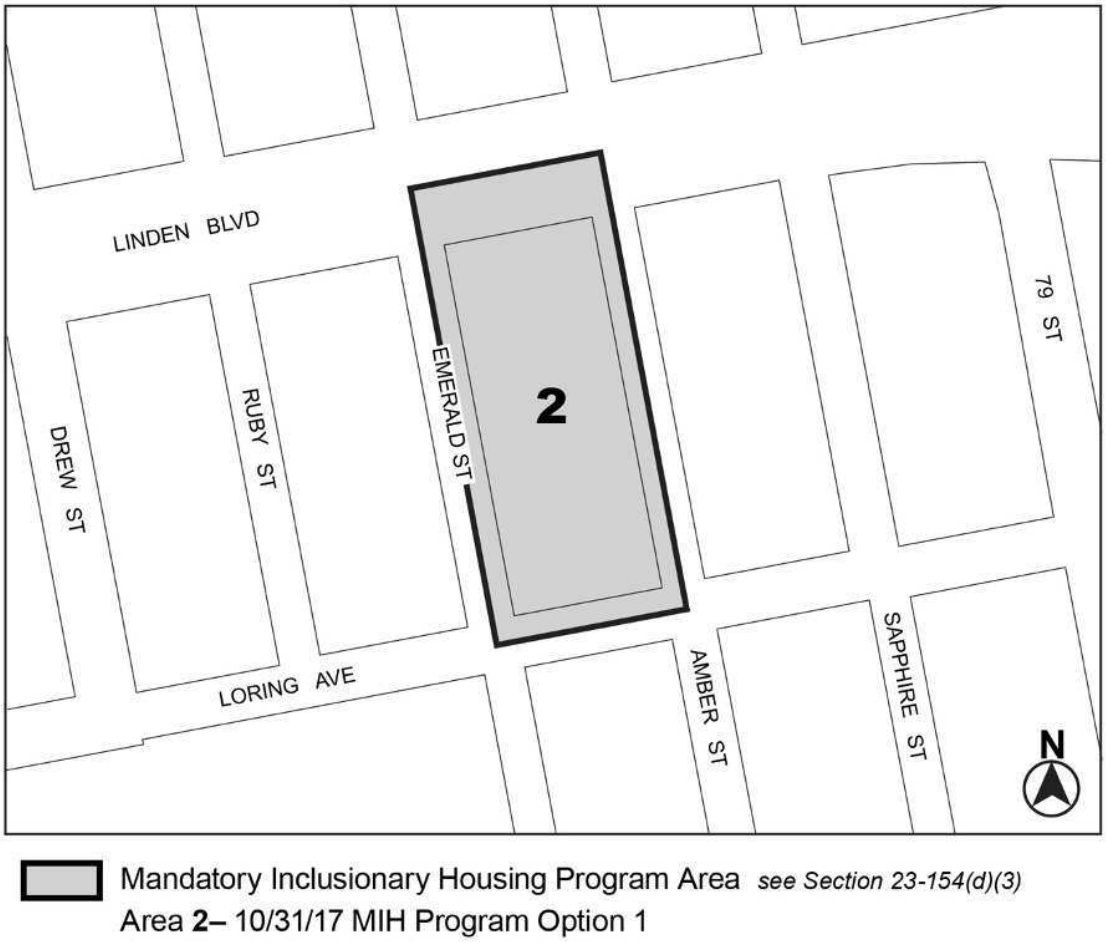


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** — 4/20/16 MIH Program Option 1 and Deep Affordability Option

Excluded area

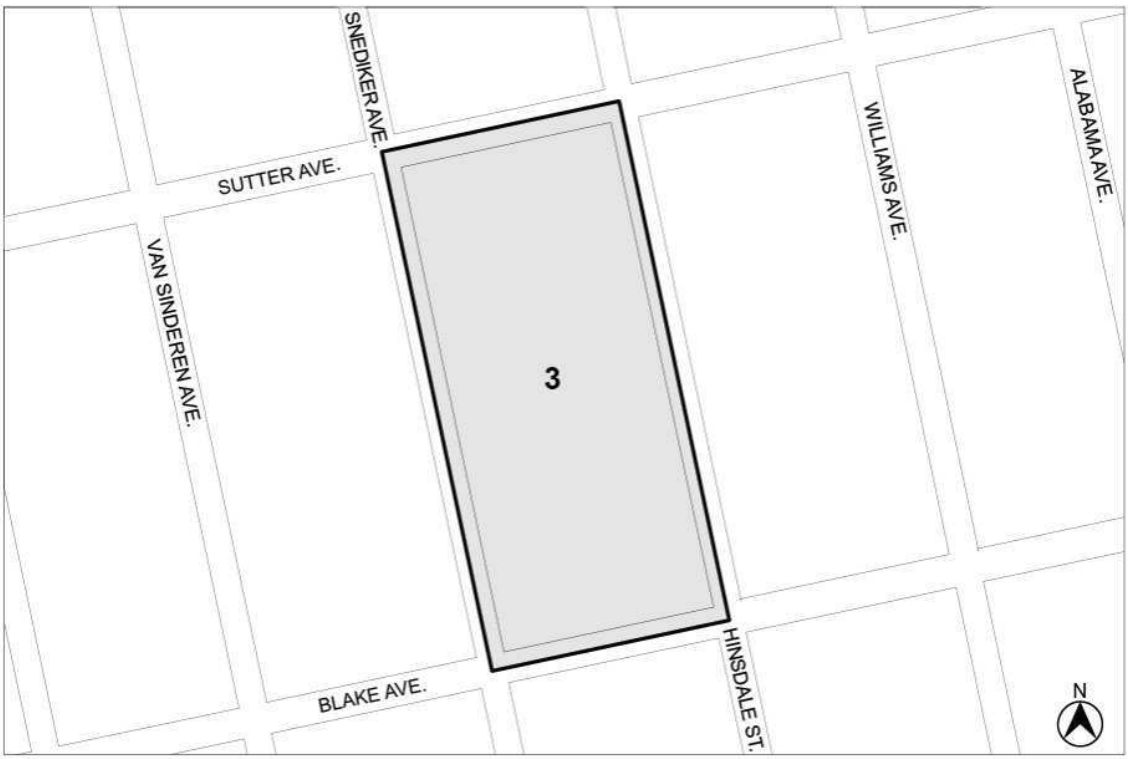
Portion of Community District 5, Brooklyn

Map 2 – (10/31/17)



Portion of Community District 5, Brooklyn

Map 3 – (12/10/19)

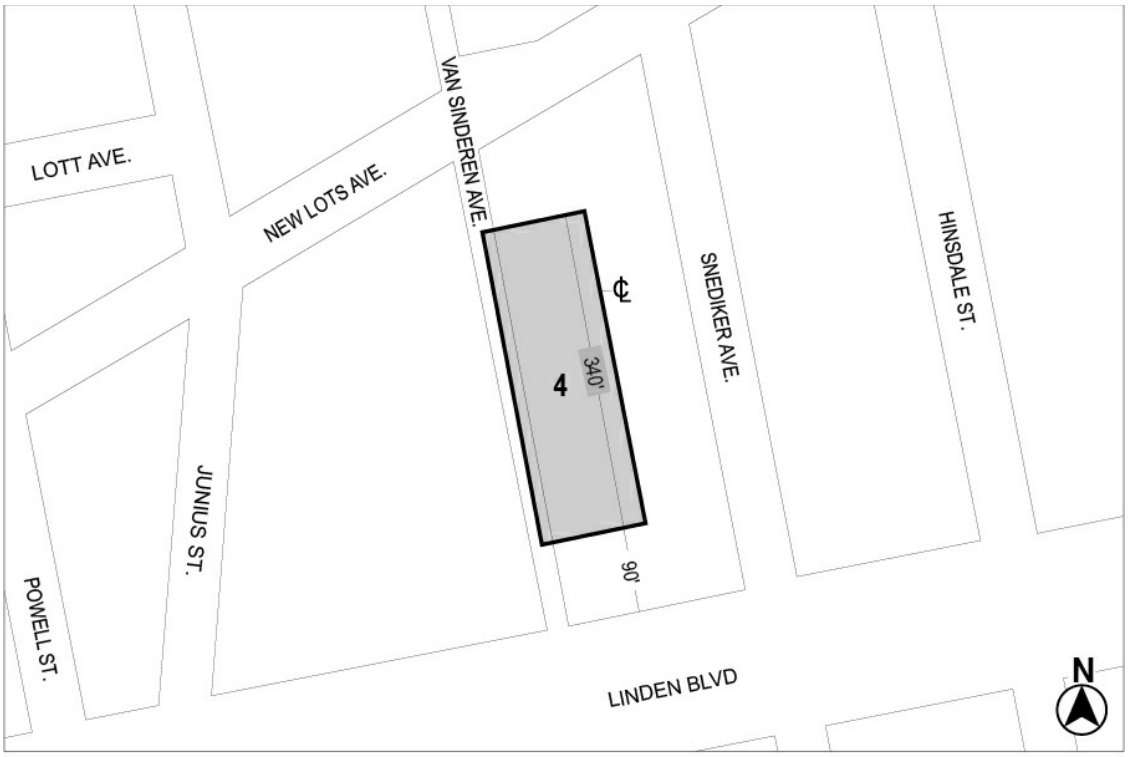


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **3** — 12/10/19 MIH Program Option 1

Portion of Community District 5, Brooklyn

Map 4 – (2/24/22)



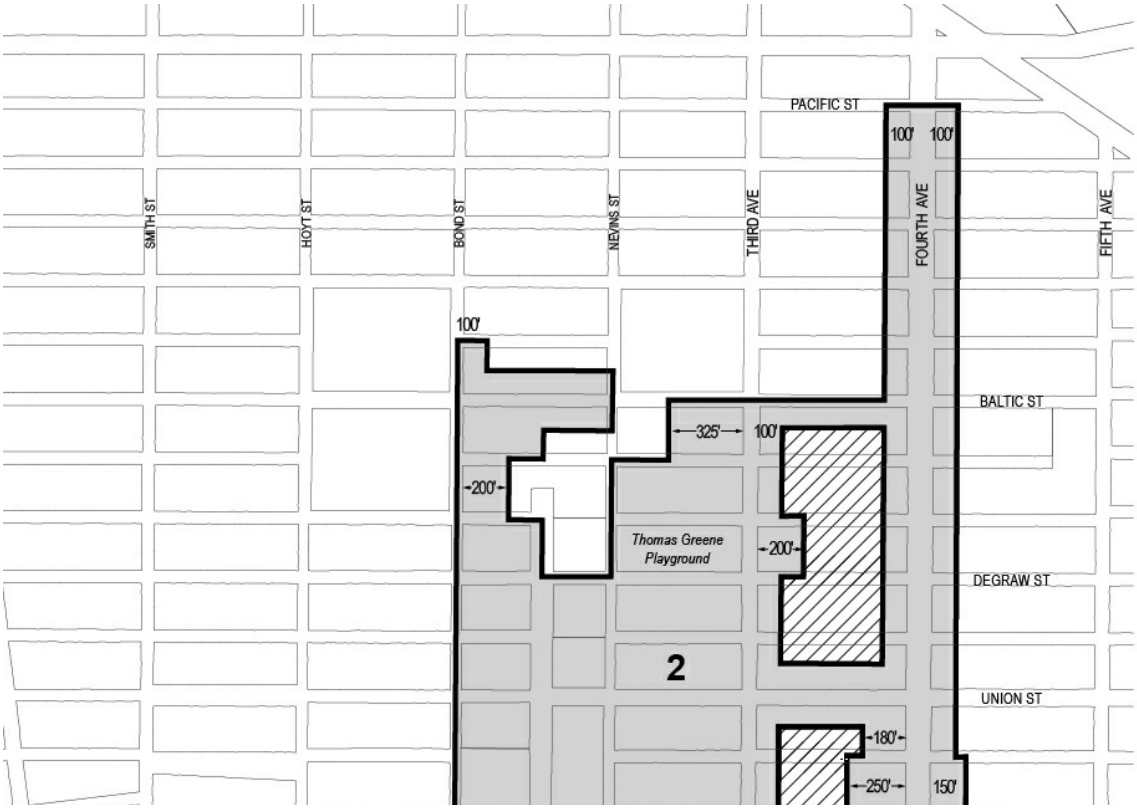
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

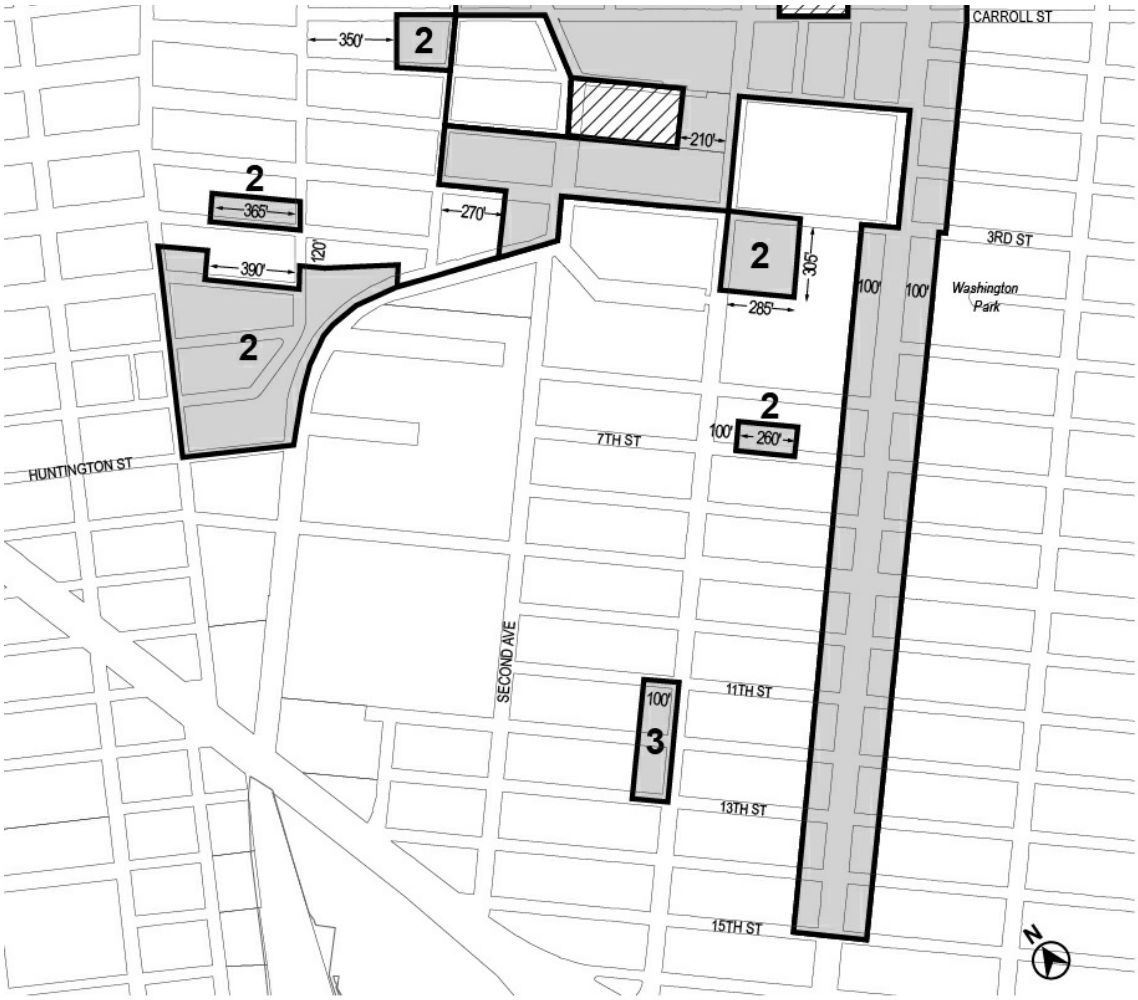
Area **4** — 2/24/22 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 5, Brooklyn

Brooklyn Community District 6

Map 1 - (12/9/21)





Inclusionary Housing Designated Area

Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

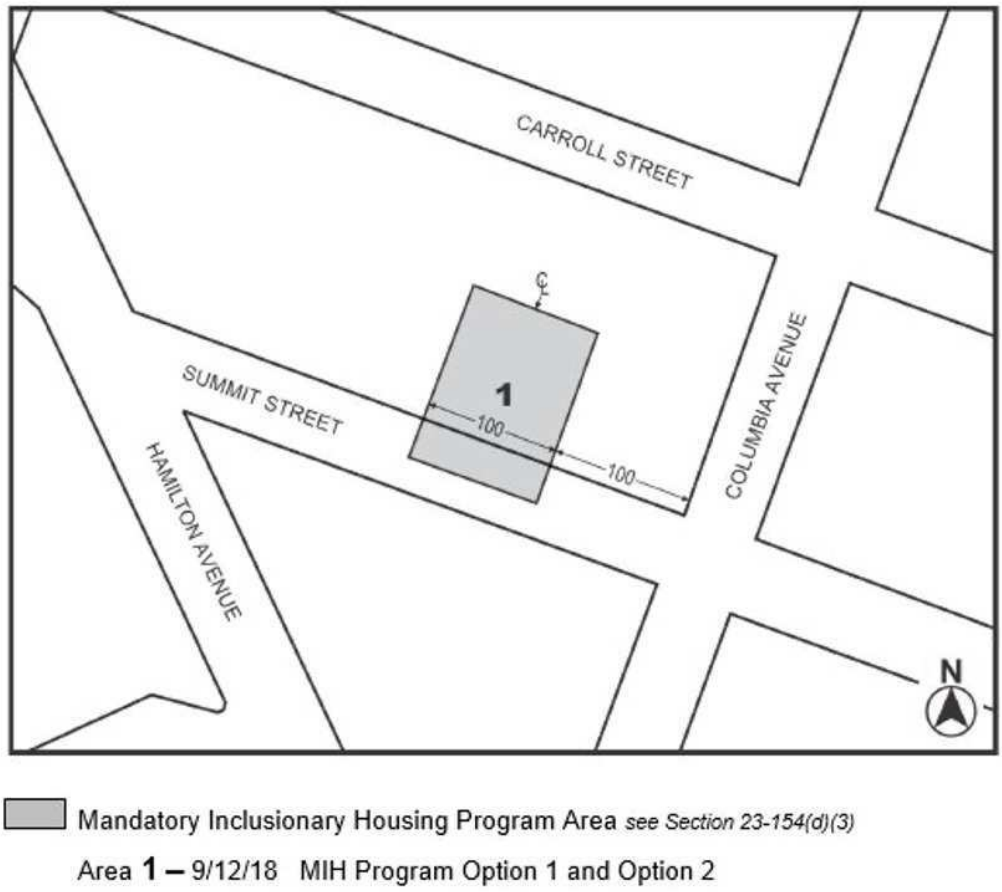
Area **2** — 11/23/21 MIH Program Option 1 and Deep Affordability Option

Area **3** — 12/9/21 MIH Program Option 1 and Deep Affordability Option

Excluded Area

Portion of Community District 6, Brooklyn

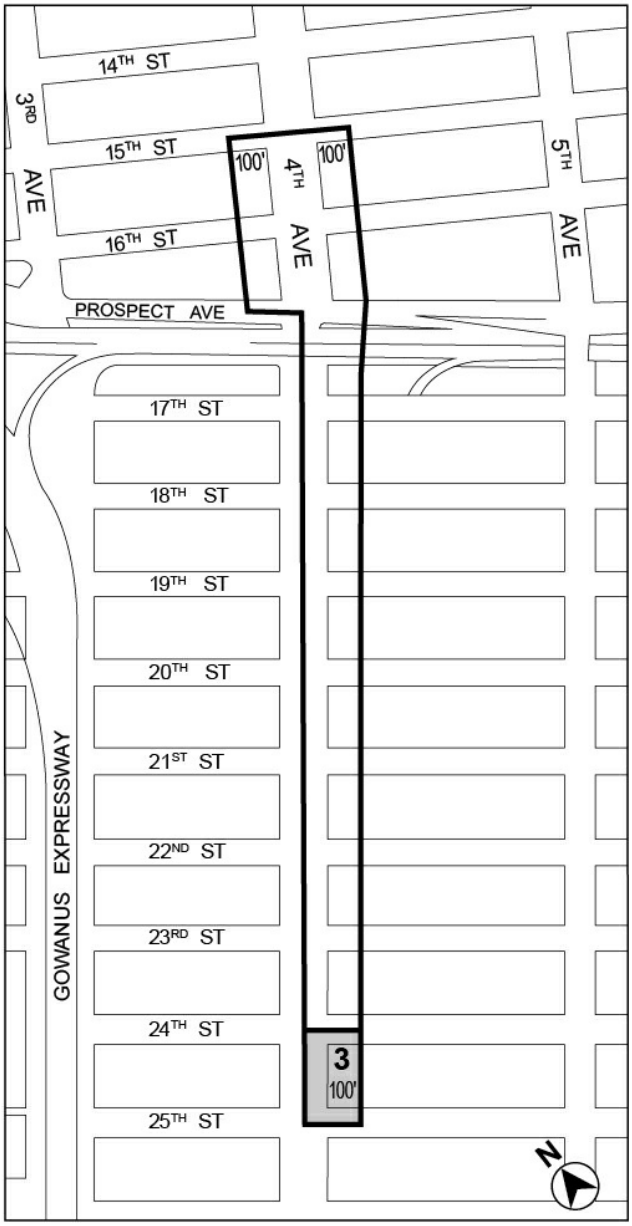
Map 2 - (9/12/18)



Portion of Community District 6, Brooklyn

Brooklyn Community District 7

Map 1 - (4/22/21)



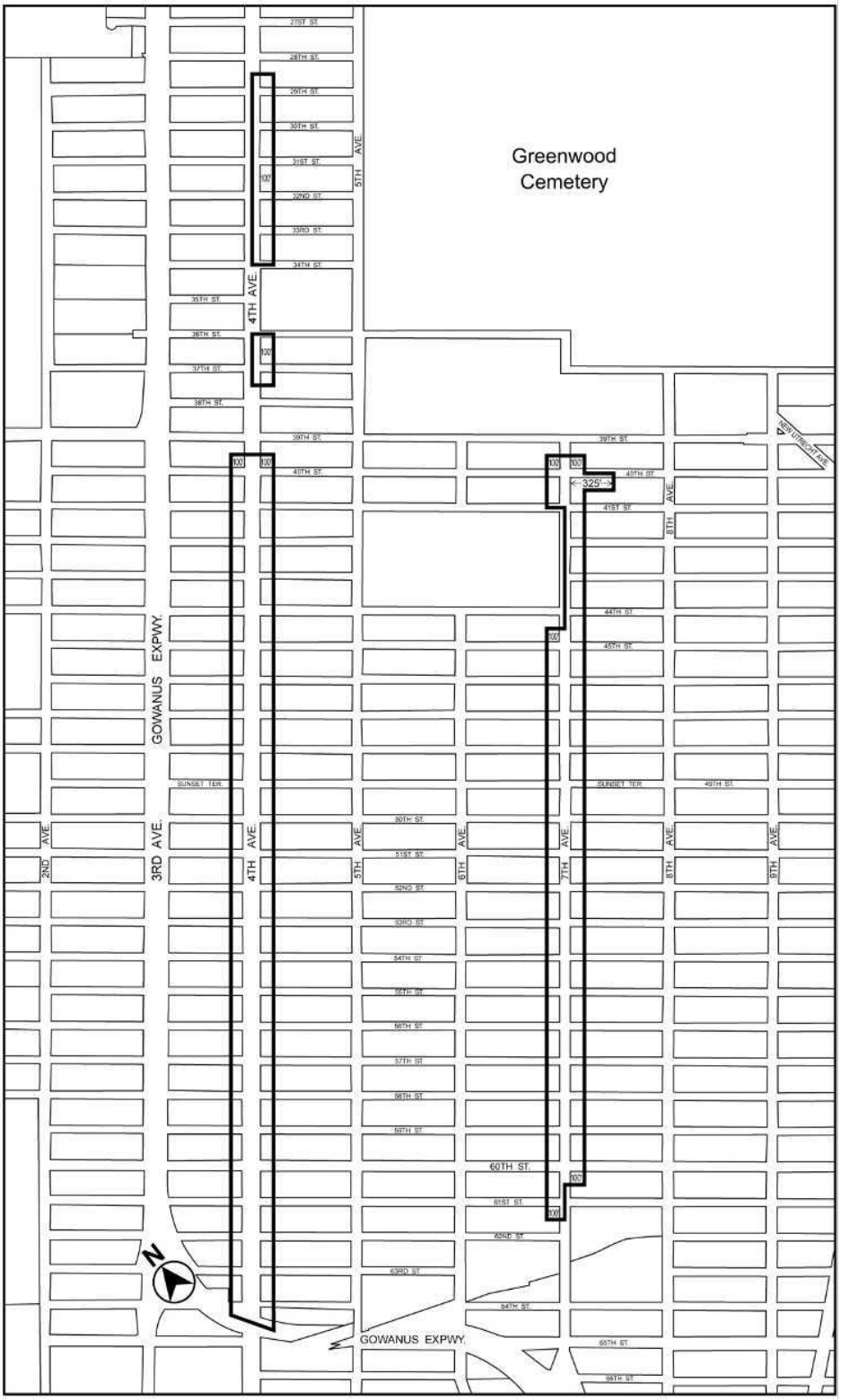
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **3** – (4/22/21) MIH Program Option 1

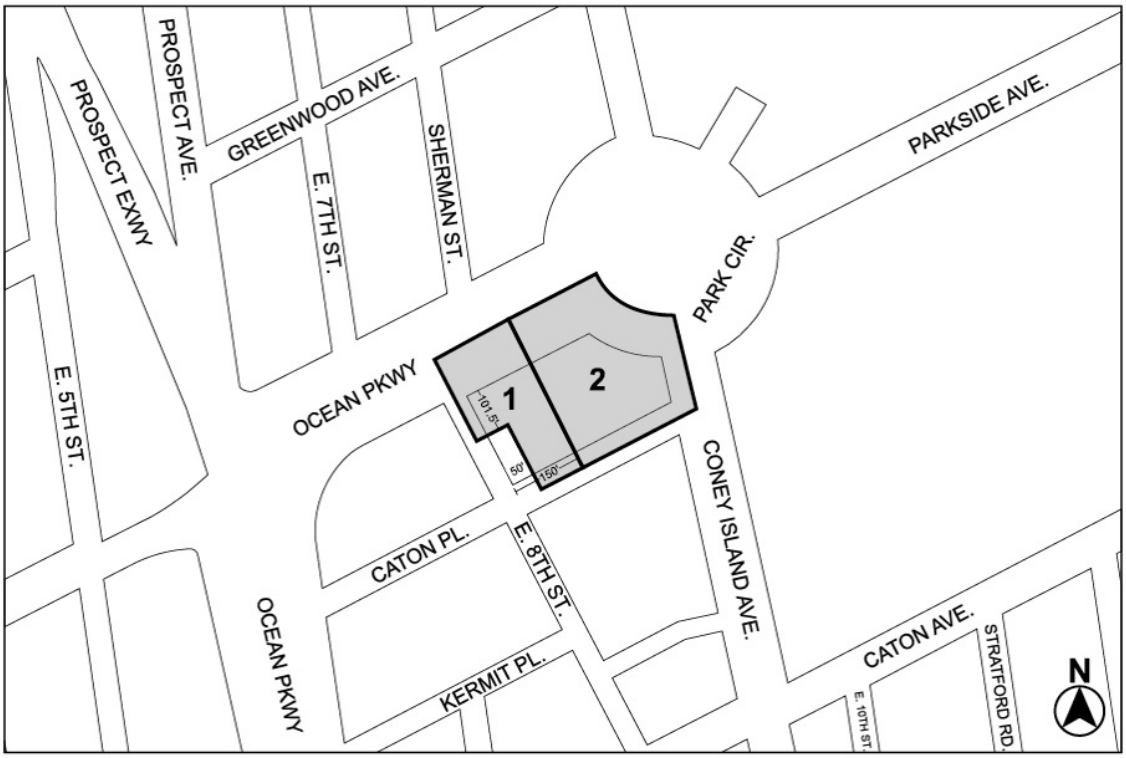
Portion of Community District 7, Brooklyn

Map 2 – (9/30/09)



Portion of Community District 7, Brooklyn

Map 3 - (12/17/20)

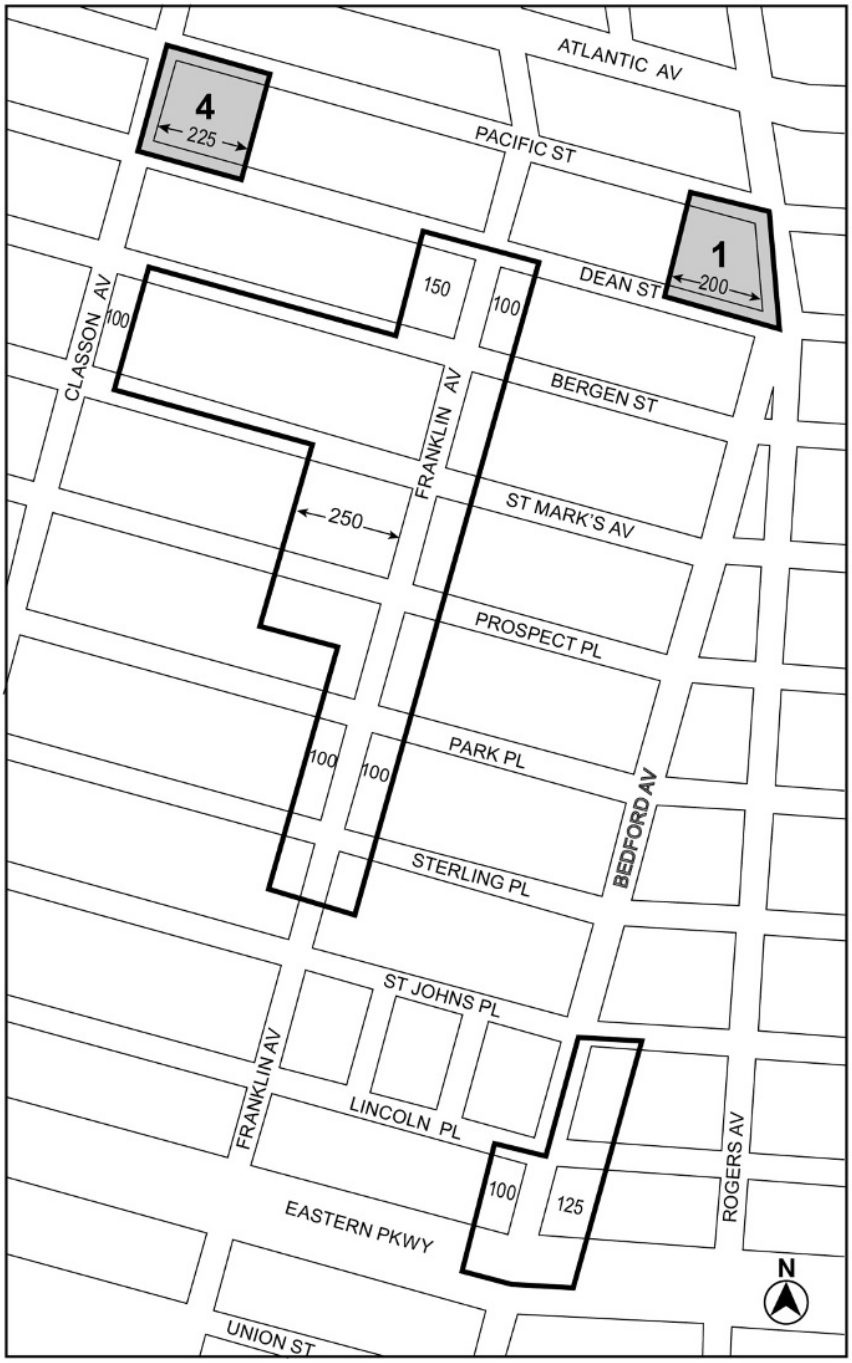


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1**–9/26/18 MIH Program Option 1
Area **2**–12/17/20 MIH Program Option 1

Portion of Community District 7, Brooklyn

Brooklyn Community District 8

Map 1 - (5/8/19)



Inclusionary Housing designated area

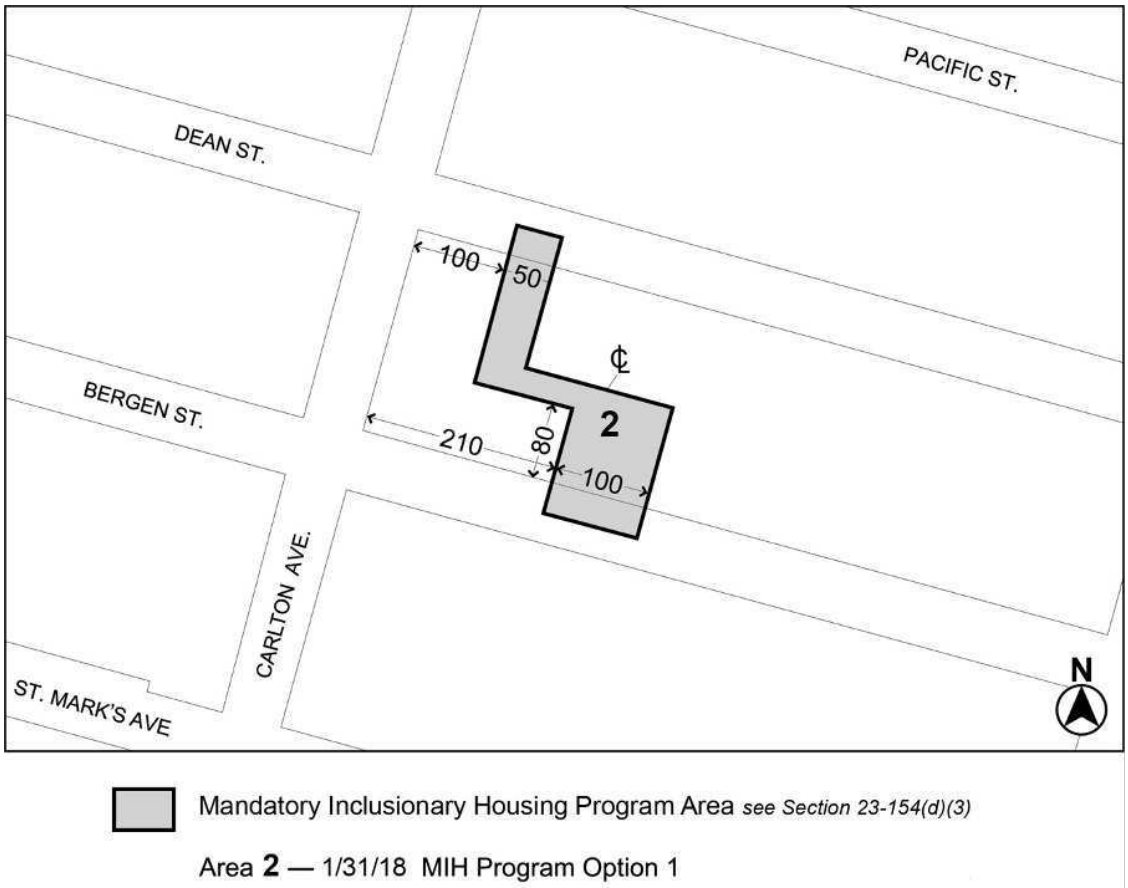
Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **1** – 7/20/17 MIH Program Option 1

Area **4** – 5/8/19 MIH Program Option 1 and Option 2

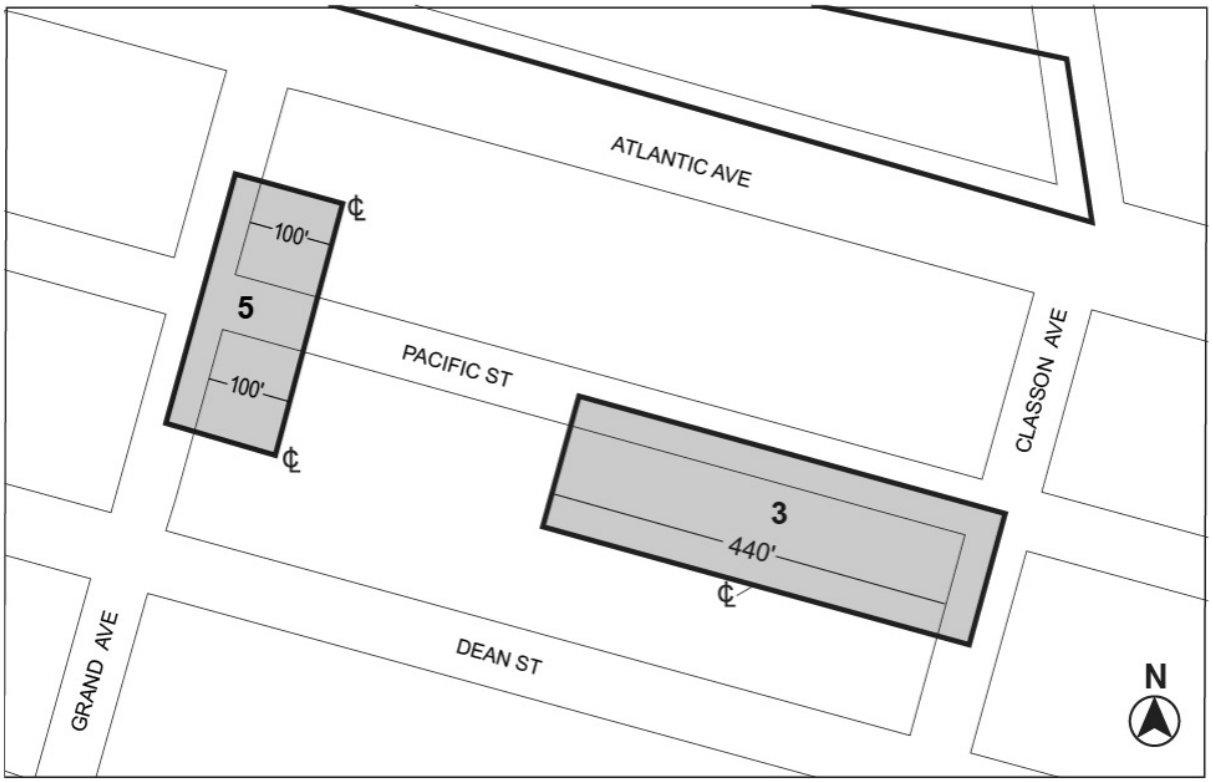
Portion of Community District 8, Brooklyn

Map 2 - (1/31/18)



Portion of Community District 8, Brooklyn

Map 3 – (8/27/20)

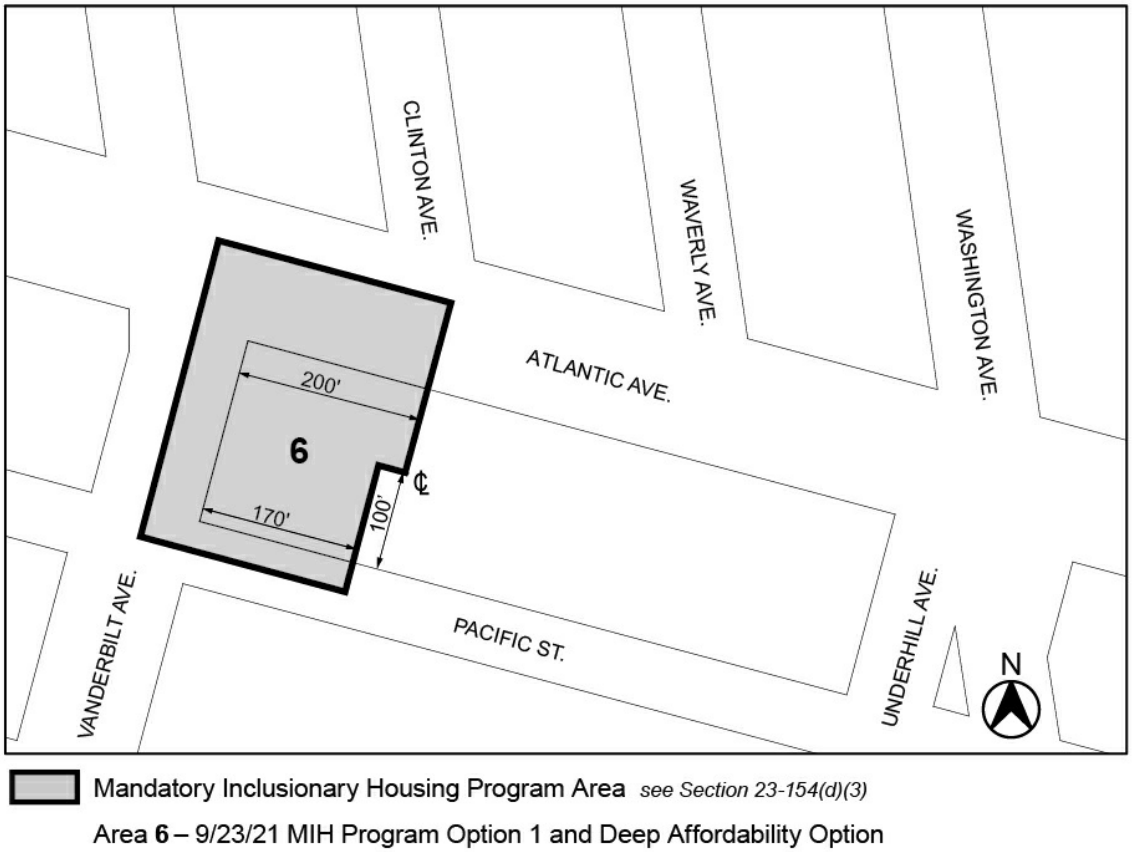


Inclusionary Housing designated area (within Community District 2, Brooklyn)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** – 5/8/19 MIH Program Option 1 and Option 2
Area **5** – 8/27/20 MIH Program Option 1

Portion of Community District 8, Brooklyn

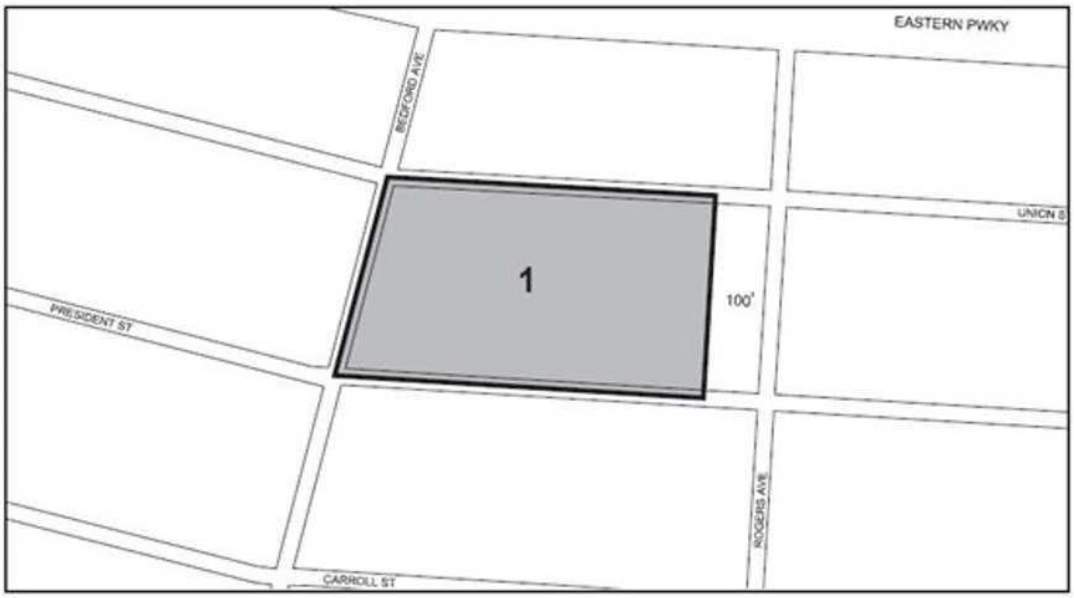
Map 4 - (9/23/21)



Portion of Community District 8, Brooklyn

Brooklyn Community District 9

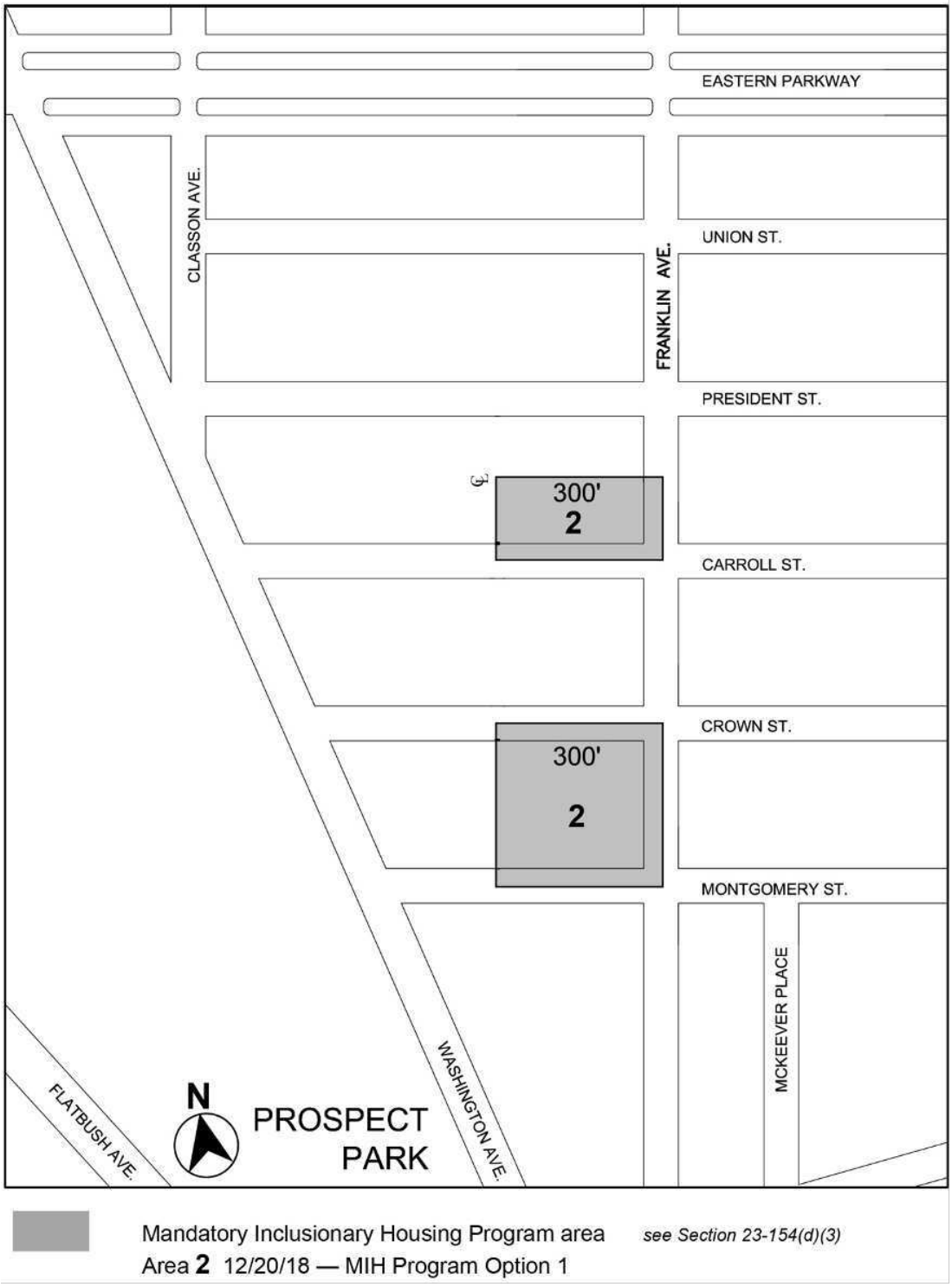
Map 1 - (11/30/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154 (d)(3)*
Area **1** – 11/30/17 MIH Program Option 1

Portion of Community District 9, Brooklyn

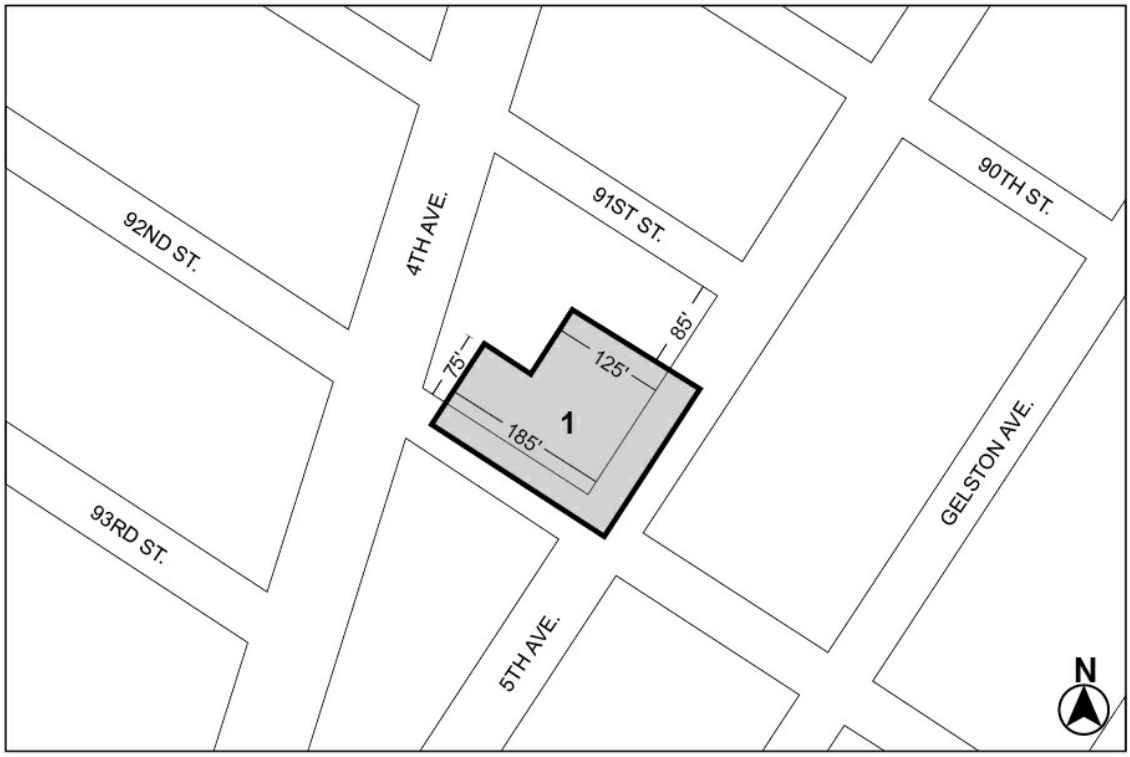
Map 2 - (12/20/18)



Portion of Community District 9, Brooklyn

Brooklyn Community District 10

Map 1 – (3/18/21)

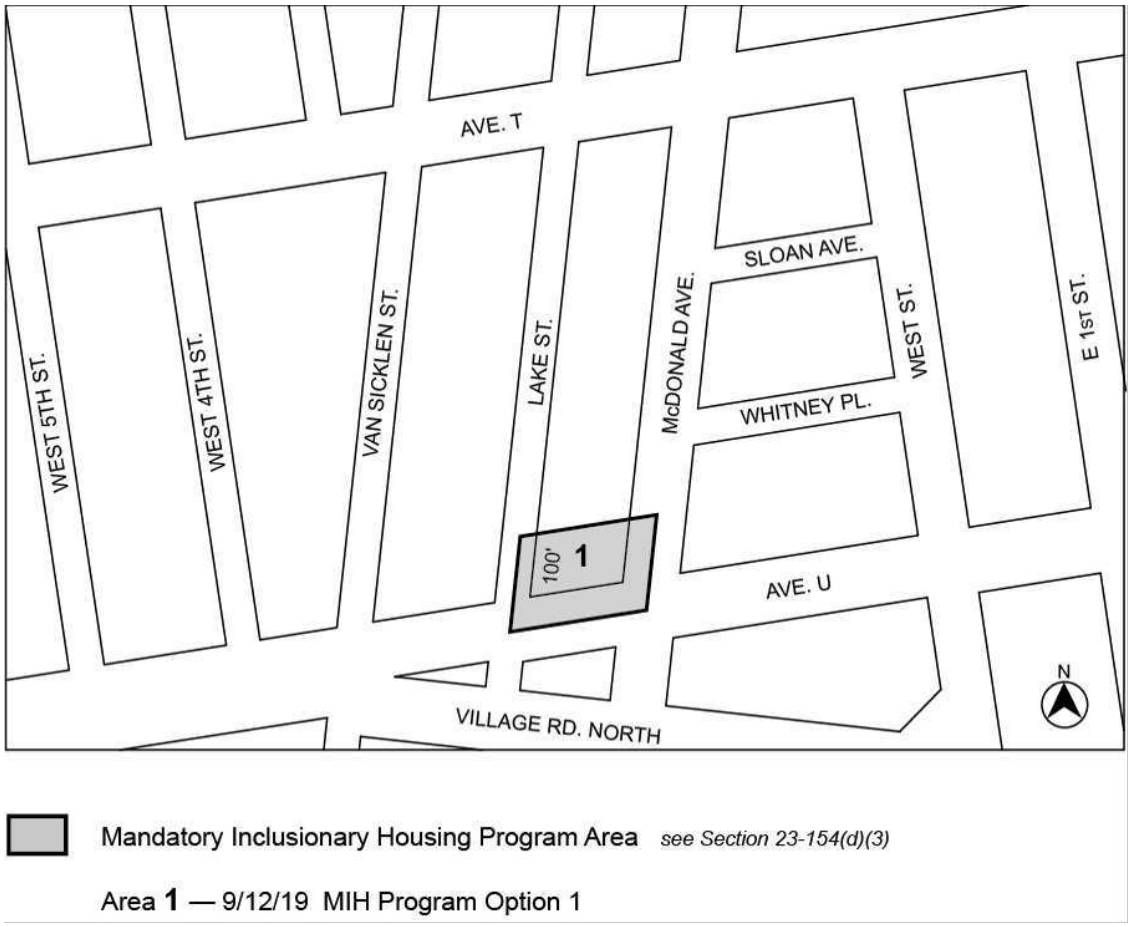


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** – 3/18/21 MIH Program Option 1, Option 2 and Workforce Option

Portion of Community District 10, Brooklyn

Brooklyn Community District 11

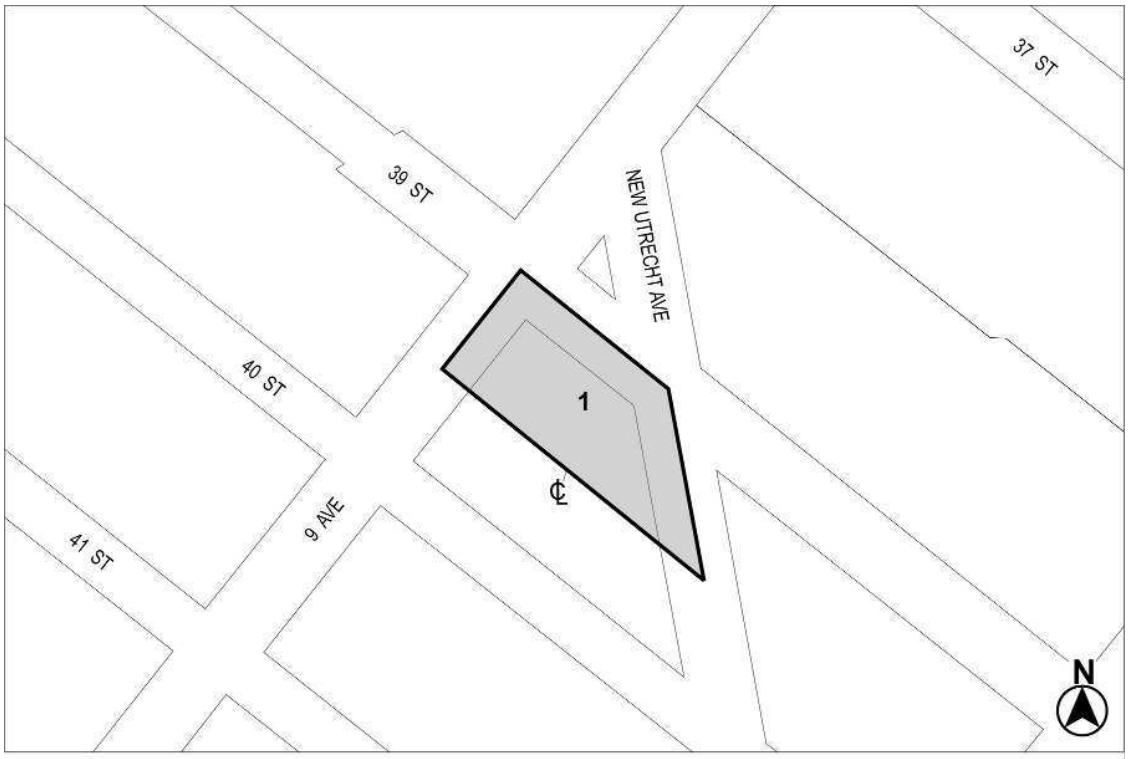
Map 1 - (9/12/19)



Portion of Community District 11, Brooklyn

Brooklyn Community District 12

Map 1 - (10/31/18)

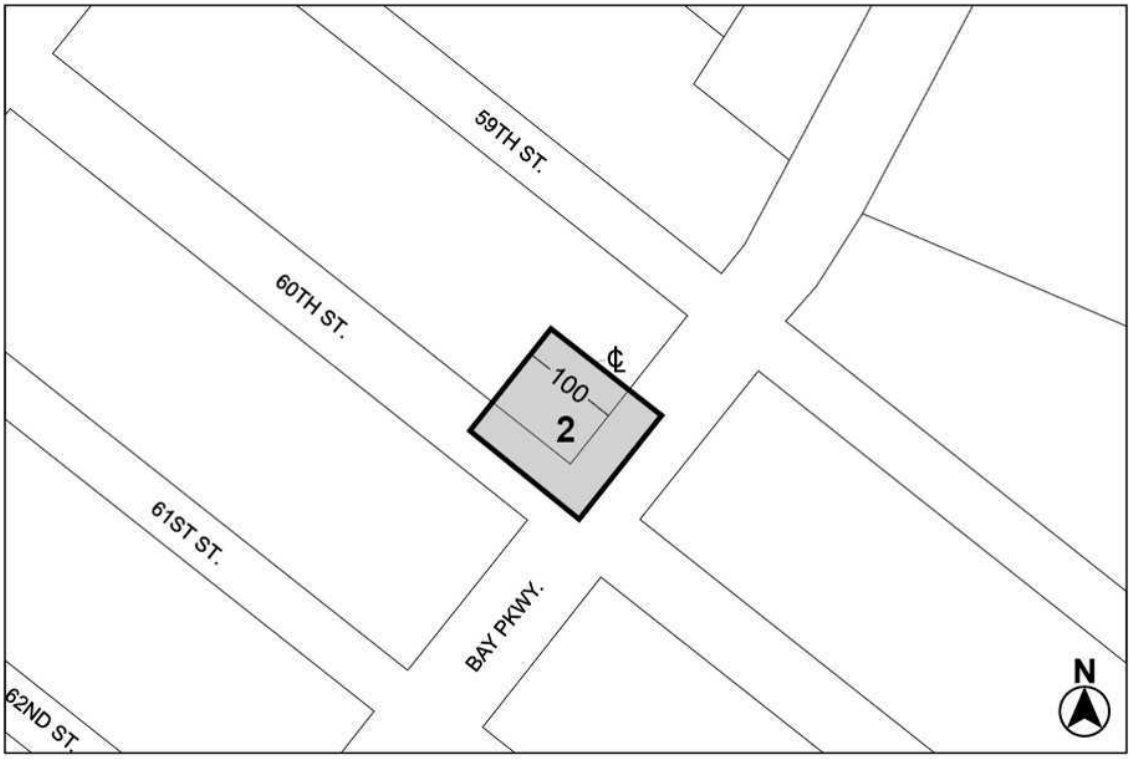


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 10/31/18 MIH Program Option 1

Portion of Community District 12, Brooklyn

Map 2 - (10/15/20)

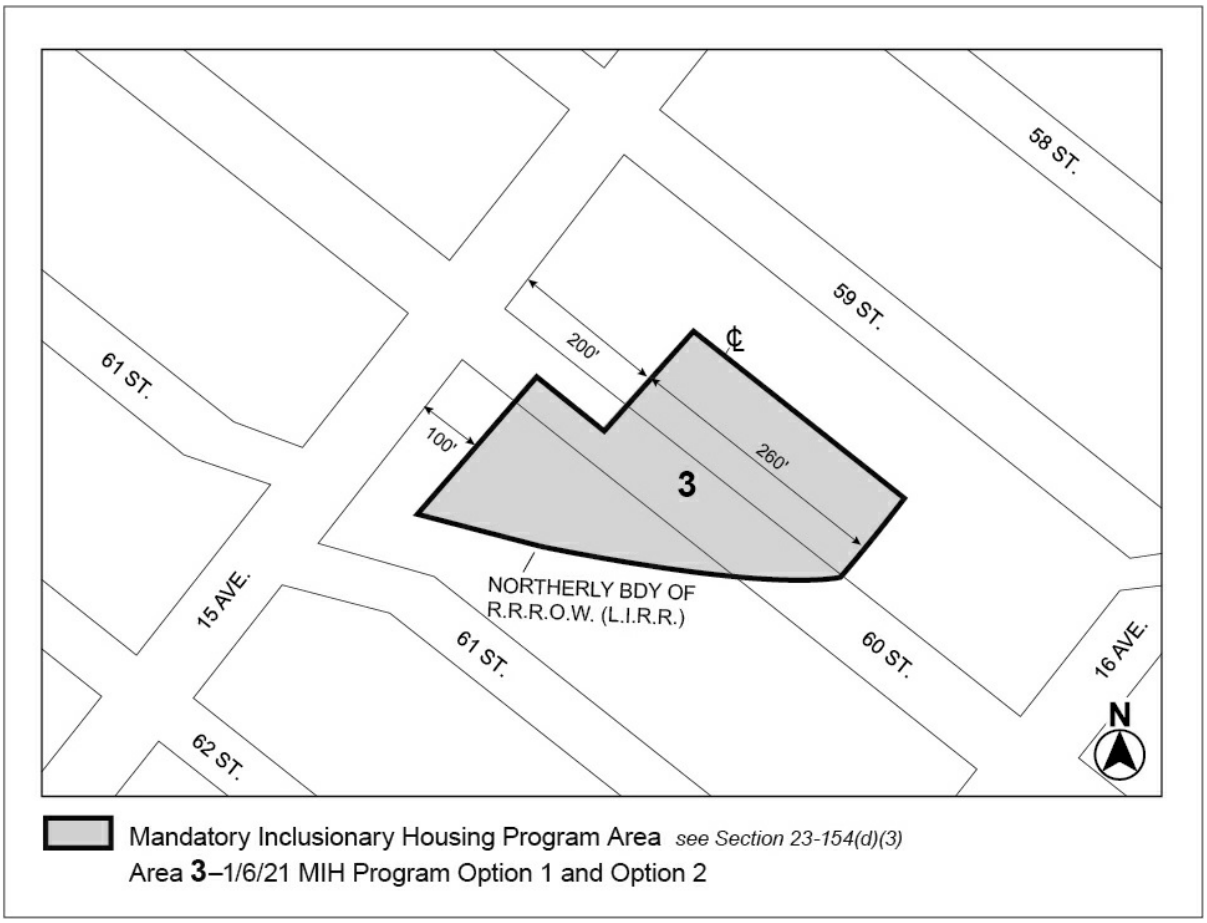


Mandatory Inclusionary Housing Area *(see Section 23-154(d)(3))*

Area **2** – (10/15/20) MIH Program Option 1, Option 2 and Workforce Option

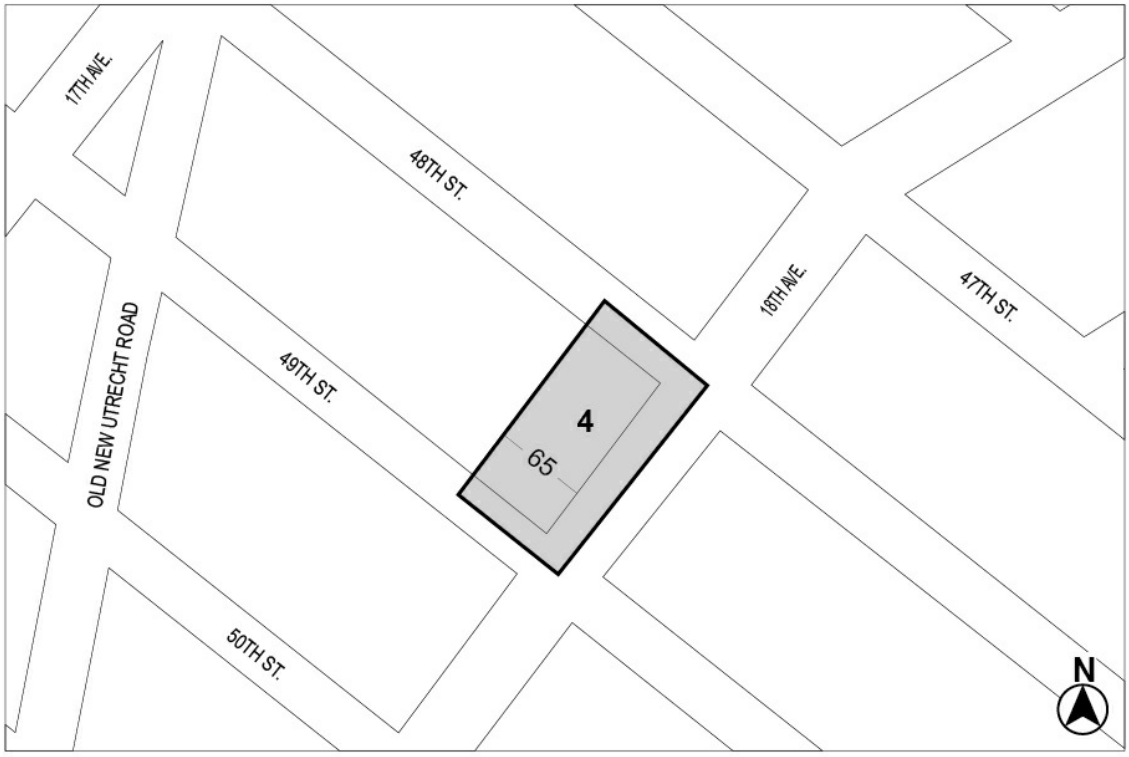
Portion of Community District 12, Brooklyn

Map 3 - (1/6/21)



Portion of Community District 12, Brooklyn

Map 4 - (11/10/21)



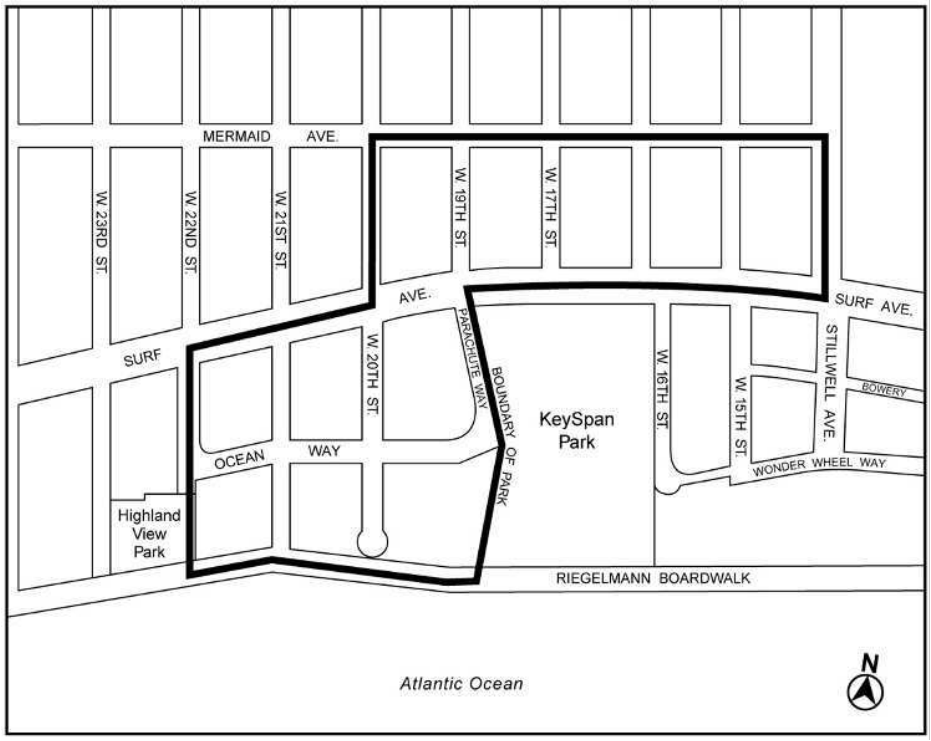
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **4** — 11/10/21 MIH Program Option 1 and Option 2

Portion of Community District 12, Brooklyn

Brooklyn Community District 13

Map 1 - (7/29/09)



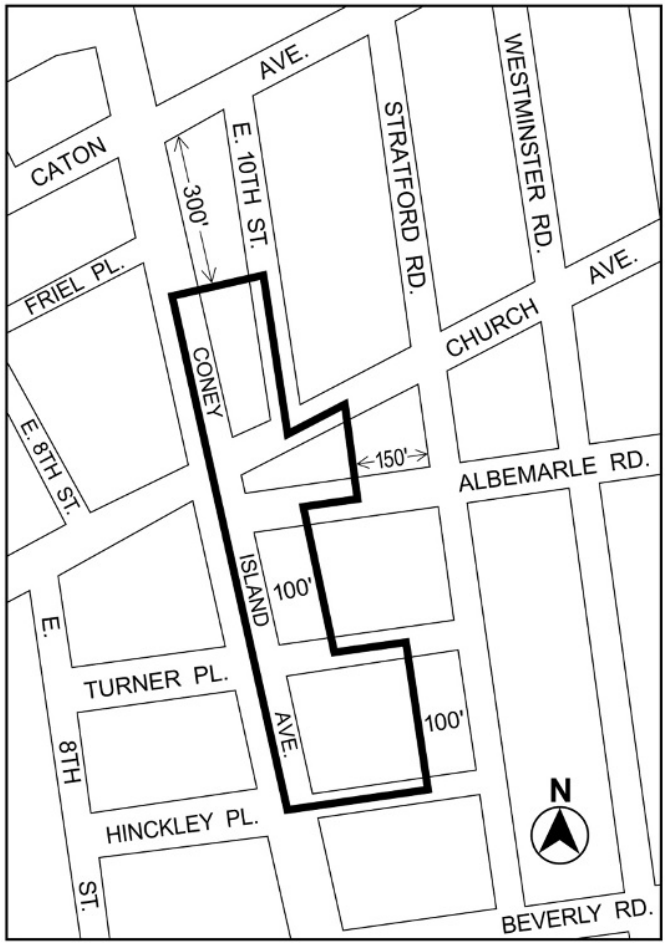
Portion of Community District 13, Brooklyn

Map 2 - (3/22/18)

Portion of Community District 13, Brooklyn

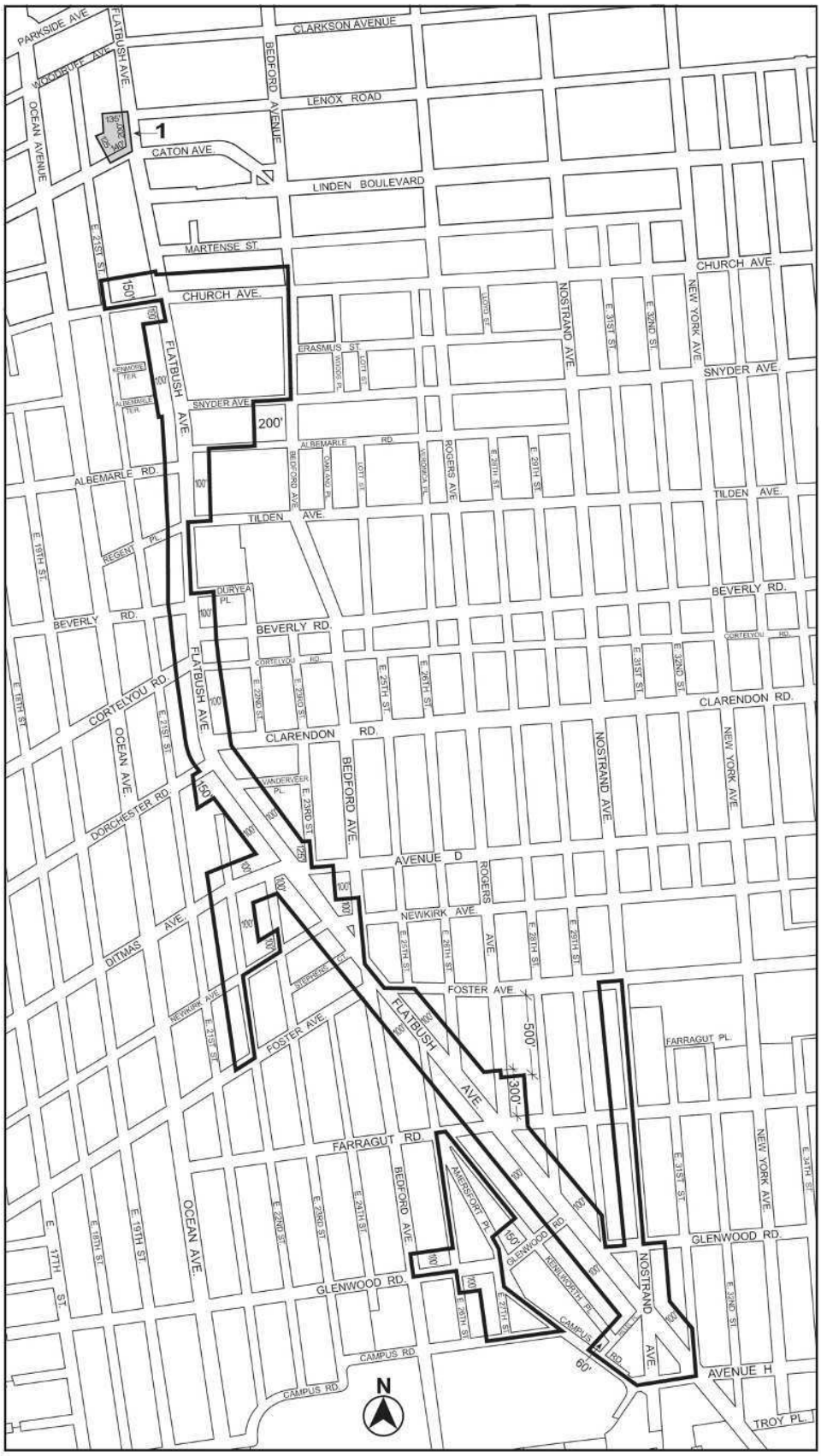
Brooklyn Community District 14

Map 1 - (7/29/09)



Portion of Community District 14, Brooklyn

Map 2 - (4/25/17)

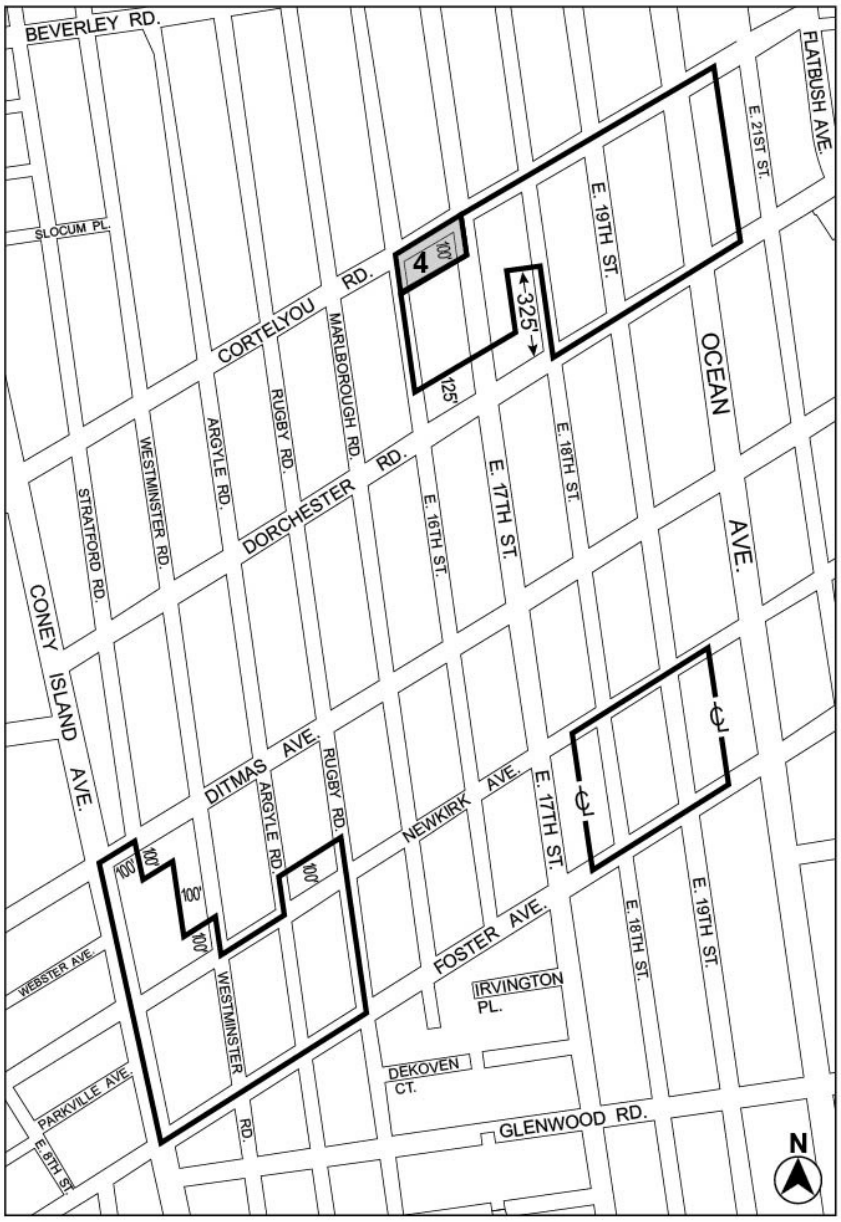


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** – 4/25/17 MIH Program Option 2

Portion of Community District 14, Brooklyn

Map 3 - (3/18/21)



Inclusionary Housing designated area

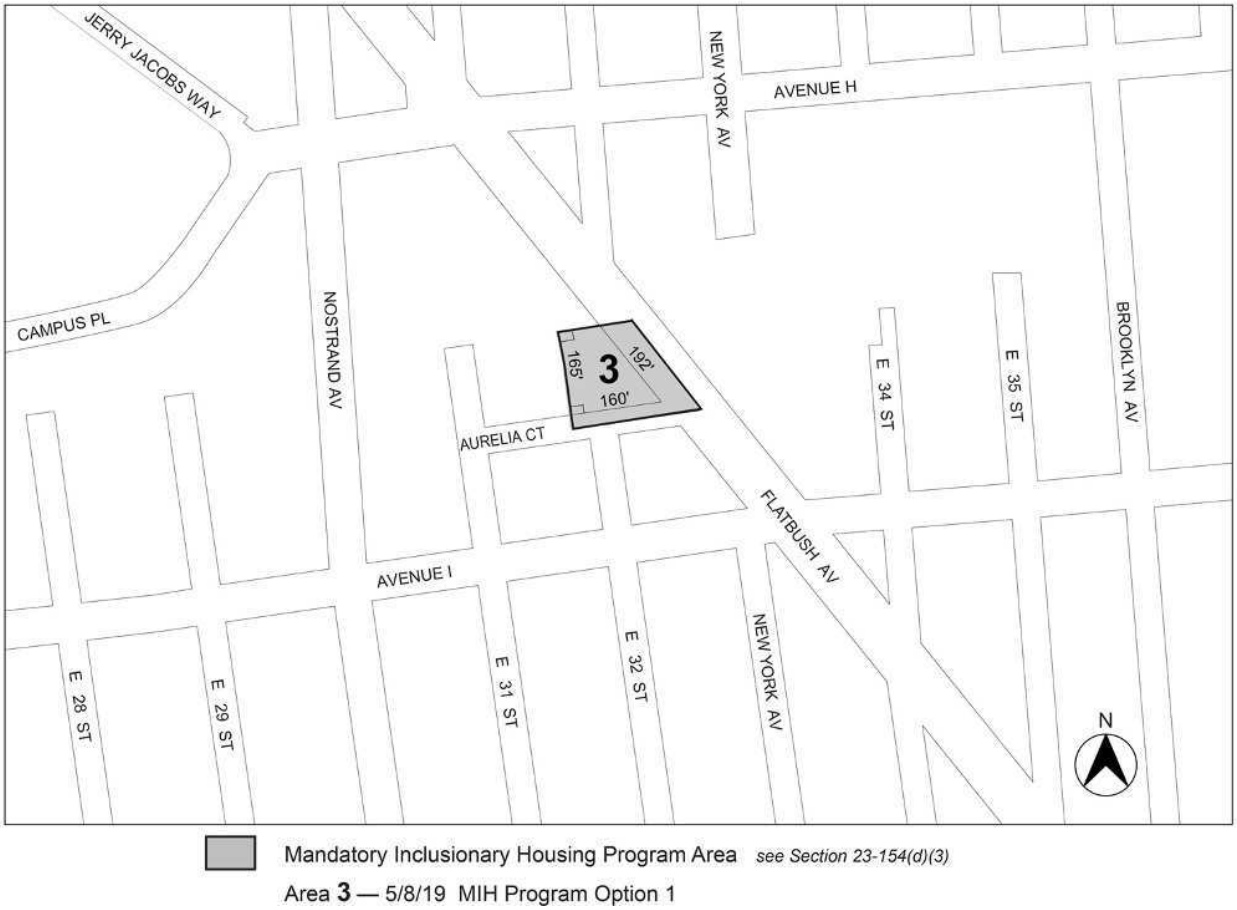
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **4** – 3/18/21 MIH Program Option 1

Portion of Community District 14, Brooklyn

Map 4 - (2/28/19)

Portion of Community District 14, Brooklyn

Map 5 - (5/8/19)



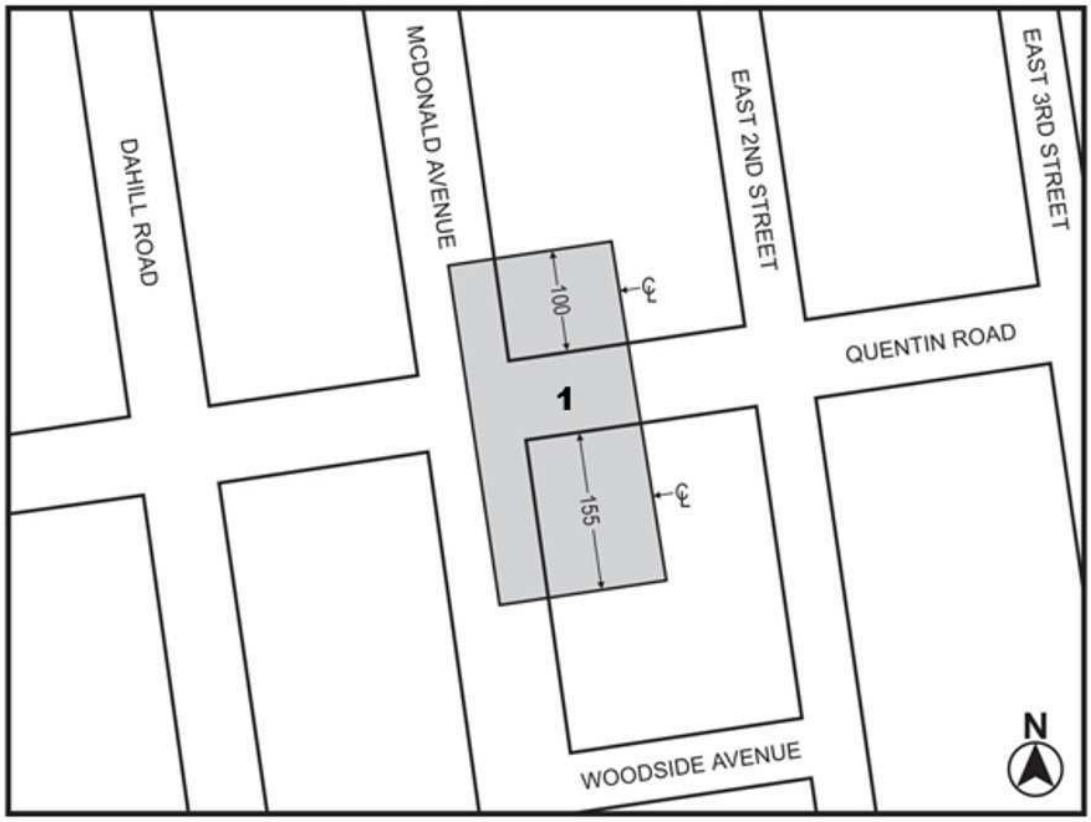
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **3** — 5/8/19 MIH Program Option 1

Portion of Community District 14, Brooklyn

Brooklyn Community District 15

Map 1 - (9/26/18)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 9/26/18 MIH Program Option 1 and Option 2

Portion of Community District 15, Brooklyn

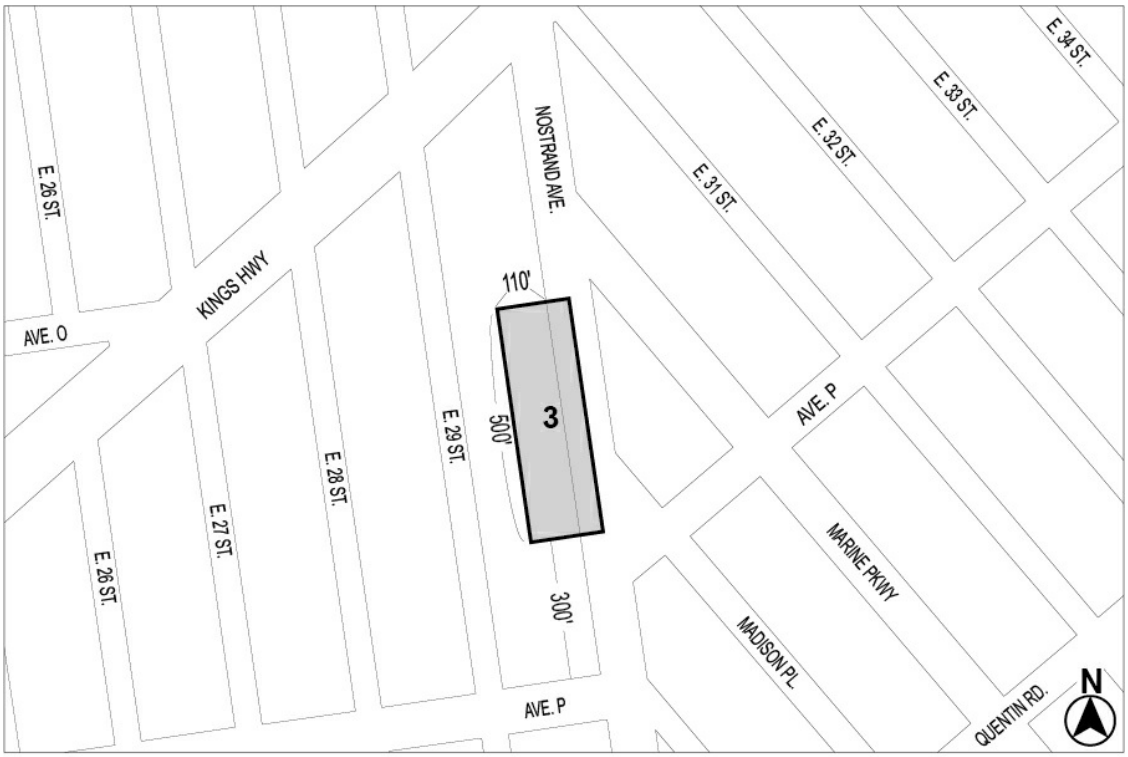
Map 2 - (10/7/21)

Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **2** — 10/7/21 MIH Program Option 1 and Option 2

Portion of Community District 15, Brooklyn

Map 3 – (2/24/22)

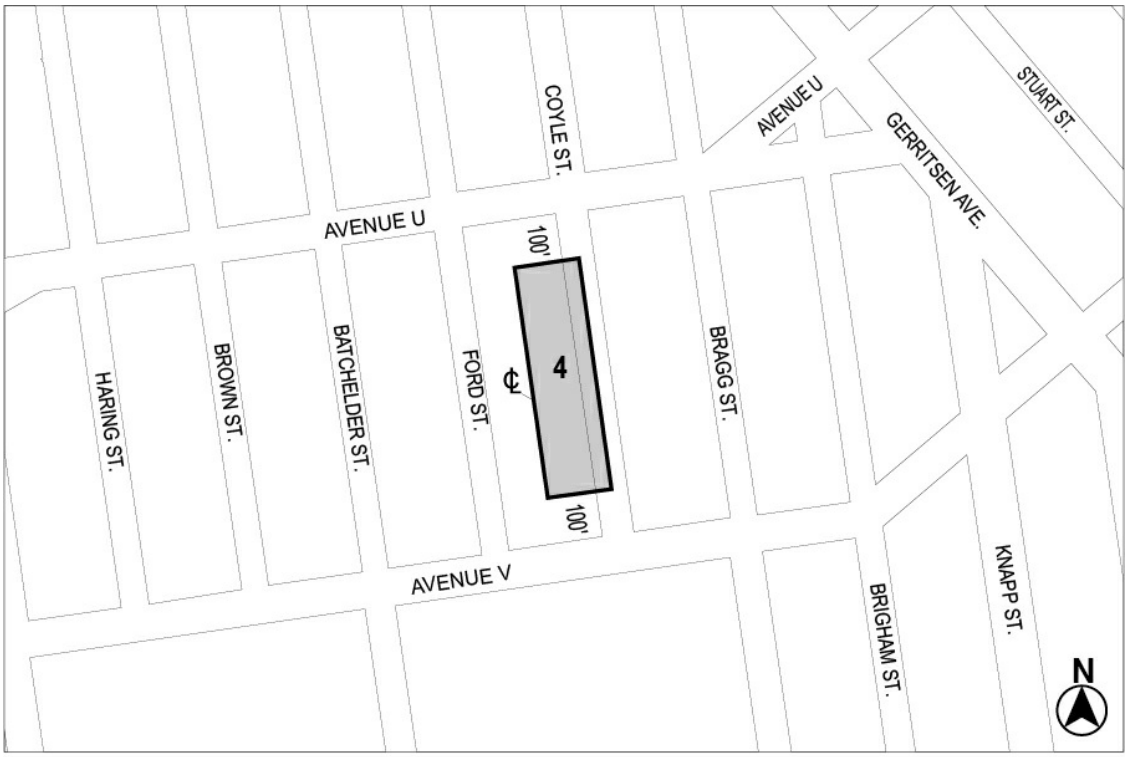


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **3** — 2/24/22 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 15, Brooklyn

Map 4 – (2/24/22)



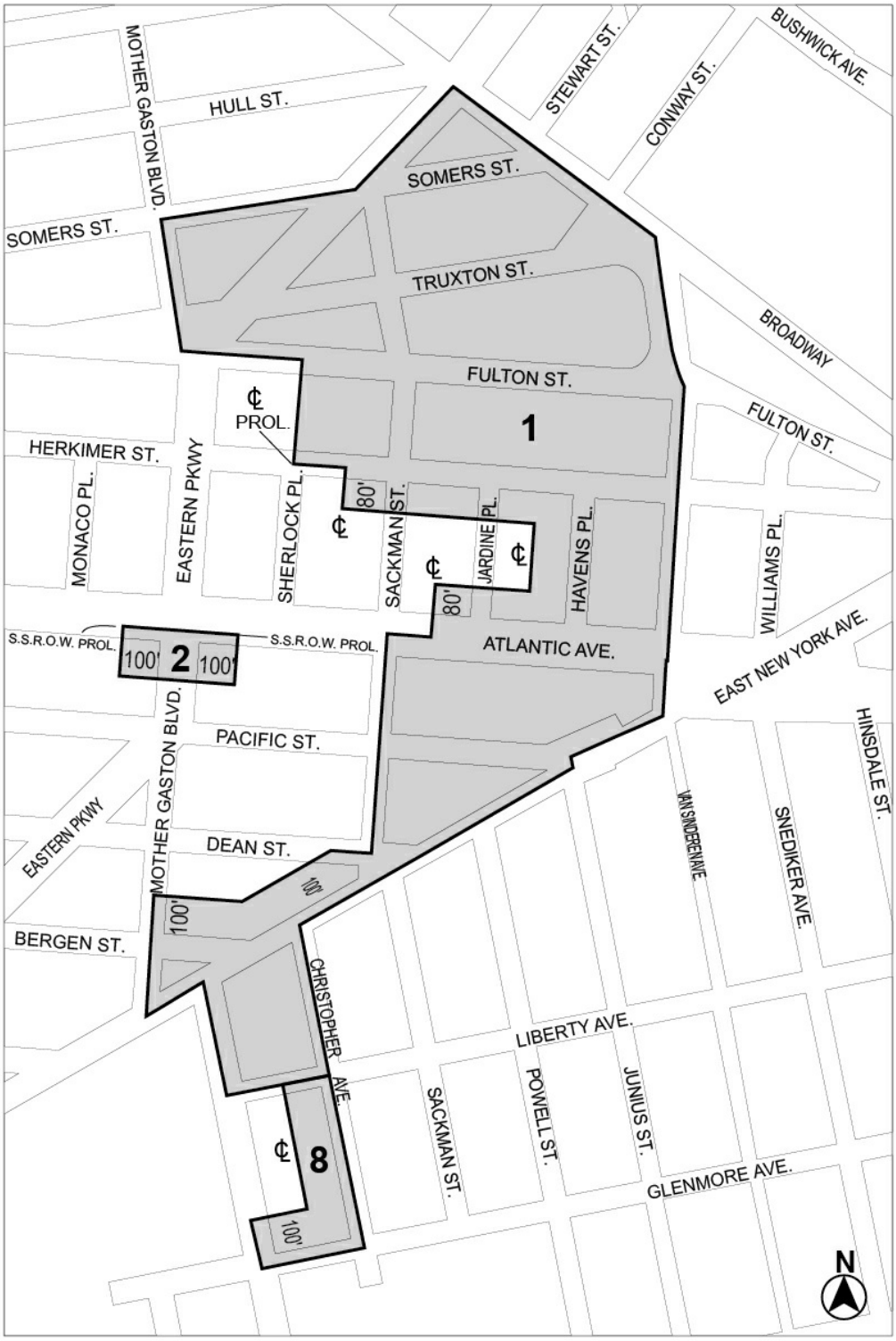
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **4** — 2/24/22 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 15, Brooklyn

Brooklyn Community District 16

Map 1 - (11/23/21)



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

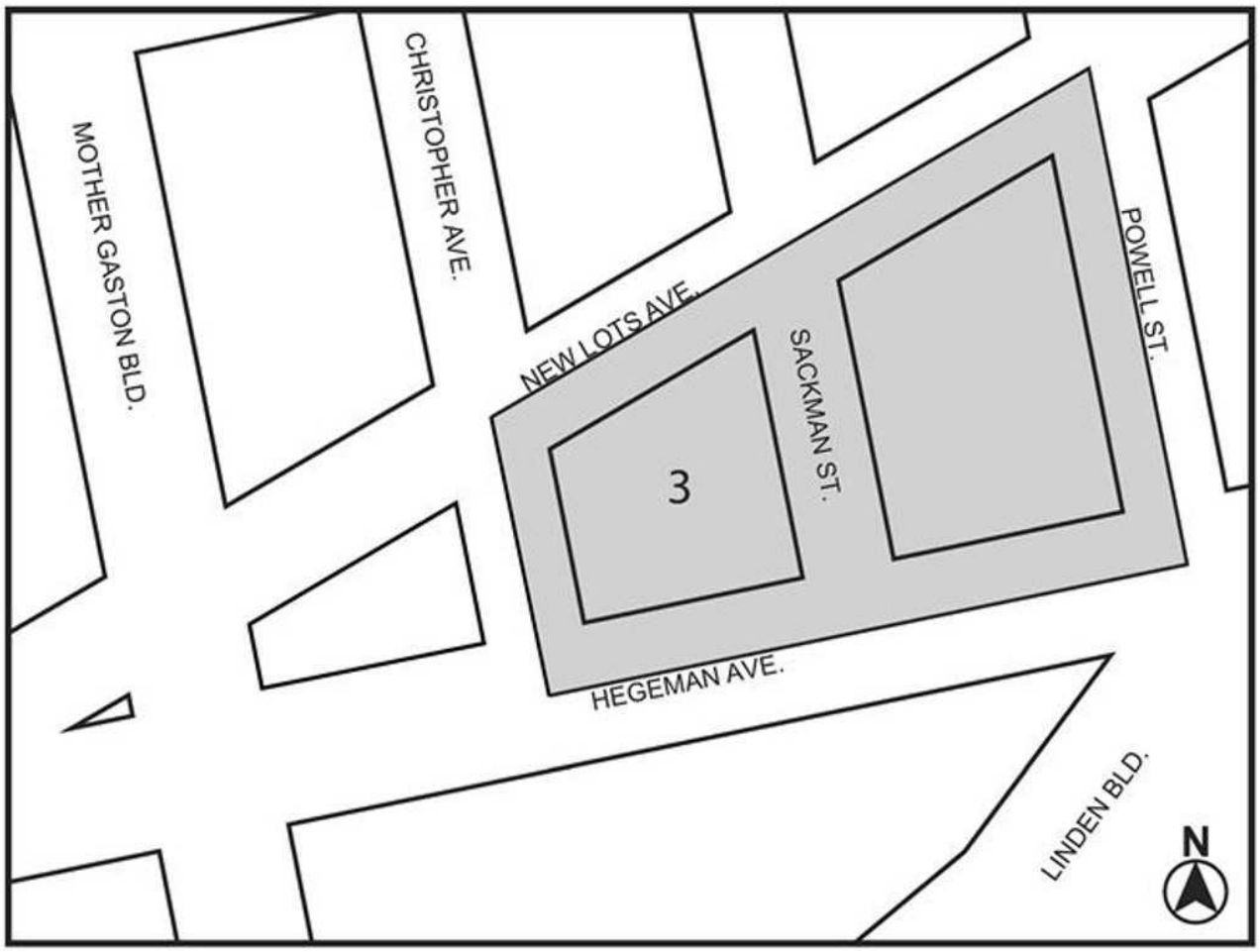
Area **1** — 4/20/16 MIH Program Option 1 and Deep Affordability Option

Area **2** — 5/24/17 MIH Program Option 1

Area **8** — 11/23/21 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 16, Brooklyn

Map 2 - (9/7/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154 (d)(3)*
Area **3** – 9/7/17 MIH Program Option 1

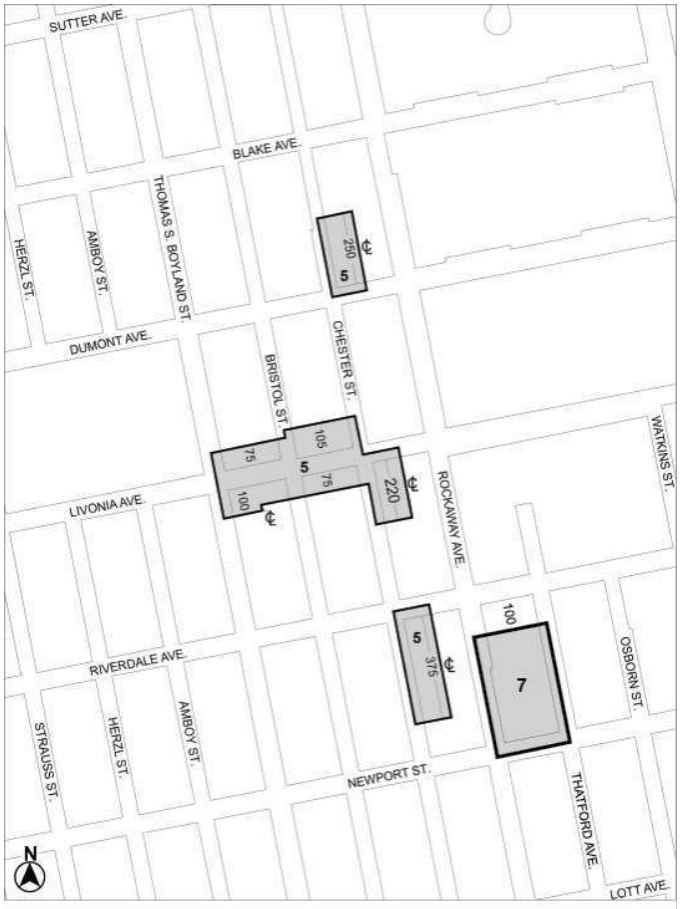
Portion of Community District 16, Brooklyn

Map 3 - (11/16/17)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **4** — 11/16/17 MIH Program Option 1 and Option 2

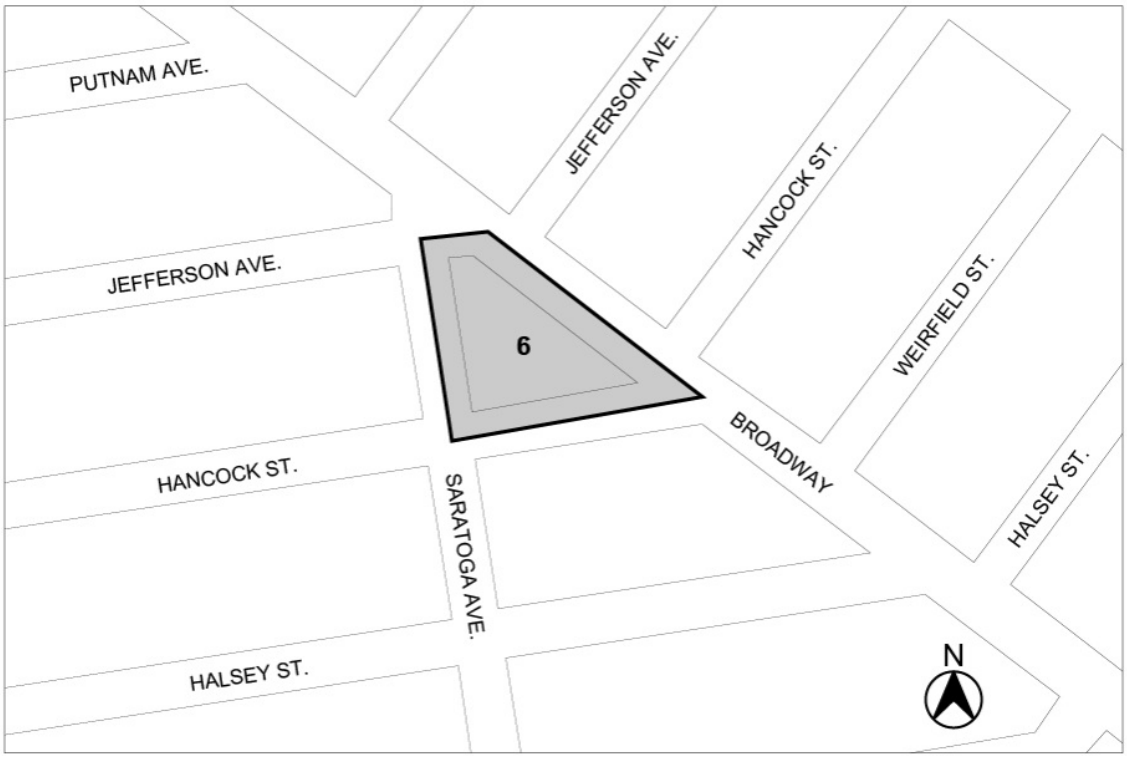
Portion of Community District 16, Brooklyn

Map 4 – (12/10/20)



Portion of Community District 16, Brooklyn

Map 5 – (10/15/20)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **6** — (10/15/20) MIH Program Option 1 and Option 2

Portion of Community District 16, Brooklyn

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

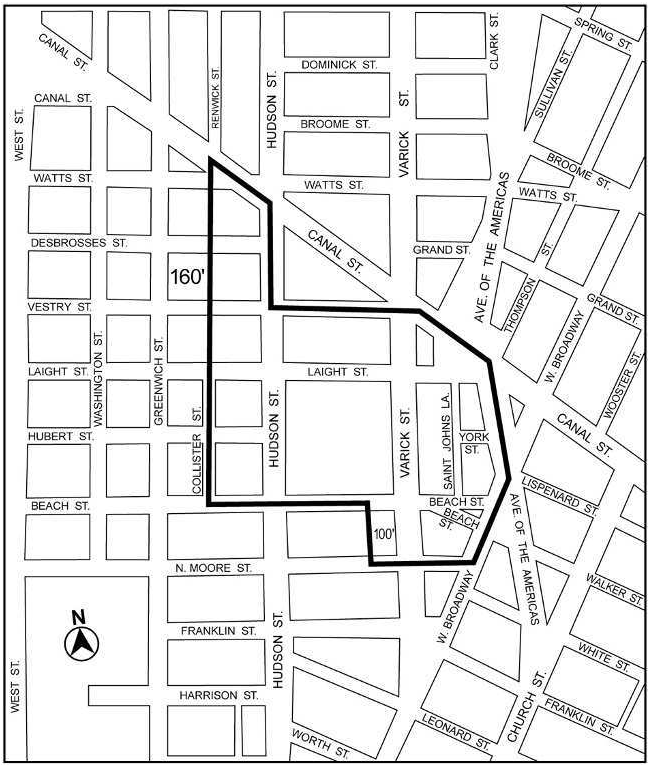
Appendix F - Manhattan

File generated by https://zr.planning.nyc.gov on 3/22/2022

Appendix F - Manhattan

Manhattan Community District 1

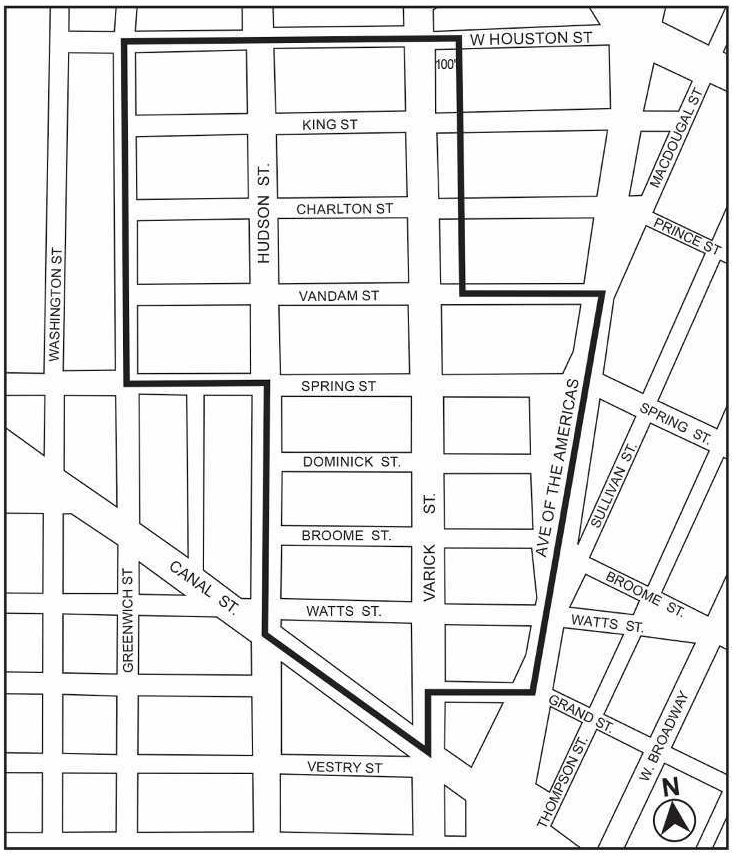
Map 1 - (10/13/10)



Portion of Community District 1, Manhattan

Manhattan Community District 2

Map 1 - (3/20/13)



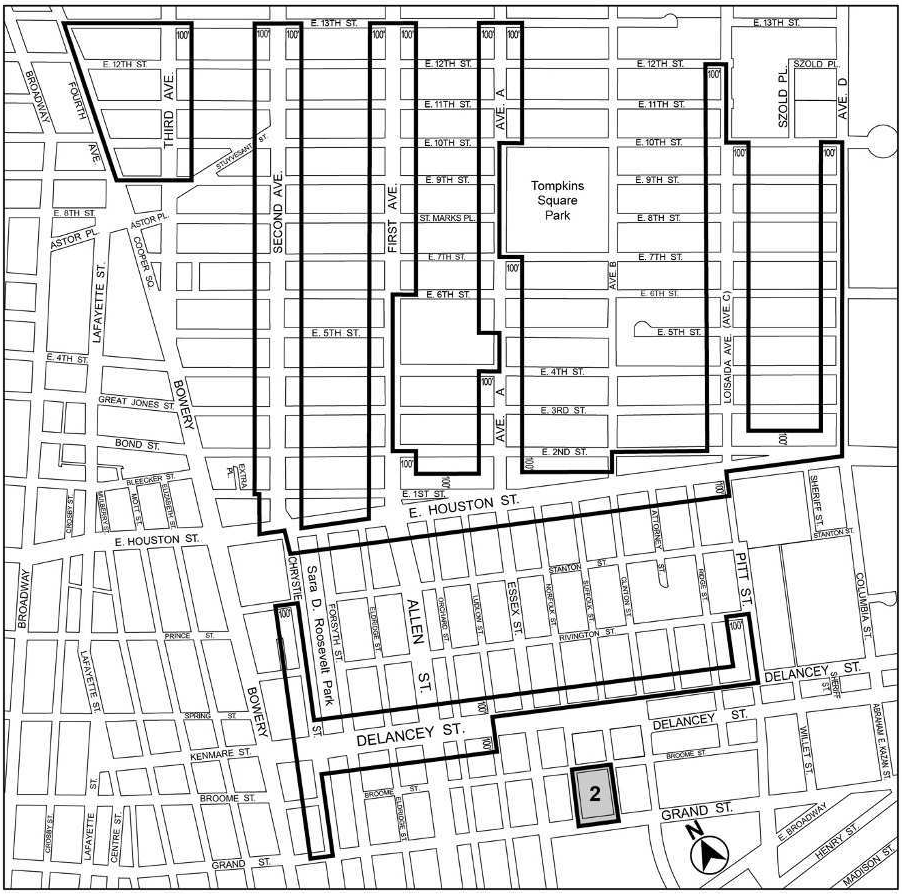
Portion of Community District 2, Manhattan

Map 2 - (12/15/21)

Portion of Community District 2, Manhattan

Manhattan Community District 3

Map 1 - (2/27/20)



Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **2**– 2/27/20 MIH Program Option 1

Portion of Community District 3, Manhattan

Map 2 – (8/8/18)

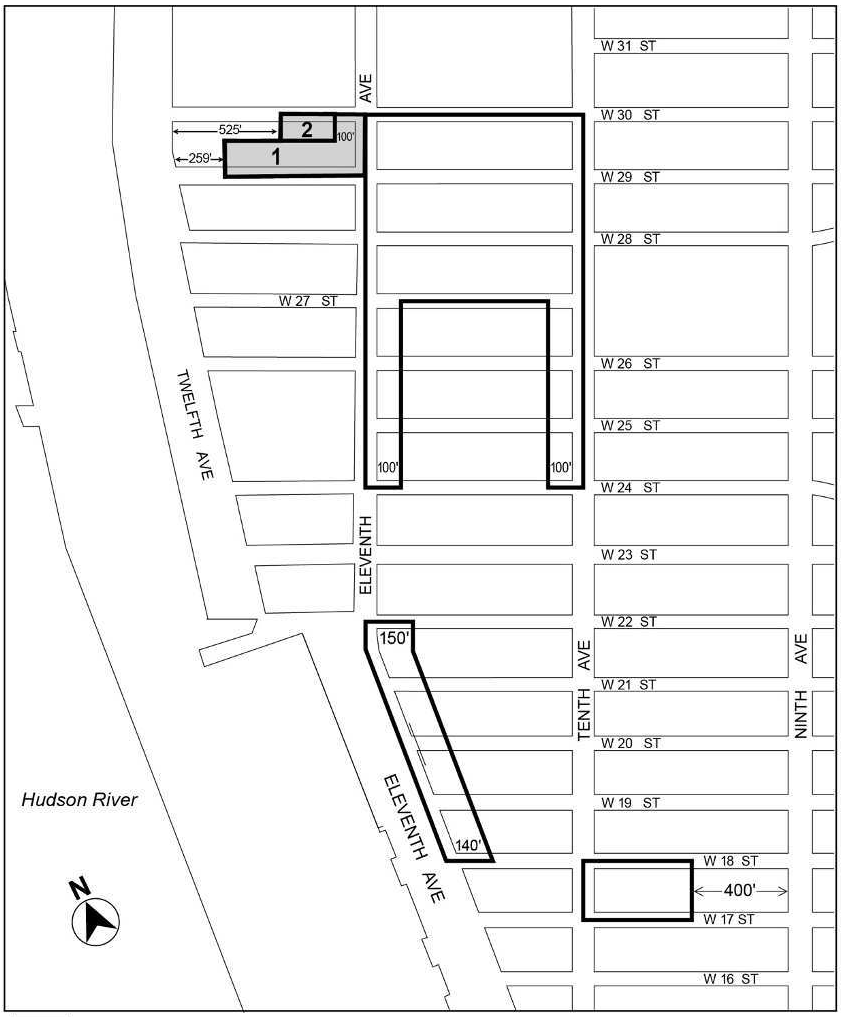
Inclusionary Housing Designated Area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** -- 8/8/18 MIH Program Option 1 and Option 2

Portion of Community District 3, Manhattan

Manhattan Community District 4

Map 1 - (6/28/18)



Inclusionary Housing designated area

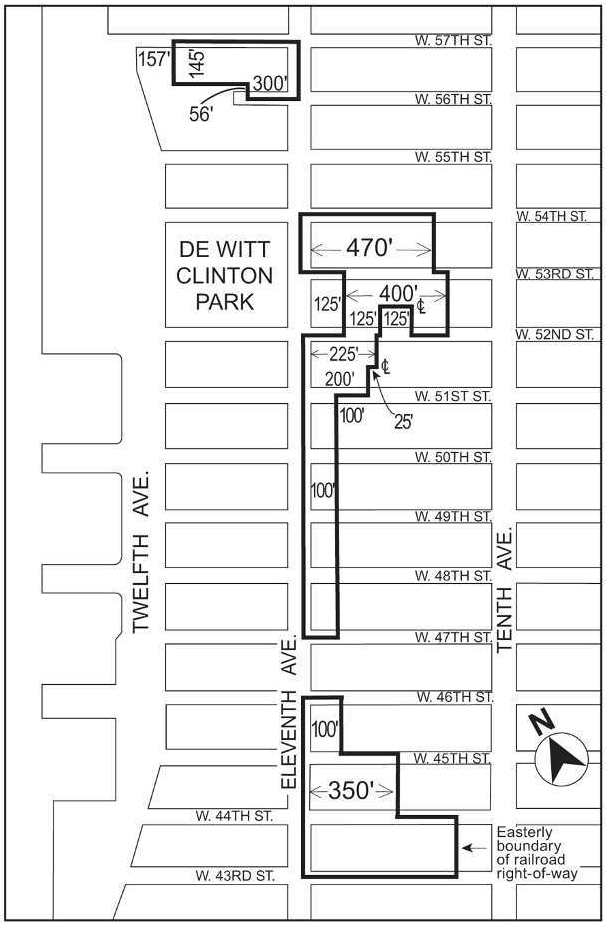
Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **1** — 6/28/18 MIH Program Option 1

Area **2** —6/28/18 MIH Program Option 1

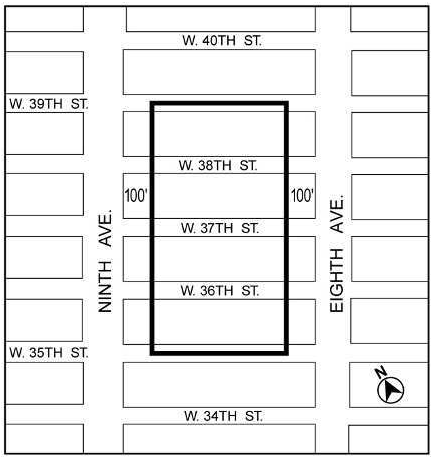
Portion of Community District 4, Manhattan

Map 2 – (6/26/14)



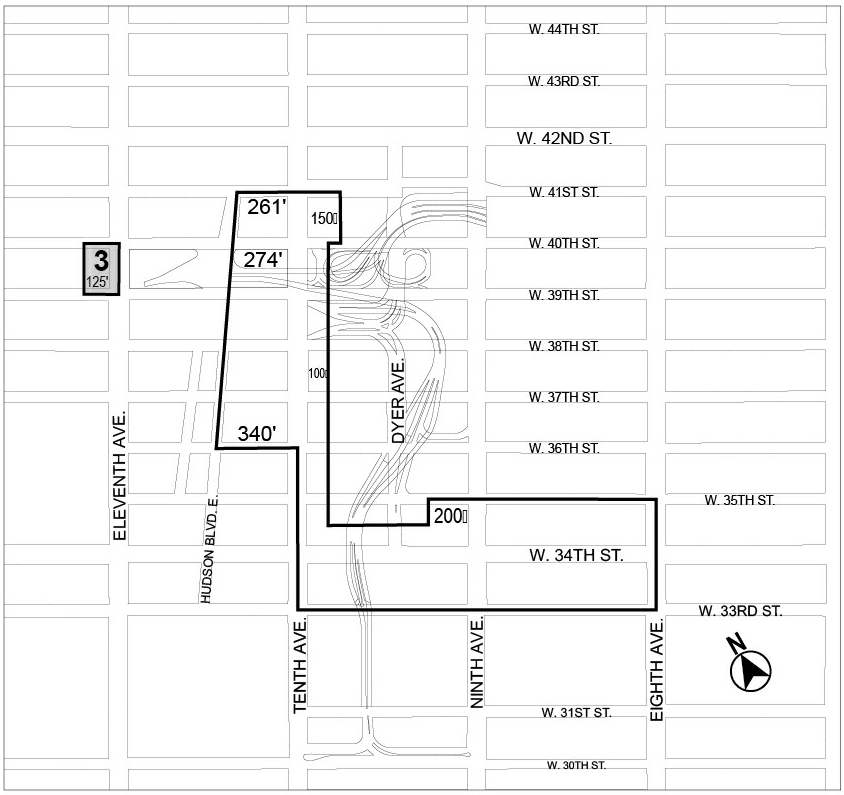
Portion of Community District 4, Manhattan

Map 3 – (12/21/09)



Portion of Community District 4, Manhattan

Map 4 – (10/21/21)



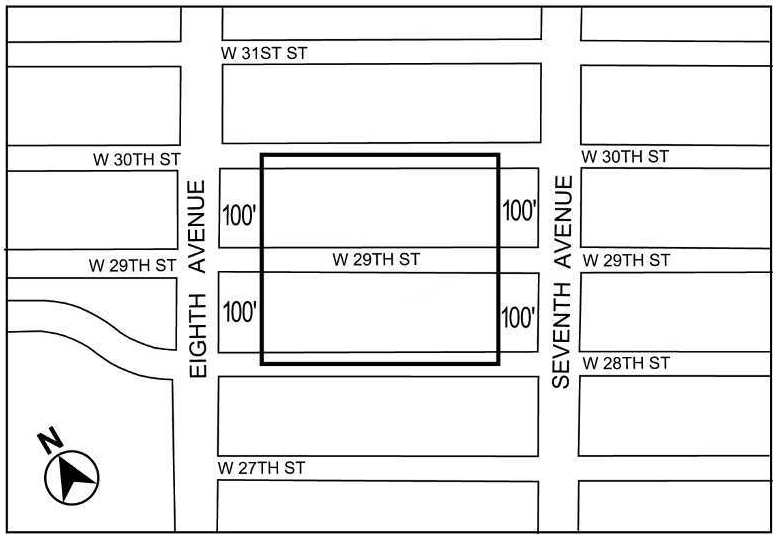
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area 3 — 10/21/21 MIH Program Option 1 and Option 2

Portion of Community District 4, Manhattan

Manhattan Community District 5

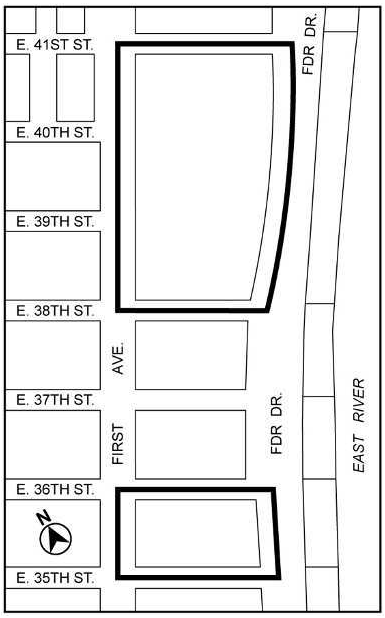
Map 1 - (9/21/11)



Portion of Community District 5, Manhattan

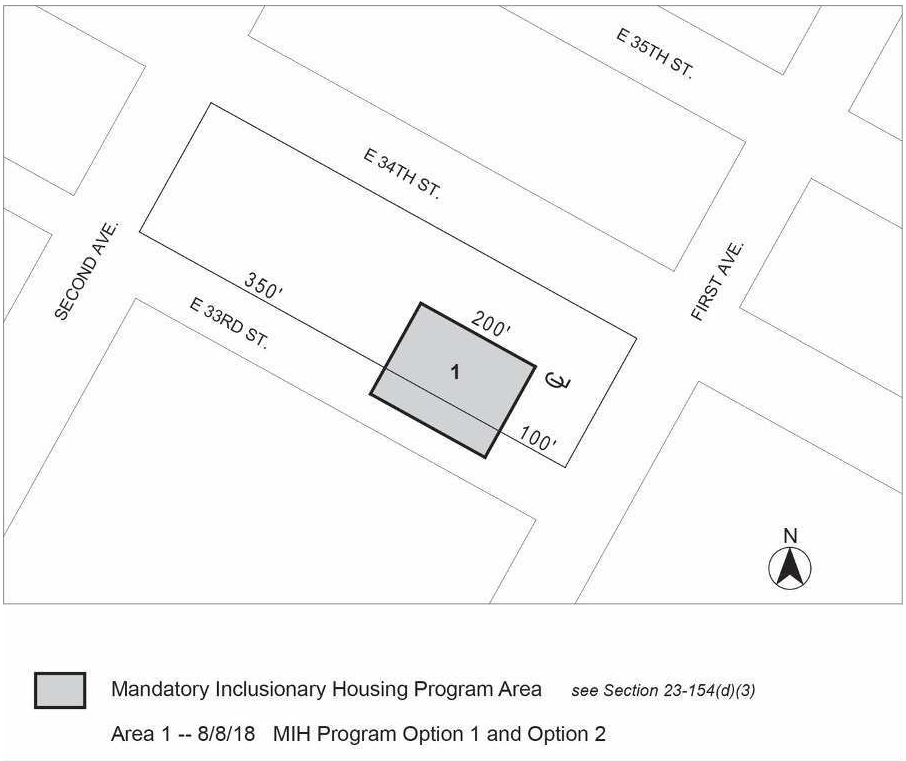
Manhattan Community District 6

Map 1 - (3/26/08)



Portion of Community District 6, Manhattan

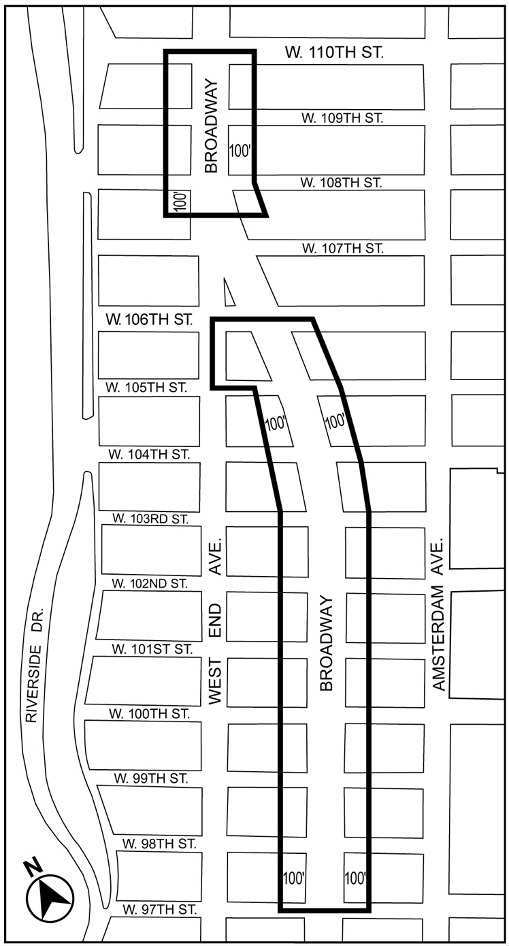
Map 2 - (8/8/18)



Portion of Community District 6, Manhattan

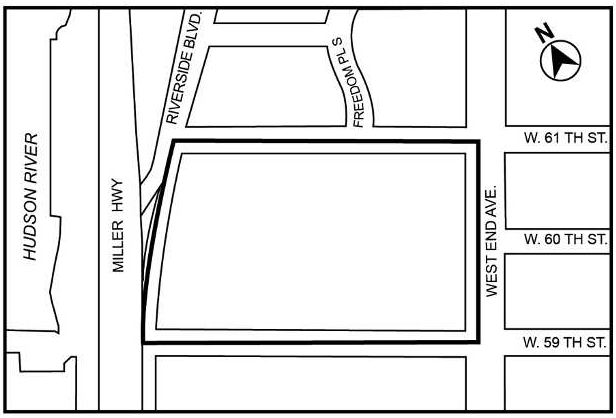
Manhattan Community District 7

Map 1 - (9/25/07)



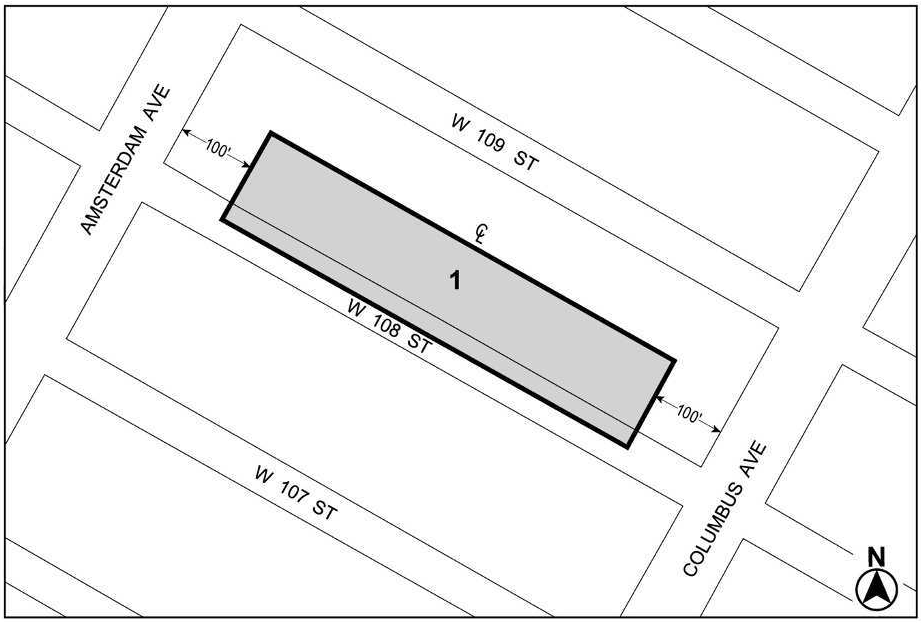
Portion of Community District 7, Manhattan

Map 2 - (12/20/10)



Portion of Community District 7, Manhattan

Map 3 – (4/25/18)

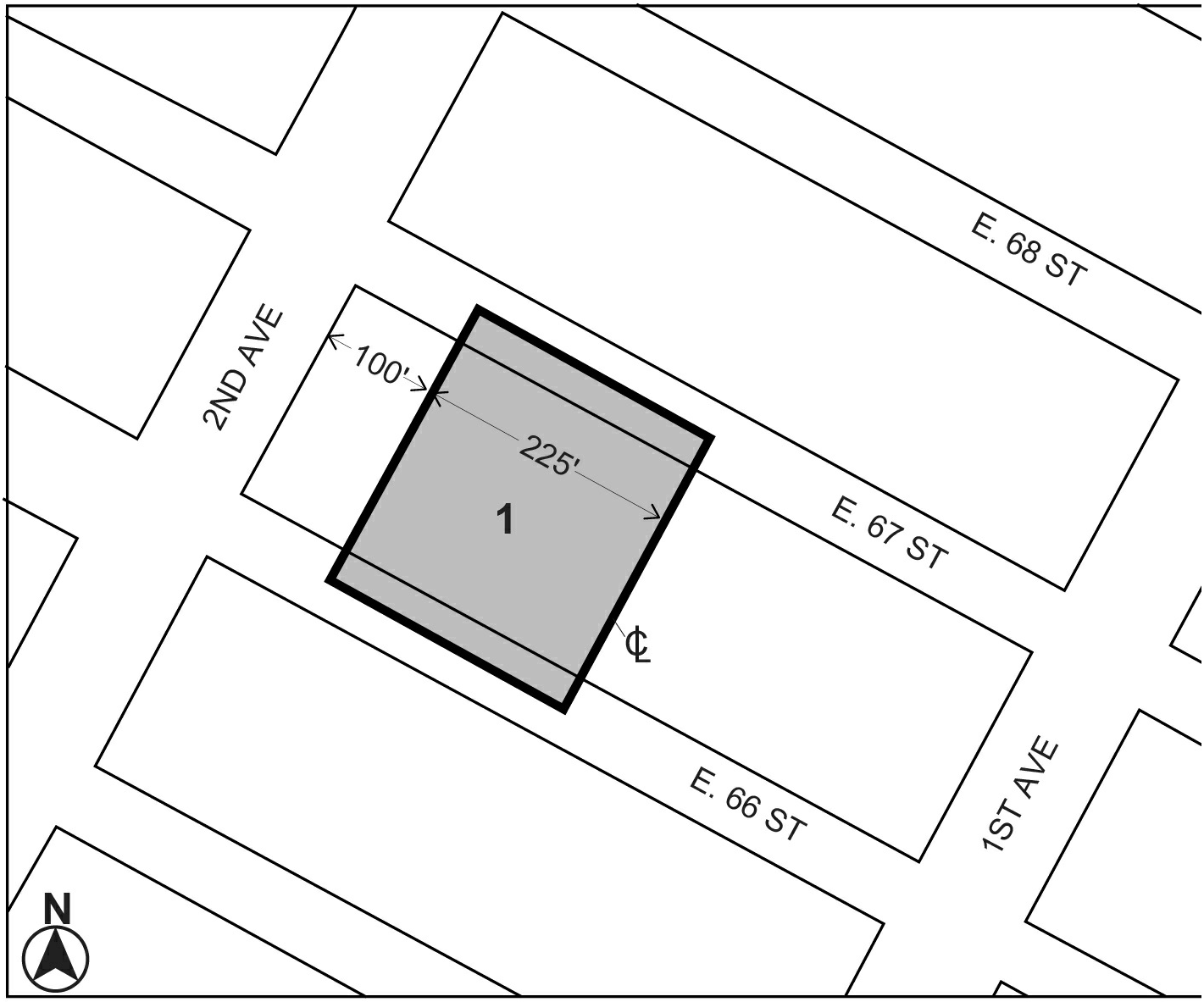


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** – 4/25/18 MIH Program Option 1

Portion of Community District 7, Manhattan

Manhattan Community District 8

Map 1 - (11/23/21)

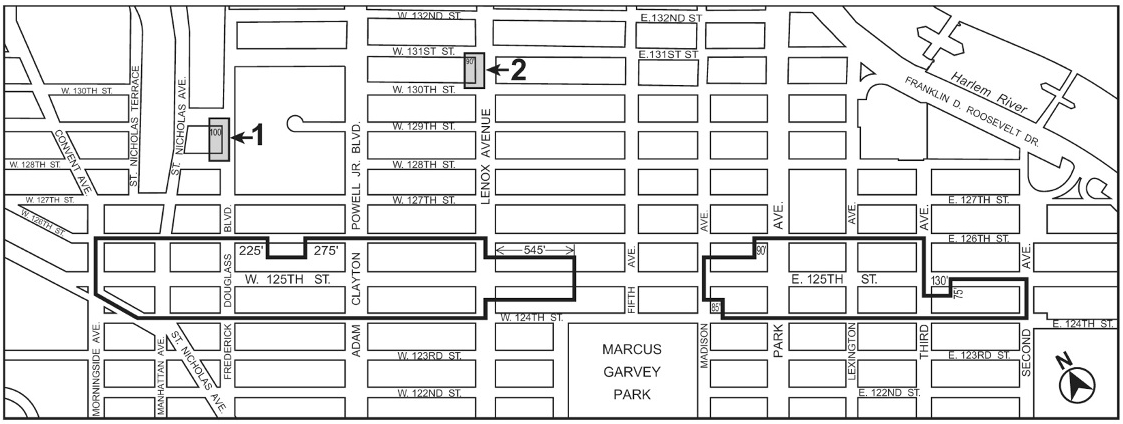


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** — 11/23/21 MIH Program Option 1 and Option 2

Portion of Community District 8, Manhattan

Manhattan Community Districts 9, 10 and 11

Map 1 – (2/15/17)



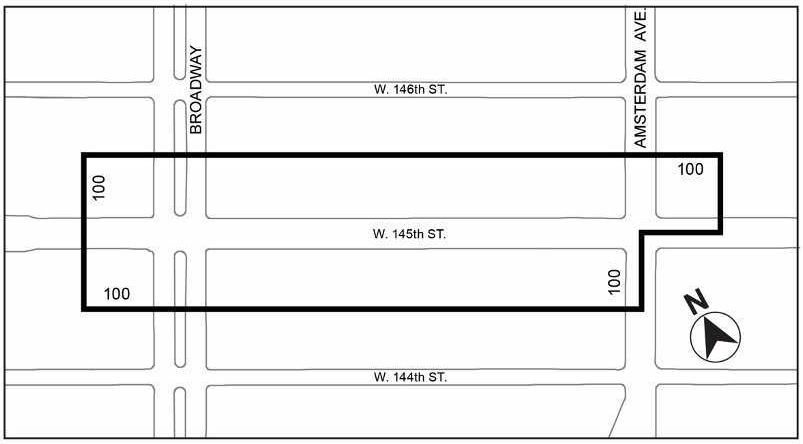
Inclusionary Housing designated area

Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area **1** (2/15/17) – MIH Program Option 1
Area **2** (2/15/17) – MIH Program Option 2

Portions of Community Districts 9, 10 and 11, Manhattan

Manhattan Community District 9

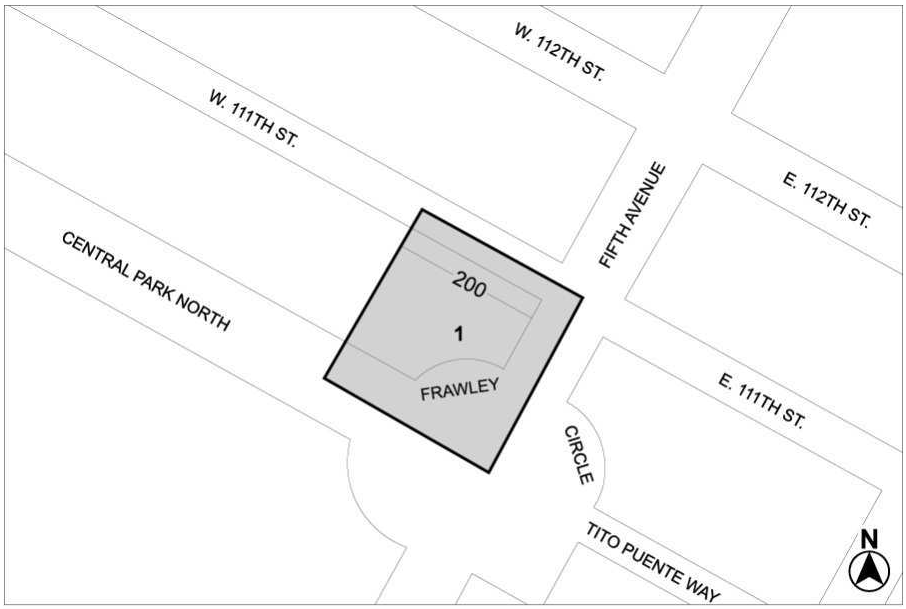
Map 1 – (11/13/12)



Portion of Community District 9, Manhattan

Manhattan Community District 10

Map 1 - (12/19/19)



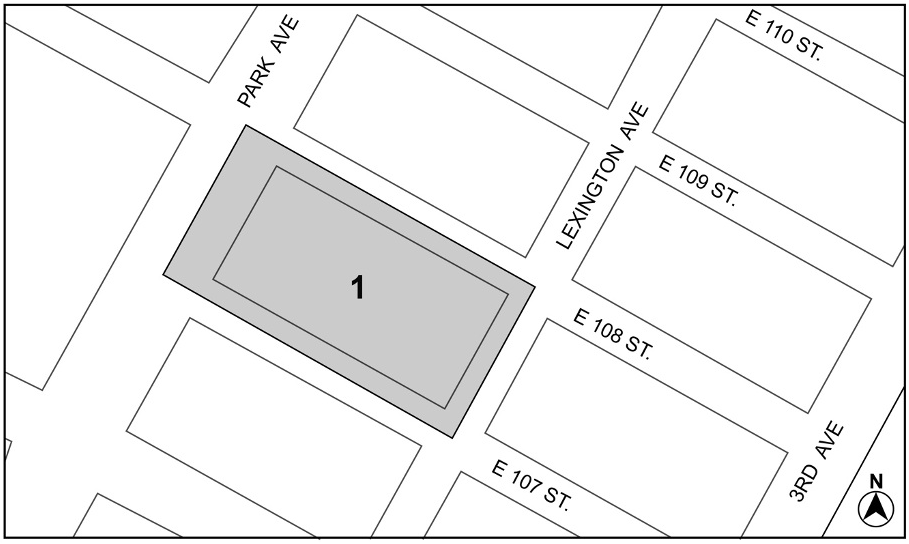
Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **1** — 12/19/19 MIH Program Option 1

Portion of Manhattan Community District 10

Manhattan Community District 11

Map 1 - (11/29/16)

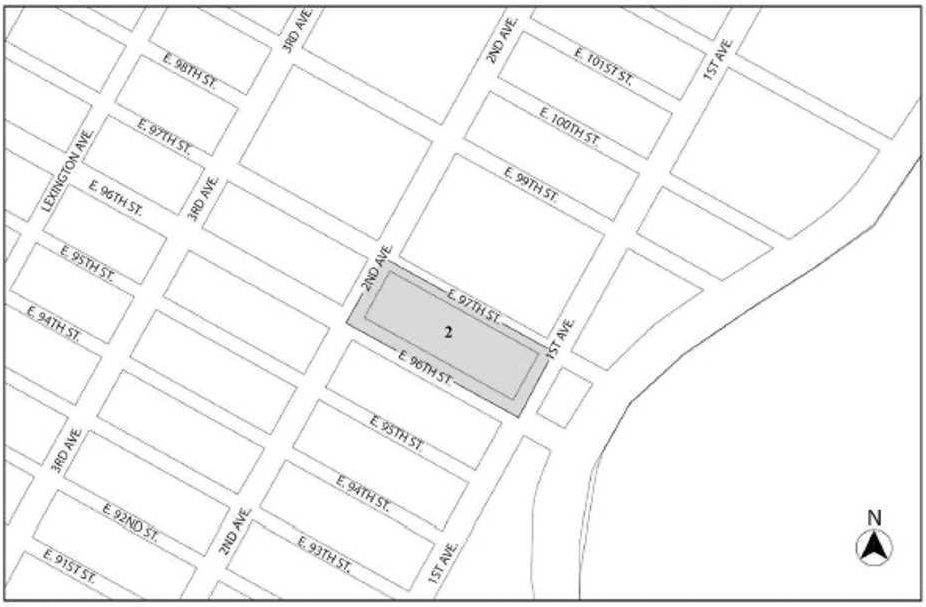


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1**– 11/29/16 MIH Program Option 1

Portion of Community District 11, Manhattan

Map 2 – (8/24/17)

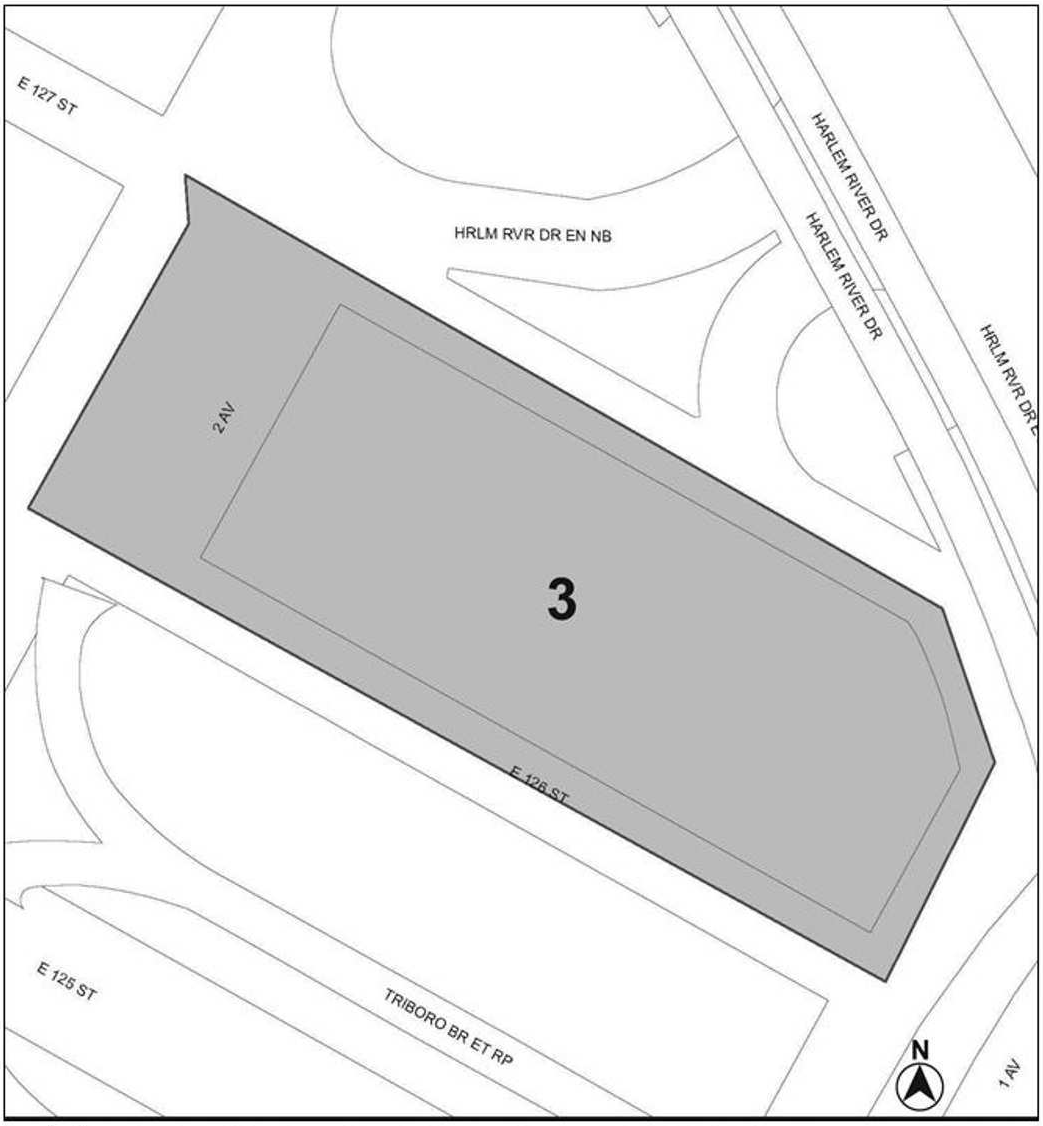


Mandatory Inclusionary Housing Program Area *See Section 23-154(d)(3)*

Area **2** – 8/24/17 MIH Program Option 1

Portion of Community District 11, Manhattan

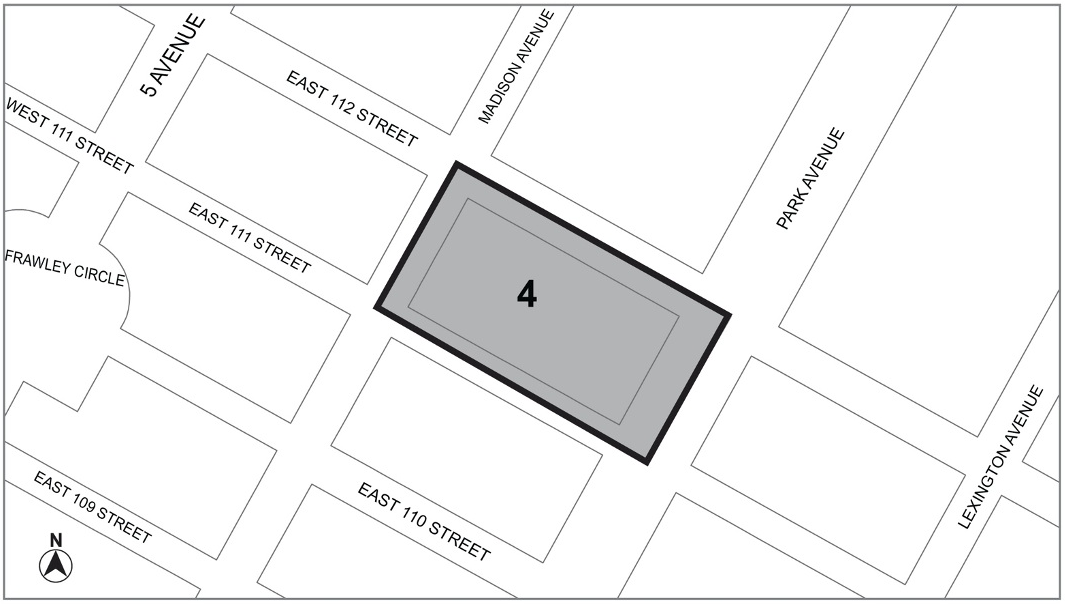
Map 3 – (9/27/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** — 9/27/17 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 11, Manhattan

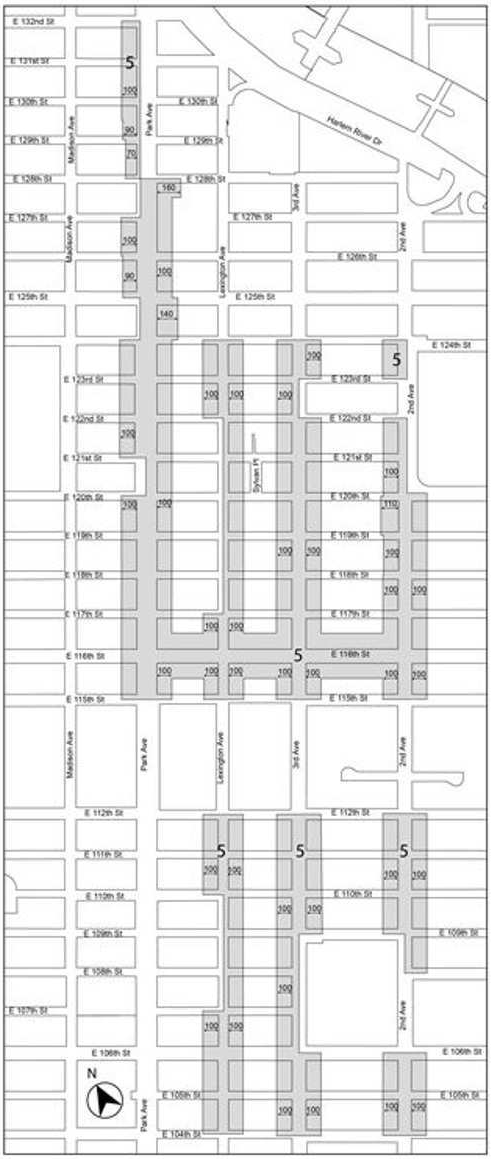
Map 4 – (11/30/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **4**—11/30/17 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 11, Manhattan

Map 5 – (11/30/17)

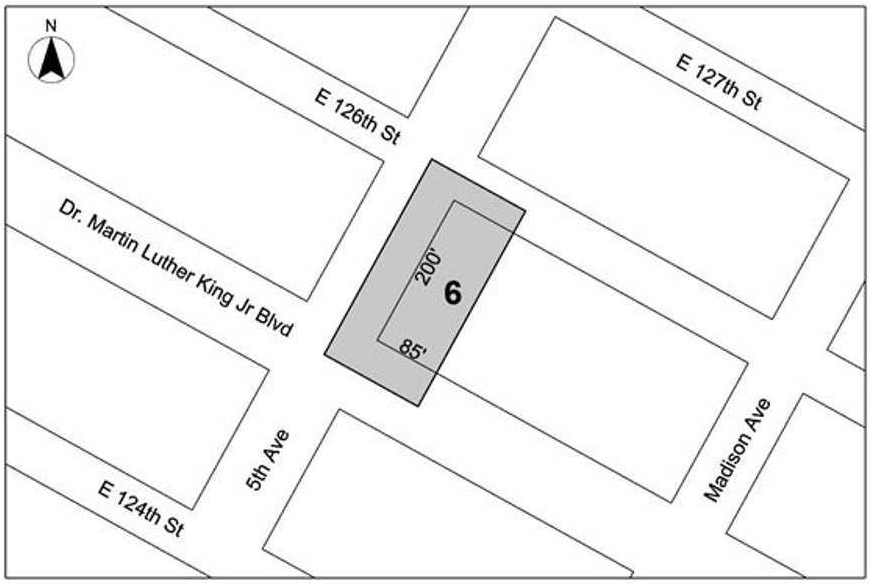


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **5** — 11/30/17 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 11, Manhattan

Map 6 – (12/19/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **6** — 12/19/17 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 11, Manhattan

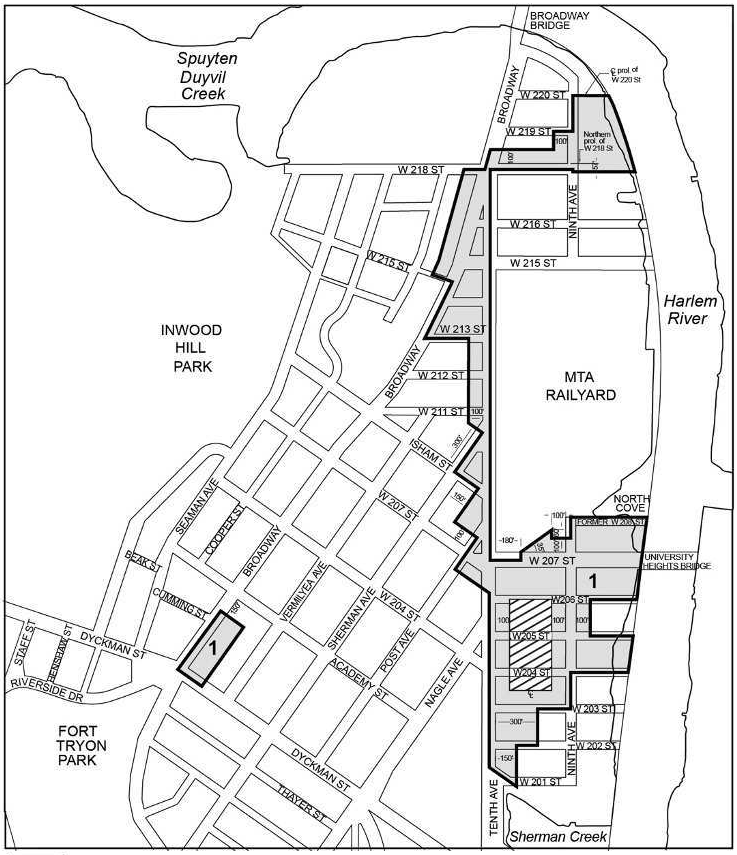
Map 7 – (10/17/19)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **7** — (10/17/19) MIH Program Option 1

Portion of Community District 11, Manhattan

Manhattan Community District 12

Map 1 - (8/8/18)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** – 8/8/18 MIH Program Option 1 and Deep Affordabilty Option

Excluded Area

Portion of Community District 12, Manhattan

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Appendix F - Queens

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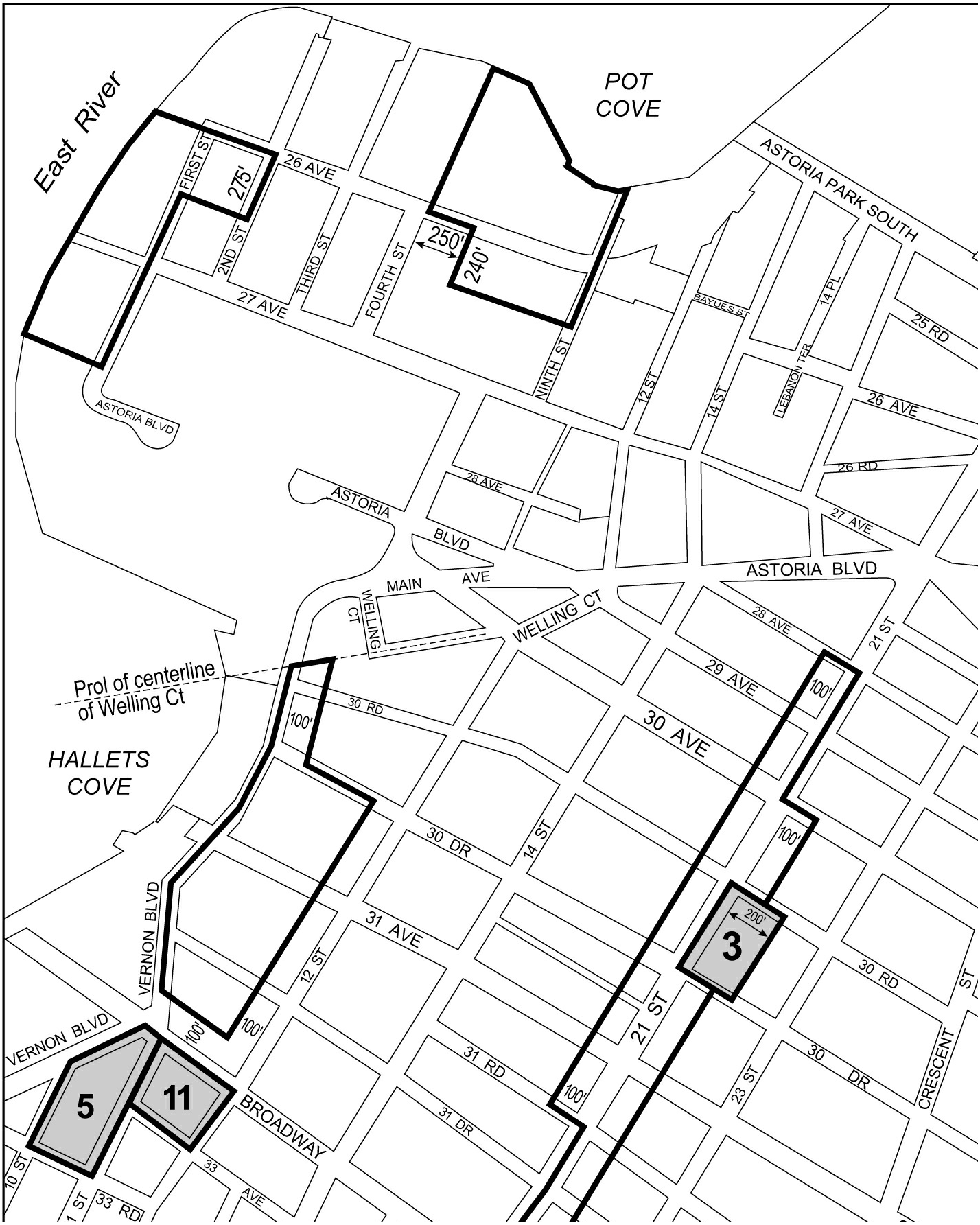
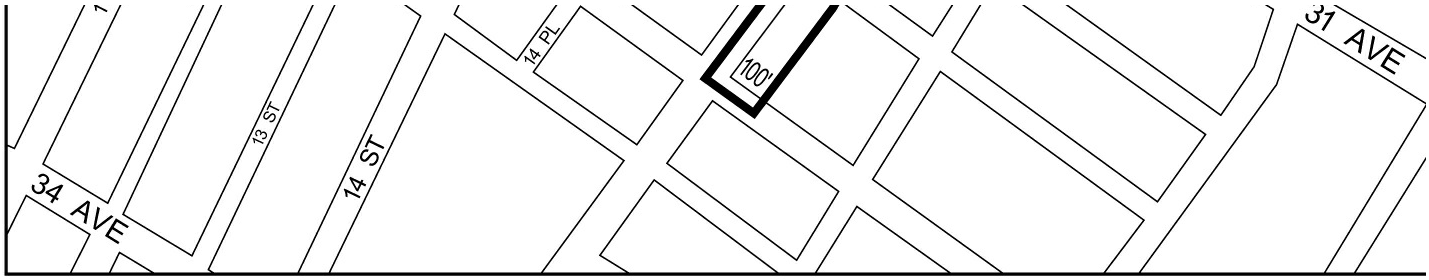
Queens Community District 1

Map 1 - (10/21/21)



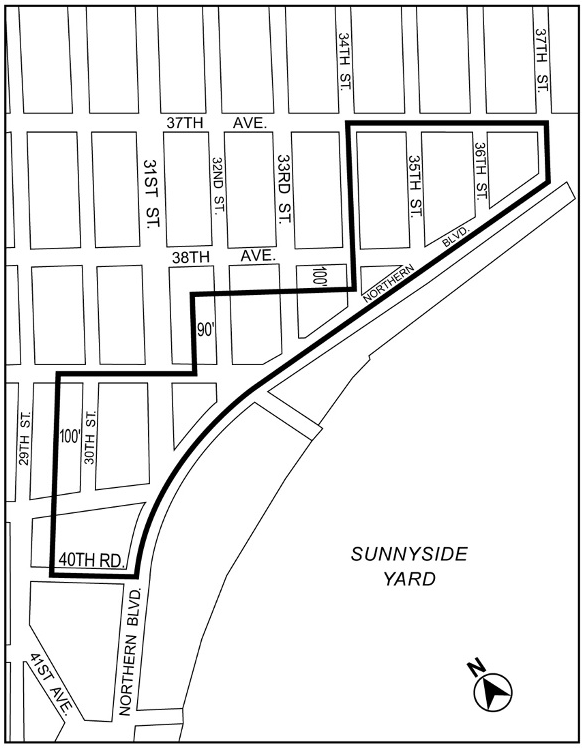


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** – 10/31/18 MIH Program Option 1 and Option 2
Area **5** – 10/17/19 MIH Program Option 1
Area **10** – 6/17/21 MIH Program Option 1
Area **11** – 10/21/21 MIH Program Option 1

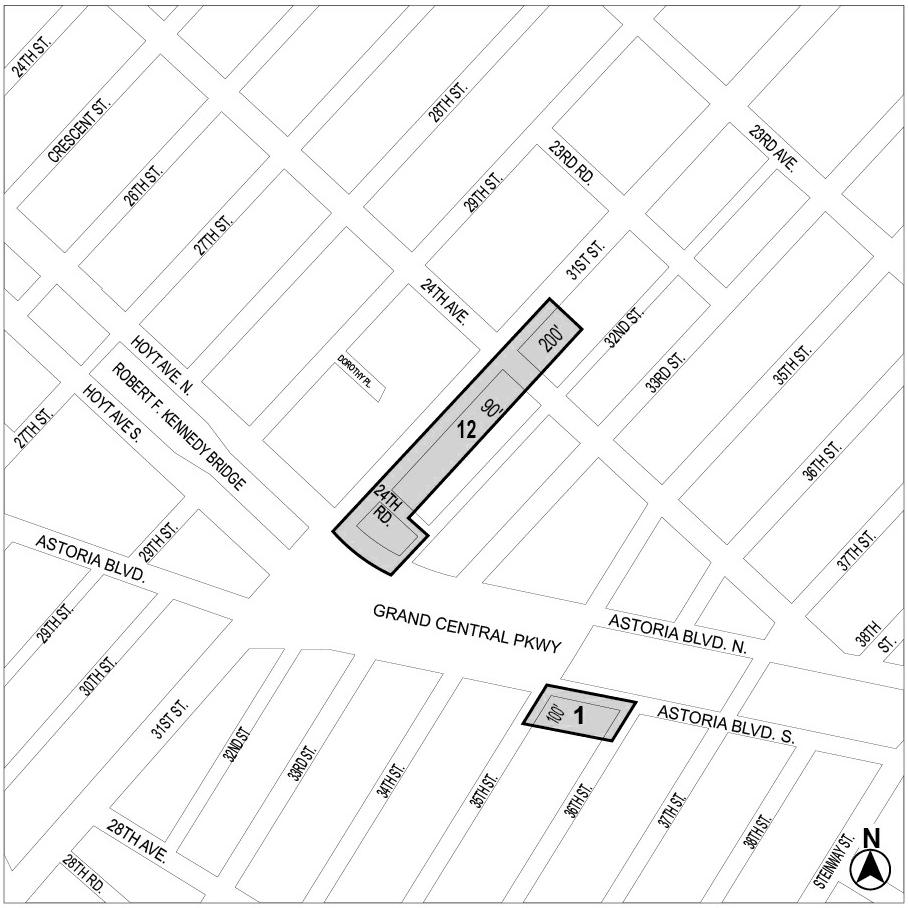
Portion of Community District 1, Queens

Map 2 – (7/29/09)



Portion of Community District 1, Queens

Map 3 – (12/9/21)



Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **1** — 3/22/18 MIH Program Option 2

Area **12** — 12/9/21 MIH Program Option 1

Portion of Community District 1, Queens

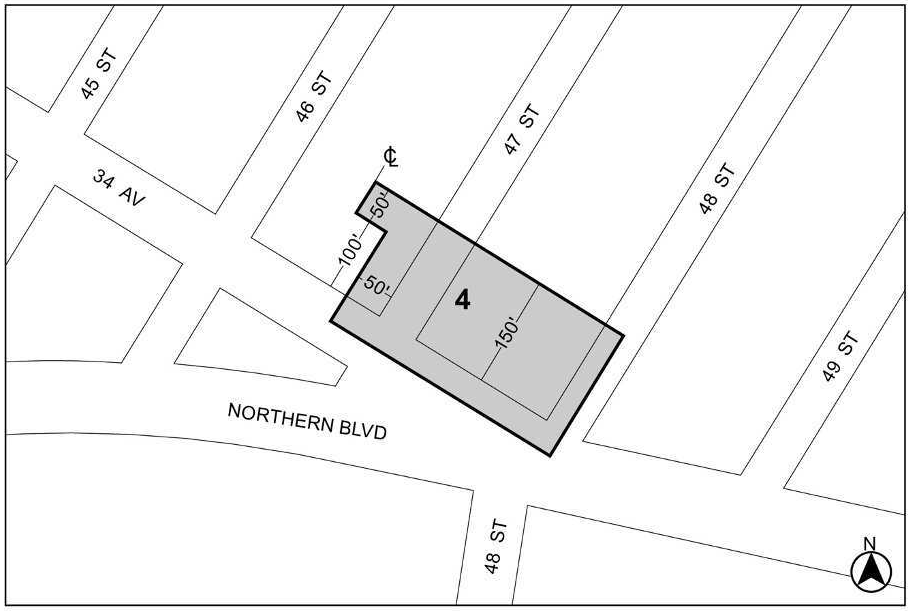
Map 4 – (10/31/18)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **2** — 10/31/18 MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

Map 5 – (5/29/19)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **4** — 5/29/19 MIH Program Option 2

Portion of Community District 1, Queens

Map 6 – (10/17/19)

Mandatory Inclusionary Housing Program Area *see Section 23-154(b)(3)*

Area **6** — (10/17/19) MIH Program Option 1

Portion of Community District 1, Queens

Map 7 – (11/14/19)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **7** (11/14/19) — MIH Program Option 1

Portion of Community District 1, Queens

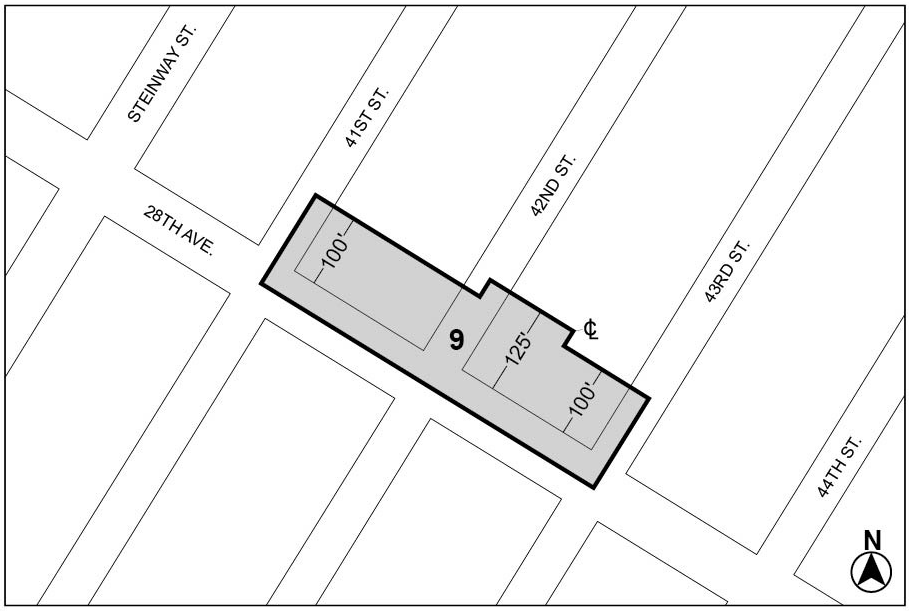
Map 8 – (2/11/20)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **8** (2/11/20) — MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

Map 9 - (2/25/21)



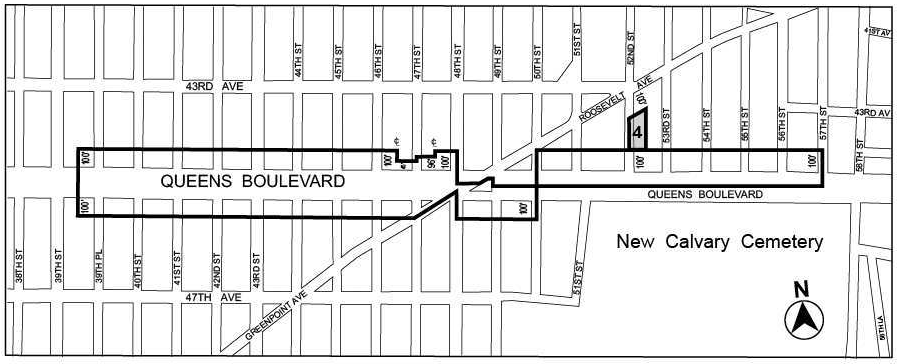
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **9** – 2/25/21 MIH Program Option 1

Portion of Community District 1, Queens

Queens Community District 2

Map 1 - (8/27/20)

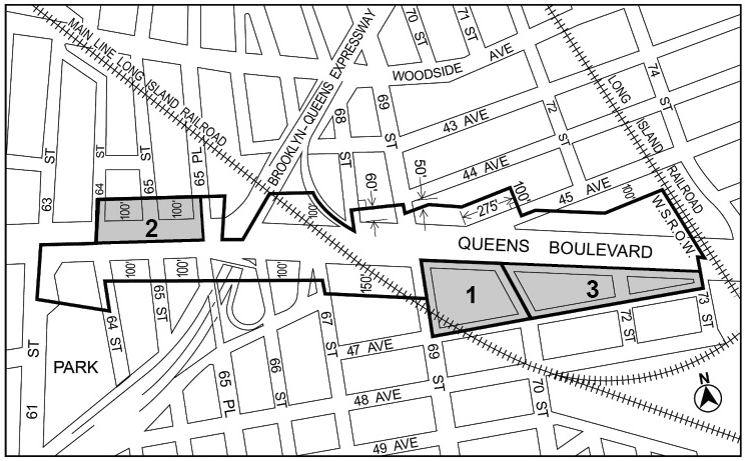


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **4** – 8/27/20 MIH Program Option 1

Portion of Community District 2, Queens

Map 2 - (4/22/20)



Inclusionary Housing designated area

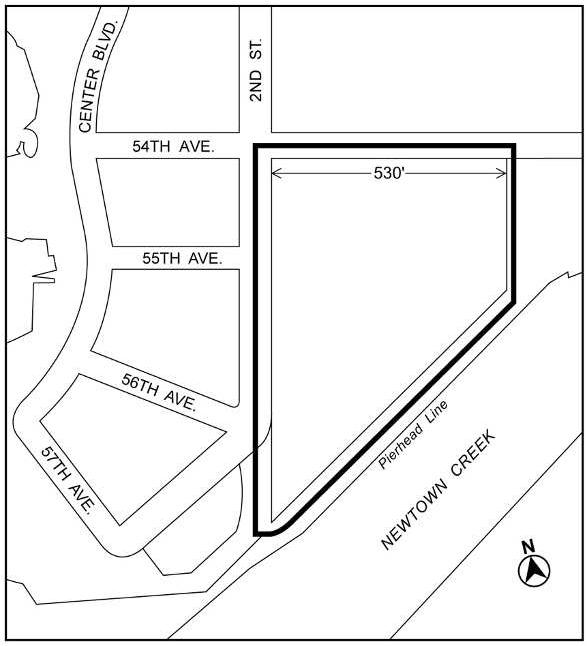
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1**—10/31/18 MIH Program Option 2

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** — 4/22/20 MIH Program Option 1

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** — 4/22/20 MIH Program Option 1 and Option 2

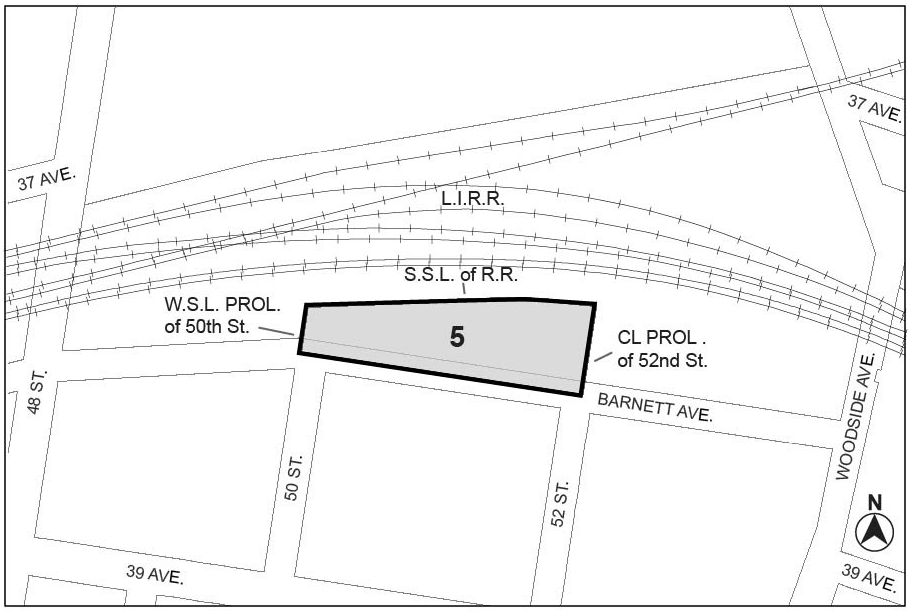
Portion of Community District 2, Queens

Map 3 – (7/29/09)



Portion of Community District 2, Queens

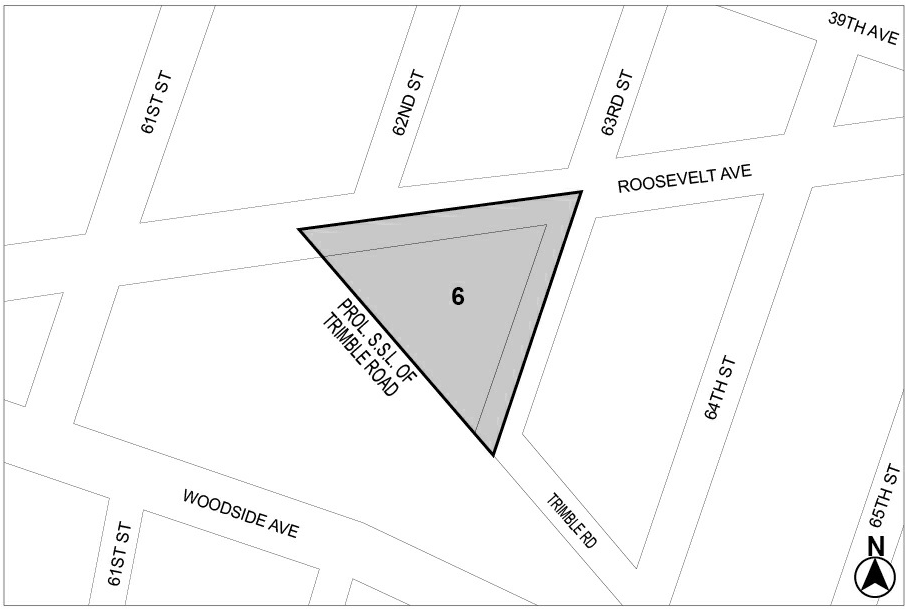
Map 4 - (3/25/21)



Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*
Area **5** – 3/25/21 MIH Program Option 1

Portion of Community District 2, Queens

Map 5 - (10/21/21)



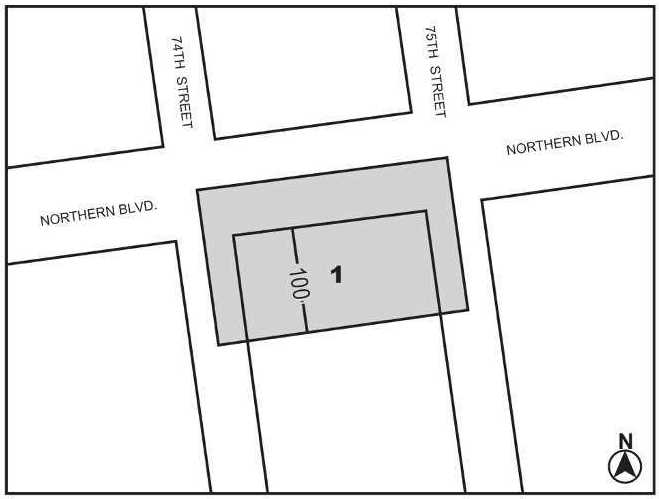
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **6** — 10/21/21 MIH Program Option 1 and Option 2

Portion of Community District 2, Queens

Queens Community District 3

Map 1 - (6/21/17)



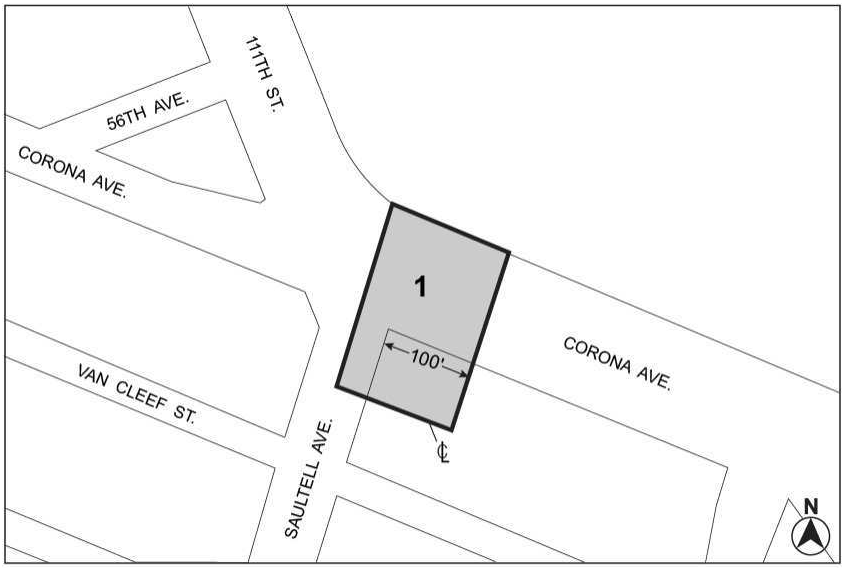
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1**– 6/21/17 MIH Program Option 1 and Option 2

Portion of Community District 3, Queens

Queens Community District 4

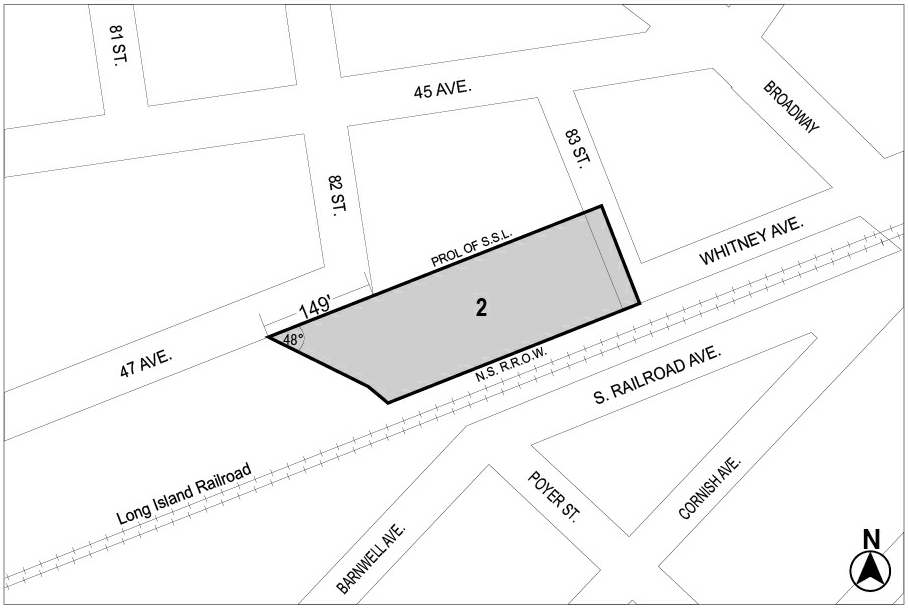
Map 1 - (11/19/20)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1**– 11/19/20 MIH Program Option 1

Portion of Community District 4, Queens

Map 2 - (12/9/21)

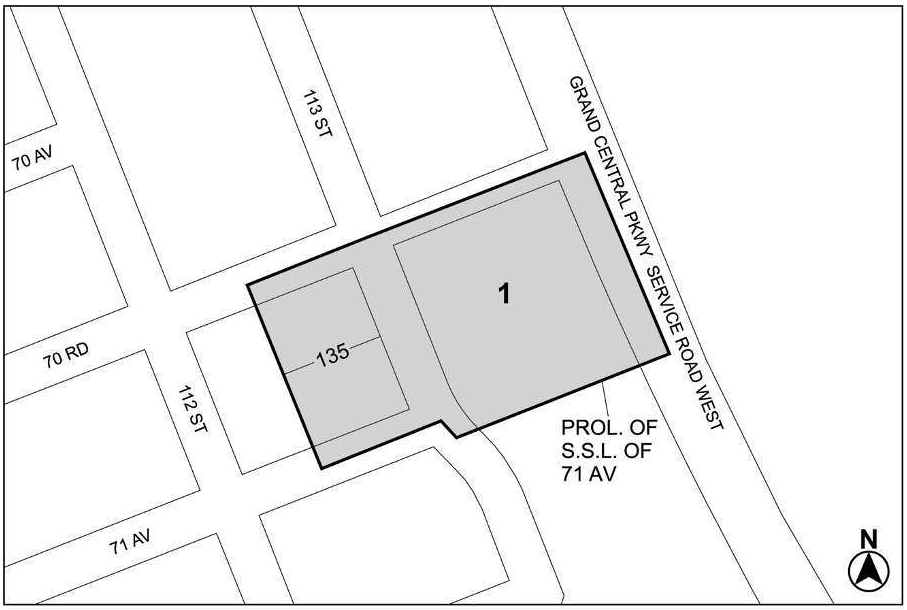


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** — 12/9/21 MIH Program Option 1 and Option 2

Portion of Community District 4, Queens

Queens Community District 6

Map 1 - (4/9/19)



Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*
Area **1** – 4/9/19 MIH Program Option 1

Portion of Community District 6, Queens

Map 2 - (3/18/21)

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** – 3/18/21 MIH Program Option 1 and Option 2

Portion of Community District 6, Queens

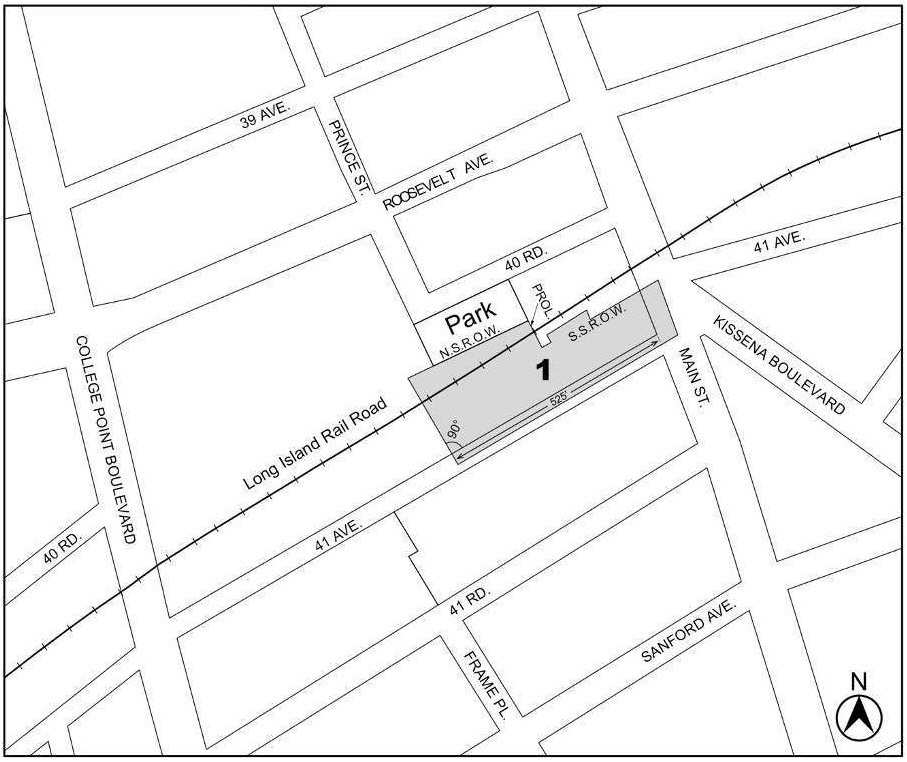
Map 3 - (5/12/21)

Mandatory Inclusionary Housing Area *(see Section 23-154(d)(3))*
Area **3** — (5/12/21) MIH Program Option 1 and Option 2

Portion of Community District 6, Queens

Queens Community District 7

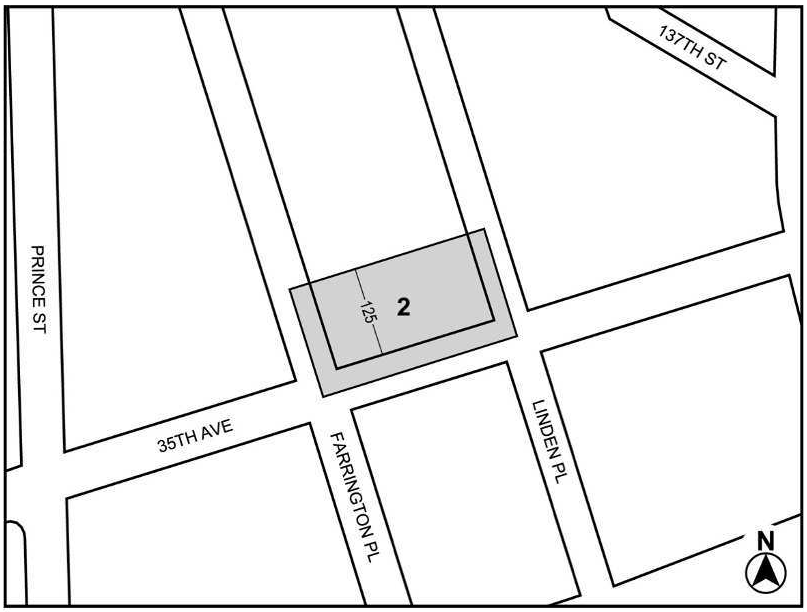
Map 1 - (6/21/16)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** — 6/21/16 MIH Program Option 1 and Option 2

Portion of Community District 7, Queens

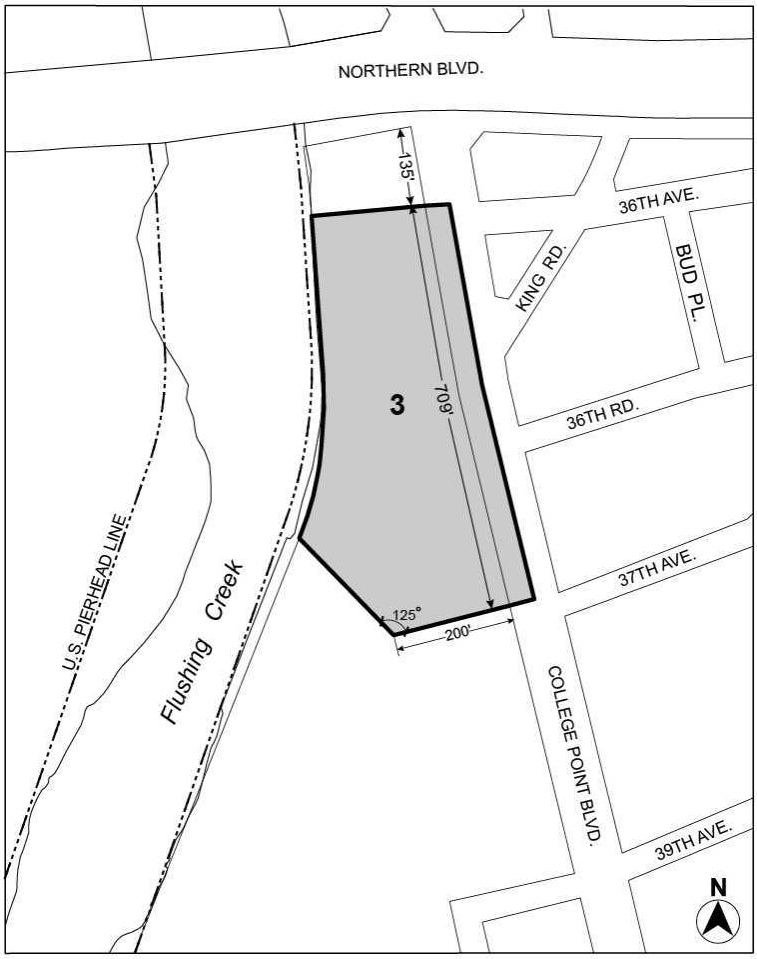
Map 2 - (10/17/17)



Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*
Area **2** – 10/17/17 MIH Program Option 2

Portion of Community District 7, Queens

Map 3 - (12/10/20)



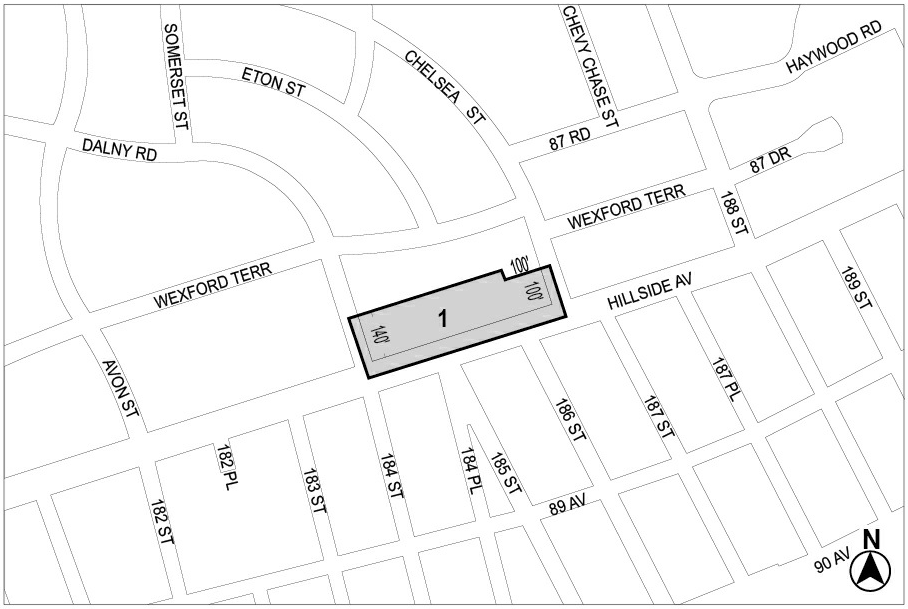
Mandatory Inclusionary Housing Program Area *(see Section 23-154 (d)(3))*

Area **3**–12/10/20 MIH Program Option 1 and Option 2

Portion of Community District 7, Queens

Queens Community District 8

Map 1 – (11/23/21)



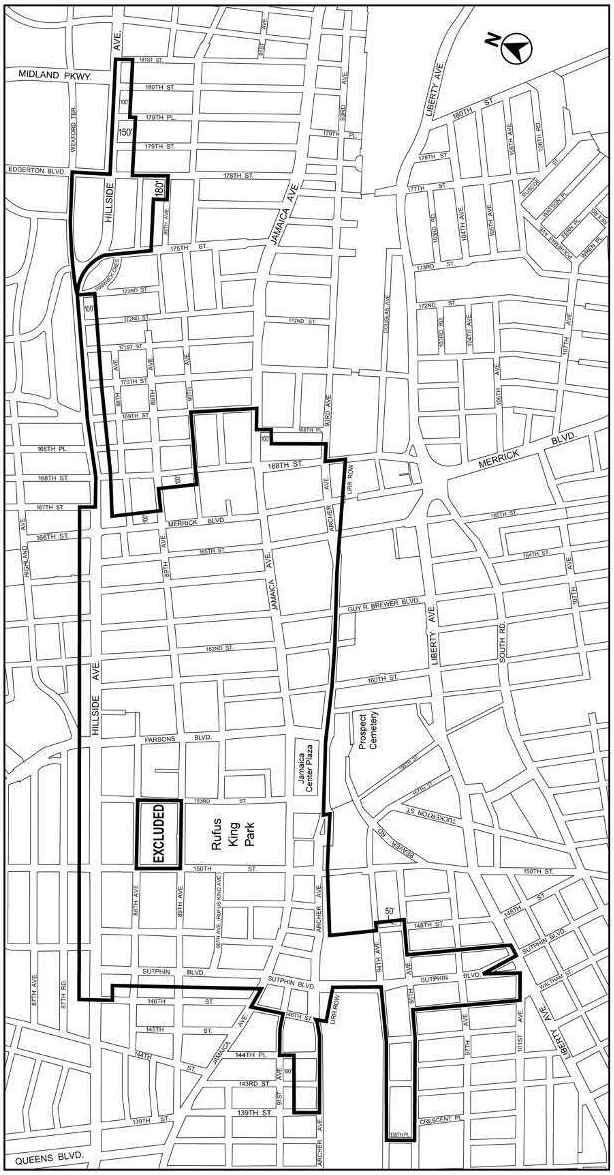
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 11/23/21 MIH Program Option 1

Portion of Community District 8, Queens

Queens Community Districts 8 and 12

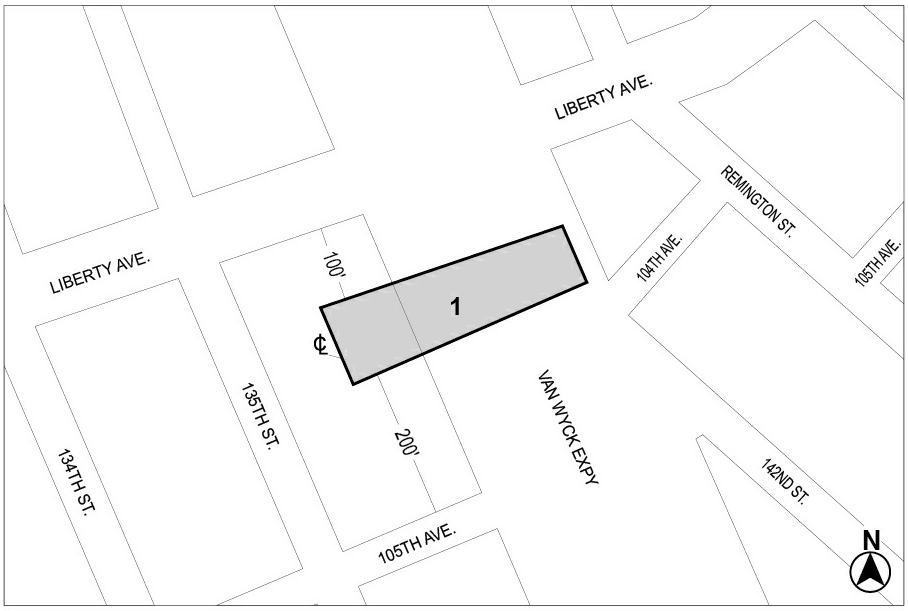
Map 1 – (7/29/09)



Portion of Community Districts 8 and 12, Queens

Queens Community District 10

Map 1 – (12/15/21)



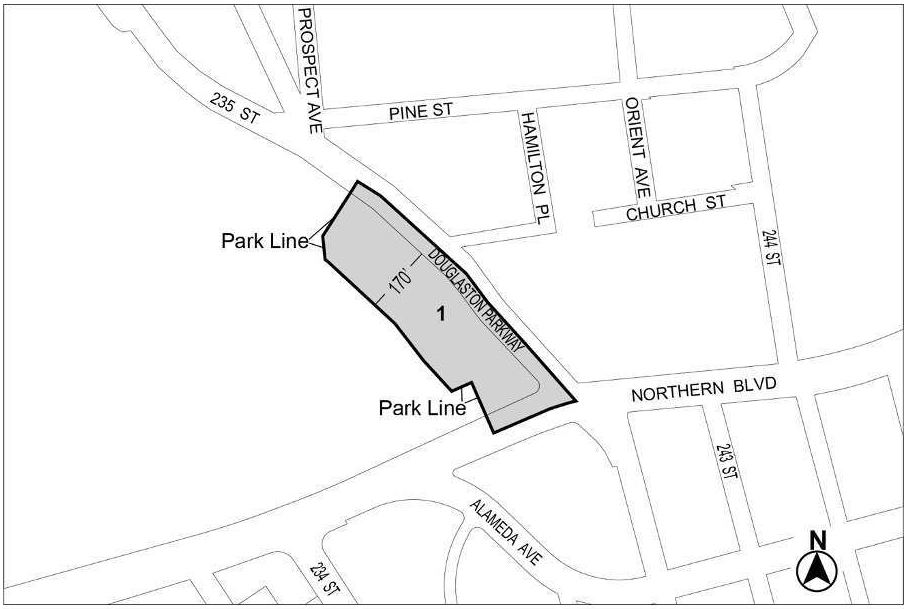
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 12/15/21 MIH Program Option 1

Portion of Community District 10, Queens

Queens Community District 11

Map 1 – (3/13/19)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 3/13/19 MIH Program Option 1 and Option 2

Portion of Community District 11, Queens

Queens Community District 12

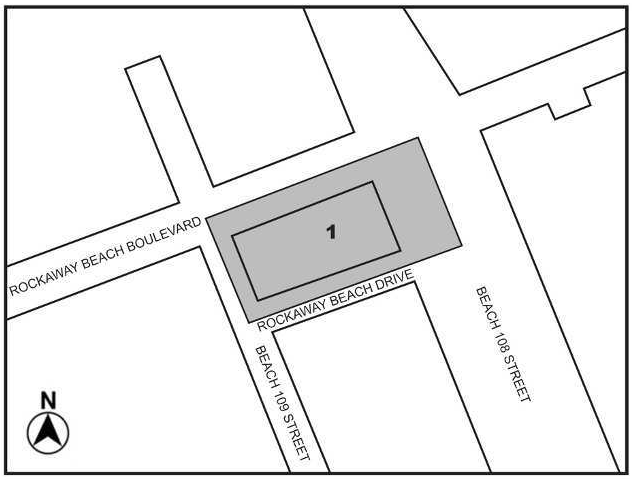
Map 1 – (10/17/17)

Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*
Area **1** – 10/17/17 MIH Program Option 1 and Option 2

Portion of Community District 12, Queens

Queens Community District 14

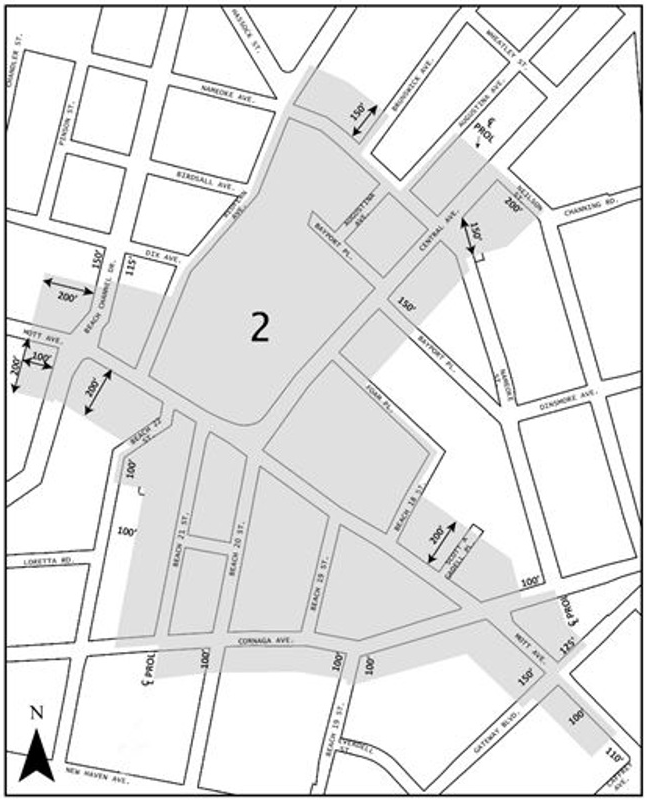
Map 1 - (10/13/16)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** — 10/13/16 MIH Program Option 2

Portion of Community District 14, Queens

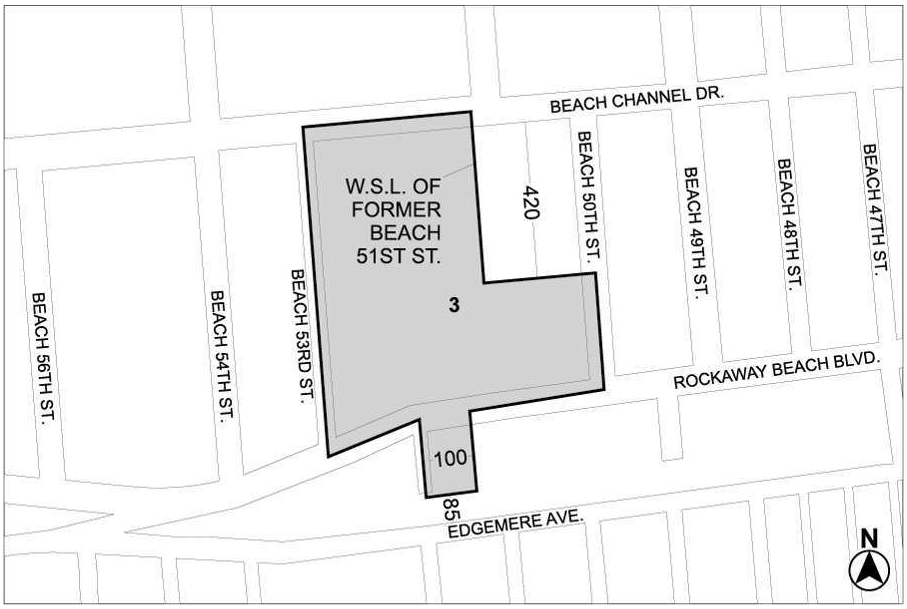
Map 2 - (9/7/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** — 9/7/17 MIH Program Option 1, Option 2 and Deep Affordability Option

Portion of Community District 14, Queens

Map 3 - (11/14/19)



Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **3** — (11/14/19) MIH Program Option 1

Portion of Community District 14, Queens

Map 4 - (8/26/21)

Mandatory Inclusionary Housing Area see Section 23-154(d)(3)

Area 4 — (8/26/21) — MIH Program Option 1 and Option 2

Portion of Community District 14, Queens

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

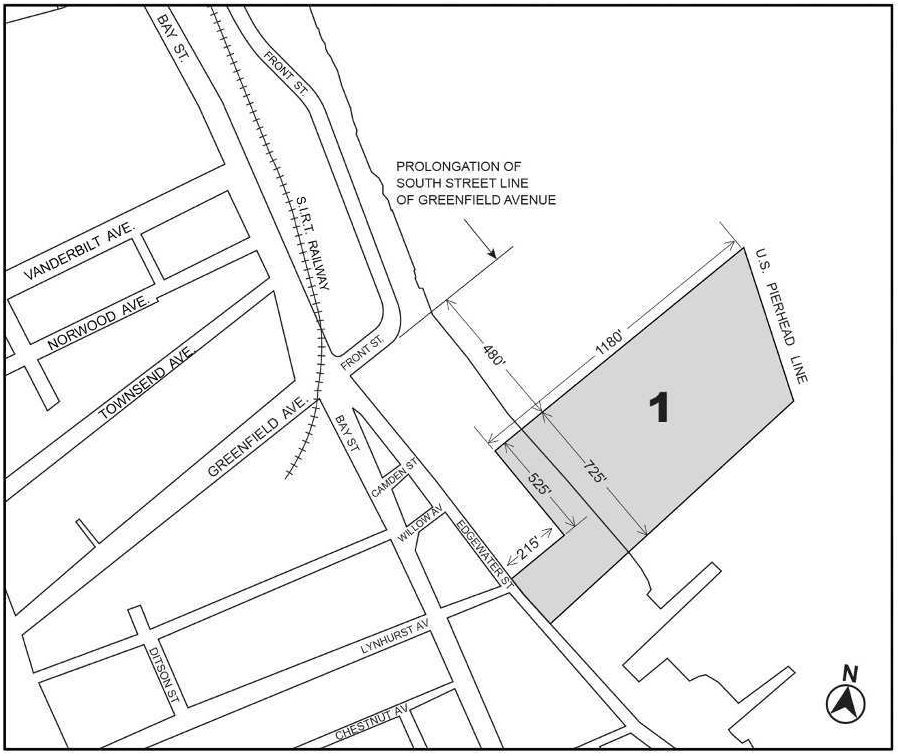
Appendix F - Staten Island

File generated by https://zr.planning.nyc.gov on 3/22/2022

Appendix F - Staten Island

Staten Island Community District 1

Map 1 - (7/20/17)

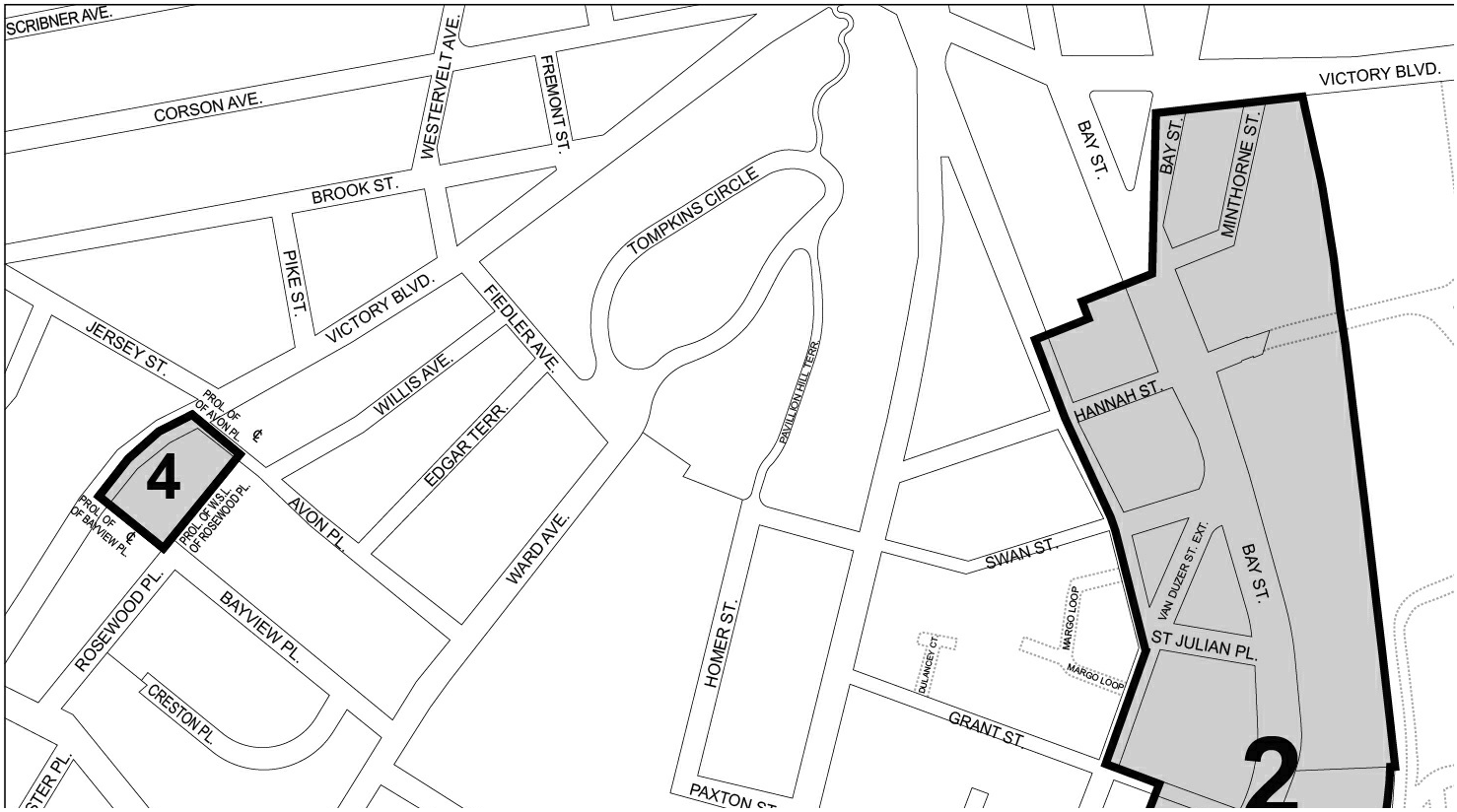


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** – 7/20/17 MIH Program Option 1, Option 2 and Deep Affordability Option

Portion of Community District 1, Staten Island

Map 2 - (10/21/21)



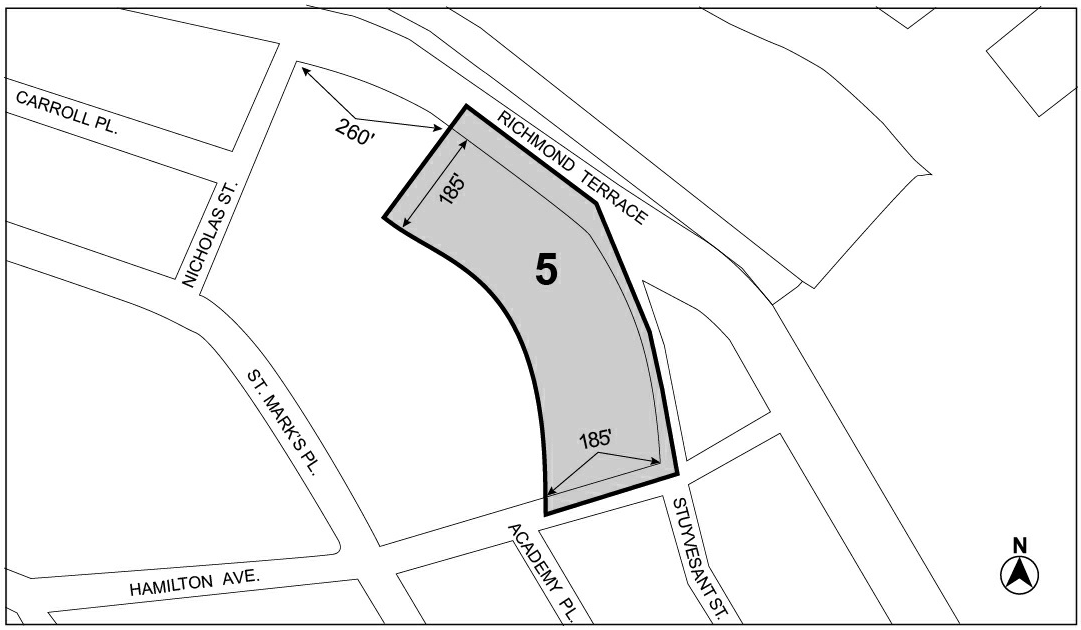
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3), 135-043 and 135-21 (MIH Area 2) and see Section 23-154(d)(3) (MIH Area 3)*

Area **2** – 6/26/19 MIH Program Option 1 and Deep Affordability Option

Area **3** – 6/26/19 MIH Program Option 1 and Deep Affordability Option

Area **4** – 10/21/21 MIH Program Option 1 and Option 2

Portion of Community District 1, Staten Island



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **5** –11/10/21 MIH Program Option 1 and Option 2

Portion of Community District 1, Staten Island

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX G — Radioactive Materials

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APPENDIX G — Radioactive Materials

(12/15/61)

EXCERPT FROM SECTION 38-2 OF INDUSTRIAL CODE RULE NO. 38 RELATING TO RADIATION PROTECTION*

(Section 42-262 of the Zoning Resolution limits quantities of unsealed radioactive materials which may be manufactured, utilized or stored in #Manufacturing Districts#)

MAXIMUM PERMITTED QUANTITIES OF

UNSEALED RADIOACTIVE MATERIAL

Material	Unsealed (microcuries)
Antimony 124 (Sb 124)	1.0
Arsenic 76 (As 76)	10.0
Arsenic 77 (As 77)	10.0
Barium 140-Lanthanum 140 (Ba-La 140)	1.0
Beryllium (Be)	50.0
Cadmium 109-Silver 109 (Cd-Ag 109)	10.0
Calcium 45 (Ca 45)	10.0
Carbon 14 (C 14)	50.0
Cerium 144-Praseodymium 144 (Ce-Pr 144)	1.0
Cesium 137-Barium 137 (Cs-Ba 137)	1.0

Chlorine 36 (Cl 36)	1.0
Chromium 51 (Ch 51)	50.0
Cobalt 60 (Co 60)	1.0
Copper 64 (Cu 64)	50.0
Europium 154 (Eu 154)	1.0
Fluorine 18 (F 18)	50.0
Gallium 72 (Ga 72)	10.0
Germanium 71 (Ge 71)	50.0
Gold 198 (Au 198)	10.0
Gold 199 (Au 199)	10.0
Hydrogen 3 (Tritium) (H 3)	250.0
Indium 114 (In 114)	1.0
Iodine 131 (I 131)	10.0
Iridium 192 (Ir 192)	10.0

Iron 55 (Fe 55)	50.0
Iron 59 (Fe 59)	1.0
Lanthanum (La 140)	10.0
Manganese 52 (Mn 52)	1.0
Manganese 56 (Mn 56)	50.0
Molybdenum 99 (Mo 99)	10.0
Nickel 59 (Ni 59)	1.0
Nickel 63 (Ni 63)	1.0
Niobium 95 (Nb 95)	10.0
Palladium 109 (Pd 109)	10.0
Palladium 103-Rhodium 103 (Pd-Rh 103)	50.0
Phosphorus 32 (P 32)	10.0
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10.0

Praseodymium 143 (Pr 143)	10.0
Promethium 147 (Pm 147)	10.0
Radium 226 (Ra 226)	1.0
Rhenium 186 (Re 186)	10.0
Rhodium 105 (Rh 105)	10.0
Rubidium 86 (Rb 86)	10.0
Ruthenium 106-Rhodium 106 (Ru-Rh 106)	1.0
Samarium 153 (Sm 153)	10.0
Scandium 46 (Sc 46)	1.0
Silver 105 (Ag 105)	1.0
Silver 111 (Ag 111)	10.0
Sodium 22 (Na 22)	10.0
Sodium 24 (Na 24)	10.0
Strontium 89 (Sr 89)	1.0

Strontium 90-Yttrium 90 (Sr-Y 90)	0.1
Sulfur 35 (S 35)	50.0
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	1
Technetium 99 (Tc 99)	1
Tellurium 127 (Te 127)	10
Tellurium 129 (Te 129)	1.0
Thallium 204 (Tl 204)	50.0
Tin 113 (Sn 113)	10.0
Tungsten 181 (W 181)	10.0
Tungsten 185 (W 185)	10.0
Vanadium 48 (V 48)	1.0

Yttrium 90 (Y 90)	1.0
Yttrium 91 (Y 91)	1.0
Zinc 65 (Zn 65)	10.0
Natural Uranium	1,000
Natural Thorium	1,000

* Adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX H — Arterial Highways

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APPENDIX H — Arterial Highways

(4/8/11)

Pursuant to the provisions of Sections 32-66 and 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) of the Zoning Resolution of the City of New York, the City Planning Commission has designated as arterial highways to which the provisions of Sections 32-66 and 42-55 apply, the following arterial highways which appear on the City Map and which are also indicated as Principal Routes, Parkways and Toll Crossings on the duly adopted Master Plan of Arterial Highways and Major Streets.

PRINCIPAL ROUTES

Adams Street - Sands Street to Fulton Street

Arthur V. Sheridan Expressway - Bruckner Expressway (Boulevard) to Cross Bronx Expressway

Alexander Hamilton Bridge and Approaches

Battery Park Underpass and Approaches - Franklin Delano Roosevelt (FDR) Drive to West Street

Boston Road - Pelham Parkway to New England Thruway

Brooklyn Bridge and Approaches

Brooklyn - Queens Expressway - Hamilton Avenue, Brooklyn to Grand Central Parkway, Queens

Bruckner Expressway (Boulevard - Robert F Kennedy (Triborough) Bridge Approach to New England Thruway

Clearview Expressway - Throgs Neck Bridge Approach to 73rd Avenue

Cross Bay Boulevard - Rockaway Boulevard to Shore Front Parkway

Cross Bronx Expressway - George Washington Bridge to Throgs Neck Bridge Approach

Ed Koch - Queensborough Bridge and Approaches

Franklin D. Roosevelt (FDR) Drive - East 125th Street to Whitehall Street

George Washington Bridge and Approaches

Gowanus Expressway (Third Avenue) - Prospect Expressway to Verrazano Bridge Approach

Grand Concourse - 151st Street to Mosholu Parkway

Father Capodanno Boulevard - Lily Pond Avenue to Miller Field

Harlem River Drive - East 125th Street to Dyckman Street

Joe DiMaggio Highway (West Side Highway) - West 72nd Street to Brooklyn Battery Tunnel Approach

Lily Pond Avenue - Verrazano Bridge Approach to Father Capodanno Boulevard

Long Island Expressway (Queens Midtown Expressway, Horace Harding Expressway) - Queens Midtown Tunnel Approach to Nassau County Line

Major Deegan Expressway (Boulevard - Robert F Kennedy (Triborough) Bridge Approach) to Westchester County Line

Manhattan Bridge and Approaches

Nassau Expressway - Southern Parkway (Belt Parkway) to Nassau County Line

New England Thruway - Bruckner Expressway to Westchester County Line

Northern Boulevard - Grand Central Parkway to Whitestone Expressway

Park Row - Broadway to Chatham Square

Prospect Expressway - Gowanus Expressway to Fort Hamilton Parkway

Queens Boulevard - Ed Koch-Queensborough Bridge Approach to Hillside Avenue

Robert F Wagner, Sr. Place - Franklin Delano Roosevelt (FDR) Drive to Pearl Street

Seagirt Boulevard - Beach 35th Street to Nassau County Line

Staten Island Expressway - Verrazano Bridge Approach to Goethals Bridge Approach

Sunrise Highway - Southern Parkway (Belt Parkway) to Nassau County Line

Throgs Neck Expressway - Bruckner Expressway to Throgs Neck Bridge Approach

TransManhattan Expressway - George Washington Bridge Approach to Alexander Hamilton Bridge Approach

Van Wyck Expressway - Whitestone Expressway to John F Kennedy (JFK) International Airport

West Shore Expressway - Staten Island Expressway to Outerbridge Crossing Approach

Whitestone Expressway - Northern Boulevard to Whitestone Bridge Approach

Williamsburg Bridge and Approaches

Woodhaven Boulevard - Queens Boulevard to Rockaway Boulevard

PARKWAYS

Belt Parkway (Shore Parkway) - Southern Parkway, Queens to Gowanus Parkway, Brooklyn

Bronx River Parkway - Soundview Park to Westchester County Line

Cross Island Parkway - Whitestone Bridge Approach to Southern Parkway (Belt Parkway)

Dr. Martin Luther King Jr. Expressway (Willowbrook Parkway) - Bayonne Bridge Approach to Victory Boulevard

Eastern Parkway - Grand Army Plaza to Bushwick Avenue

Grand Central Parkway - Robert F Kennedy (Triborough) Bridge Approach to Nassau County Line

Henry Hudson Parkway - West 72nd Street to Westchester County Line

Hutchinson River Parkway - Whitestone Bridge Approach to Westchester County Line

Jackie Robinson (Interborough) Parkway - Bushwick Avenue, Brooklyn, to Grand Central Parkway, Queens

Korean War Veterans Memorial (Richmond) Parkway - Arthur Kill Road to Cliffwood Avenue

Mosholu Parkway - Van Cortlandt Park to Bronx Park

Ocean Parkway - Fort Hamilton Parkway to Surf Avenue

Pelham Parkway - Bronx River Parkway to Bruckner Expressway

Southern Parkway (Belt Parkway) - Cross Island Parkway to Conduit Boulevard

TOLL CROSSINGS

Bayonne Bridge and Approaches

Brooklyn - Battery Tunnel and Approaches

Cross Bay Veterans Memorial Bridge and Approaches

George Washington Bridge and Approaches

Goethals Bridge and Approaches

Henry Hudson Bridge

Holland Tunnel and Approaches

Lincoln Tunnel and Approaches

Marine Parkway - Gil Hodges Memorial Bridge and Approaches

Outerbridge Crossing and Approaches

Queens - Midtown Tunnel and Approaches

Robert F Kennedy (Triborough) Bridge and Approaches

Throgs Neck Bridge and Approaches

Verrazano Bridge and Approaches

Whitestone Bridge and Approaches

Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

APPENDIX I — Transit Zone

File generated by https://zr.planning.nyc.gov on 3/22/2022

APPENDIX I — Transit Zone

(2/13/19)

APPENDIX I

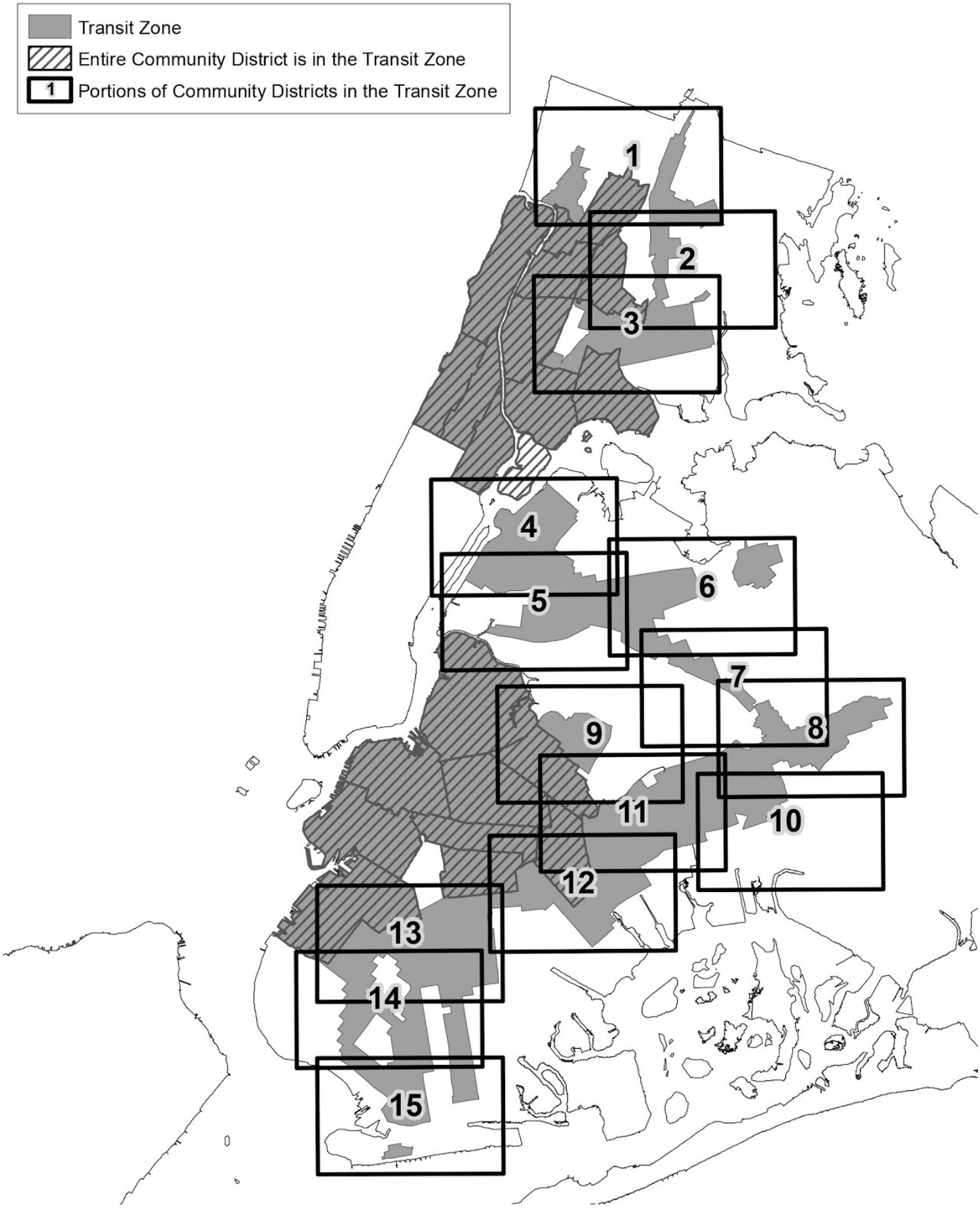
The boundaries of the #Transit Zone# are shown on the maps in this APPENDIX. The #Transit Zone# includes:

all of Manhattan Community Districts 9, 10, 11 and 12;

all of Bronx Community Districts 1, 2, 4, 5, 6 and 7; and

all of Brooklyn Community Districts 1, 2, 3, 4, 6, 7, 8, 9 and 16.

Portions of other Community Districts in the #Transit Zone# are shown on Transit Zone Maps 1 through 15 in this APPENDIX.

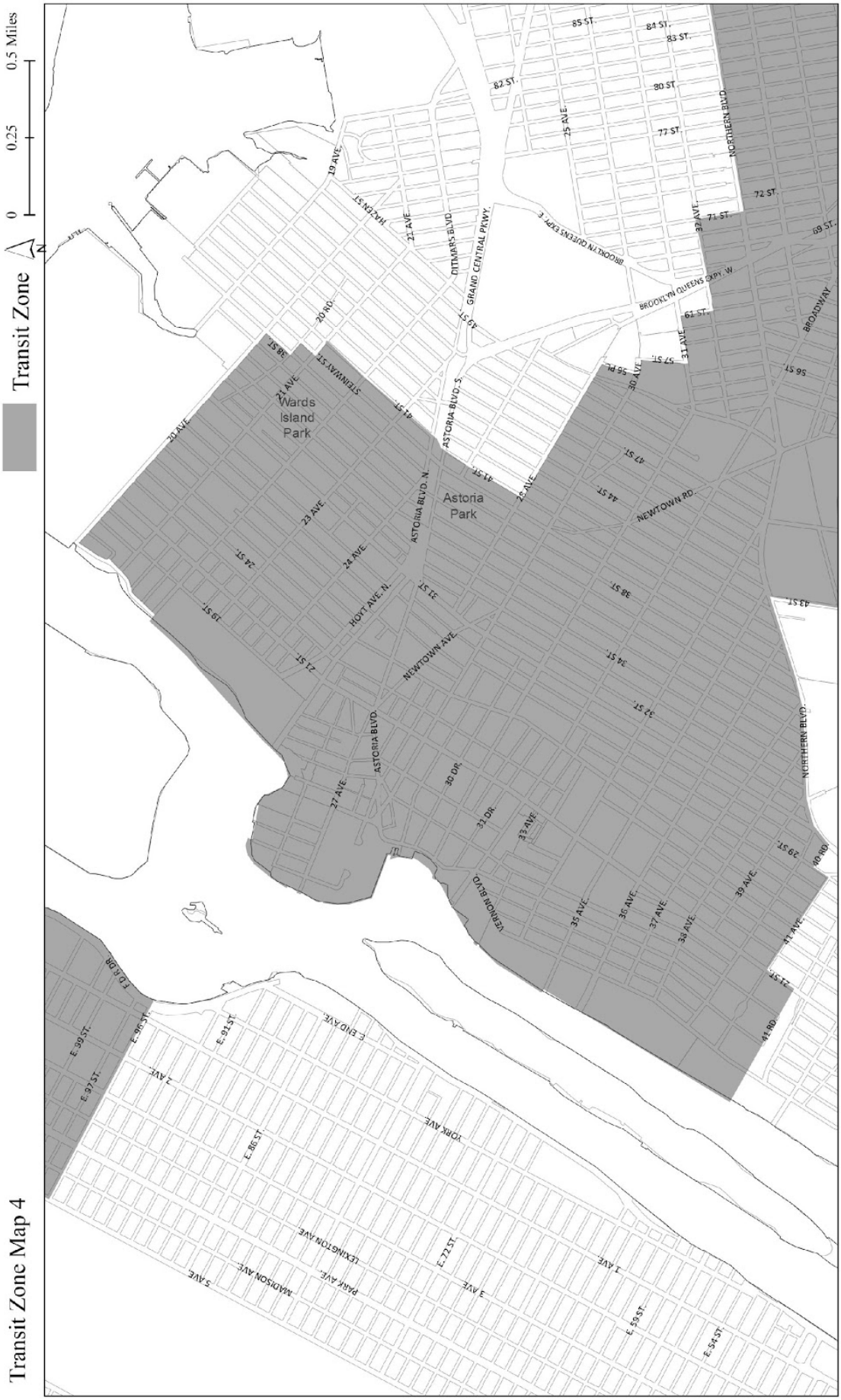

Transit Zone
Entire Community District is in the Transit Zone
1 Portions of Community Districts in the Transit Zone
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

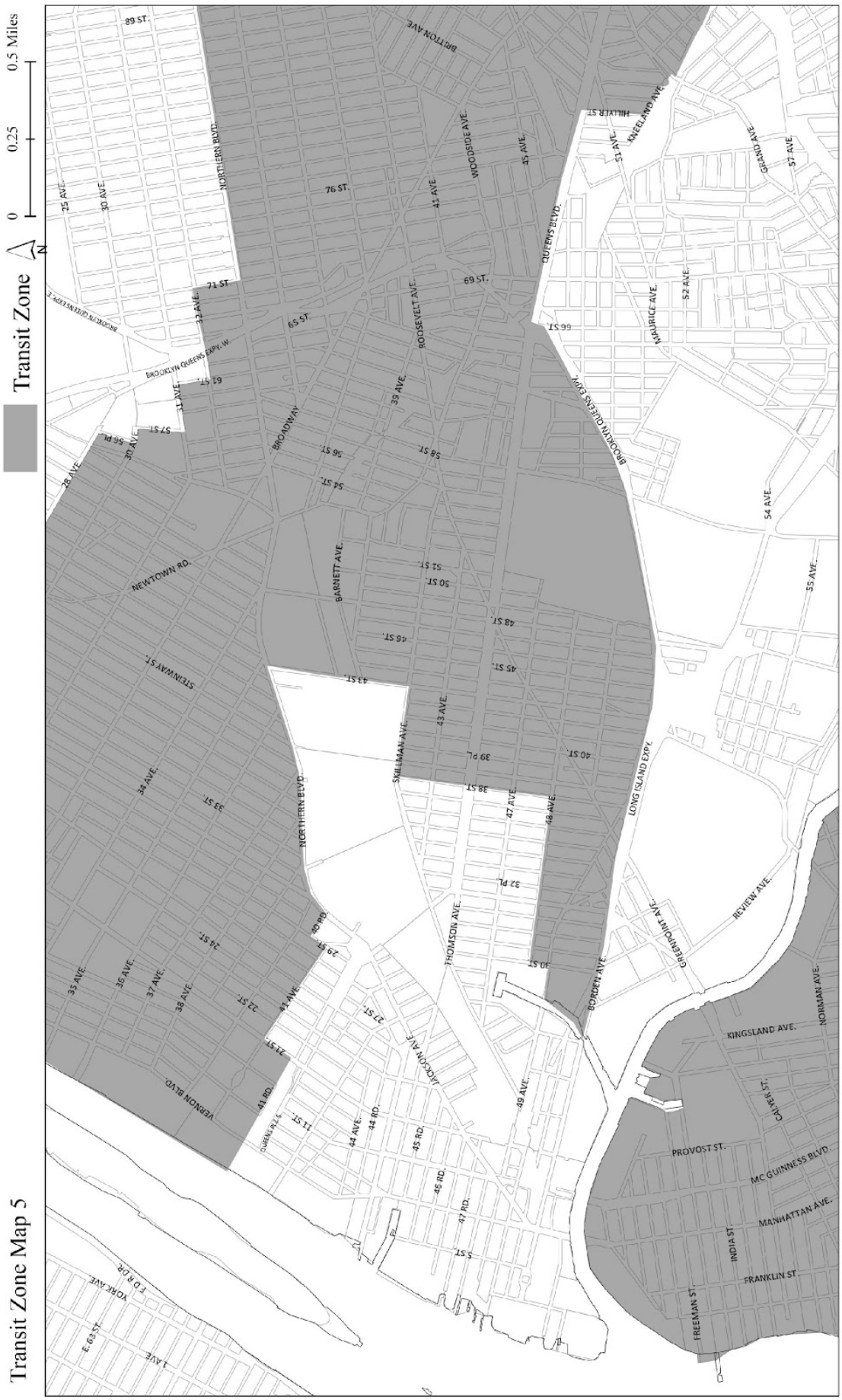
Transit Zone Map 1

Transit Zone Map 1

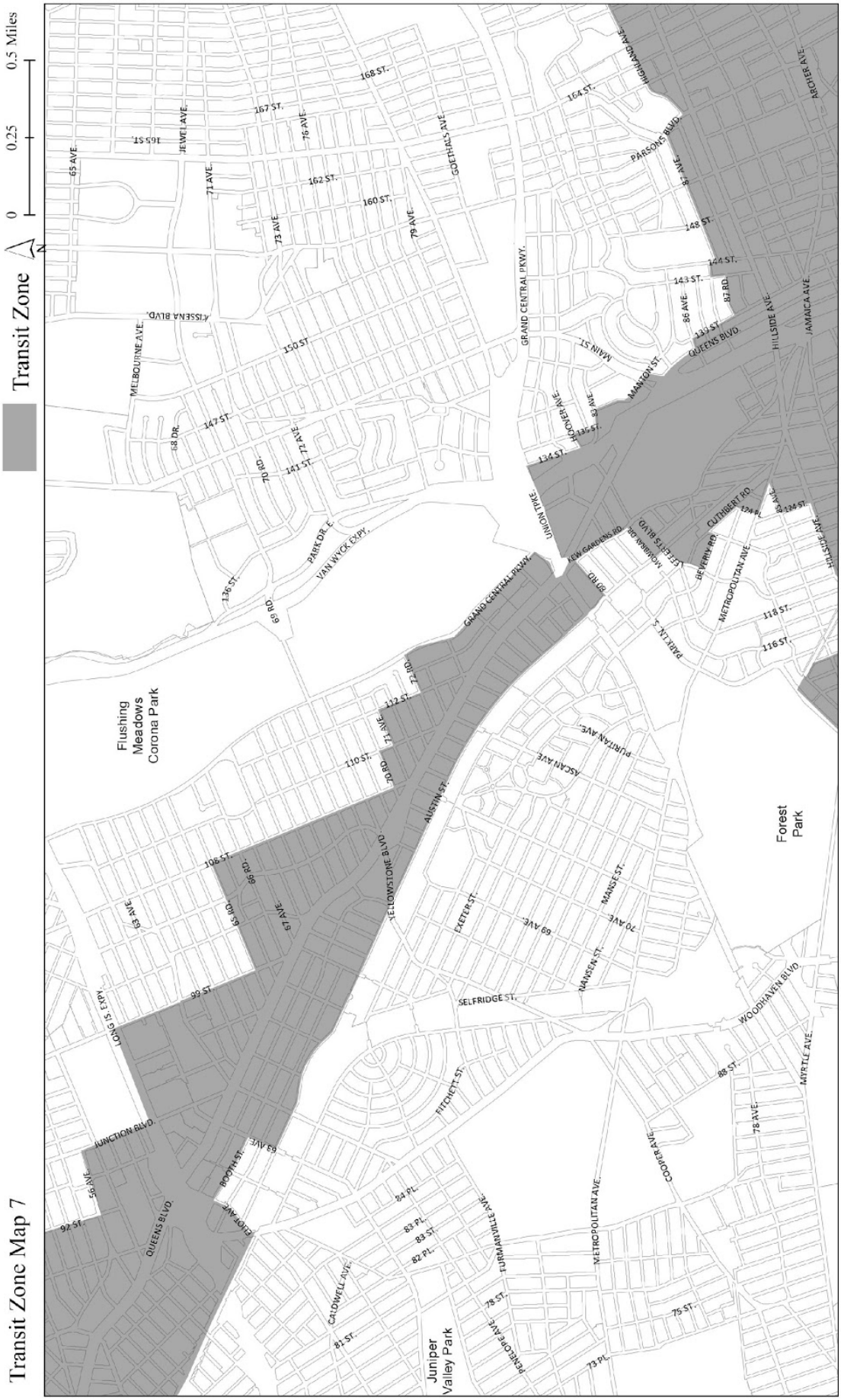
Transit Zone
0
0.25
0.5 Miles
N
Pelham Bay Park
Bronx Park
Crotona Park
BRUCKNER EXPY.
NEW ENGLAND THRUWAY
HUTCHINSON RIV. PKWY.
EASTCHESTER RD.
WESTCHESTER AVE.
PELHAM PKWY.
WILLIAMSBRIDGE RD.
WHITE PLNS. RD.
BRONX PARK E.
BRONX PARK S.
SOUTHERN BLVD.
CROTONA PKWY.
FULTON AVE.
E. FORDHAM RD.
E. 177 ST.
E. 180 ST.
E. 176 ST.
E. 179 ST.
E. 183 ST.
E. 187 ST.
E. 189 ST.
W. FARMS RD.
MORRIS PARK AVE.
UNIONPORT RD.
CASTLE HL. AVE.
E. TREMONT AVE.
COMMERCE AVE.
ST PETERS AVE.
MIDDLETOWN RD.
MAYFLOWER AVE.
STADIUM AVE.
COUNTRY CLB. RD.
AMPERE AVE.
GLASSWOLD AVE.
BRESLINE PL.
STILLWELL AVE.
ELY AVE.
BRUNER AVE.
E. GUN HL. RD.
LODOVICK AVE.
WESTERVELT AVE.
WOODHULL AVE.
FENTON AVE.
SEYMOUR AVE.
YOUNG AVE.
WILSON AVE.
KINGSLAND AVE.
DEWITT PL.
ARNOW AVE.
ASTOR AVE.
NARRAGANSETT AVE.
HERING AVE.
HAIGHT AVE.
LURTING AVE.
RADCLIFF AVE.
WALLACE AVE.
NEILL AVE.
MATTHEWS AVE.
LACONIA AVE.
BURKE AVE.
ADEE AVE.
ALLERTON AVE.
MACE AVE.
WESTER AVE.
BEDFORD PARK BLVD.
DECATUR AVE.
GRAND CONCOURSE
TRONXE AVE.
ARTHUR AVE.
WASHINGTON AVE.
PARK AVE.
TIEBOUT AVE.
PROSPECT AVE.
VYSE AVE.
BURKE AVE.
HORAR T AVE.
PILGRIM AVE.
WILKINSON AVE.
HOLLYWOOD AVE.
COLDWINGTON AVE.
WATTERBURY AVE.
CROSSBY AVE.

Transit Zone Map 3


Transit Zone
0
0.25
0.5 Miles
N
Wards Island Park
Astoria Park
85 ST.
84 ST.
83 ST.
82 ST.
80 ST.
77 ST.
72 ST.
71 ST.
69 ST.
61 ST.
57 ST.
56 ST.
56 PL.
55 ST.
48 ST.
47 ST.
44 ST.
43 ST.
41 ST.
38 ST.
34 ST.
32 ST.
31 ST.
30 DR.
29 ST.
27 AVE.
26 AVE.
24 AVE.
23 AVE.
21 ST.
20 RD.
19 ST.
19 AVE.
HAZEN ST.
STEINWAY ST.
DITMARS BLVD.
GRAND CENTRAL PKWY.
BROOKLYN QUEENS EXPY. E
BROOKLYN QUEENS EXPY. W
NORTHERN BLVD.
BROADWAY
NEWTOWN RD.
ASTORIA BLVD. S.
ASTORIA BLVD. N.
ASTORIA BLVD.
HOYT AVE. N.
NEWTOWN AVE.
VERNON BLVD.
33 AVE.
35 AVE.
36 AVE.
37 AVE.
38 AVE.
39 AVE.
41 AVE.
40 RD.
41 RD.
E. END AVE.
YORK AVE.
E. 99 ST.
E. 97 ST.
E. 96 ST.
E. 91 ST.
E. 86 ST.
E. 72 ST.
E. 59 ST.
E. 54 ST.
2 AVE.
3 AVE.
1 AVE.
LEXINGTON AVE.
PARK AVE.
MADISON AVE.
5 AVE.
FDR DR.


Transit Zone
0
0.25
0.5 Miles
N
Transit Zone Map 5
NORTHERN BLVD.
76 ST.
71 ST.
69 ST.
65 ST.
61 ST.
57 ST.
56 PL.
56 ST.
54 ST.
51 ST.
50 ST.
48 ST.
46 ST.
45 ST.
43 ST.
41 ST.
39 PL.
38 ST.
32 PL.
30 ST.
29 ST.
27 ST.
24 ST.
22 ST.
21 ST.
11 ST.
5 ST.
25 AVE.
30 AVE.
32 AVE.
35 AVE.
36 AVE.
37 AVE.
38 AVE.
41 AVE.
43 AVE.
44 AVE.
45 AVE.
47 AVE.
48 AVE.
49 AVE.
51 AVE.
52 AVE.
54 AVE.
55 AVE.
57 AVE.
BRITTON AVE.
WOODSIDE AVE.
ROOSEVELT AVE.
BROADWAY
BARNETT AVE.
NEWTOWN RD.
STEINWAY ST.
VERNON BLVD.
JACKSON AVE.
THOMSON AVE.
SKILLMAN AVE.
BORDEN AVE.
QUEENS BLVD.
BROOKLYN QUEENS EXPY.
BROOKLYN QUEENS EXPY. W.
LONG ISLAND EXPY.
HILLYER ST.
KNEELAND AVE.
MAURICE AVE.
GRAND AVE.
GREENPOINT AVE.
REVIEW AVE.
KINGSLAND AVE.
NORMAN AVE.
CLAPER ST.
PROVOST ST.
MC GUINNESS BLVD.
MANHATTAN AVE.
INDIA ST.
FRANKLIN ST.
FREEMAN ST.
YORK AVE
E. 63 ST.
1 AVE
F D R DR.

Transit Zone Map 6


Transit Zone
0
0.25
0.5 Miles
Flushing Meadows Corona Park
Forest Park
Juniper Valley Park
QUEENS BLVD.
JUNCTION BLVD.
BOOTH ST.
ELDER AVE.
CALDWELL AVE.
FURMANVILLE AVE.
PENELOPE AVE.
METROPOLITAN AVE.
COOPER AVE.
MYRTLE AVE.
WOODHAVEN BLVD.
SELFRIDGE ST.
FITCHETT ST.
EXETER ST.
NANSEN ST.
MANSE ST.
AUSTIN ST.
YELLOWSTONE BLVD.
LONG IS. EXPY.
ASCAN AVE.
PURITAN AVE.
PARK LN. S.
UNION TPKE.
GRAND CENTRAL PKWY.
VAN WYCK EXPY.
PARK DR. E.
MELBOURNE AVE.
KISSENA BLVD.
JEWEL AVE.
GOETHALS AVE.
HOOVER AVE.
MAIN ST.
MANTON ST.
PARSONS BLVD.
HILLSIDE AVE.
JAMAICA AVE.
ARCHER AVE.
HIGHLAND AVE.
NEW GARDENS RD.
LEFFERTS BLVD.
DE VERIN RD.
CUTHBERT RD.
METROPOLITAN AVE.
92 ST.
99 ST.
106 ST.
110 ST.
112 ST.
116 ST.
118 ST.
124 ST.
124 PL.
126 ST.
134 ST.
135 ST.
141 ST.
147 ST.
150 ST.
160 ST.
162 ST.
167 ST.
168 ST.
164 ST.
148 ST.
144 ST.
143 ST.
133 ST.
88 ST.
82 PL.
83 ST.
83 PL.
84 PL.
81 ST.
78 ST.
75 ST.
73 PL.
78 AVE.
56 AVE.
63 AVE.
65 AVE.
69 AVE.
70 AVE.
71 AVE.
73 AVE.
76 AVE.
79 AVE.
87 AVE.
86 AVE.
82 AVE.
69 RD.
70 RD.
72 RD.
65 RD.
58 DR.
82 RD.
90 RD.
165 ST.

Transit Zone Map 8
Transit Zone
0
0.25
0.5 Miles
Roy Wilkins Recreation Center
Forest Park
DUNTON AVE.
195 ST.
191 ST.
WOODHULL AVE.
FARMERS BLVD.
JORDAN AVE.
DUNKIRK ST.
LINDEN BLVD.
MURDOCK AVE.
188 PL.
184 PL.
89 AVE.
WEXFORD TER.
90 AVE.
JAMAICA AVE.
180 ST.
LIBERTY AVE.
175 ST.
174 ST.
SUTPHIN BLVD.
115 AVE.
116 AVE.
FOCH BLVD.
HENLEY RD.
DALNY RD.
179 PL.
91 AVE.
108 AVE.
110 AVE.
109 AVE.
166 ST.
171 ST.
EDGERTON BLVD.
GUY R BREWER BLVD.
159 ST.
157 ST.
HERLEY RD.
MERRICK BLVD.
168 ST.
165 ST.
TUSCOTT AMRENWAY
155 ST.
107 AVE.
HIGHLAND AVE.
162 ST.
AVONIER AVE.
INWOOD ST.
112 AVE.
164 ST.
GOETHALS AVE.
89 AVE
LIBERTY AVE
LIVERPOOL ST.
PARSONS BLVD.
88 AVE
ALLENDALE ST.
84 AVE
78 RD.
79 AVE.
GRAND CENTRAL PKWY.
107 AVE.
135 ST.
VAN WYCK EXPY.
144 ST.
143 ST.
95 AVE.
132 ST.
139 ST.
QUEENS BLVD.
130 ST.
MAIN ST.
96 AVE.
126 ST.
77 RD.
MANTON ST.
ATLANTIC AVE.
LOCUSTWOOD AVE.
98 AVE.
135 ST.
134 ST.
124 ST.
101 AVE.
METROPOLITAN AVE.
QUEENS BLVD.
103 AVE.
120 ST.
UNION TPK.
124 ST.
118 ST.
117 ST.
KEW GARDENS RD.
CUTHBERT RD.
116 ST.
LEFFERTS BLVD.
BEVERLY RD.
HILLSIDE AVE.
113 ST.
GRAND CENTRAL PKWY.
89 RD.
BARBAGE ST.
115 ST.
111 ST.
114 ST.
108 ST.
AUSTIN ST.
MYRTLE AVE.
88 AVE
104 ST.
PURITAN AVE.
ASCAN AVE.
JAMAICA AVE.
91 AVE
102 ST.
INGRAM ST.
KESSEL ST.
PARK LN. S.
97 ST.
WOODHAVEN BLVD.

Transit Zone Map 9
Transit Zone
0
0.25
0.5 Miles
N
Forest Park
Juniper Valley Park
Highland Park
WOODHAVEN BLVD.
YELLOWSTONE BLVD.
UNI. TPKE.
88 ST.
78 AVE.
COOPER AVE.
69 RD.
68 AVE.
JUNIPER BLVD. S.
74 ST.
73 PL.
71 ST.
PENELOPE AVE.
69 PL.
69 ST.
71 PL.
70 ST.
OTTO RD.
70 AVE.
PARK LN. S.
78 ST.
91 AVE.
ROCKAWAY BLVD.
ATLANTIC AVE.
75 ST.
ELDERT LN.
AUTUMN AVE.
JAMAICA AVE.
RIDGEWOOD AVE.
CYPRESS HILLS ST.
ETNA ST.
HIGHLAND BLVD.
CYPRESS AVE.
TRAFFIC AVE.
CATALPA AVE.
SHALER AVE.
FRESH POND RD.
PALMETTO ST.
MYRTLE AVE.
WYCKOFF AVE.
METROPOLITAN AVE.
60 LN.
60 ST.
FOREST AVE.
FAIRVIEW AVE.
SENECA AVE.
PUTNAM AVE.
ELDERT ST.
SCHAEFER ST.
58 AVE.
TONSOR ST.
GRANDVIEW AVE.
HAMAN ST.
HUMBOLDT ST.
WILSON AVE.
GRAND AVE.
ST NICHOLAS AVE.
WOODBINE ST.
BROOKLYN-QUEENS BOROUGHLINE
DEKALB AVE.
KNICKERBOCKER AVE.
CENTRAL AVE.
EVERGREEN AVE.
ONDERDONK AVE.
FLUSHING AVE.
BUSHWICK AVE.
RALPH AVE.
JEFFERSON AVE.
VARICK AVE.
MELROSE ST.
MALCOLM X BLVD.
MACBETH AVE.
VANDERVOORT AVE.
MORGAN AVE.
MESEROLE ST.
JOHNSON AVE.
BROADWAY
WILLOUGHBY AVE.
PULASKI ST.
LAFAYETTE AVE.
LEXINGTON AVE.
KINGSLAND AVE.
GRAND ST.
HUMBOLDT ST
MARCUS GARVEY BLVD.
THROOP AVE.

Transit Zone Map 10

Transit Zone Map 10

Transit Zone

0 0.25 0.5 Miles

Transit Zone Map 11
Transit Zone
0
0.25
0.5 Miles
N
Forest Park
Highland Park
JAMAICA AVE.
104 ST.
101 ST.
100 ST.
ROCKAWAY BLVD.
107 AVE.
98 ST.
WOODHAVEN BLVD.
90 ST.
91 AVE.
89 AVE.
85 ST.
PARK LANE S.
BROOKLYN-QUEENS BOROUGH LINE
ELDERT LN.
LIBERTY AVE.
PITKIN AVE.
CONDUIT AVE
133 AVE
84 ST.
CROSS BAY BLVD.
BELT PKWY.
156 AVE.
149 AVE.
151 AVE
153 AVE.
155 AVE.
LINDEN BLVD.
LORING AVE.
STANLEY AVE.
WORTMAN AVE.
HEMLOCK ST.
EUCLID AVE.
AUTUMN AVE.
JAMAICA AVE
CHESTNUT ST.
CRYSTAL ST.
MONTAUK AVE.
ATKINS AVE.
ELTON ST.
ETNA ST.
HIGHLAND PL.
LINWOOD ST.
HELMONT AVE.
NEW LOTS AVE.
RIDGEWOOD AVE.
DUMONT AVE.
VAN SICLEN AVE.
SCHENCK AVE.
FULTON ST.
LIVONIA AVE.
PENNSYLVANIA AVE.
ALABAMA AVE.
ATLANTIC AVE.
HINSDALE ST.
ST. FELIX AVE.
DECATUR ST.
WYCKOFF AVE.
IRVING AVE.
BLAKE AVE.
MOTHER GASTON BLVD.
MOFFAT ST.
HERKIMER ST.
BROADWAY
ELDERT ST.
PUTNAM AVE.
MASEY ST.
ROCKAWAY AVE.
E. NEW YORK AVE.
KNICKERBOCKER AVE.
BUSHWICK AVE
MAC DOUGAL ST.
CORNELIA ST.
STRAUSS ST.
MYRTLE AVE.
LINDEN ST.
GRAFTON ST.
PACIFIC ST.
PARK PL.
HOWARD AVE.
RALPH AVE.
GATES AVE.
EASTERN PKWY.

Transit Zone Map 12

Transit Zone
0
0.25
0.5 Miles
N
Prospect Park
Parade Ground
Greenwood Cemetery
Sunset Park
E. 46 ST.
TROY AVE.
ALBANY AVE.
E. 38 ST.
BROOKLYN AVE.
CHURCH AVE.
SNYDER AVE.
CORTELYOU RD.
CLARENDON RD.
FARRAGUT RD.
GLENWOOD RD.
NOSTRAND AVE.
AVE. I
AVE. L
WINTHROP ST.
CLARKSON AVE.
LENOX RD.
LINDEN BLVD.
TILDEN AVE.
ROGERS AVE.
FLATBUSH AVE.
E. 26 ST.
AVE. K
E. 21 ST.
OTTAGAS AVE.
DORCHESTER RD.
OCEAN AVE.
MARLBOROUGH RD.
ARGYLE RD.
FOSTER AVE.
AVE. H
E. 12 ST.
PARKSIDE AVE.
BEVERLEY RD.
CONEY IS. AVE.
AVE. F
E. 5 ST.
PROSPECT PARK SW.
MCDONALD AVE.
PROSPECT AVE.
PROSPECT EXPY.
CATON AVE.
DAHILL RD.
20 ST.
FT HAMILTON PKWY.
17 AVE.
18 AVE.
20 AVE.
47 ST.
43 ST.
38 ST.
37 ST.
42 ST.
45 ST.
49 ST.
51 ST.
62 ST.
15 AVE.
14 AVE.
13 AVE.
NEW UTRECHT AVE
40 ST.
46 ST.
50 ST.
55 ST.
60 ST.
63 ST.
67 ST.
19 AVE.
10 AVE.
9 AVE.
8 AVE.
7 AVE.
6 AVE.
5 AVE.
4 AVE.
3 AVE.
2 AVE.
1 AVE.
36 ST.
GOWANUS EXPY.
BAY RDG. PKWY.

Transit Zone
0
0.25
0.5 Miles
N
E. 35 ST.
NEW YORK AVE.
NOSTRAND AVE.
E. 29 ST.
E. 27 ST.
E. 28 ST.
E. 26 ST.
BEDFORD AVE.
E. 21 ST.
OCEAN AVE.
AVE. R
E. 16 ST.
E. 12 ST.
E. 12 ST.
OCEAN PKWY.
E. 5 ST.
E. 5 ST.
AVE. P
DAHILL RD.
MCDONALD AVE.
KINGS HWY.
BAY PKWY.
W. 11 ST.
HIGHLAWN AVE.
NEW UTRECHT AVE.
BENSON AVE.
CROPSEY AVE.
BATH AVE.
BAY 17 ST.
BAY 15 ST.
BAY 13 ST.
GOWANUS EXPY.
BAY RDG. PKWY.
Dyker Beach Park
FARRAGUT RD.
PLATBUSH AVE.
CAMPUS RD.
GLENWOOD RD.
NEWKIRK AVE.
RUGBY RD.
CONEY IS. AVE.
DITMAS AVE.
AVE. I
AVE. J
AVE. K
AVE. L
AVE. M
AVE. N
AVE. O
9 AVE
8 AVE
A AVE
12 AVE
13 AVE
14 AVE
15 AVE
16 AVE
17 AVE
18 AVE
19 AVE
20 AVE
21 AVE
24 AVE
43 ST.
45 ST.
47 ST.
49 ST.
54 ST.
57 ST.
58 ST.
60 ST.
61 ST.
62 ST.
63 ST.
64 ST.
67 ST.
68 ST.
71 ST.
72 ST.
77 ST.
80 ST.
82 ST.
83 ST.
86 ST.

Transit Zone Map 15

APPENDIX J — Designated Areas Within Manufacturing Districts

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APPENDIX J — Designated Areas Within Manufacturing Districts

(12/19/17)

The boundaries of certain designated areas within #Manufacturing Districts# are shown on the maps in this APPENDIX. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of Section 42-121 (Use Group 16D self-service storage facilities) are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section 74-932 (Self-service storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

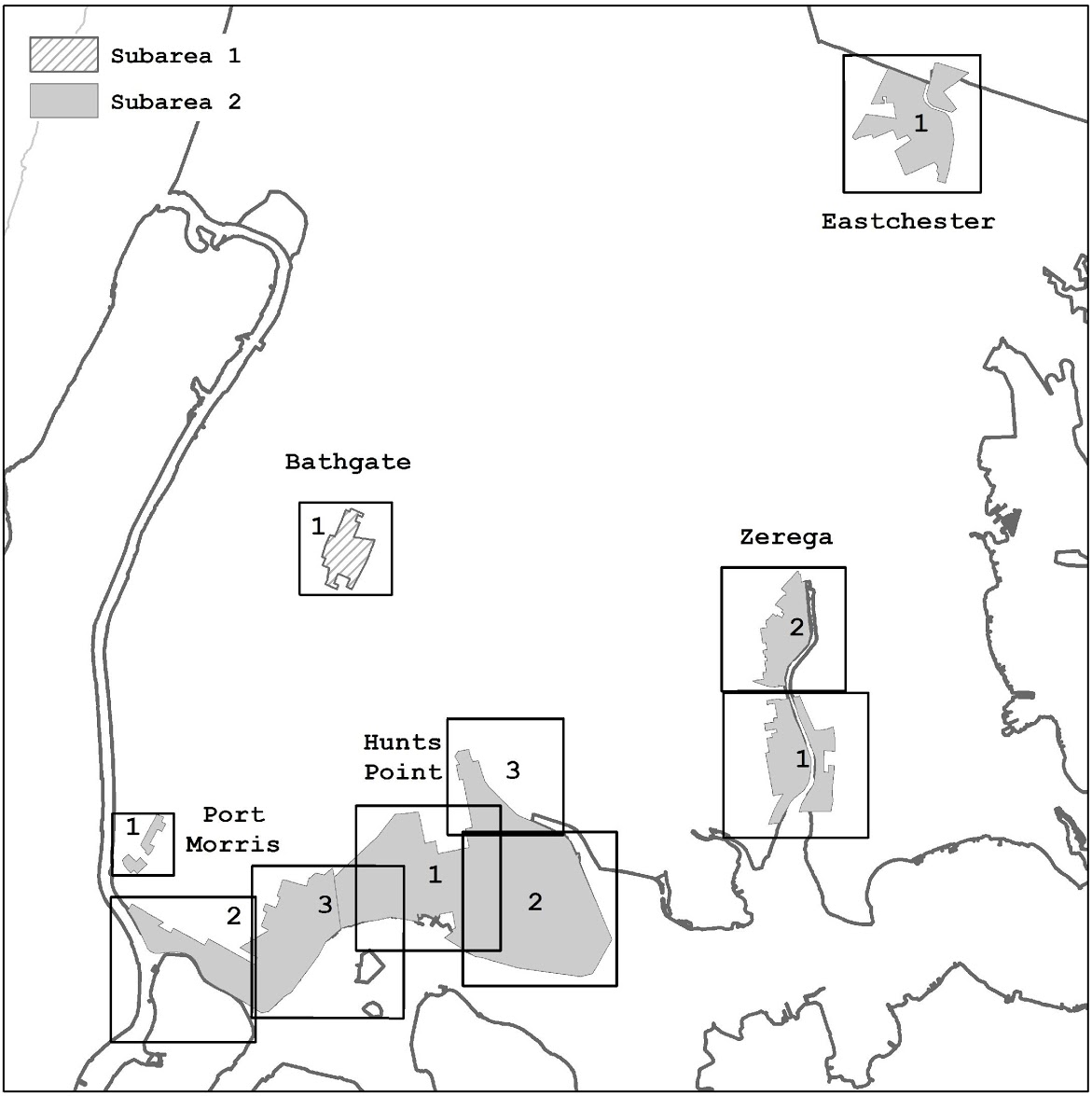
SUBAREA 1

Borough	Community Districts	Name of Designated Area in M District	Map No
The Bronx	3, 4, 6	Bathgate	Map 1
Queens	1	Steinway	Maps 1, 2
Queens	9	Richmond Hill	Map 1
Staten Island	1, 2	West Shore	Maps 1-3
Staten Island	3	Rossville	Map 1

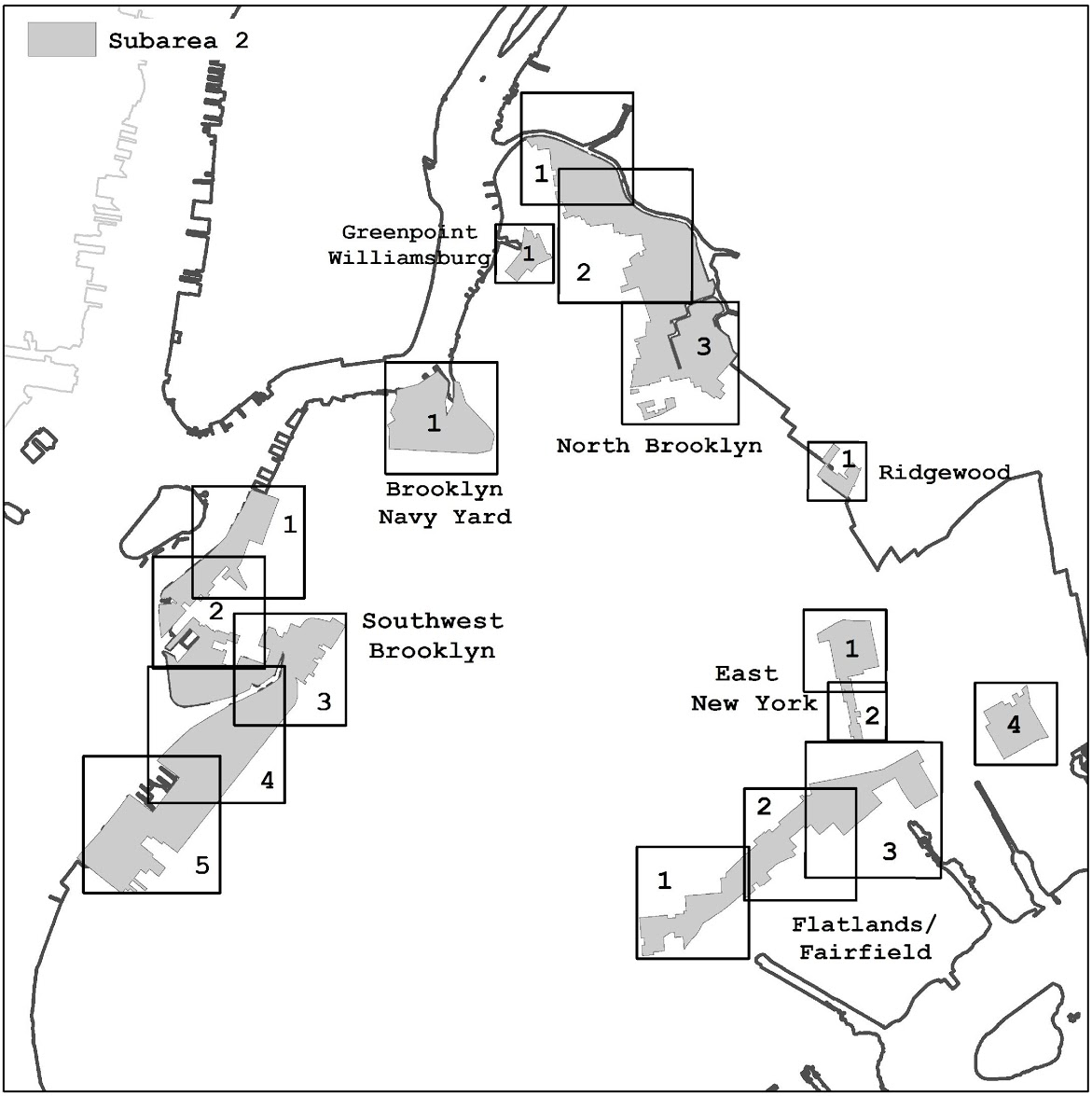
SUBAREA 2

Borough	Community Districts	Name of Designated Area in M District	Map No
The Bronx	1, 2	Port Morris	Maps 1-3
The Bronx	2	Hunts Point	Maps 1-3
The Bronx	9, 10	Zerega	Maps 1, 2
The Bronx	10, 12	Eastchester	Map 1
Brooklyn	2	Brooklyn Navy Yard	Map 1
Brooklyn	6, 7	Southwest Brooklyn	Maps 1-5
Brooklyn	5, 16, 17, 18	Flatlands/Fairfield	Maps 1-4
Brooklyn	5, 16	East New York	Maps 1, 2
Brooklyn/Queens	BK 4/QN 5	Ridgewood	Map 1
Brooklyn	1	Williamsburg/Greenpoint	Map 1
Brooklyn/Queens	BK 1, 4/QN 2	North Brooklyn/Long Island City/ Maspeth	Maps 1-3
Queens/Brooklyn	QN 2, 5/BK 1	Maspeth/North Brooklyn	Maps 1-4
Queens	1, 2	Long Island City	Maps 1-4
Queens	2	Woodside	Map 1
Queens	12	Jamaica	Maps 1-3
Queens	10, 12, 13	JFK	Maps 1-3
Staten Island	1	North Shore	Maps 1-5

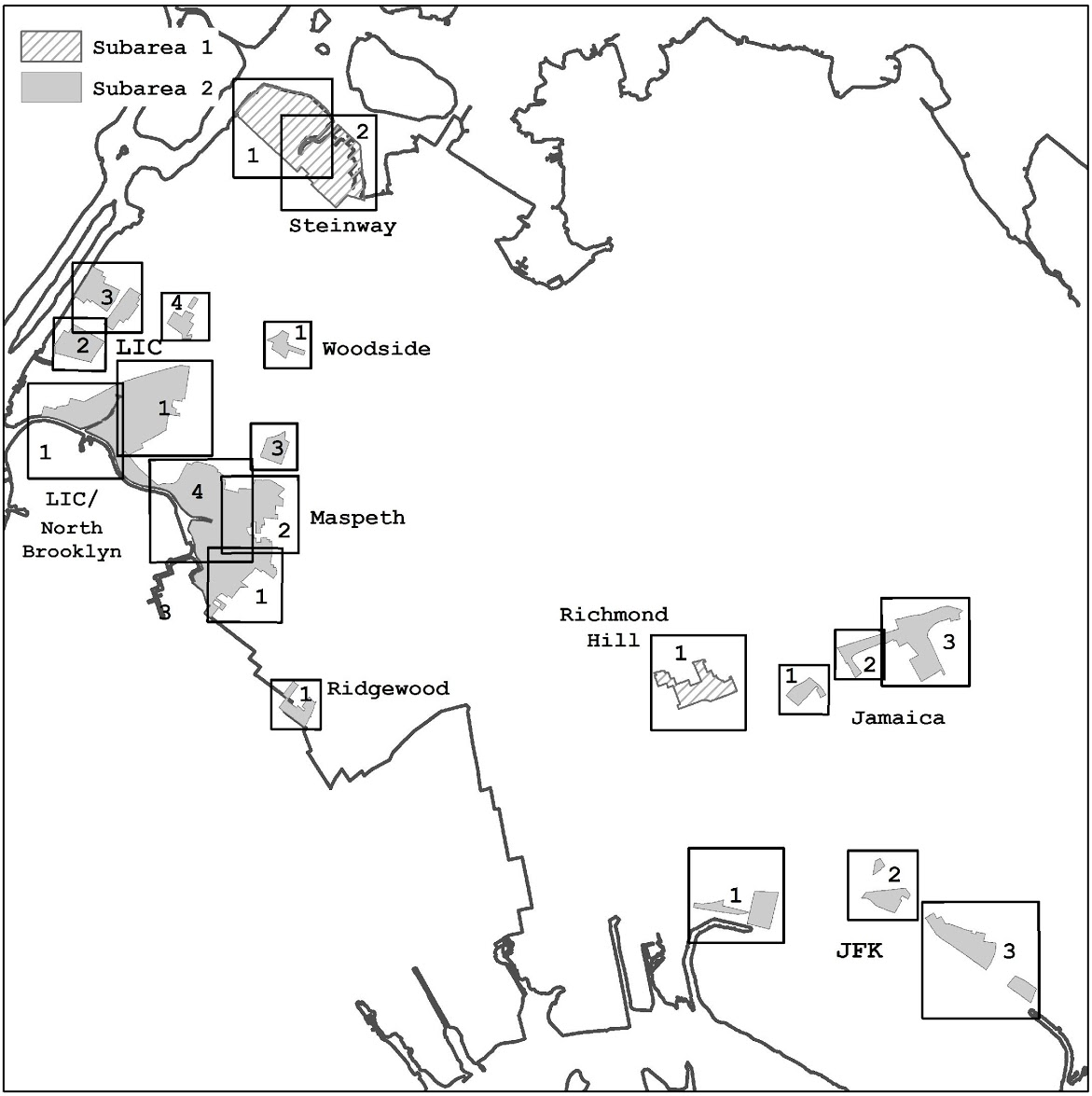
The Bronx


Subarea 1
Subarea 2
Eastchester
1
Bathgate
1
Zerega
2
1
Hunts
Point
3
1
Port
Morris
1
2
3
1
2

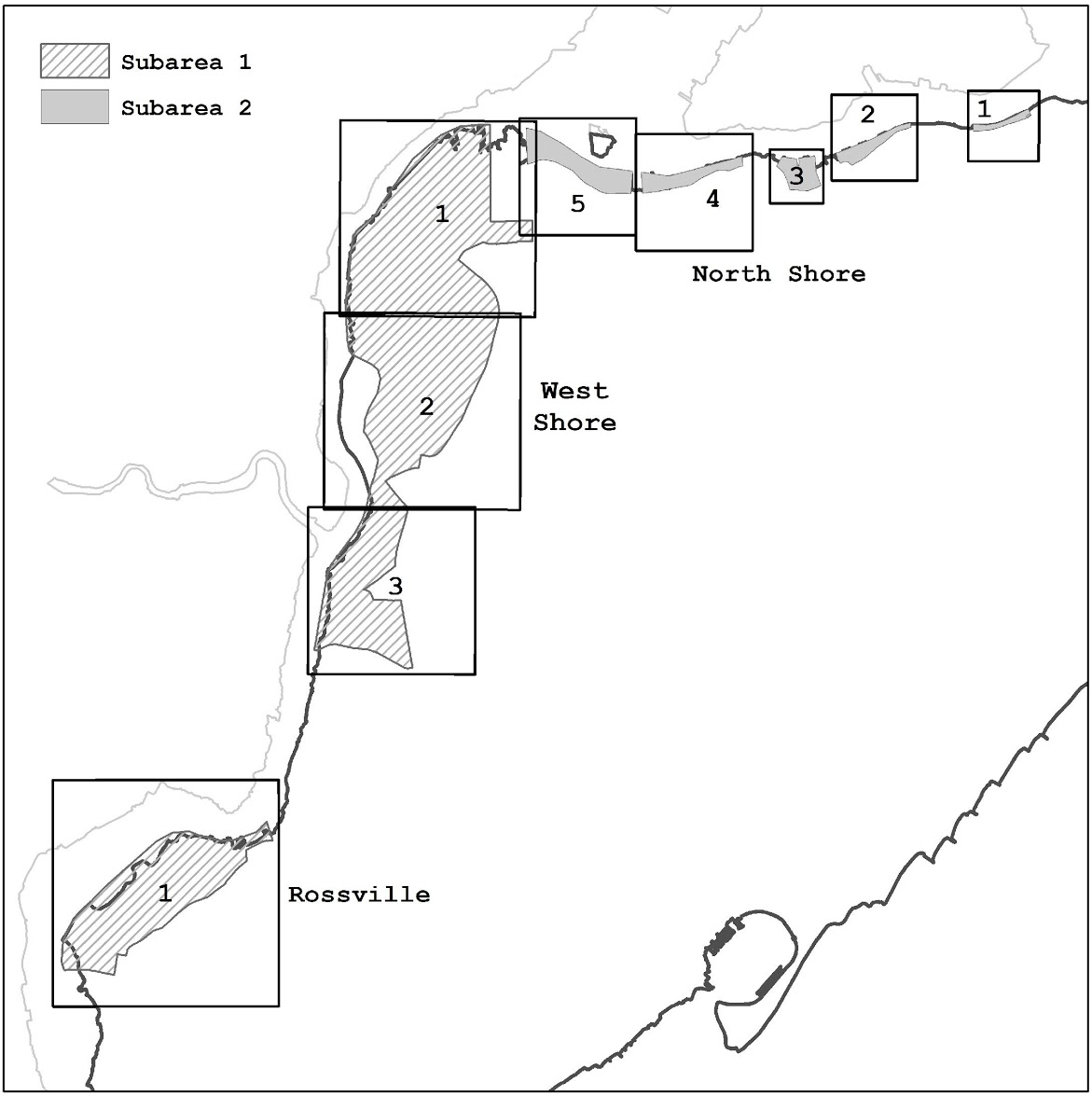
Brooklyn


Subarea 2
Greenpoint
Williamsburg
1
2
3
North Brooklyn
1
Brooklyn
Navy Yard
1
Ridgewood
1
2
3
4
5
Southwest
Brooklyn
1
2
East
New York
4
2
3
1
Flatlands/
Fairfield

Queens

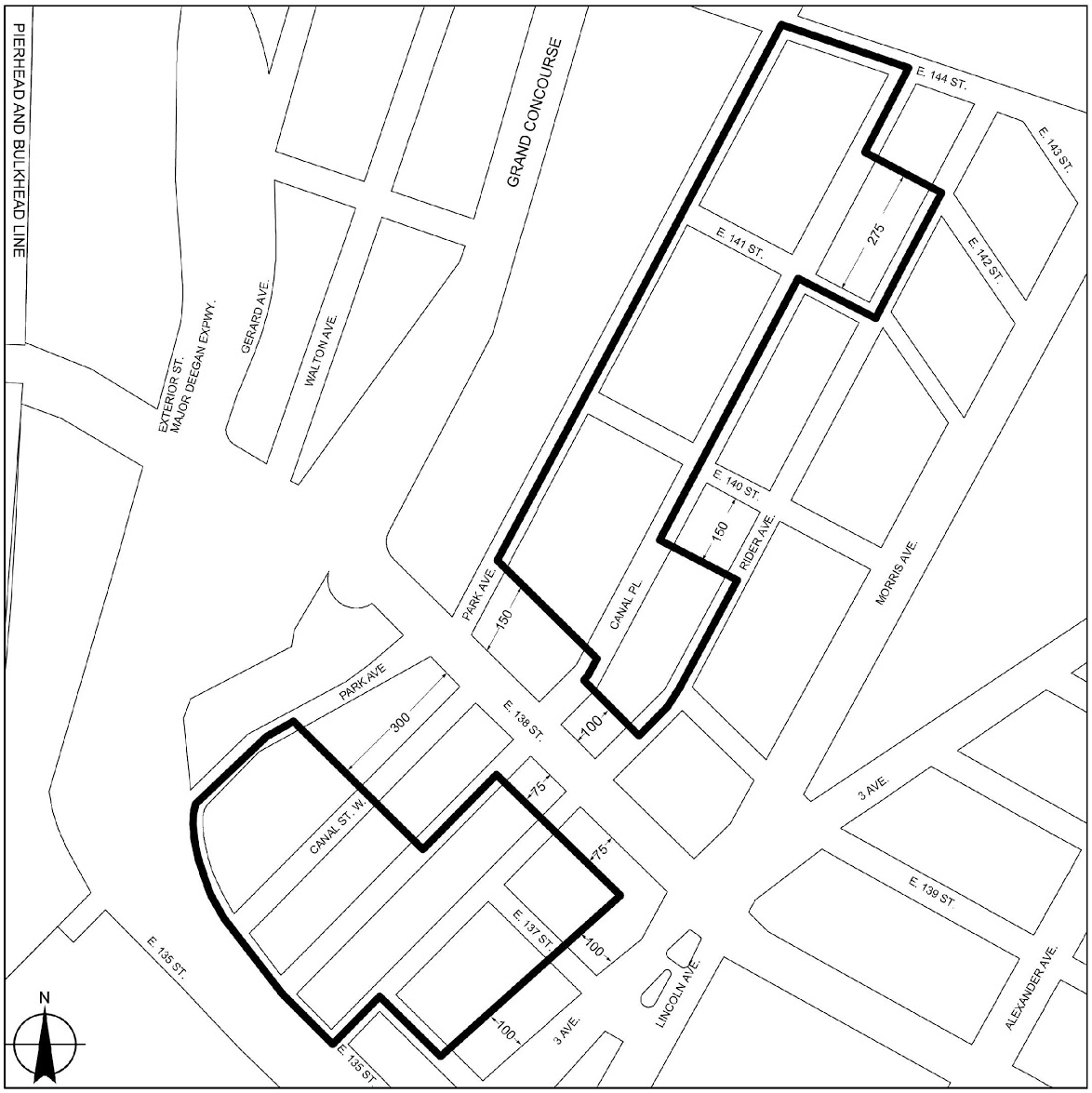

Subarea 1
Subarea 2
Steinway
LIC
Woodside
LIC/
North
Brooklyn
Maspeth
Ridgewood
Richmond
Hill
Jamaica
JFK

Staten Island



Port Morris

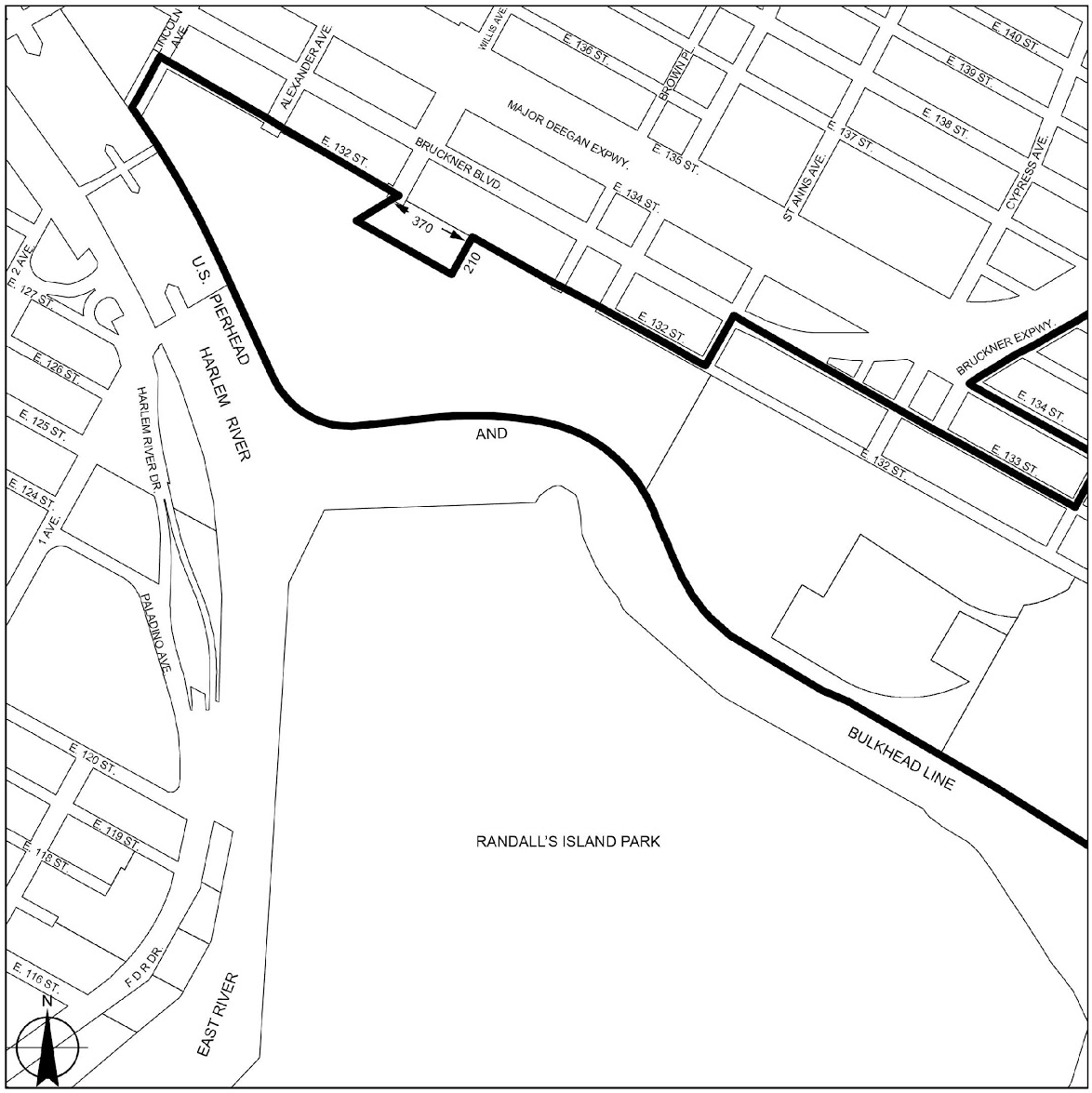
Map 1, Subarea 2



Portion of Community District 1, The Bronx

Port Morris

Map 2, Subarea 2



Portion of Community District 1, The Bronx

Port Morris/Hunts Point

Map 3, Subarea 2

Portions of Community Districts 1 and 2, The Bronx

Hunts Point

Map 1, Subarea 2

Portion of Community District 2, The Bronx

Hunts Point

Map 2, Subarea 2

Portion of Community District 2, The Bronx

Hunts Point

Map 3, Subarea 2

Portion of Community District 2, The Bronx

Zerega

Map 1, Subarea 2

Portion of Community District 9, The Bronx

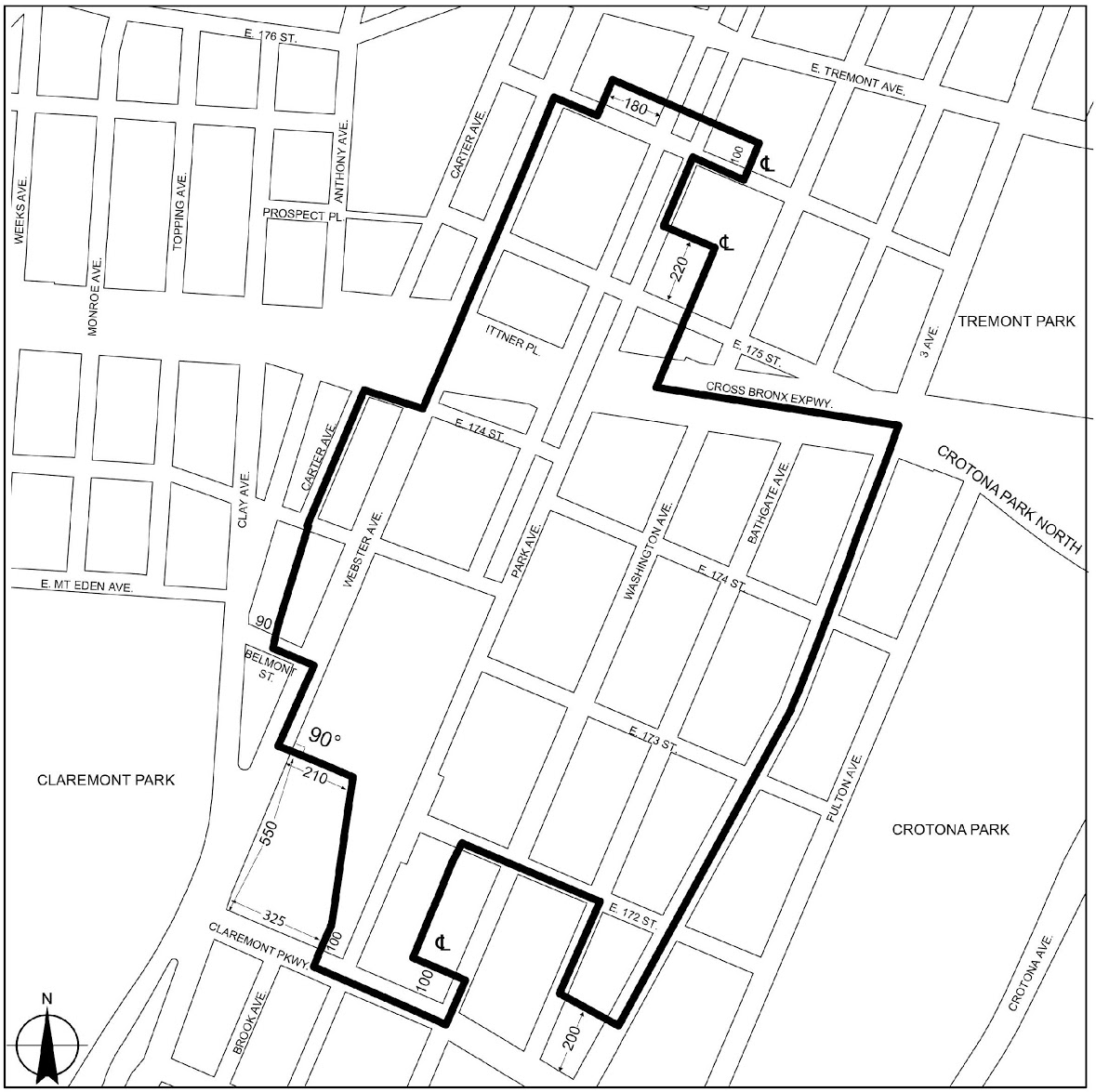
Zerega

Map 2, Subarea 2

Portions of Community Districts 9 and 10, The Bronx

Bathgate

Map 1, Subarea 1



Portion of Community Districts 3, 4, and 6, The Bronx

Eastchester

Map 1, Subarea 2

Portions of Community Districts 10 and 12, The Bronx

Brooklyn Navy Yard

Map 1, Subarea 2

Portion of Community District 2, Brooklyn

Southwest Brooklyn

Map 1, Subarea 2

Portion of Community District 6, Brooklyn

Southwest Brooklyn

Map 2, Subarea 2

Portion of Community District 6, Brooklyn

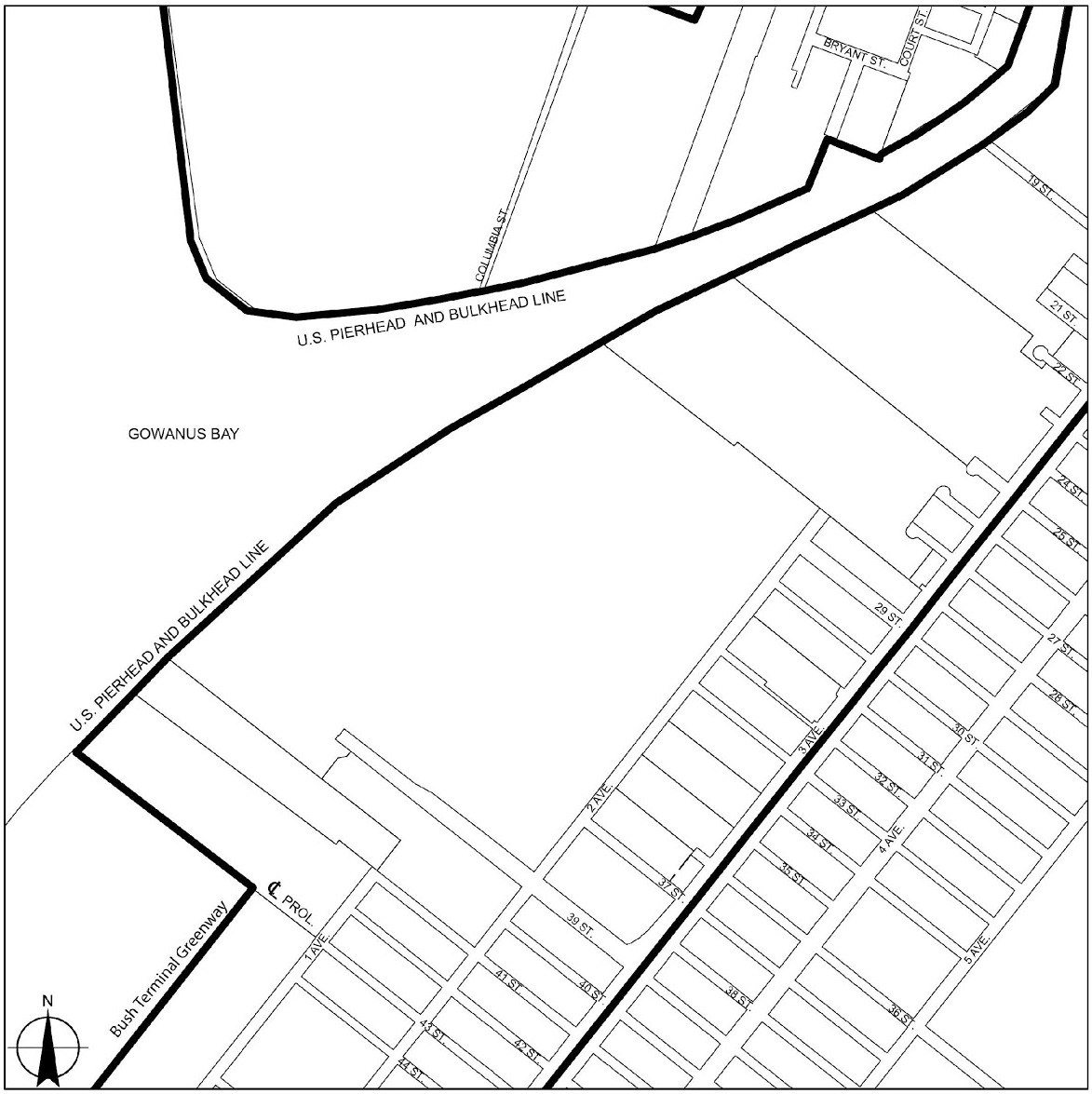
Southwest Brooklyn

Map 3, Subarea 2

Portions of Community Districts 6 and 7, Brooklyn

Southwest Brooklyn

Map 4, Subarea 2



Portions of Community Districts 6 and 7, Brooklyn

Southwest Brooklyn

Map 5, Subarea 2

Portion of Community District 7, Brooklyn

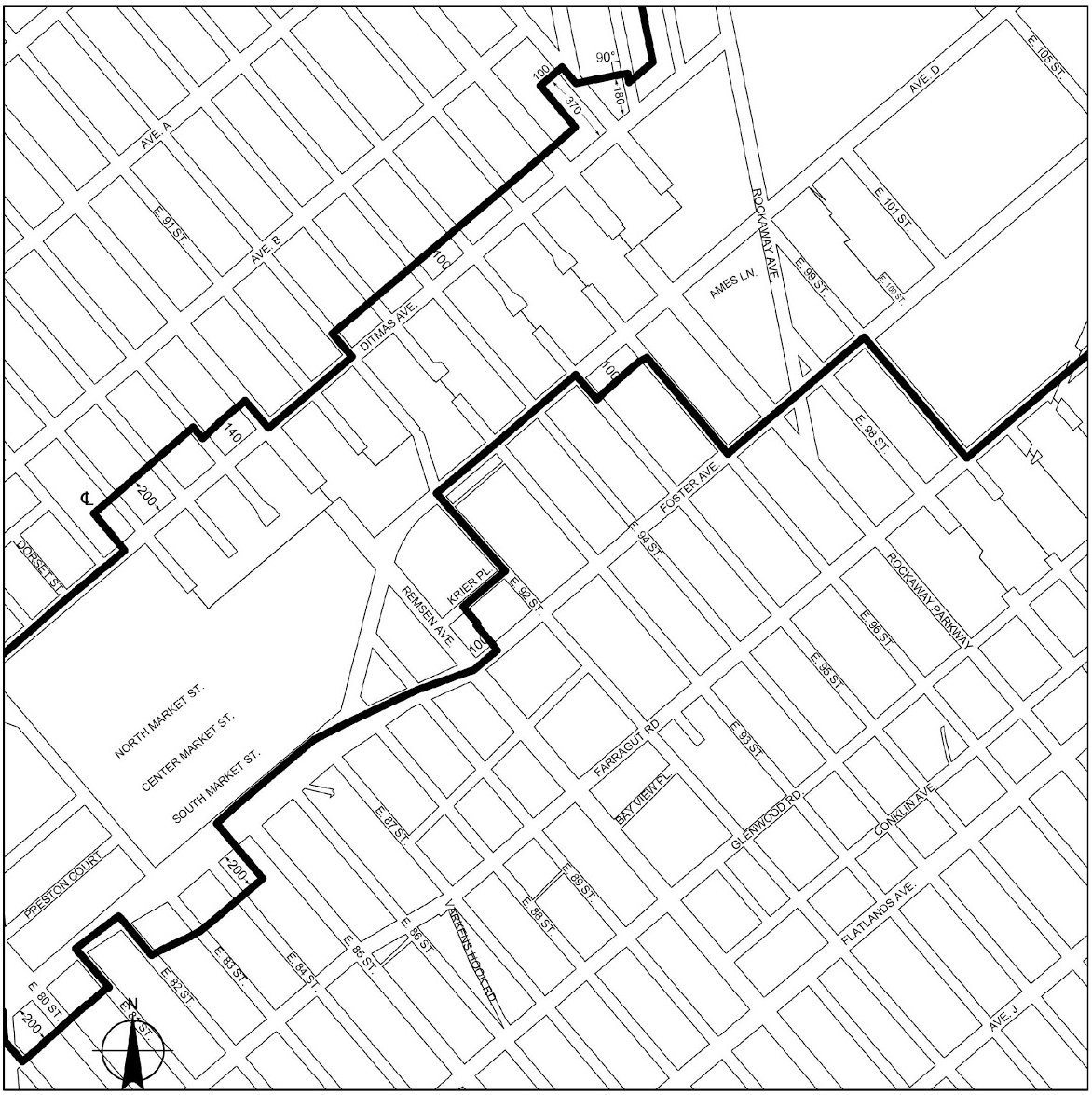
Flatlands/Fairfield

Map 1, Subarea 2

Portions of Community Districts 17 and 18, Brooklyn

Flatlands/Fairfield

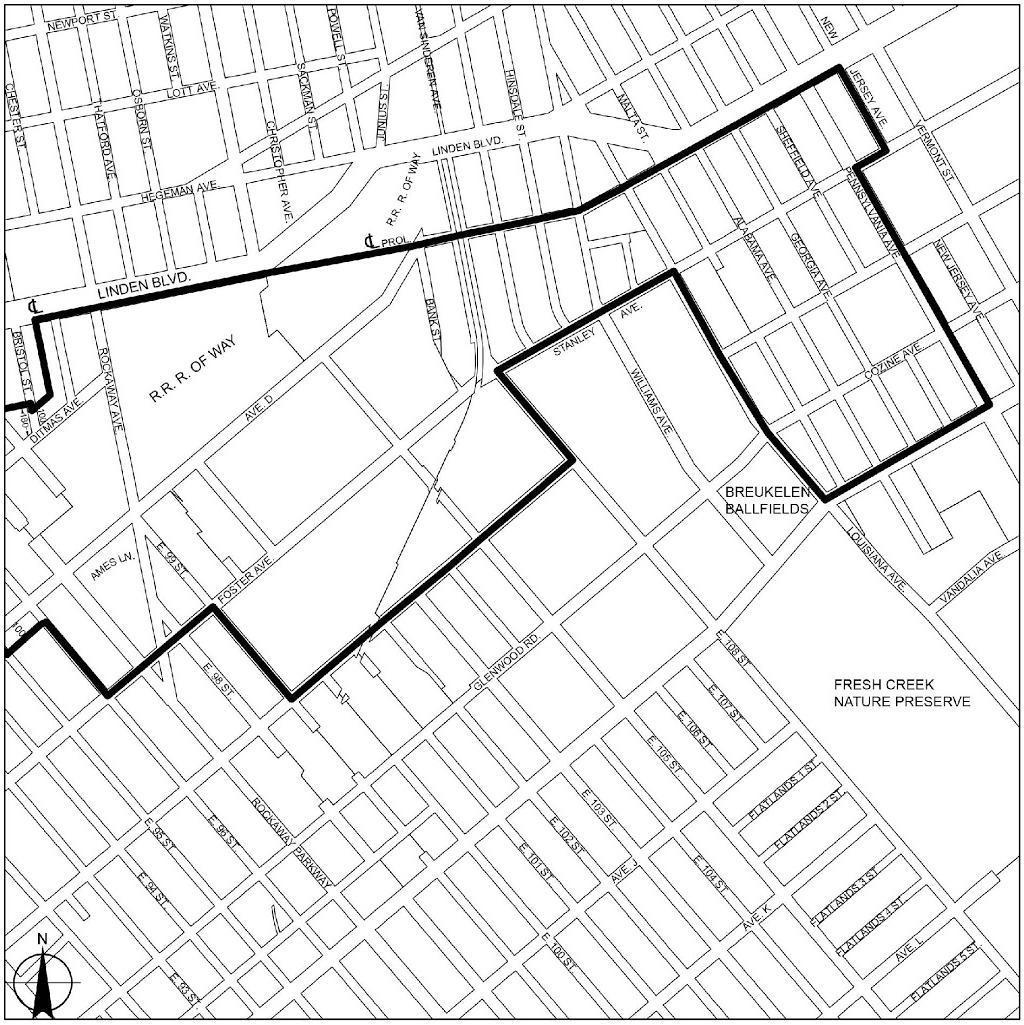
Map 2, Subarea 2



Portions of Community Districts 17 and 18, Brooklyn

Flatlands/Fairfield

Map 3, Subarea 2



Portions of Community Districts 5, 16, and 18, Brooklyn

Flatlands/Fairfield

Map 4, Subarea 2

Portion of Community District 5, Brooklyn

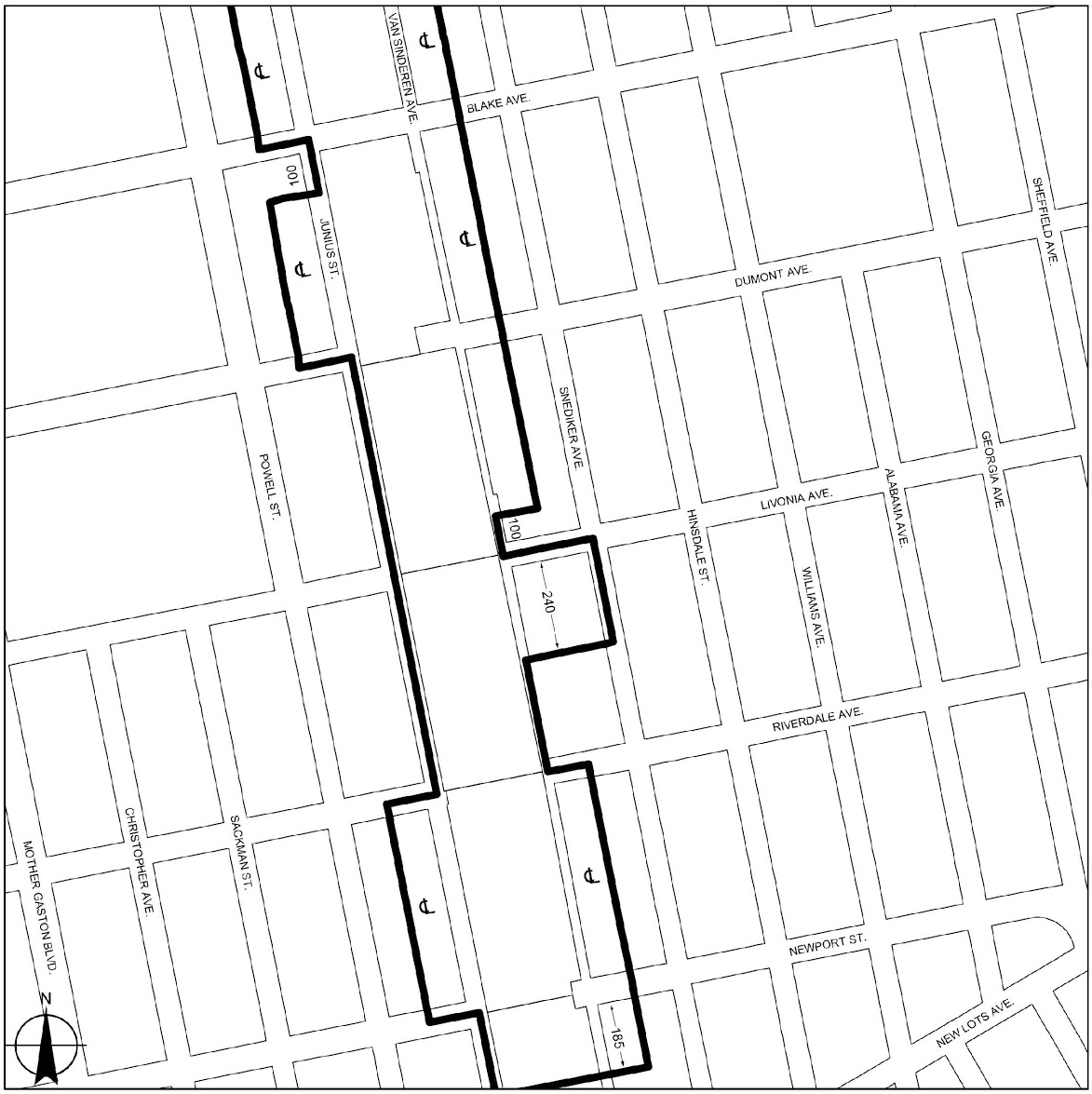
East New York

Map 1, Subarea 2

Portion of Community District 5, Brooklyn

East New York

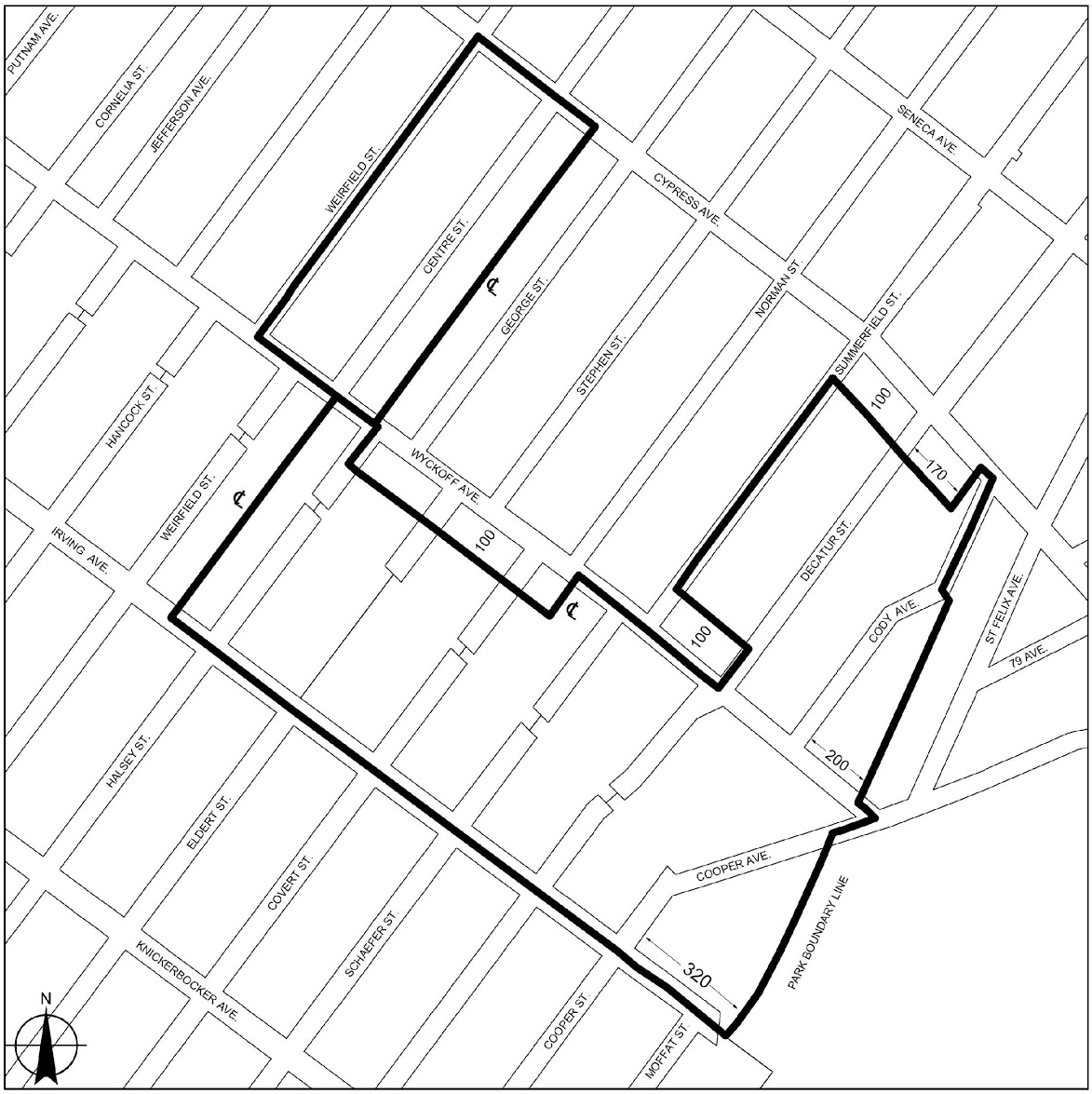
Map 2, Subarea 2



Portions of Community Districts 5 and 16, Brooklyn

Ridgewood

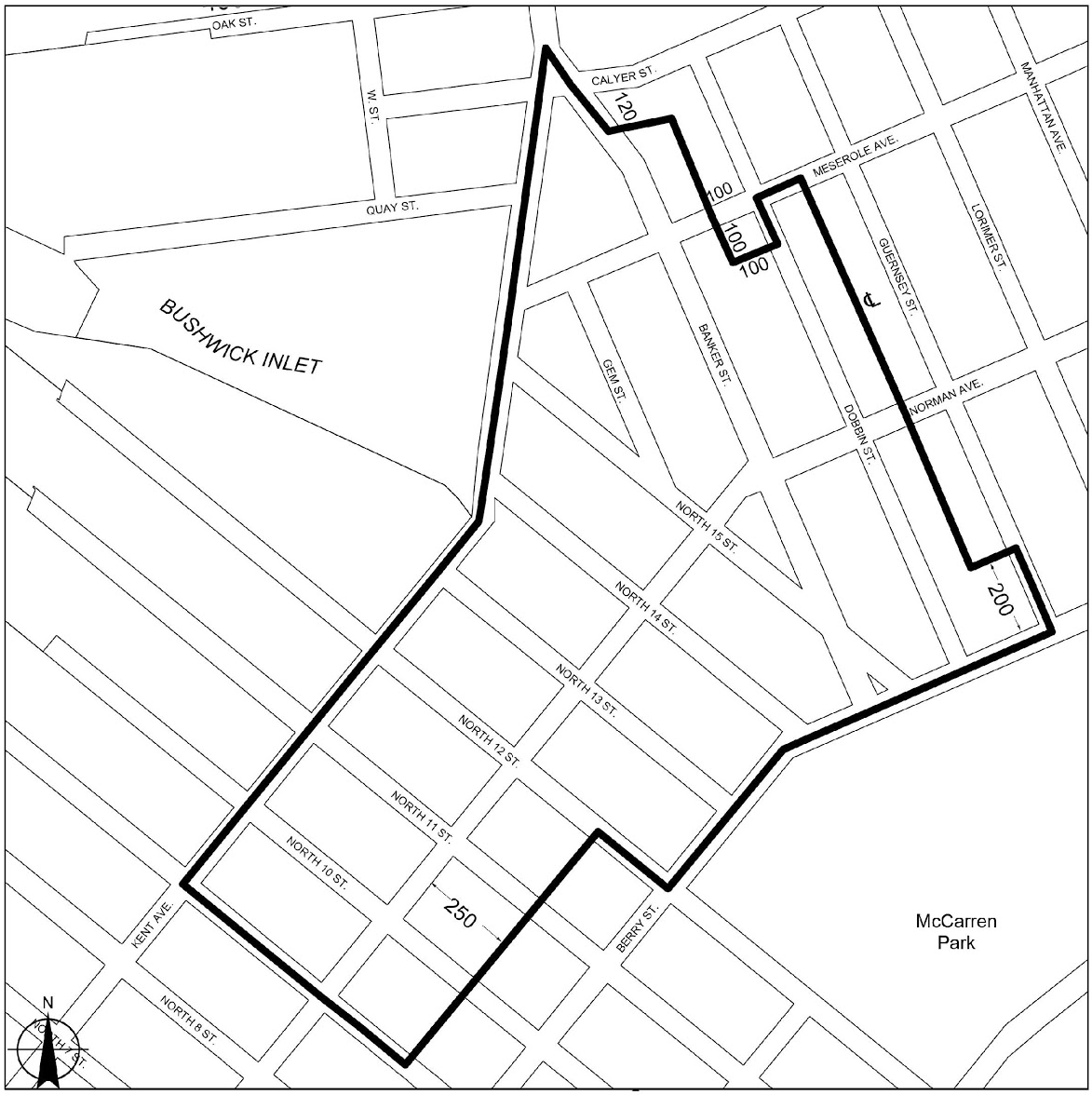
Map 1, Subarea 2



Portions of Community District 4, Brooklyn and Community District 5, Queens

Williamsburg/Greenpoint

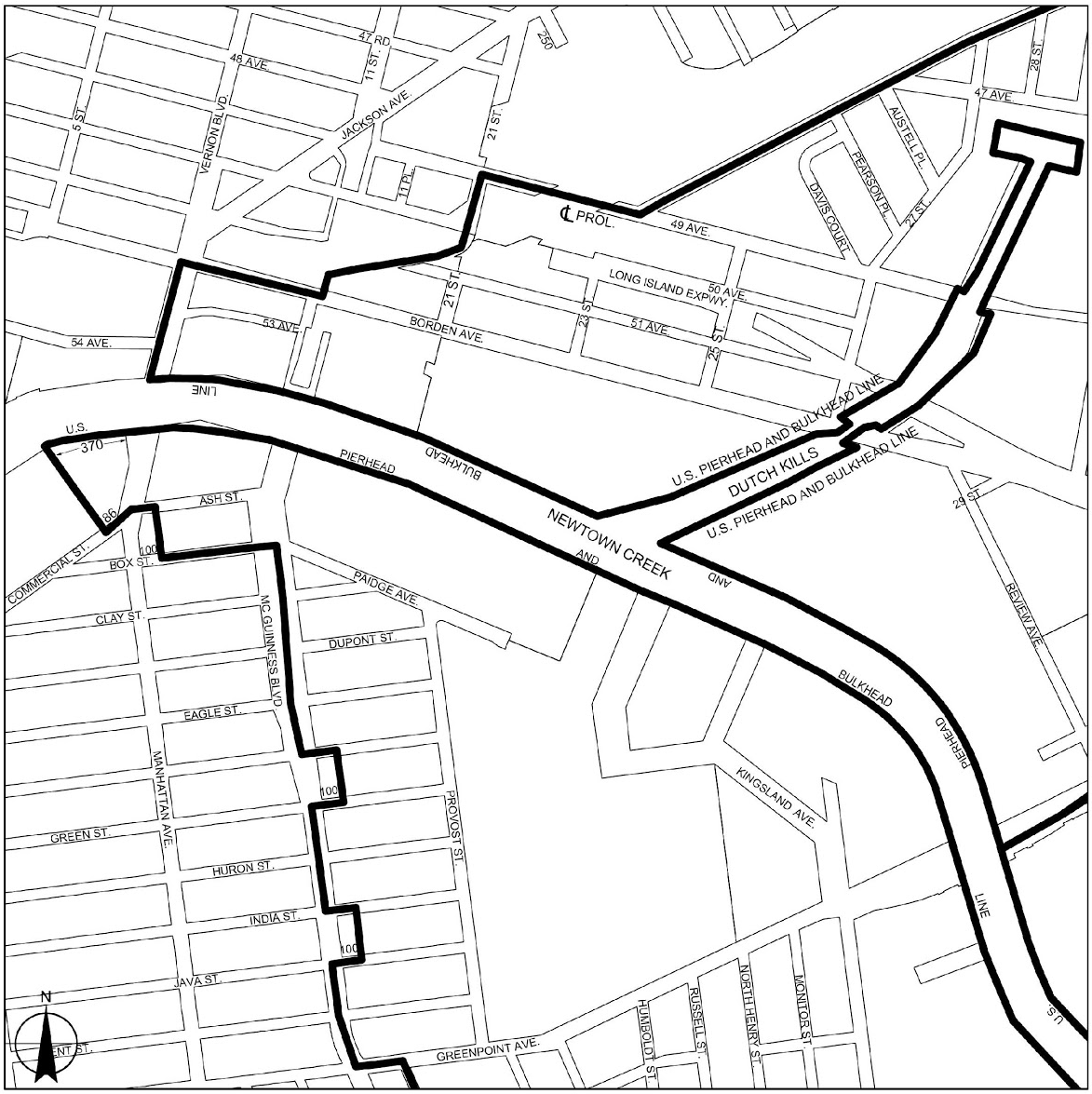
Map 1, Subarea 2



Portion of Community District 1, Brooklyn

North Brooklyn/Long Island City

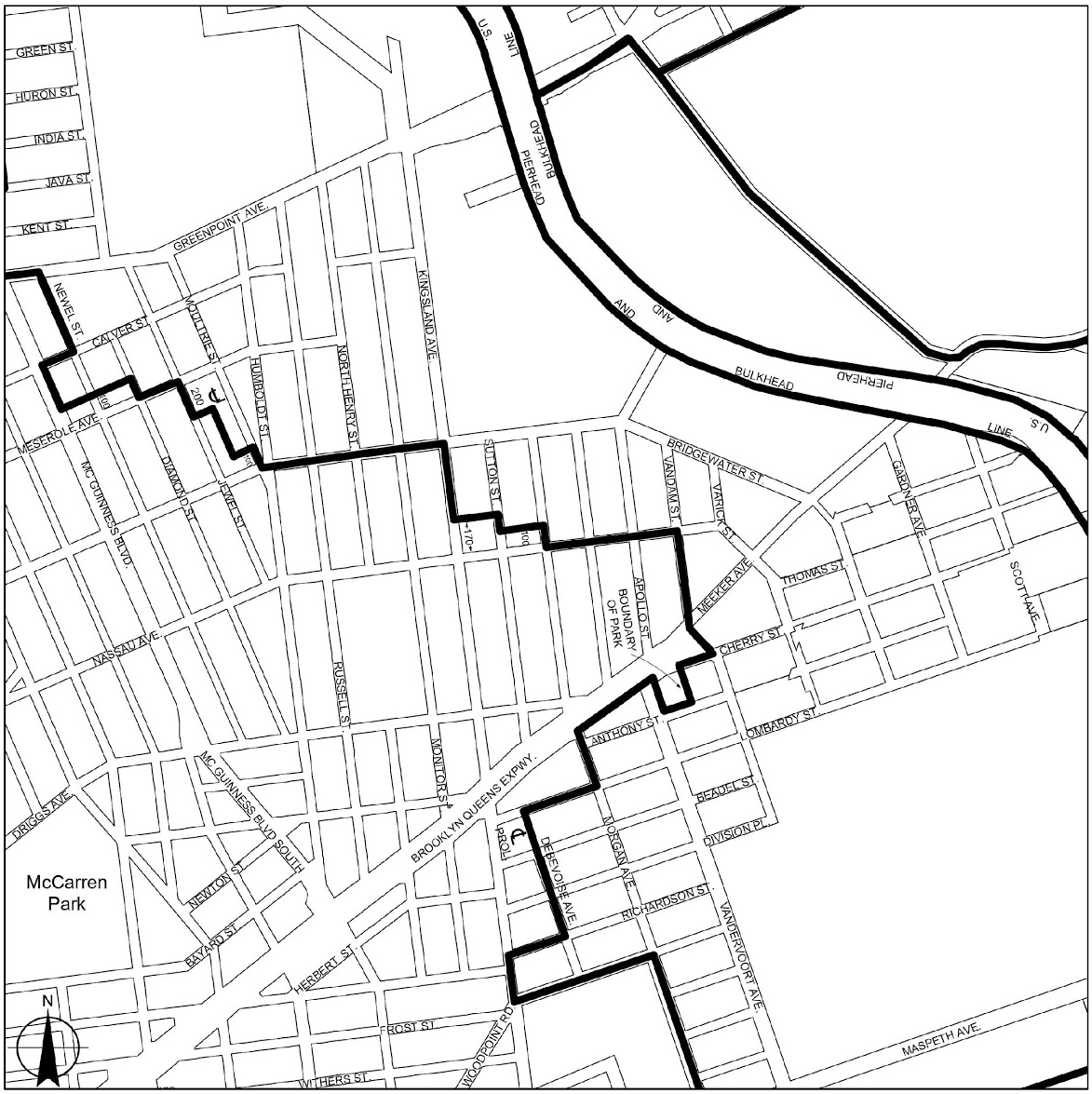
Map 1, Subarea 2



Portions of Community District 1, Brooklyn and Community District 2, Queens

North Brooklyn/Maspeth

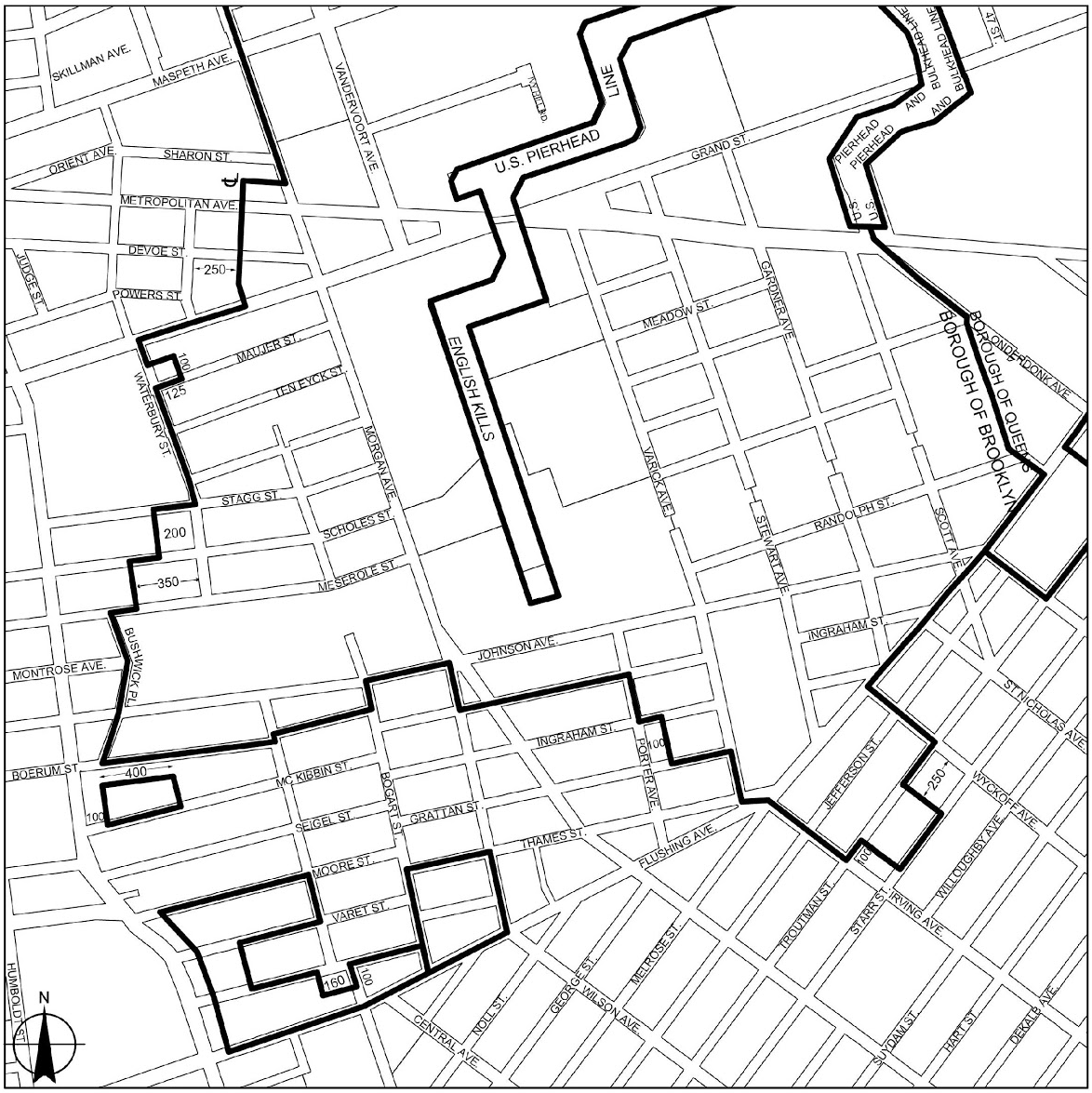
Map 2, Subarea 2



Portions of Community District 1, Brooklyn and Community District 2, Queens

North Brooklyn

Map 3, Subarea 2



Portions of Community District 1, Brooklyn and Community District 4, Queens

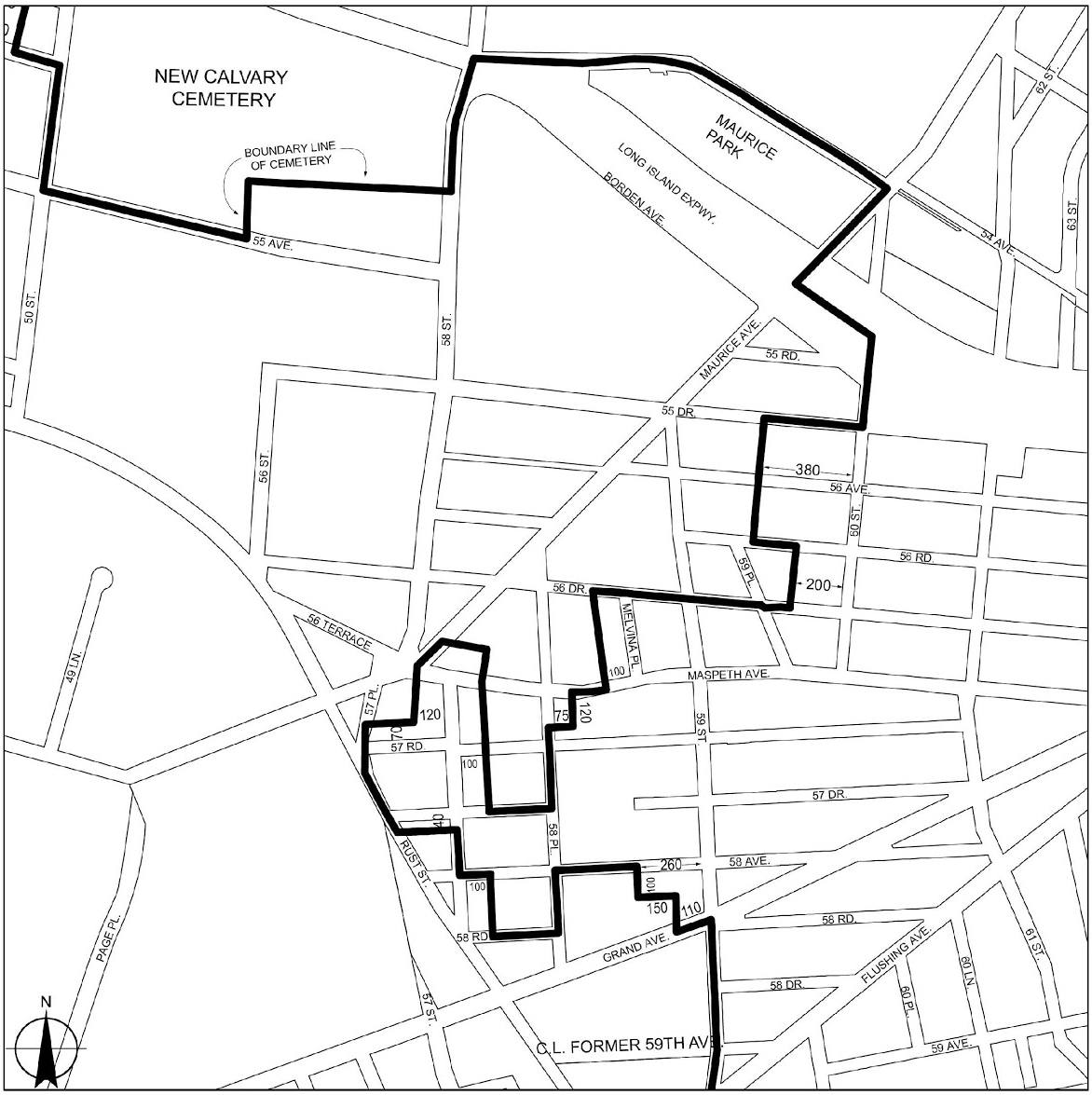
Maspeth

Map 1, Subarea 2

Portion of Community District 5, Queens

Maspeth

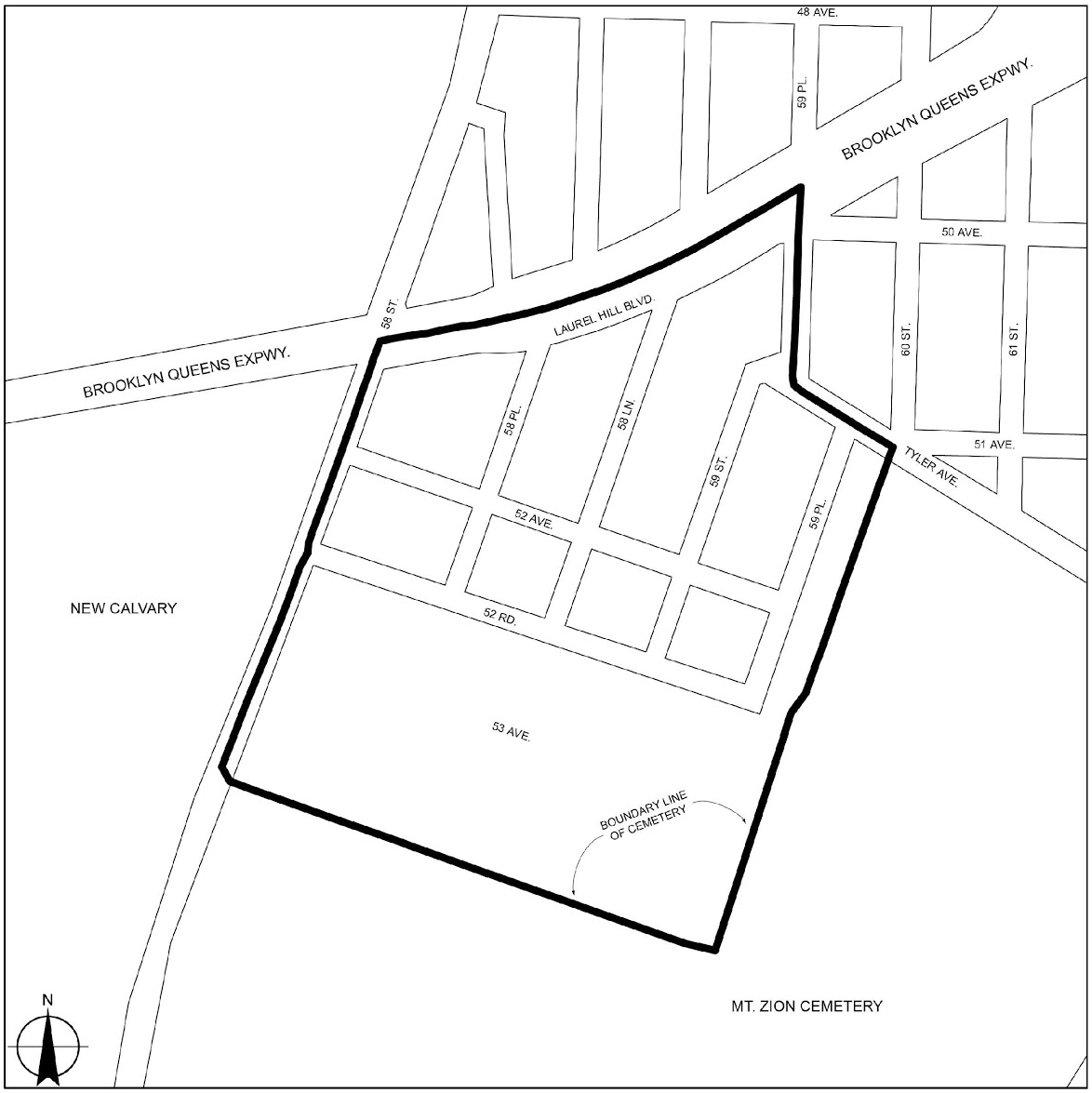
Map 2, Subarea 2



Portions of Community Districts 2 and 5, Queens

Maspeth

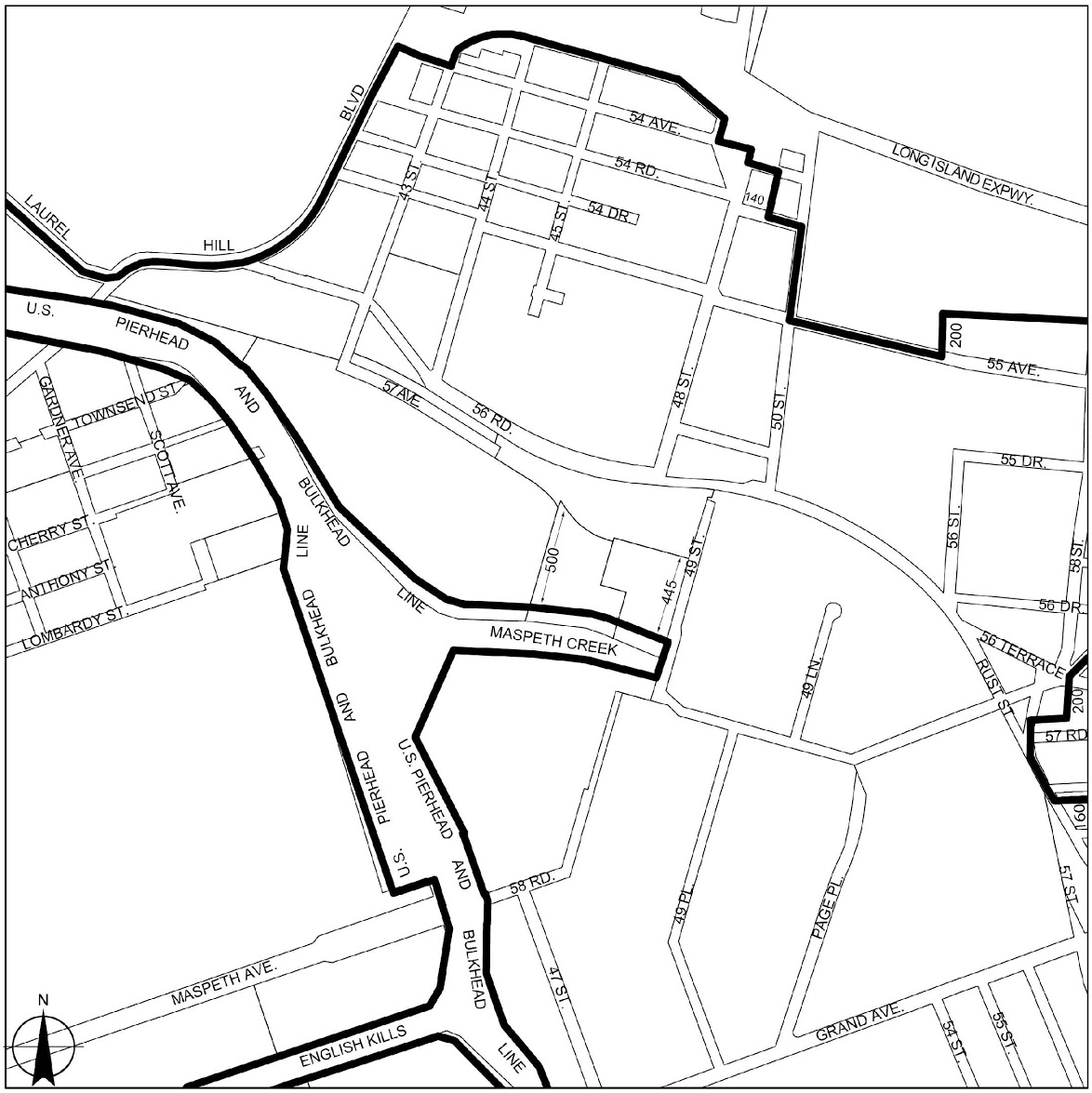
Map 3, Subarea 2



Portion of Community District 2, Queens

Maspeth/North Brooklyn

Map 4, Subarea 2



Portions of Community Districts 2 and 5, Queens and Community District 1, Brooklyn

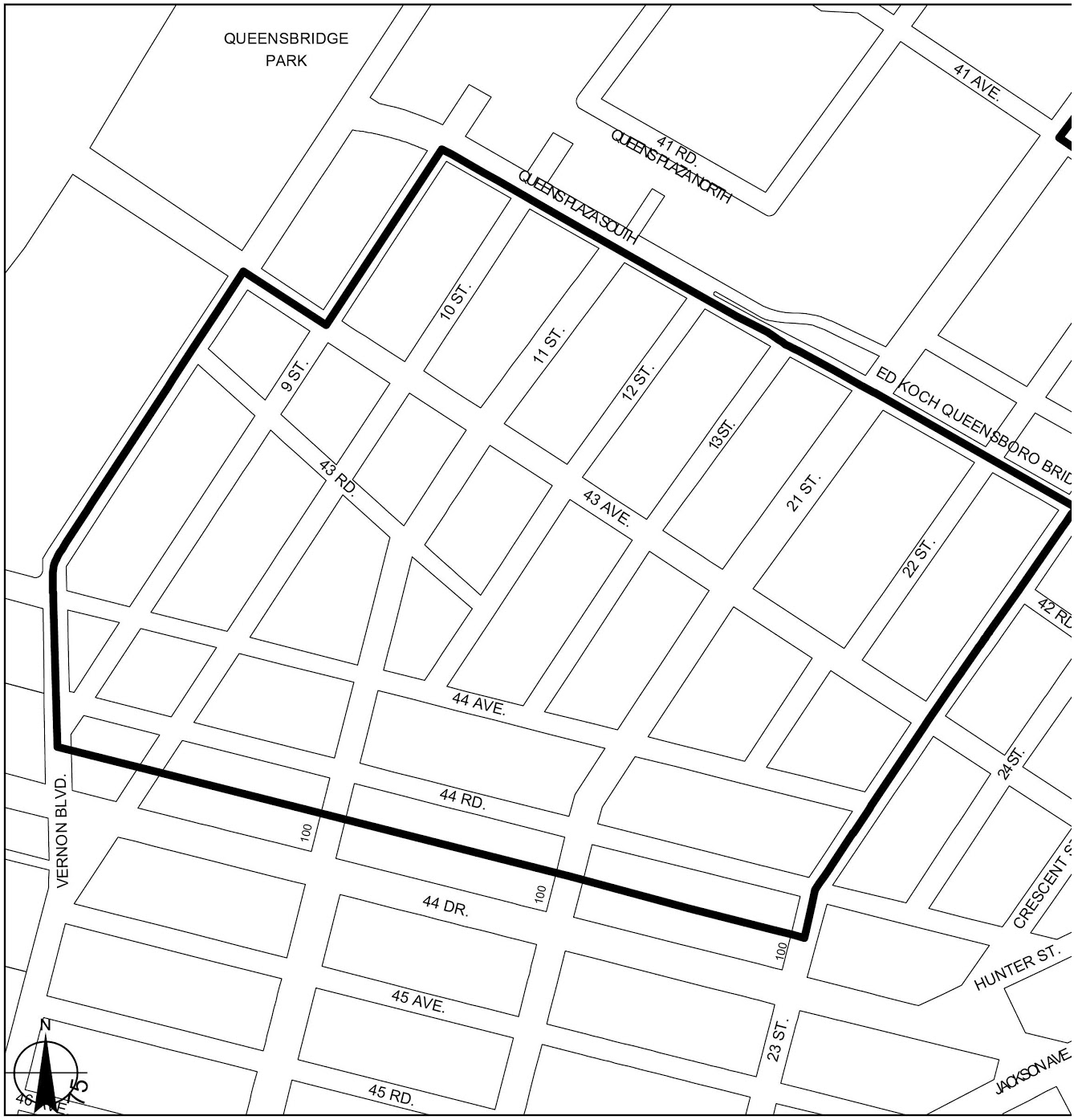
Long Island City

Map 1, Subarea 2

Portion of Community District 2, Queens

Long Island City

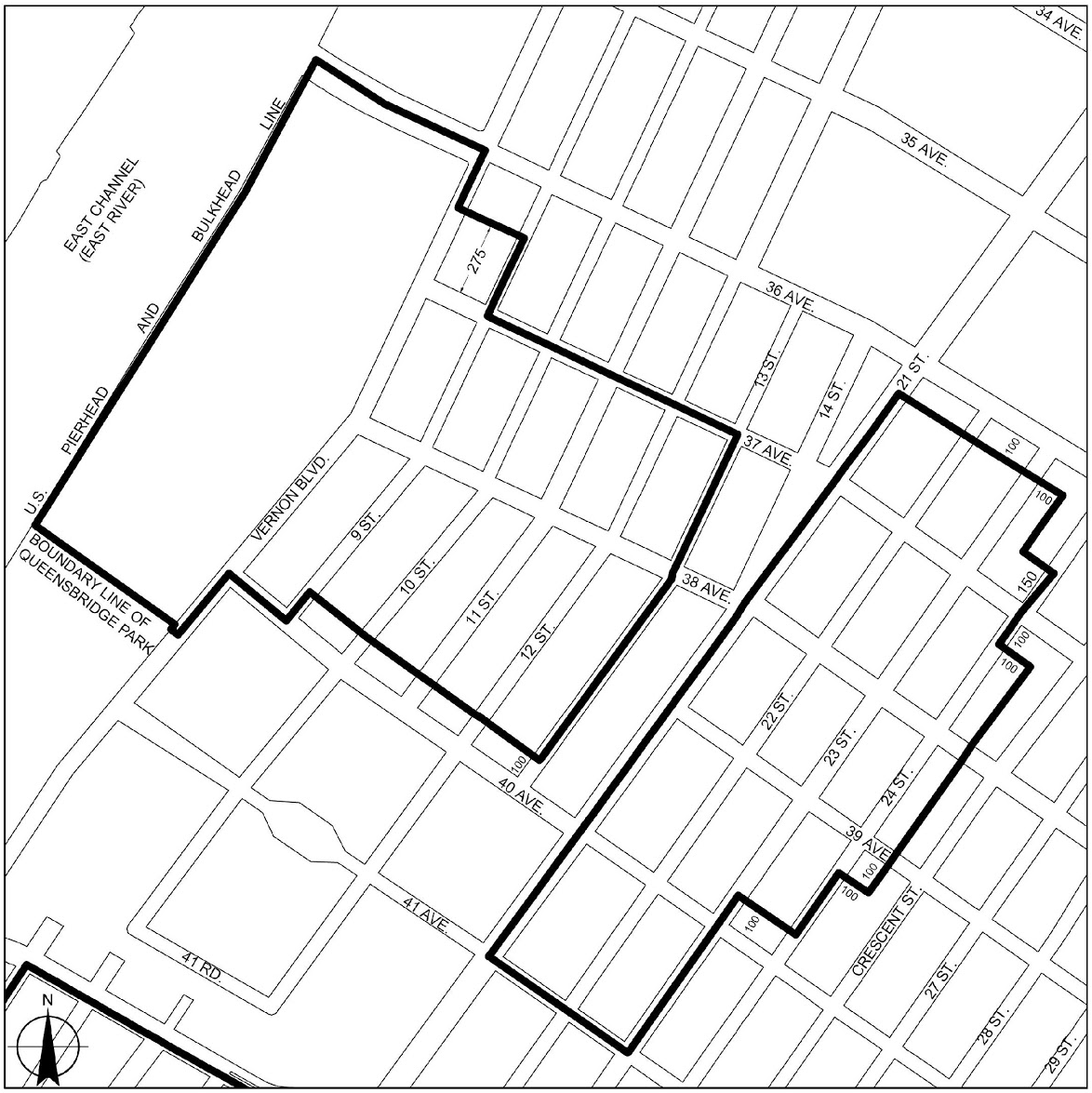
Map 2, Subarea 2



Portion of Community District 2, Queens

Long Island City

Map 3, Subarea 2



Portion of Community District 1, Queens

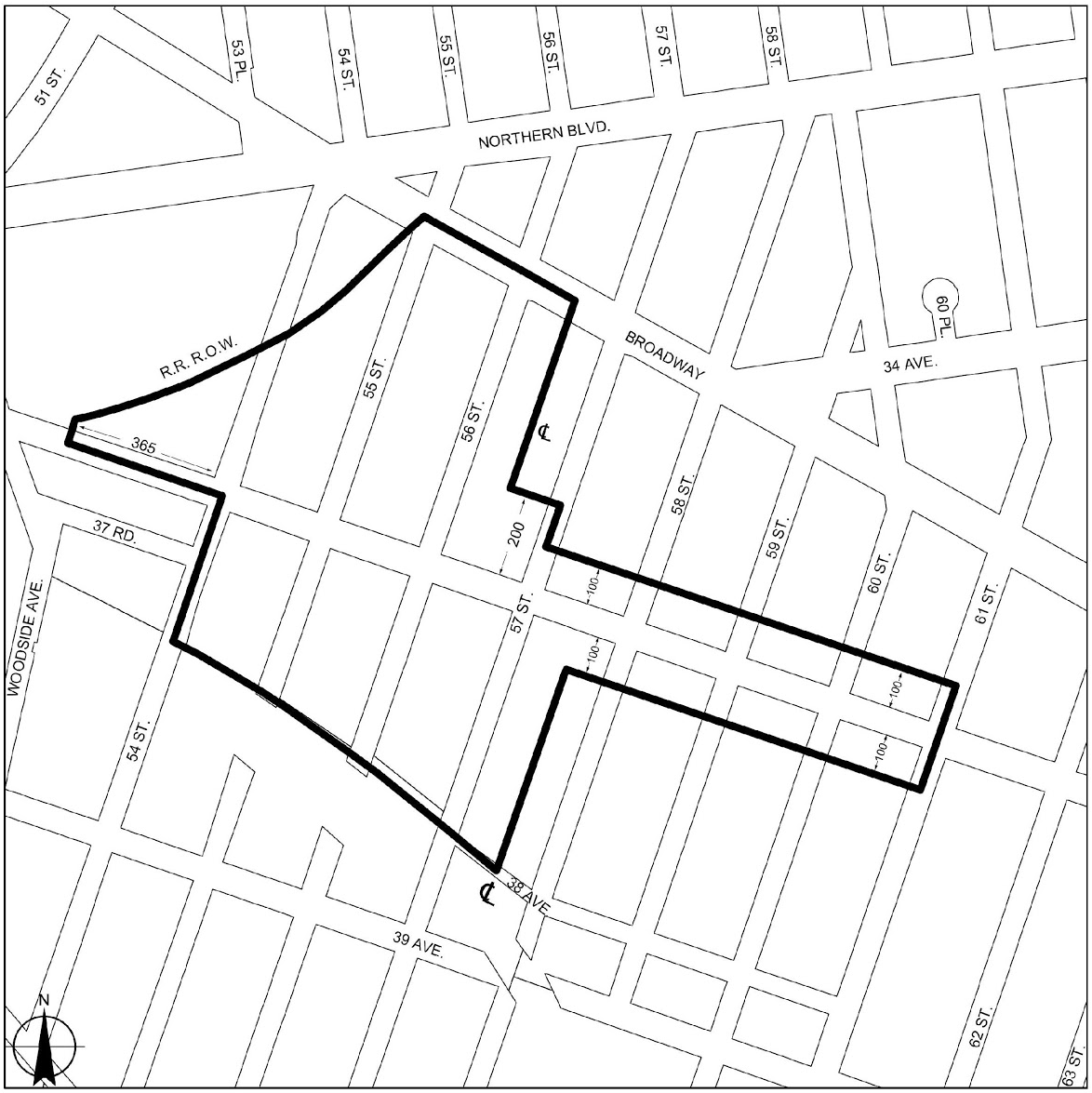
Long Island City

Map 4, Subarea 2

Portion of Community District 1, Queens

Woodside

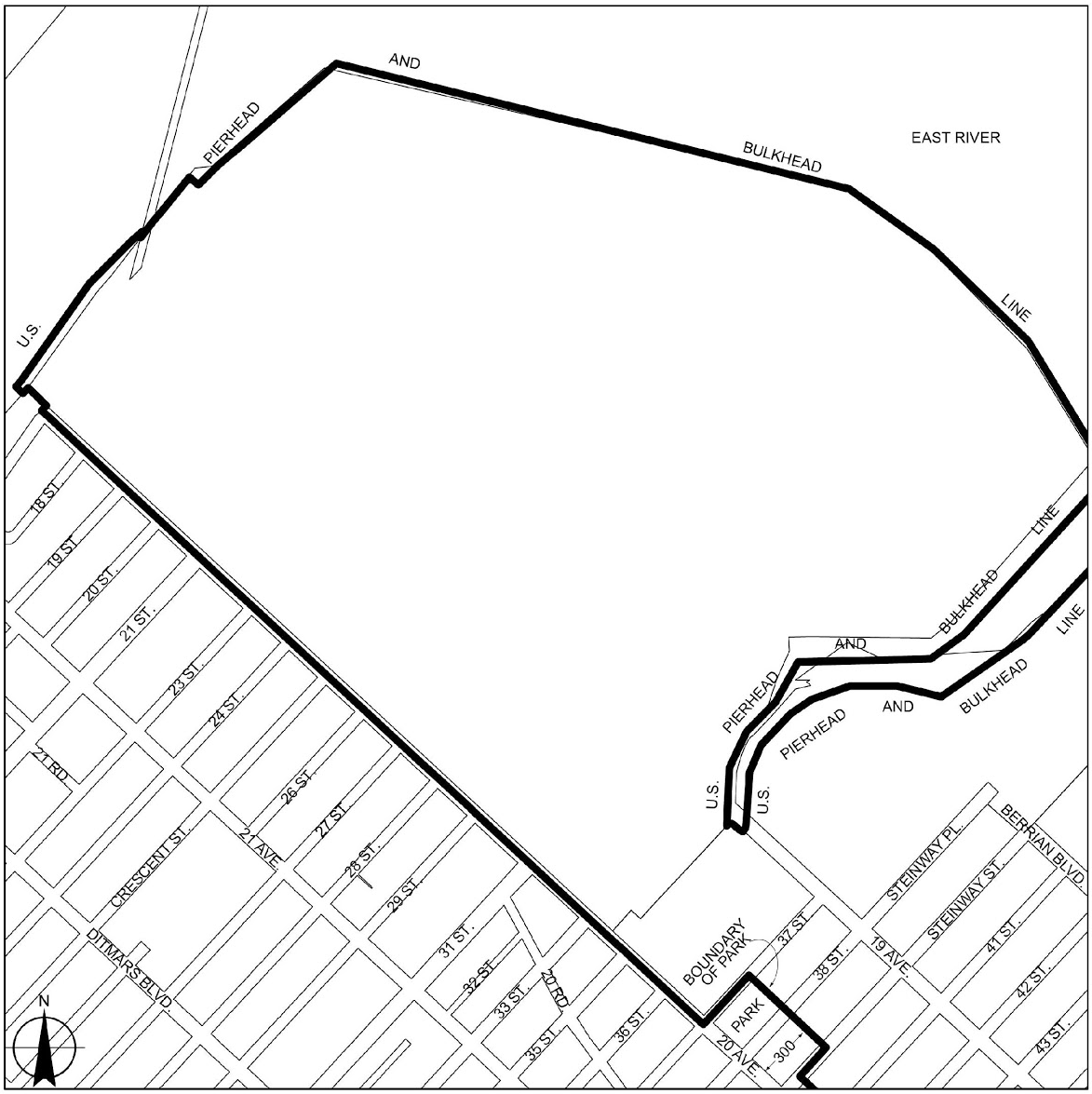
Map 1, Subarea 2



Portion of Community District 2, Queens

Steinway

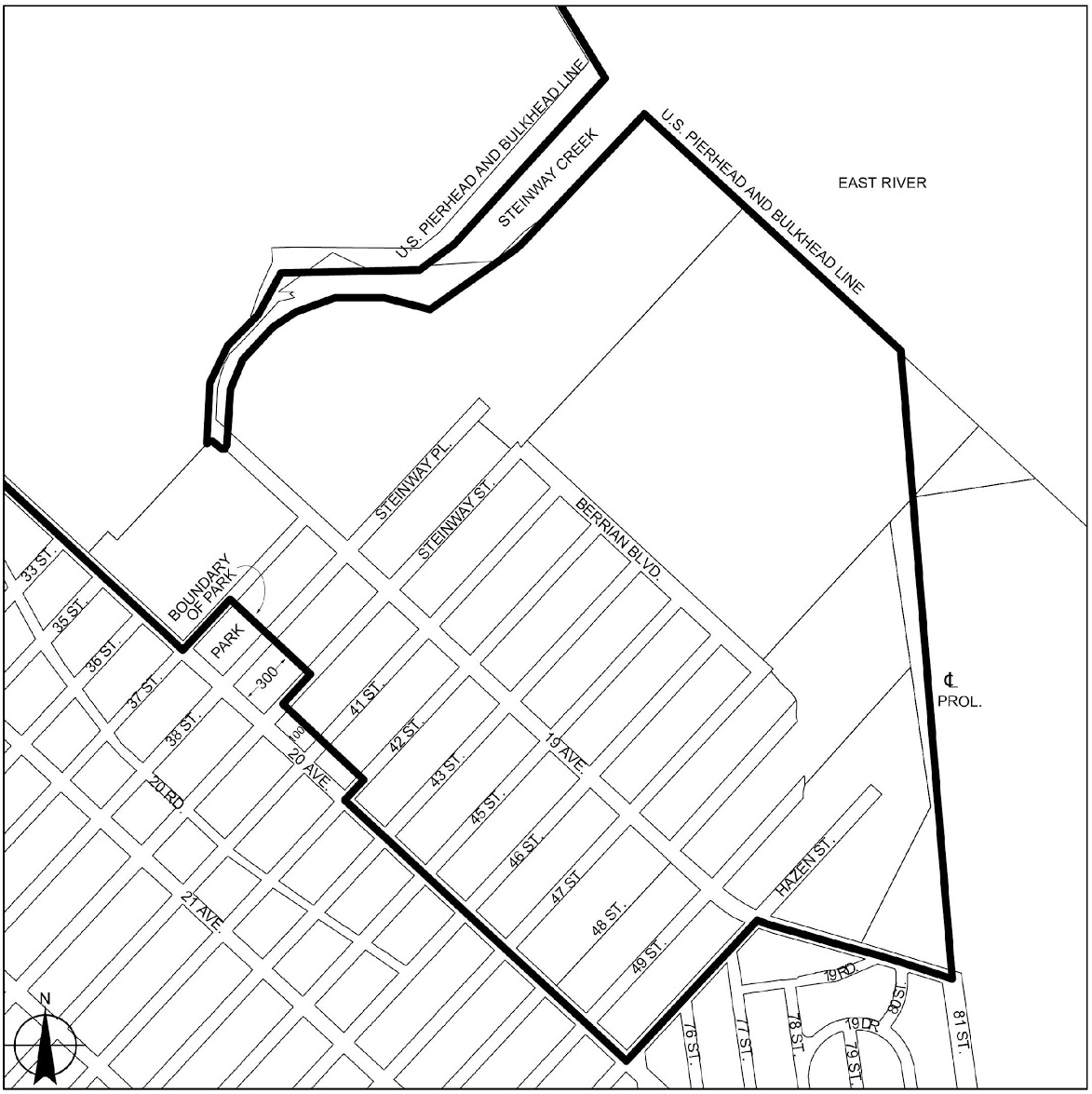
Map 1, Subarea 1



Portion of Community District 1, Queens

Steinway

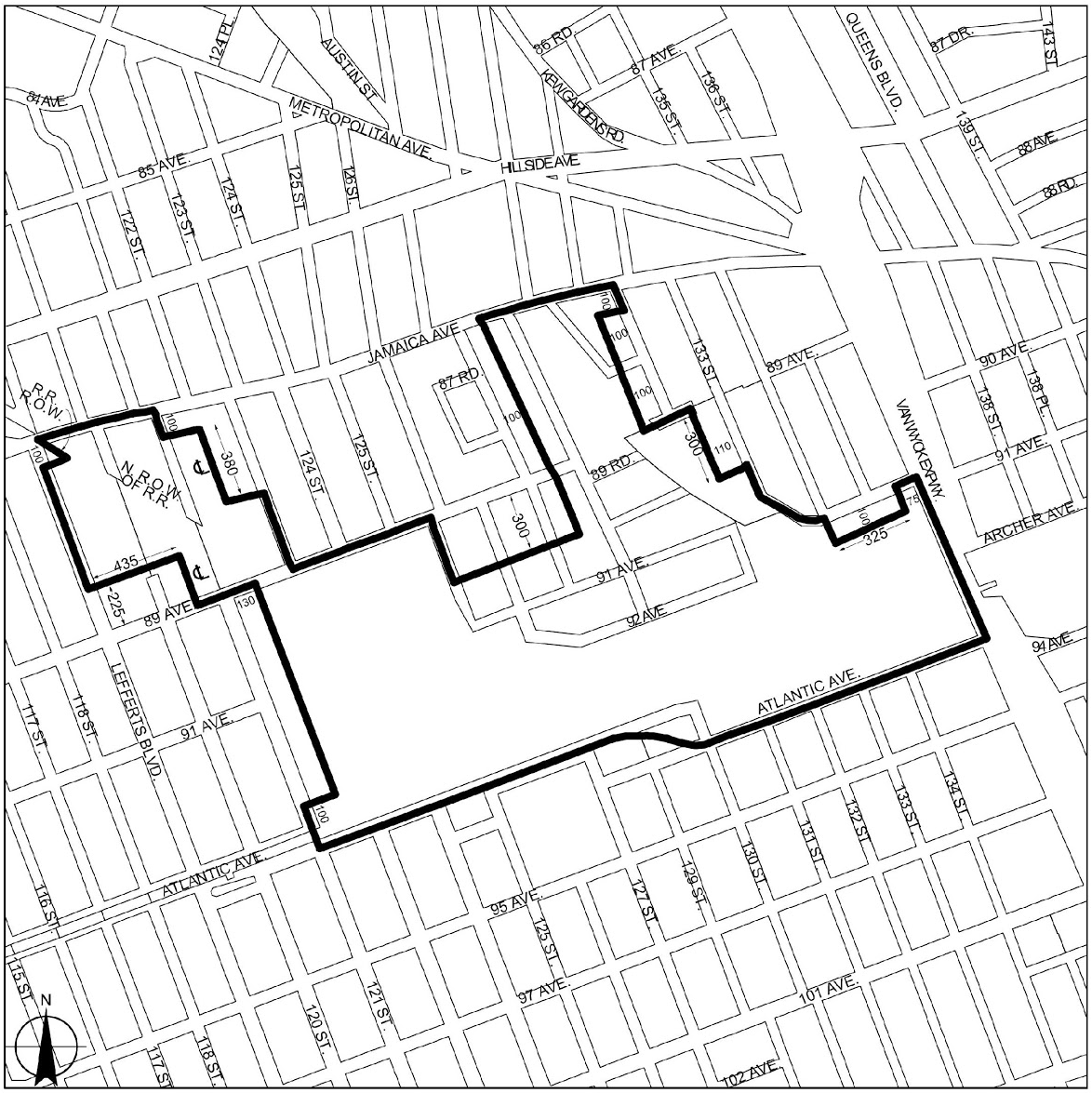
Map 2, Subarea 1



Portion of Community District 1, Queens

Richmond Hill

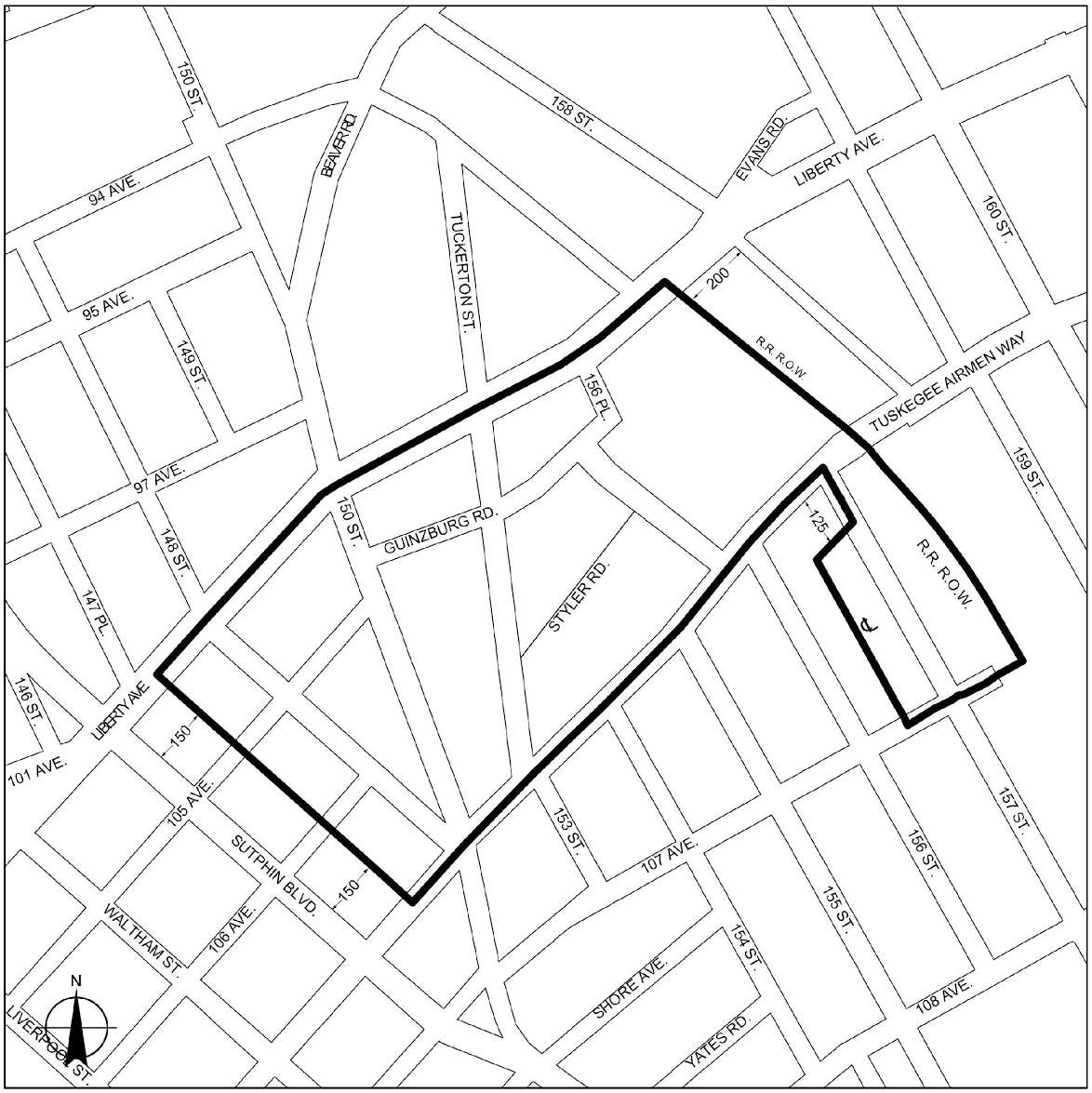
Map 1, Subarea 1



Portion of Community District 9, Queens

Jamaica

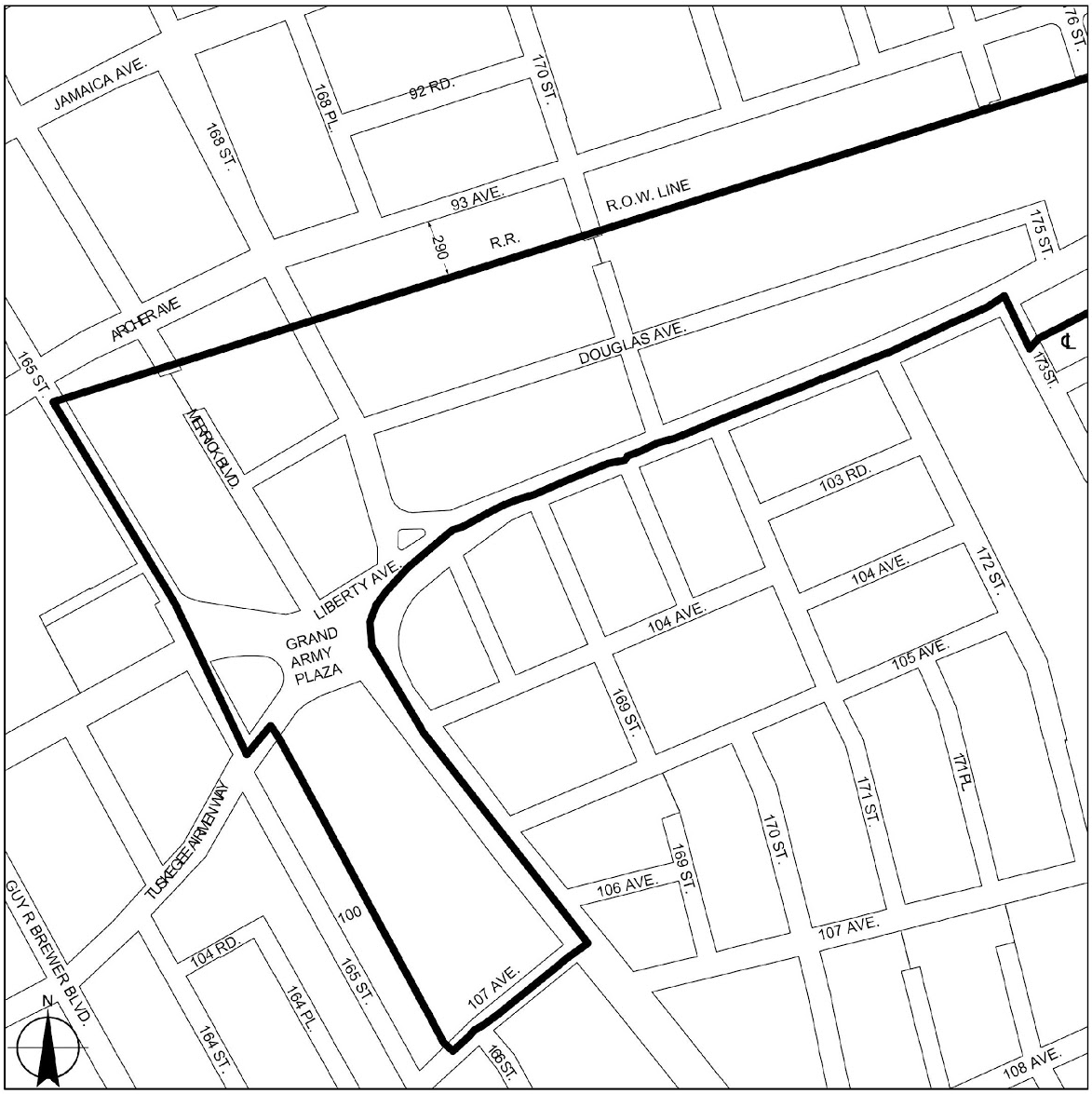
Map 1, Subarea 2



Portion of Community District 12, Queens

Jamaica

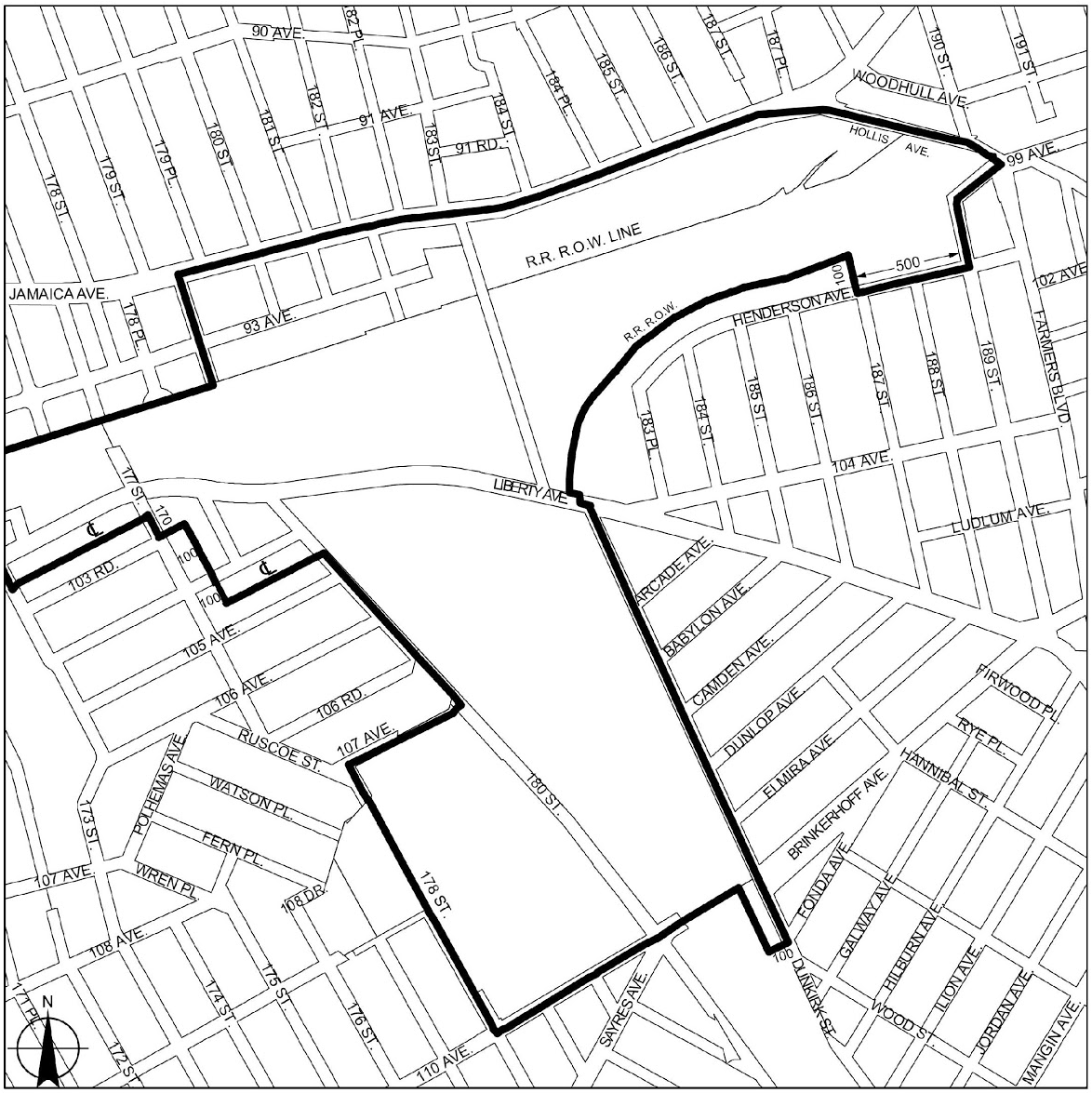
Map 2, Subarea 2



Portion of Community District 12, Queens

Jamaica

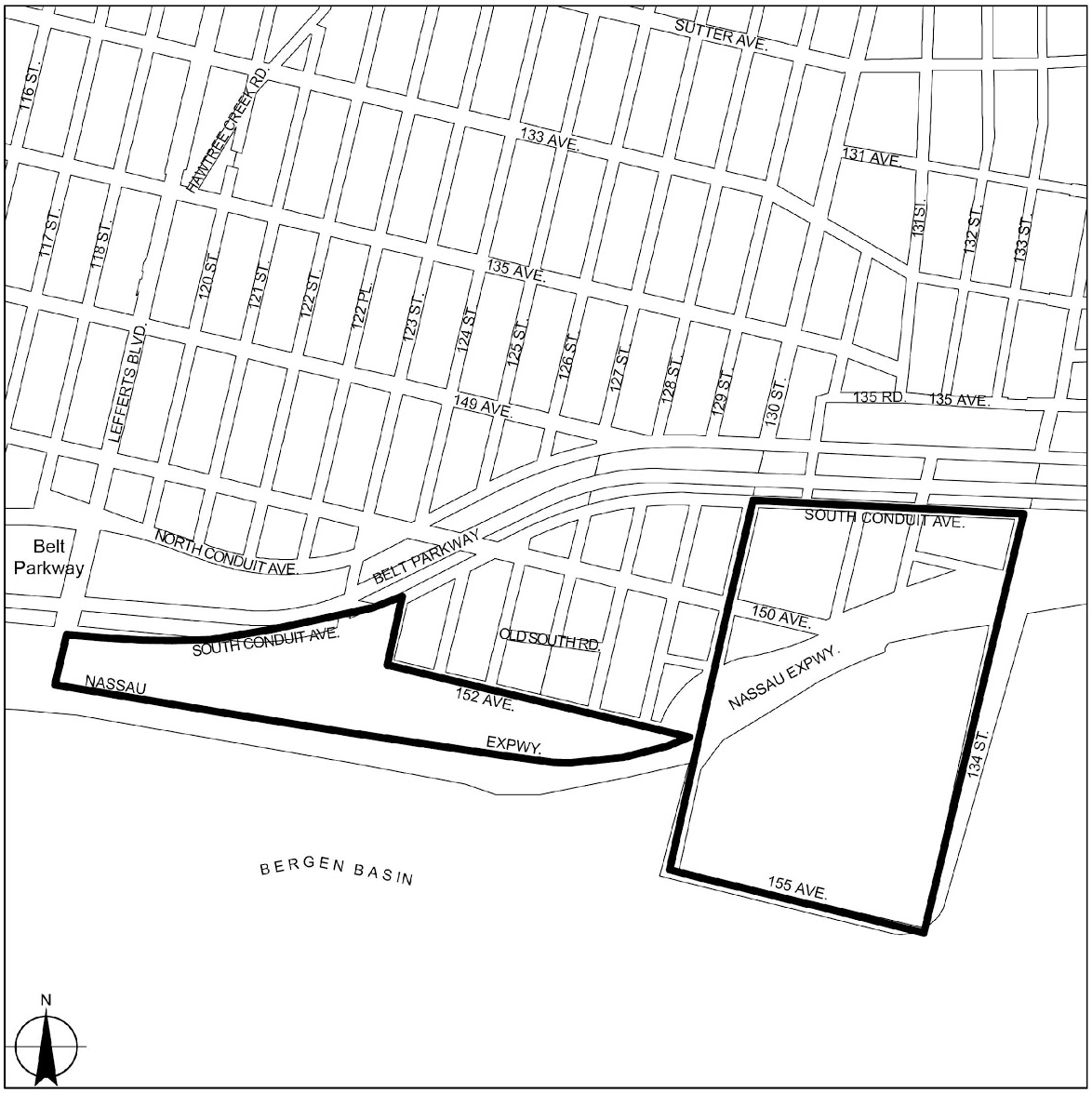
Map 3, Subarea 2



Portion of Community District 12, Queens

JFK

Map 1, Subarea 2



Portion of Community District 10, Queens

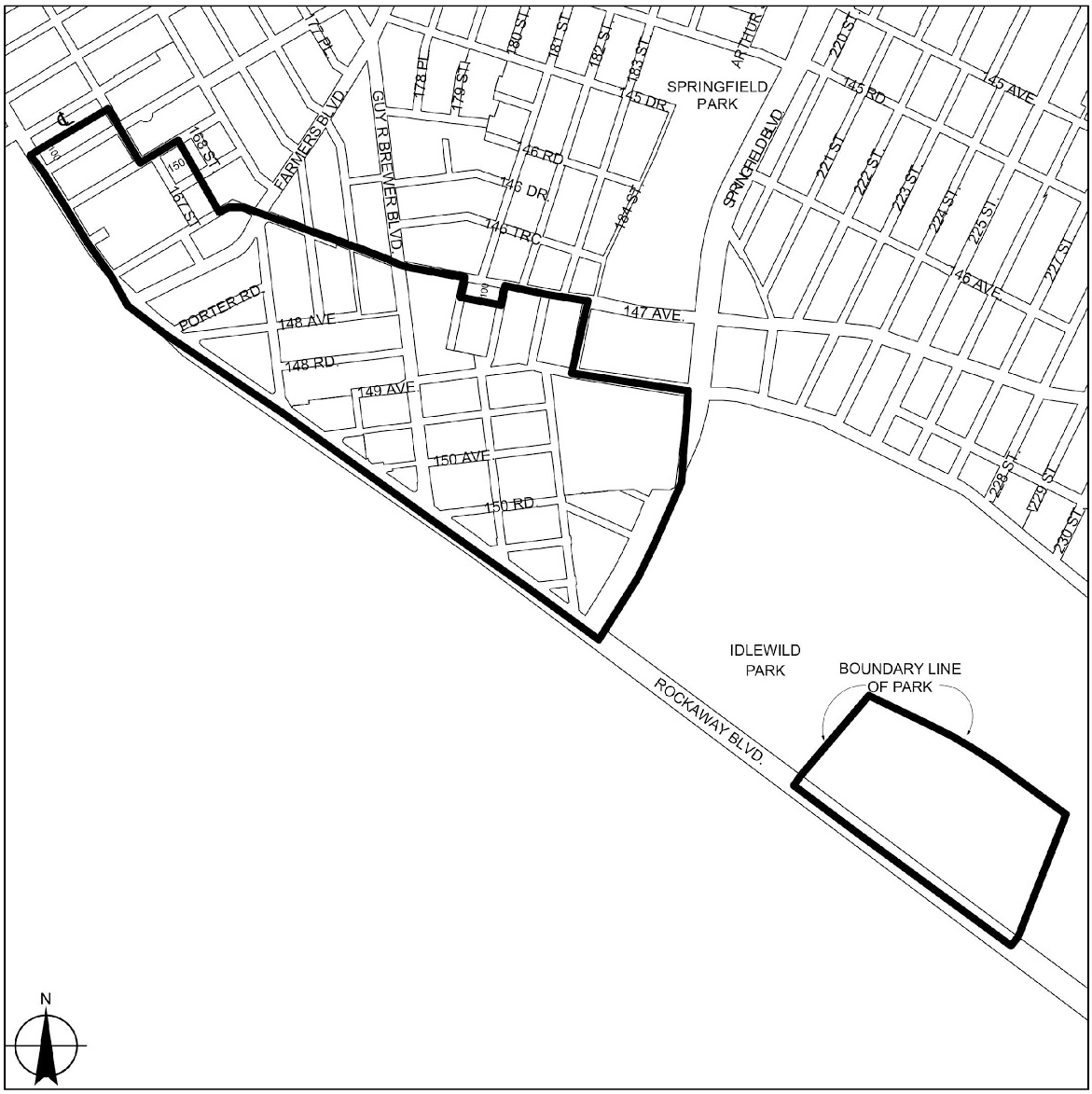
JFK

Map 2, Subarea 2

Portion of Community District 12, Queens

JFK

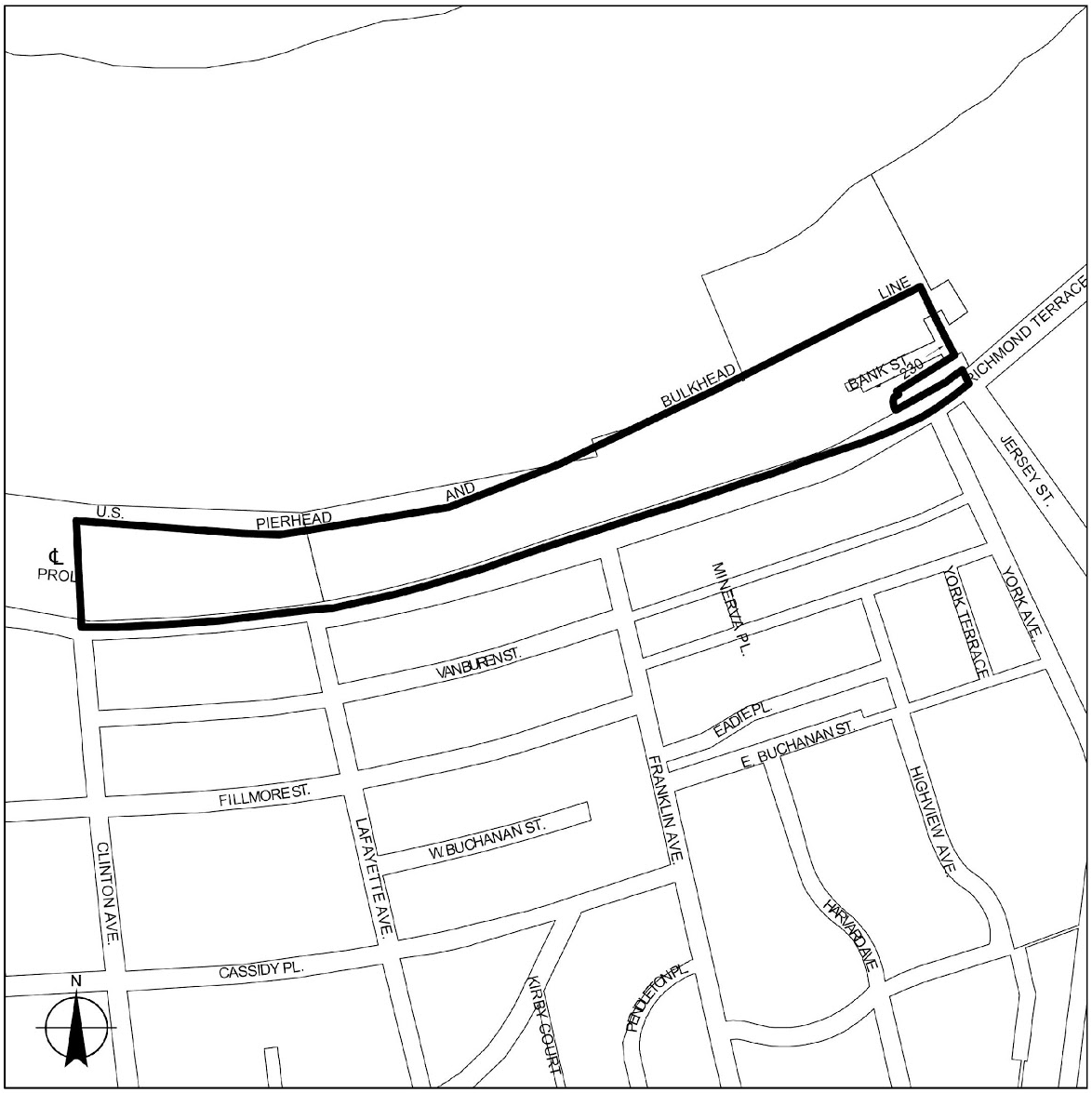
Map 3, Subarea 2



Portion of Community District 13, Queens

North Shore

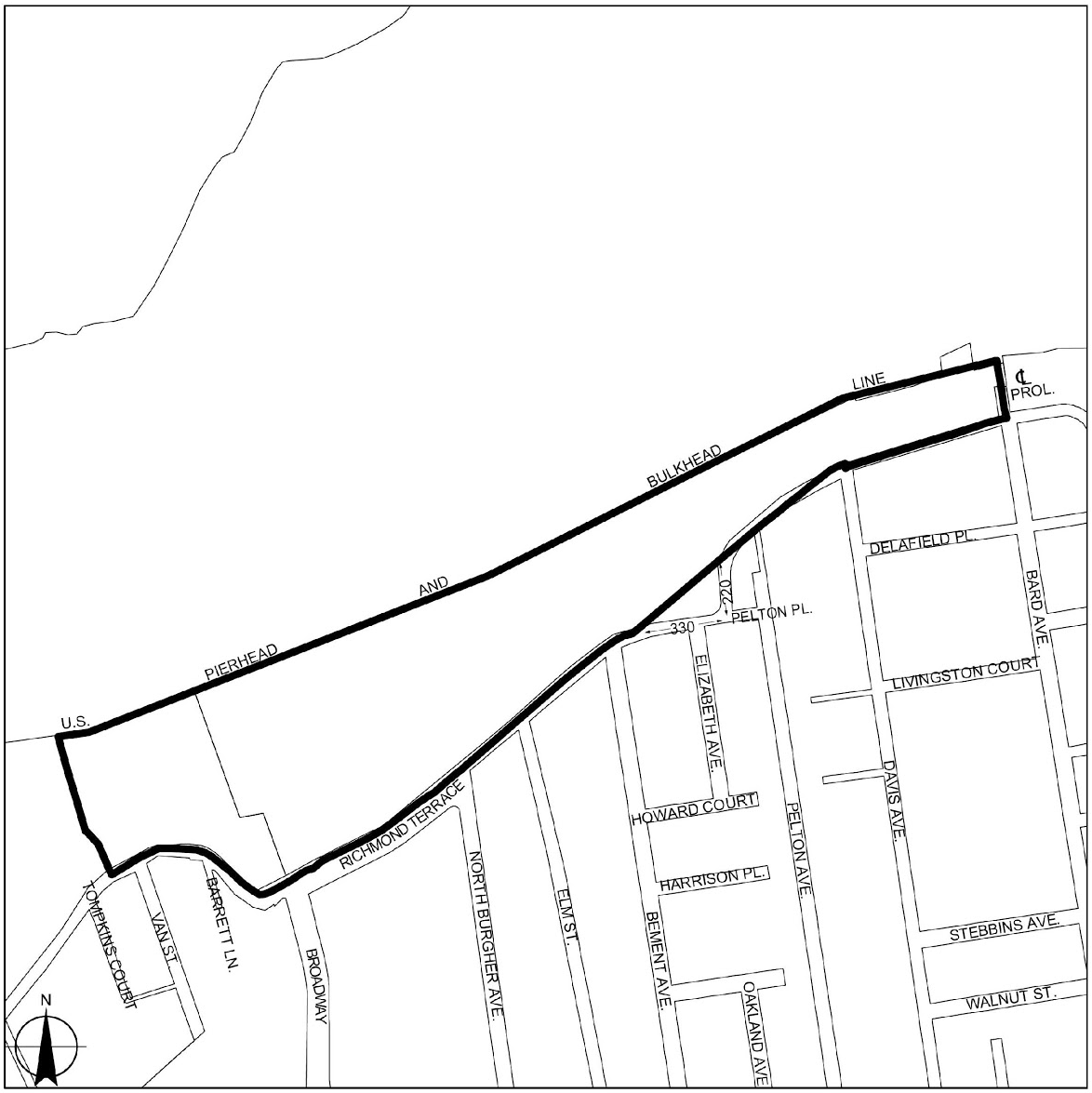
Map 1, Subarea 2



Portion of Community District 1, Staten Island

North Shore

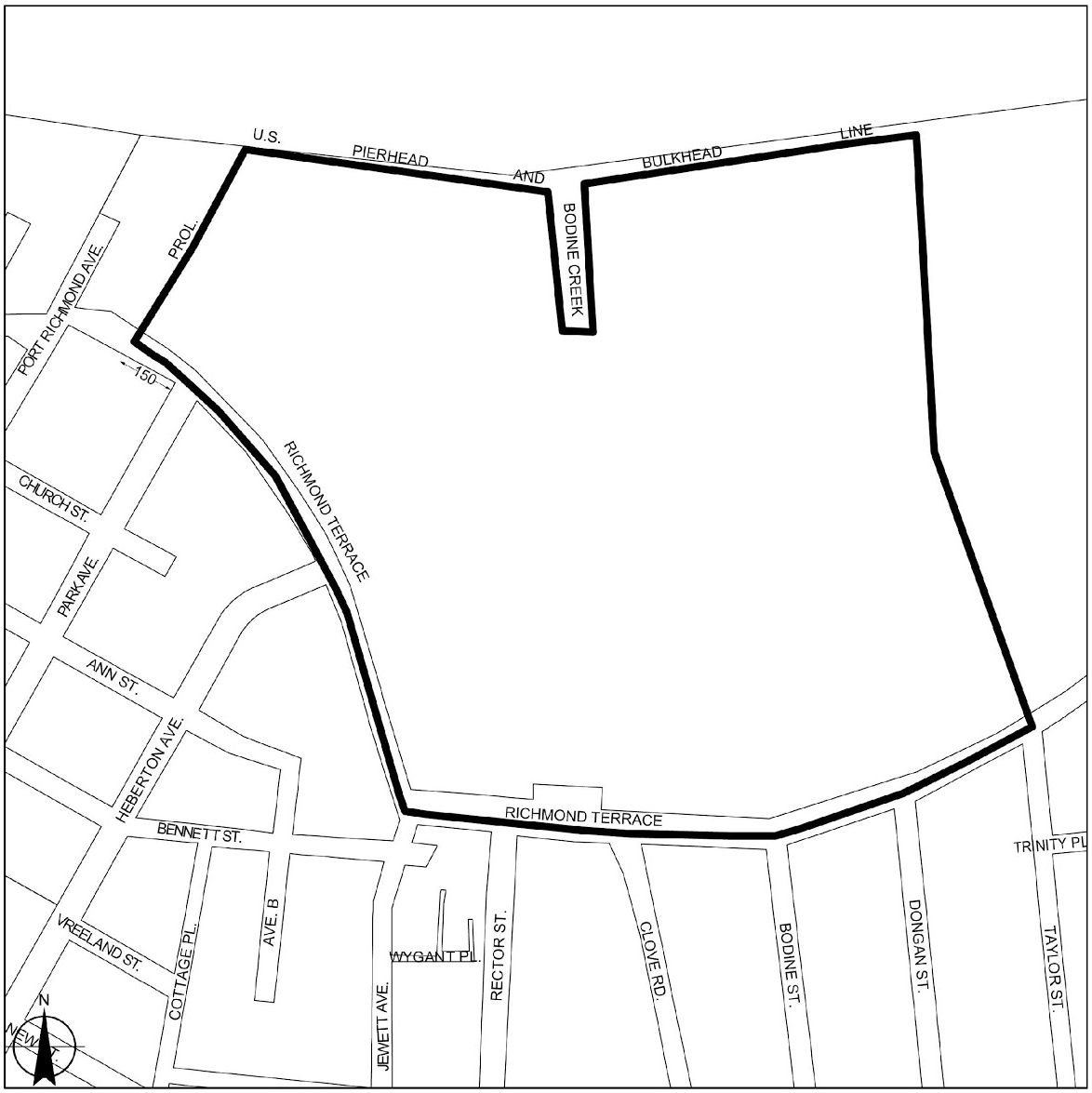
Map 2, Subarea 2



Portion of Community District 1, Staten Island

North Shore

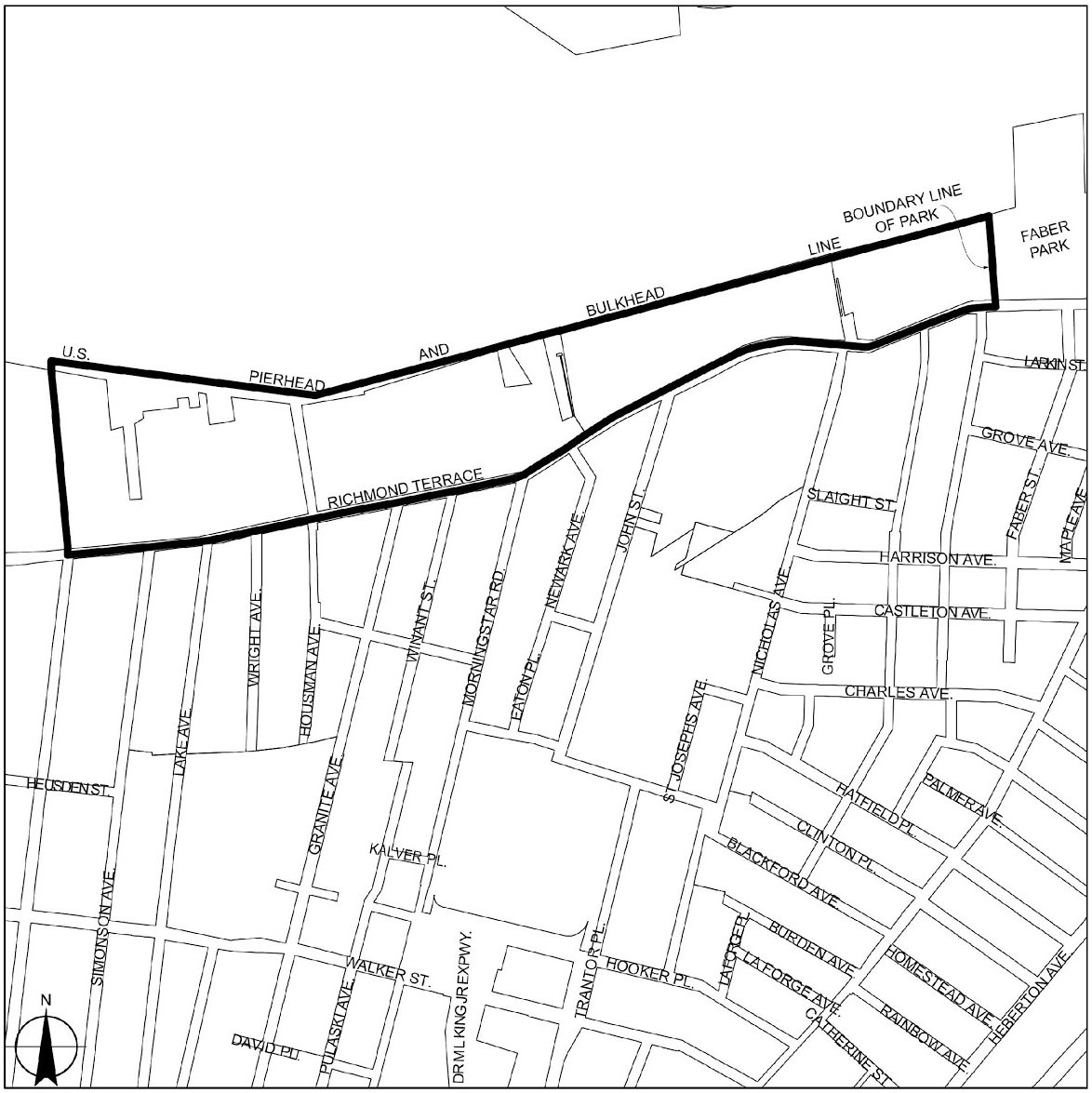
Map 3, Subarea 2



Portion of Community District 1, Staten Island

North Shore

Map 4, Subarea 2



Portion of Community District 1, Staten Island

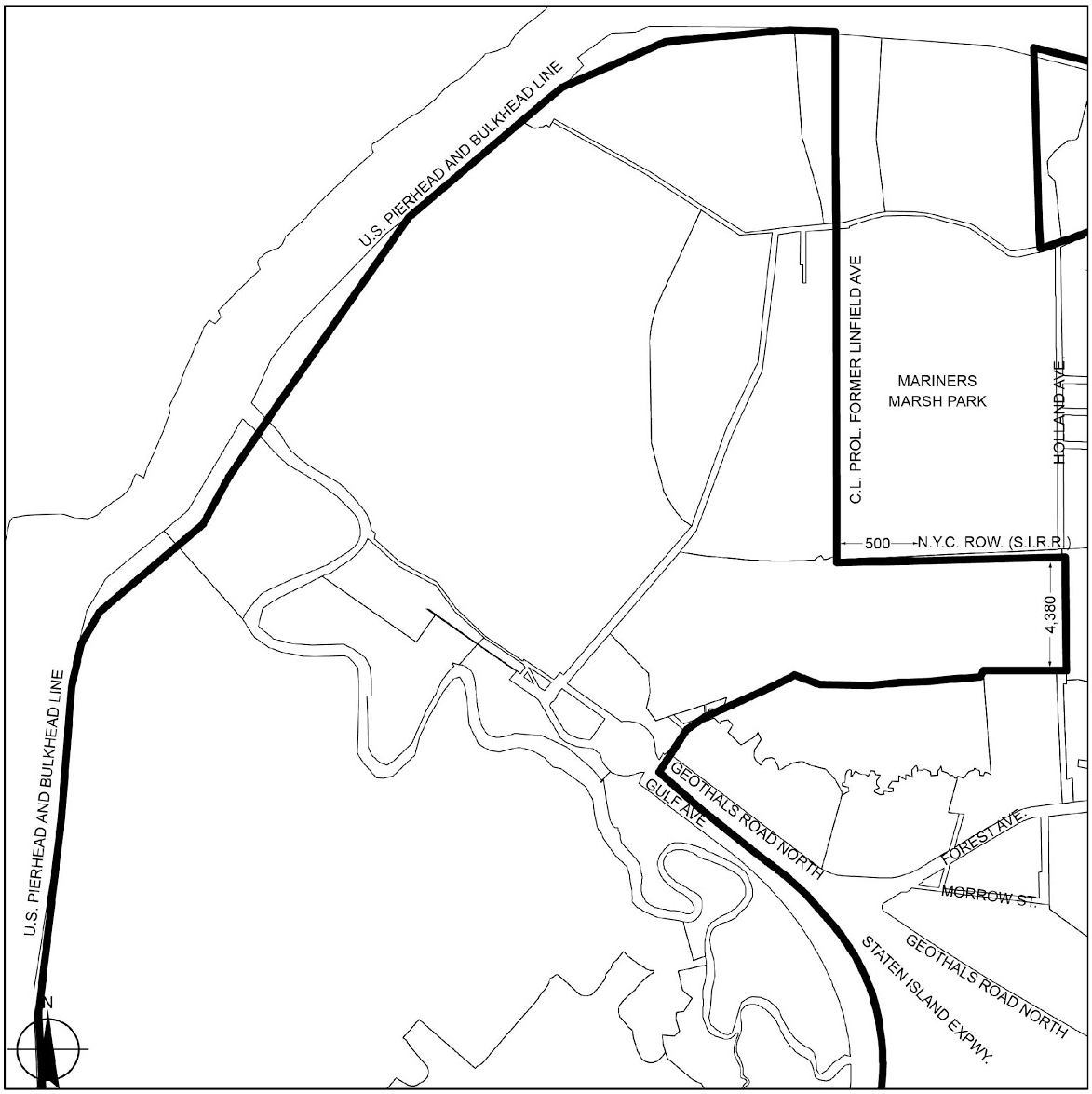
North Shore

Map 5, Subarea 2

Portion of Community District 1, Staten Island

West Shore

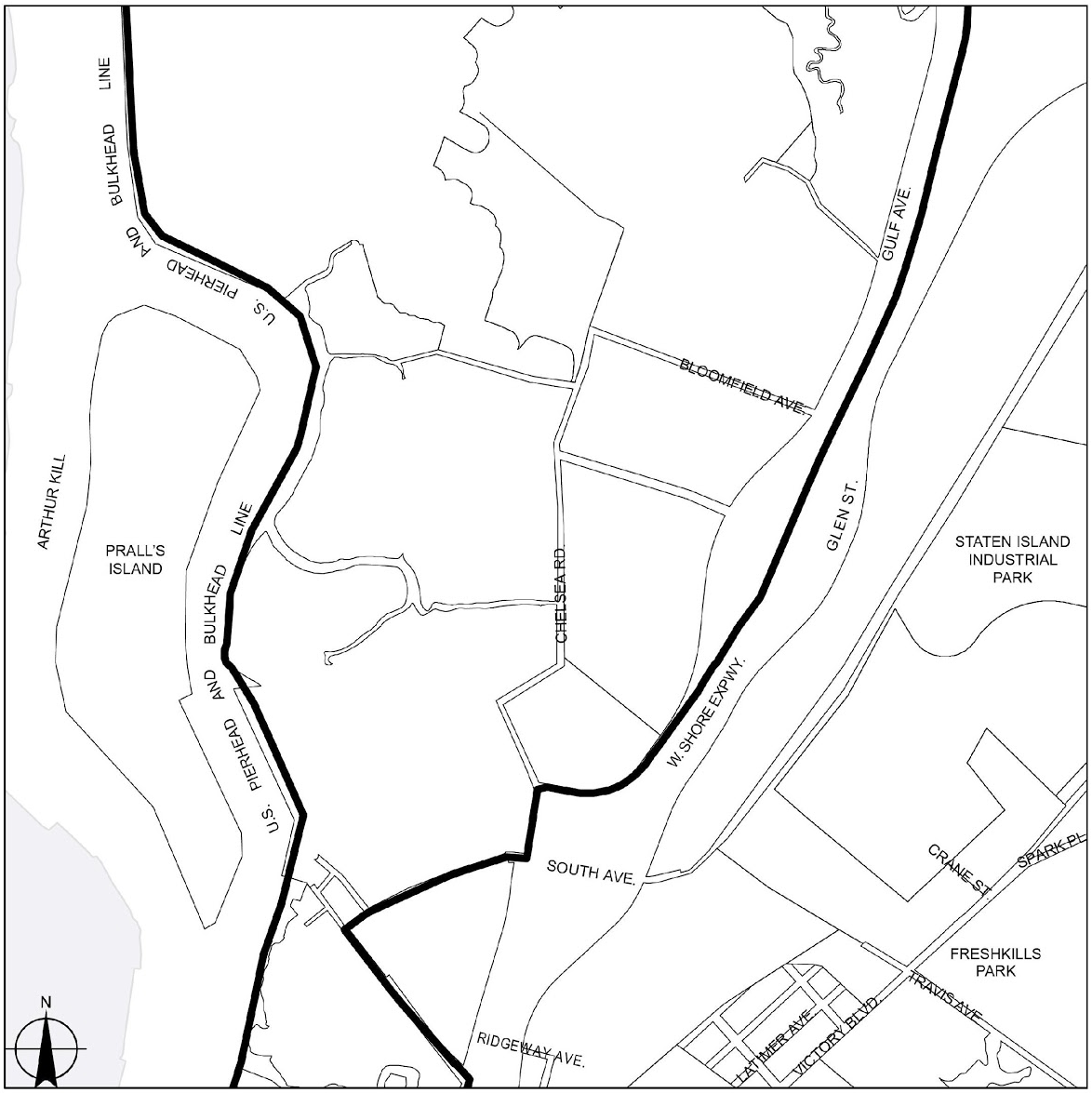
Map 1, Subarea 1



Portion of Community District 1, Staten Island

West Shore

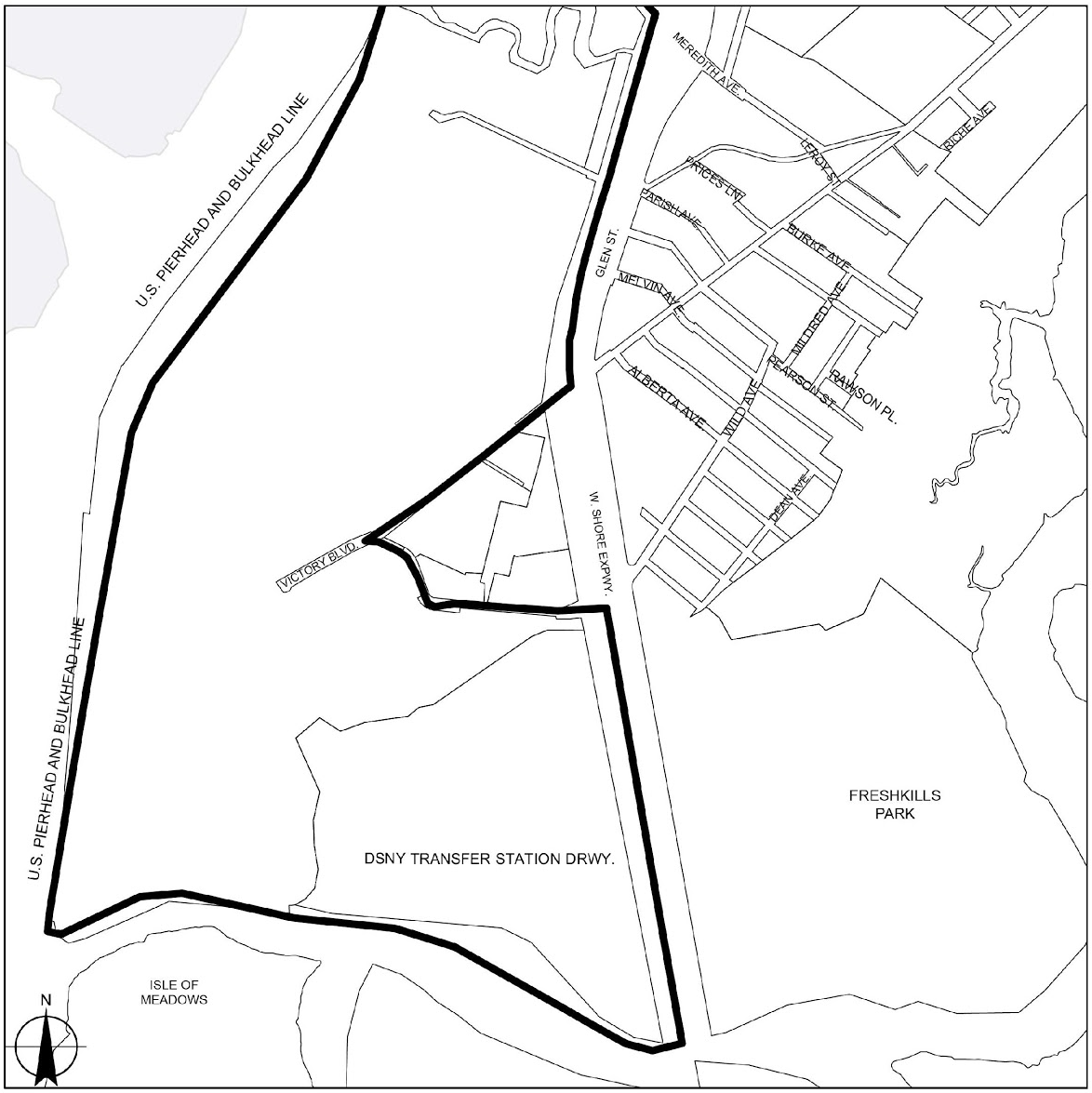
Map 2, Subarea 1



Portion of Community District 2, Staten Island

West Shore

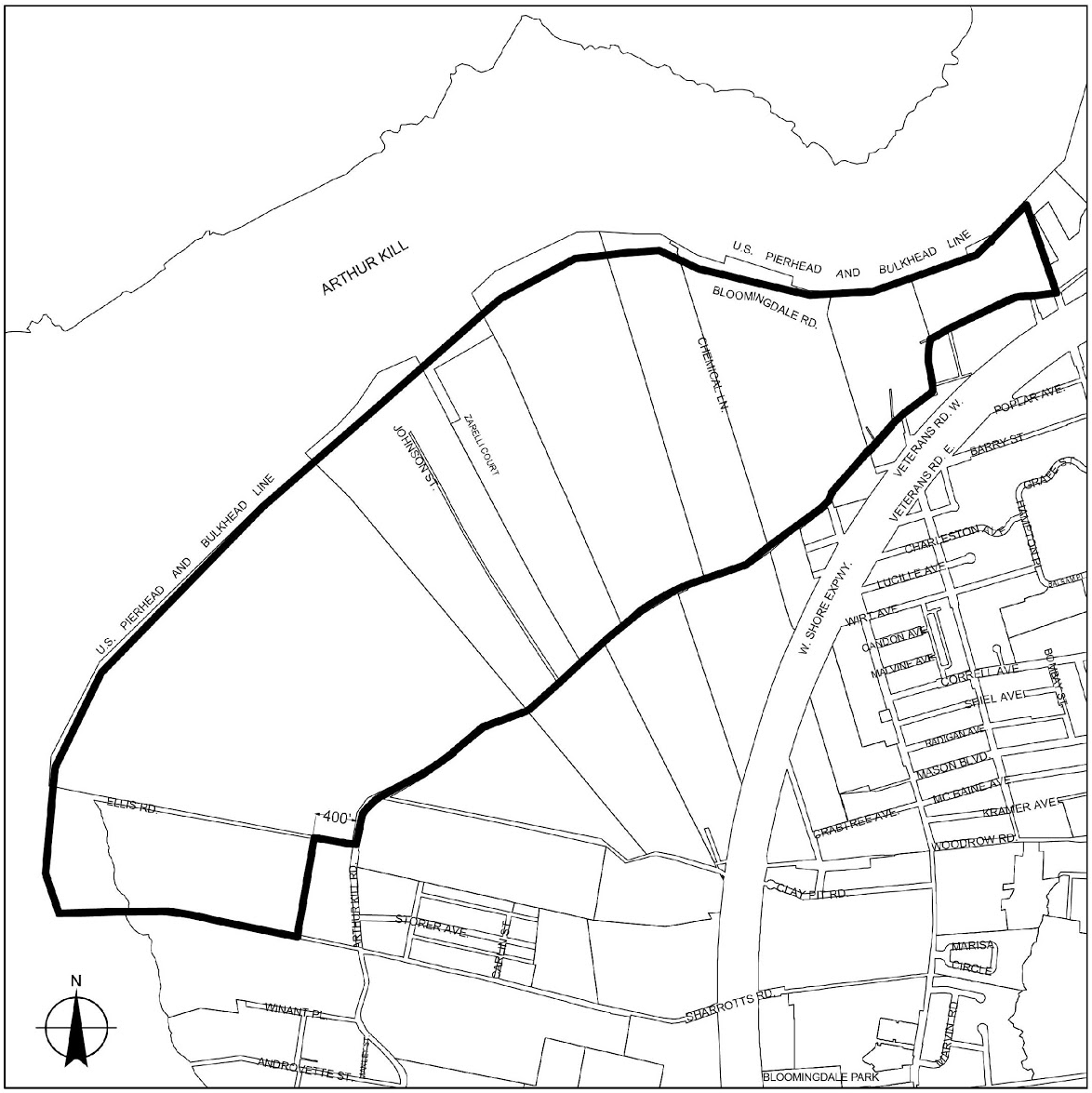
Map 3, Subarea 1



Portion of Community District 2, Staten Island

Rossville

Map 1, Subarea 1



Portion of Community District 3, Staten Island

APPENDIX K — Areas With Nursing Home Restrictions

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APPENDIX K — Areas With Nursing Home Restrictions

(5/12/21)

APPENDIX K: Areas With Nursing Home Restrictions

The areas shown on the maps in this APPENDIX, in addition to any portion of a #zoning lot# that is located within the #high-risk flood zone# as defined in Section 64-11 (Definitions), are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes).

These areas include:

the following islands located within the Bronx Community District 10, and Manhattan Community Districts 1, 8, and 11, respectively:

City Island;

Governors Island;

Roosevelt Island; and

Randall's Island.

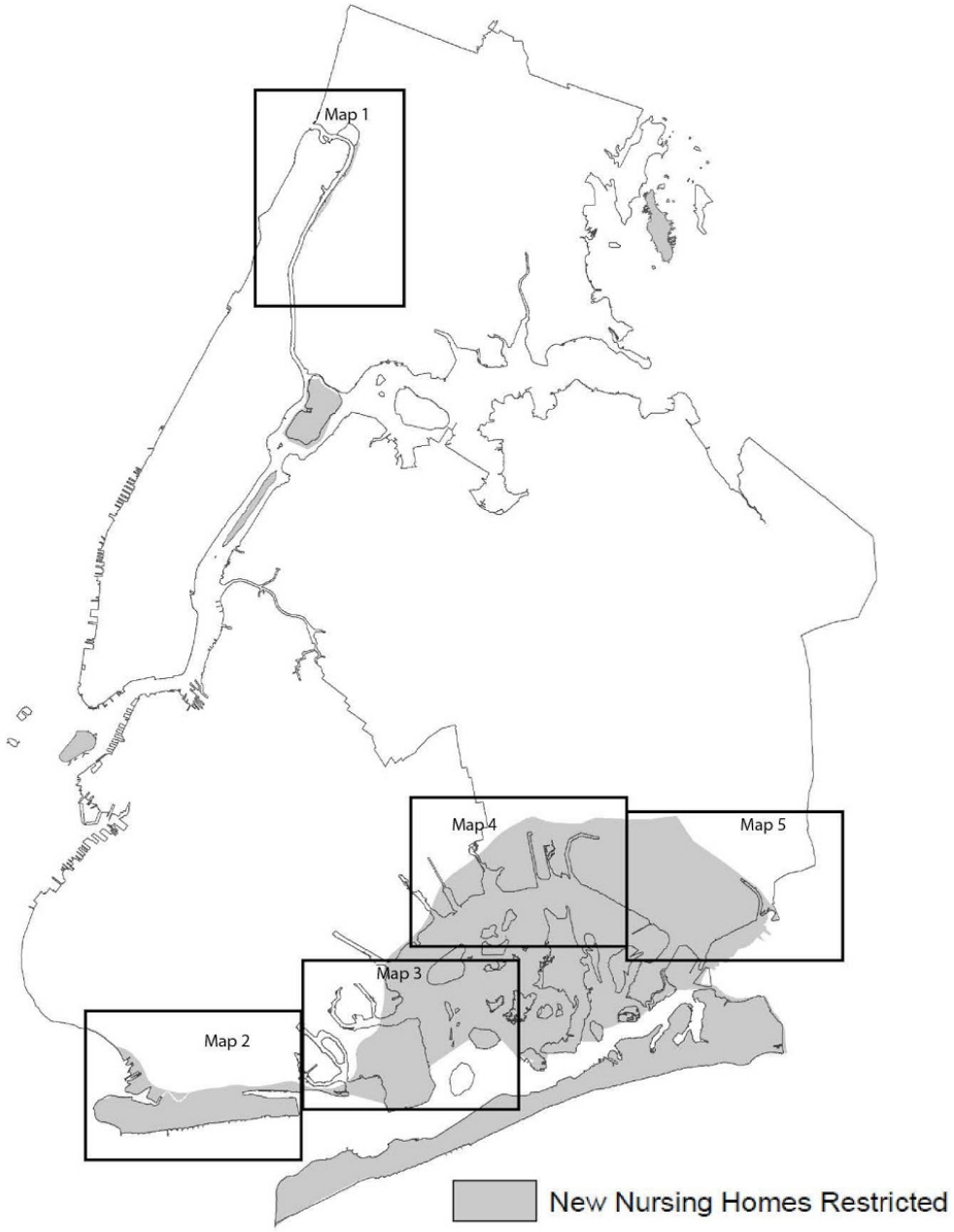
all of Queens Community District 14;

portions of the Bronx Community Districts 1, 4, 5, and 7;

portions of Brooklyn Community Districts 11, 13, 15 and 18;

portions of Queens Community Districts 10 and 13.

Portions of Community Districts located within areas with nursing home restrictions are shown on Maps 1 through 5 in this APPENDIX.

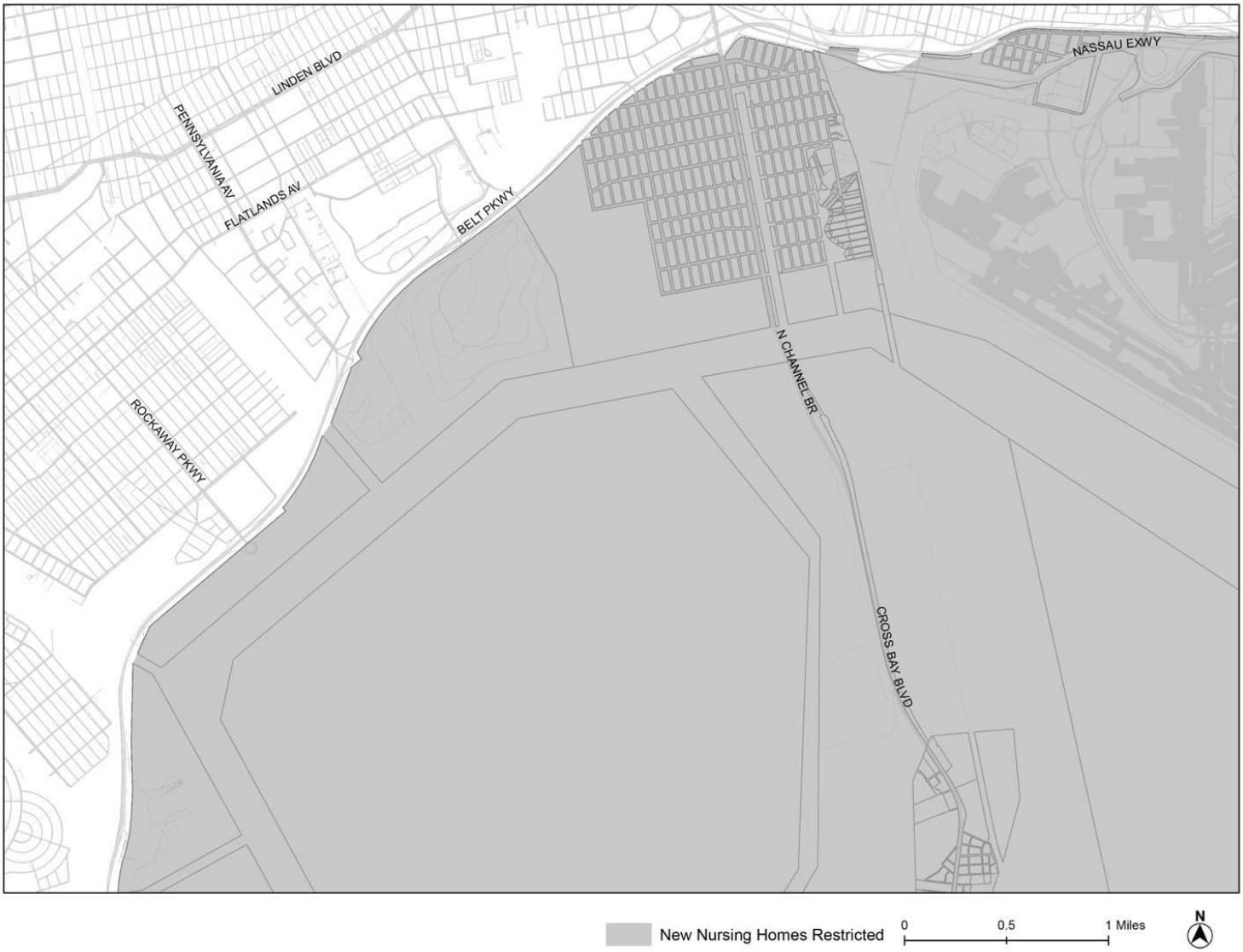

Map 1
Map 2
Map 3
Map 4
Map 5
New Nursing Homes Restricted

Map 1 – The Bronx, Community Districts 5 and 7 (5/12/21)

Map 2 – Brooklyn, Community District 11, 13, 15 and 18(5/12/21)

Map 3 – Brooklyn, Community District 18 (5/12/21)

Map 4 – Queens, Community District 10 (5/12/21)



Map 5 - Queens, Community District 13 (5/12/21)

New Nursing Homes Restricted

0 0.5 1 Miles

N