



## CITY PLANNING COMMISSION

---

July 20, 1998/Calendar No. 3

N 980314 ZRM

---

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, to amend various sections of the Zoning Resolution of the City of New York relating to the establishment of a Special Lower Manhattan District (Article IX, Chapter 1), the elimination of the Special Greenwich Street Development District (Article VIII, Chapter 6), the elimination of the Special South Street Seaport District (Article VIII, Chapter 8), the elimination of the Special Manhattan Landing Development District (Article IX, Chapter 8), and other related sections concerning the reorganization and relocation of certain provisions relating to pedestrian circulation and subway stair relocation requirements and subway improvements.

---

The application for the amendment of the Zoning Resolution was filed by the Department of City Planning on February 4, 1998. The proposed zoning text amendment and a related zoning map amendment would create the Special Lower Manhattan District (LMD), a new special zoning district in the area bounded by the West Street, Broadway, Murray Street, Chambers Street, Centre Street, the centerline of the Brooklyn Bridge, the East River and the Battery Park waterfront. In conjunction with the proposed action, the New York City Department of Housing Preservation and Development is proposing to amend the Brooklyn Bridge Southeast Urban Renewal Plan (located in the existing Special Manhattan Landing District) to reflect the proposed zoning text and map amendments.

The proposed zoning text amendment controls would simplify and consolidate regulations into one comprehensive set of controls for Lower Manhattan. The proposal supports the continuing revitalization of the area by allowing a wider range of uses, eliminating outdated controls and providing simplified height and setback regulations that are more consistent with the character of existing development.

The objectives of the proposed zoning text amendment are to:

- foster the reuse of existing underused commercial buildings,
- allow a wider range of commercial uses that better support an increasing residential population,

- assure development that is more consistent with the historic fabric, including the existing scale and density of the area,
- remove obsolete zoning controls that do not respond to present day needs, and
- promote the orderly growth and development of the Lower Manhattan waterfront area.

The proposed text amendment also includes several changes to other sections of the zoning resolution. These proposed changes would consolidate various regulations from special districts into one section in the zoning resolution so that the same regulations can be made applicable to several special districts. In addition, the Special Lower Manhattan Mixed-Use District (LMM) would be renamed the Tribeca Mixed-Use District, and Area A3 of the LMM would be eliminated from the district and added to the proposed LMD.

#### **RELATED ACTIONS**

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposed zoning text amendment also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- |              |   |
|--------------|---|
| C 980315 ZMM | Zoning map changes to amend Zoning maps 12b and 12d to establish a new Special Lower Manhattan District, to eliminate the Special Greenwich Street Development, the Special Manhattan Landing Development and the Special South Street Seaport districts, modify the boundaries of the Lower Manhattan Mixed-Use District and rename it as the Tribeca Mixed-Use district and other zoning map changes. |
| C 980316 HUM | Eighth amendment to the Brooklyn Bridge Southeast Urban Renewal Plan.   |

## **BACKGROUND**

Lower Manhattan occupies a valuable and unique position in New York and indeed the world. Its workforce of 375,000 makes it the third largest business district in the United States after Midtown Manhattan and the Chicago Loop and it contains more office space than Atlanta and Boston combined.

In spite of its unique character, Lower Manhattan experienced many of the difficulties of older American cities, including the substantial loss of jobs that occurred in the late 1980's and early 1990's. The vast majority of these jobs were from the financial services sector which has traditionally been the dominant industry in Lower Manhattan. The primary cause of the loss was the downsizing and consolidation in this sector during the late 1980's. Additionally, Lower Manhattan had been losing jobs to the surrounding suburban areas where the costs of doing business were lower.

Lower Manhattan's commercial vacancy rate continues to be higher than in Midtown Manhattan and it was slower to respond to the revitalization of the City's economy. The area is further hampered by its aging building stock in which 35 percent of its floor area is in buildings constructed before World War II. Limited transit access to Lower Manhattan, particularly from the suburbs of Long Island and Westchester County, also has limited its desirability for first class office development.

## **THE 1994 PLAN FOR THE REVITALIZATION OF LOWER MANHATTAN**

In response to the growing job losses, decreasing assessed valuations, and increasing vacancy rates in Lower Manhattan, the Mayor convened a task force in 1994 to develop the PLAN FOR THE REVITALIZATION OF LOWER MANHATTAN. It identified a number of critical issues including:

- the loss of 10,000 jobs per year to the surrounding suburban areas because the costs of doing business in Lower Manhattan are too high,
- the decline by over 29 percent of the assessed value of buildings in Lower Manhattan between 1991 and 1994,
- the decline in city tax revenues of \$115 million between 1991 and 1994,
- the high vacancy rate of over 20 million sq ft of the building stock,
- the structural problems of Lower Manhattan. Its reliance on a few industry sectors, aging building stock and lack of direct commuter rail access are permanent problems and will continue even as the economy of the rest of the city improves.

The plan recommended a series of actions to revitalize Lower Manhattan and make it more competitive by building on its vast strengths, diversifying its economic base, and encouraging investment in existing buildings for both commercial reuse and retention, and conversions of obsolete office buildings to residential use. The Revitalization Plan included several elements including tax benefits, transportation, historic preservation, and planning and zoning components.

The tax benefit component provides a comprehensive package of short- and long-term tax incentives that encourage investment in commercial buildings by tenants and owners, and conversion of obsolete commercial space to residential use.

The transportation component of the plan recognizes that providing easier access to and within Lower Manhattan is crucial to retaining existing uses and to expanding the area's economic base. Improving commuter rail access to Lower Manhattan was identified as a top priority, and the Metropolitan Transportation Authority is now studying the feasibility and cost of bringing the Long Island Rail Road and Metro North rail service to Lower Manhattan.

The historic preservation component of the plan was designed to protect and reinforce Lower Manhattan's unique history and resources, recognizing it as one of the area's strongest assets. This history gives Lower Manhattan its special design character and accentuates its position as the origin of the modern city. The plan recommended several initiatives such as increasing tourism and cultural activities to diversify the economy and bring in new economic users. The Landmarks Preservation Commission (LPC) has designated the Stone Street Historic District that recognizes the historic value of this largely untouched part of Lower Manhattan and preserves its unique streetscape. The LPC has also expanded its program for identifying and designating individual buildings as landmarks.

The Department of City Planning (DCP) has been active in studying ways to improve the pedestrian environment and to encourage the revitalization of obsolete commercial buildings. In conjunction with the Department of Transportation, DCP has recommended a series of street improvements that would contribute to downtown's rejuvenation as an appealing and vibrant community by improving pedestrian circulation, reducing congestion, improving safety, and providing better pedestrian access to mass transit, offices, the waterfront, open spaces, and tourist attractions. The City will be implementing tests of these recommendations. These improvements are complemented by the streetscape and street design improvements such as signage, lighting, new street furniture and special pavement treatments, being coordinated by the Alliance for Downtown New York.

The Revitalization Plan recommended zoning changes to facilitate the conversions of obsolete office buildings to residential use. In response, the Department initiated two zoning text amendments -- adopted in 1995 and 1996 -- that reduced the minimum average size of dwelling units in converted buildings; made more flexible the home occupation regulations; permitted off-street parking in converted buildings; and permitted the conversion of non-residential buildings to residential use that were built between 1961 and 1977 to follow the more liberal rules available to buildings constructed before 1961.

The existing zoning regulations for Lower Manhattan, designed with a view towards a sweeping redevelopment of the area with grade separation of pedestrians and vehicles, are not consistent with the present concept of adaptive reuse of the existing building stock combined with new development consistent with the existing character of the area. The proposed regulations replace overlapping and unnecessarily complex regulations with new and consolidated zoning controls, including simplified height and setback regulations and new urban design controls. Specific design requirements such as mandatory pedestrian circulation spaces, retail continuity and curb cut restrictions are proposed to improve the pedestrian environment without unduly restricting development. These requirements are tailored for the area to guide development in keeping with the existing historic fabric while allowing growth that meets the needs of the business community.

#### **EXISTING ZONING CONTROLS**

The area encompassed by the proposed Special Lower Manhattan District is comprised of three special zoning districts, and a small portion (approximately one and one-half blocks) of the Special Lower Manhattan Mixed-Use District as well as areas outside of the special districts.

#### **THE SPECIAL GREENWICH STREET DEVELOPMENT DISTRICT**

The Special Greenwich Street Development District (G) was created in 1971, two years after the first Special Battery Park City District (1969) and two years before the Special Manhattan Landing Development District (1973). The G district reflected a comprehensive plan for the growth of the area west of Broadway where major redevelopment was anticipated to occur. The goal of the District was to strengthen the downtown business center by encouraging controlled expansion of the commercial core. The district was intended to retain and promote urban design relationships between future buildings and the adjacent areas of Battery Park City and the World Trade Center. The specific objectives were to improve the pedestrian circulation system with an elevated pedestrian system; improve access to rapid

transit facilities by improving the area's seven subway stations; and increase shopping opportunities.

The separation of vehicular and pedestrian circulation, encouraged by the 1966 Plan for Lower Manhattan, formed an important part of the G district. A second-level pedestrian system was designed to connect the new Battery Park City with the inland core. It consisted of pedestrian decks, pedestrian bridges, arcades, loggias and second-level plazas connected through stairs and escalators to the street and subway stations. In 1989, the district was revised, deleting the second-level pedestrian system, except for the parcels along Liberty Street opposite the World Trade Center. The improvements allowed by the district consist of three basic elements: Mandatory Requirements, Lot Improvements and Elective Pedestrian Circulation (PCI) Improvements.

The underlying zoning in the special district is C6-4CR, C5-5 and C5-5CR. Developments in the G District may use a system of floor area allowances and bonuses to increase the allowable FAR from 10 to 18 in the C6-4CR district, and from 15 to 18 in the C5-5 and C5-5CR districts. The increases in the C6-4CR district that allow development to reach 15 FAR are as-of-right.

#### THE SPECIAL MANHATTAN LANDING DEVELOPMENT DISTRICT

The 1966 Plan for Lower Manhattan encouraged the development of residential communities extending along both the Hudson and East River waterfronts. Residential clusters, with community facilities, were proposed to be closely tied to an inland business or institutional community.

In 1969, the City Planning Commission adopted the Brooklyn Bridge Southeast Urban Renewal Plan. The original renewal plan was centered on the South Street Seaport area and envisioned a mix of preservation, pedestrian amenities and new commercial and residential

uses. The plan would have allowed up to 2,500 apartments, approximately three million square feet of commercial space and preservation and/or restoration of the area between Burling Slip and Peck Slip for an environmental museum.

The City Planning Commission adopted The Special Manhattan Landing Development District (MLD) on November 7, 1973 and also amended the Brooklyn Bridge Southeast Urban Renewal Plan so that it coincided with the goals and boundaries of the MLD. The MLD, based on the 1966 Plan, consists of approximately 90 acres along the East River waterfront and includes the Special South Street Seaport District within its boundaries. It anticipates high density development on landfill or platforms between the bulkhead line and pierhead line throughout most of the district.

Special bulk controls were established to provide residential open space, while the controls on distance between buildings, tower setback requirements and limits on floor area were modified. Special retail use groups and parking regulations were also established. The district provided a comprehensive set of urban design controls using mandatory lot improvements to provide visual and physical linkages between the MLD and the surrounding area and to provide public amenities within the district. No development has taken place in the MLD except for those in the Special South Street Seaport District.

The 1993 citywide waterfront zoning text amendment (Section 62-00 Special Regulations Applying in the Waterfront Area) was designed to make development more predictable and provide public waterfront access in medium- and high-density zones. However, the provisions of waterfront zoning are not applicable in the Battery Park City, the South Street Seaport and Manhattan Landing districts. In 1994, in order to promote interim uses for piers 9 to 14, the MLD was modified to allow development of less than 2.0 FAR for certain specified uses to proceed without providing the MLD plan elements. Such developments

must comply with the waterfront access and visual corridor requirements of the waterfront zoning.

#### THE SPECIAL SOUTH STREET SEAPORT DISTRICT

The Special South Street Seaport District (Seaport District) was adopted by the City Planning Commission in May of 1972 to preserve Schermerhorn Row, assure the historic character of the area, and to regulate the transfer of development rights within the Seaport District. This special district overlaps a portion of the MLD. The excess development rights of the area comprising the Seaport (approximately 1.4 million sq ft) were transferred to a group of banks led by Chase Manhattan. The Seaport District allows, by City Planning Commission certification, the transfer of the development rights to designated receiving sites. Three development rights transfers were accomplished using approximately 859,000 of the 1.4 million square feet available.

The potential receiving sites within the historic district include the three blocks located between South and Pearl streets and Peck Slip and Dover Street; and a portion of the block bounded by Front and South streets, north of Fletcher Street. The undeveloped receiving sites outside the historic district but within the Special South Street Seaport and Manhattan Landing districts include piers 9, 11 and 13; the two blocks bounded by Water and South streets and Maiden Lane and Fletcher Street; the block bounded by South, Pine, Front streets and Maiden Lane; the block bounded by Burling Slip and Water, Fulton and Front streets; the block bounded by Front, Fletcher and Water streets and Burling Slip; and a portion of the block bounded by Front and South streets, north of Fletcher Street.

#### THE SPECIAL LOWER MANHATTAN MIXED-USE DISTRICT

Subarea A3 of the Special Lower Manhattan Mixed-Use District (LMM) in Tribeca, which comprises one and one-half blocks, is located within the boundaries of the proposed LMD. Regulations for subarea A3 prohibit floor area bonuses (the maximum permitted FAR is 10)

and regulate density by requiring 75 square feet of lot area per dwelling unit. Special yard, court, height and setback, loading, and environmental regulations apply. Currently, pursuant to Section 23-011, the provisions of the Quality Housing Program do not apply in the LMM.

#### AREAS NOT IN SPECIAL DISTRICTS

A significant portion of Lower Manhattan south of City Hall Park and Murray Street is not located within a special district and is subject to the controls of the zoning district in which it is located including R8, C6-4, C5-3, C5-3CR, C5-5, C5-5CR and C6-9CR districts. In general, only the zoning controls that are proposed to be modified are discussed in this section.

#### USE AND SIGN REGULATIONS

C5 districts are restricted central commercial districts intended to serve the metropolitan region that allow a wide range of commercial activities including office buildings and a variety of large retail stores and related activities. These districts allow many of the use groups that are allowed in C6 general central commercial districts but do not allow use groups 7, 8, and 12. The location of certain uses and sign controls are more restrictive in C5 than in C6 districts. Similarly, amusement and entertainment uses are more restricted in C5 districts. In addition, within C5 districts, certain specified retail and service establishments are not permitted to be located on the ground floor of a building within 50 feet of a street wall. The sign regulations for C5 districts prohibit illuminated and flashing signs.

#### BULK REGULATIONS

A substantial portion of Lower Manhattan has a maximum floor area ratio (FAR) of 15 which can be increased to 18 through the provision of as-of-right or special permit bonuses. Those portions of the district zoned C6-4 have a maximum floor area ratio of 10 which can be increased to 12 through the same bonuses as the 15 FAR zones. The portion of the

district zoned R8 has a maximum floor area ratio of 6.02 for residential use and 6.5 for community facility use.

#### HEIGHT AND SETBACK

The Zoning Resolution regulates height and setback in several ways. Developments using the sky exposure plane method must setback at least 15 feet on wide streets and 20 feet on narrow streets above the maximum street wall height. These developments must also be located below a defined sky exposure plane.

However, a portion of a building may penetrate the sky exposure plane. This portion is called a tower and must setback at least 10 feet on wide streets and 15 feet on narrow streets. In general, tower coverage is limited to 40 percent of the lot area. Most developments in Lower Manhattan constructed after 1961 contain a tower.

#### MANDATORY REQUIREMENTS

There are no mandatory requirements for features such as street walls, retail continuity or the provision of pedestrian circulation spaces in the areas of Lower Manhattan that are outside of the special districts. Developments that front on a sidewalk containing an entrance to the Wall Street, Fulton Street, Cortlandt Street, Broad Street, South Ferry, City Hall, Whitehall Street, Broadway/Nassau, Park Place and the Brooklyn Bridge subway stations are required to relocate the subway stair in accordance with the provisions of Section 37-03.

#### DENSITY

The density of mixed-use buildings is controlled by requiring the setting aside of a certain amount of lot area for commercial and residential use. These regulations result in a dwelling unit size penalty for the development of mixed-use buildings in the highest density (15 FAR) zones by requiring larger dwelling unit sizes. Special provisions for the development of mixed-use buildings in these districts are provided in Section 35-70 for districts marked with a CR suffix. This section removes the density penalty in exchange for the provision of

certain tenant amenities, including additional service area, a bonusable pedestrian amenity, screening of mechanical equipment and landscaping of certain setbacks.

Separate regulations govern converted buildings. In Lower Manhattan, non-residential buildings in commercial districts with an R10 residential equivalent constructed before 1977 and converted to residential use are subject to a minimum average of 900 square feet of floor area per dwelling unit.

#### PARKING

All parking in Lower Manhattan is subject to Article I Chapter 3 and as further modified by special district regulations. Residential development is allowed to have accessory parking for up to 20 percent of the number of dwelling units and commercial or community facilities are allowed to have up to 100 spaces of accessory parking. Special permits are available for increased accessory parking or for public parking garages and public parking lots. In Lower Manhattan, non-residential buildings constructed before 1977 that are converted to residential use are allowed to have accessory parking for up to 20 percent of the number of dwelling units within the buildings.

#### SPECIAL PERMITS

The Board of Standards and Appeals is empowered to grant a special permit for the waiver of height and setback requirements within C5-5 and C6-9 districts based on the size or irregular shape of a lot or block pursuant to the regulations of Section 73-68. Similarly, the City Planning Commission may grant height and setback waivers for certain C5, C6, M1 and CR districts for various lot conditions pursuant to Section 74-721.

#### **THE PROPOSED ZONING TEXT AMENDMENT**

The proposed zoning text amendment would establish the Special Lower Manhattan District. The area of the new district would be bounded by West Street, Murray Street, Broadway

Chambers Street, Centre Street, the centerline of the Brooklyn Bridge, the East River and the Battery Park waterfront. The amendment would eliminate the Special Manhattan Landing Development and Special Greenwich Street Development districts, and consolidate the Special South Street Seaport into the proposed LMD. The district would encompass the area previously included in the G, MLD, and Seaport districts as well as areas outside of these special districts.

The LMD would simplify and consolidate the overlapping and complex regulations of Lower Manhattan into one comprehensive set of regulations. The new special district would allow the area to grow while reinforcing its historic character and built fabric, and would facilitate the change towards a more vibrant and mixed-use community in Lower Manhattan. The proposal contains special use, signage, height and setback, density, urban design, parking, and other controls that are tailored to the special needs and character of the area.

The MLD and the G districts are not consistent with the incremental nature of development trends in Lower Manhattan and are proposed to be eliminated.

The Special South Street Seaport District regulates the distribution of development rights in the Seaport area and continues to be relevant. It would be incorporated as a subdistrict of the new district. An Historic and Commercial Core, coterminous with the landmarked Street Plan of New Amsterdam and Colonial New York, would be established in the new special district. Special height and setback controls would apply in this area to allow development in keeping with its unique character.

Additionally, the proposal would consolidate provisions that are common to certain special districts and areas outside of special districts. These include controls on mandatory subway stair relocations, bonus provisions for open air concourses, sidewalk widenings and plazas, and the provision of pedestrian circulation space into Article III Chapter 7. These consolidations would make these provisions more uniform throughout Manhattan and help to

simplify the Zoning Resolution by eliminating duplicate controls. The Brooklyn Bridge Southeast Urban Renewal Plan is being amended to make it consistent with the proposed zoning text.

#### PROPOSED USE AND SIGN CONTROLS

The proposed special district would allow in C5 districts certain retail and service uses that are currently only allowed in the adjacent C6 districts. These include Use Group 7 home maintenance or repair service uses; Use Group 8 amusement or service establishments; and Use Group 12 amusement and retail uses.

Among the permitted new uses would be amusement and entertainment facilities that are absent in Lower Manhattan and useful in the development of a vibrant community. Theaters would be allowed but would be required to provide waiting areas within the zoning lot to preclude sidewalk congestion. Establishments with entertainment, musical entertainment or dancing would also be allowed, as-of-right, with a capacity of 200 persons or fewer with a dance floor area, if any, of less than 400 square feet. These entertainment uses would be required to provide indoor waiting areas within the zoning lot.

The existing C5 regulations prohibit the location of certain Use Group 6, 9 and 11 uses on the ground floor of a building within 50 feet of a streetline. This restriction would be removed in the LMD so that these uses could locate anywhere on the ground floor. On certain streets that are designated as requiring retail uses, automobile showrooms and plumbing, heating or ventilating equipment showrooms or any of the uses listed in use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D would not be permitted on the ground floor.

Signage controls would be amended for the C5 areas in the new district. Small illuminated signs, not currently allowed in C5 districts, would be permitted if they did not exceed eight

square feet per establishment per street frontage, and are located within a window. The existing controls on non-illuminated signs would remain.

Banners in C5 and C6 districts would be allowed to project across the street line for a maximum distance of eight feet and in C5 districts to extend above the curb level to a height of 40 feet.

## PROPOSED BULK CONTROLS

### FLOOR AREA REGULATIONS

The underlying bulk regulations would remain the same while bonus provisions would be amended. The only as-of-right floor area bonuses allowed in the new district would be for Urban Plazas (Section 37-04). Special permit bonuses to alleviate pedestrian overcrowding that would remain include those for Covered Pedestrian Spaces (Section 74-87) and Subway Station Improvements (Section 74-634). The block bounded by Liberty, Washington, Cedar and West streets would be eligible for floor area bonuses if the required pedestrian connections linking the existing pedestrian bridge across West Street to the elevated pedestrian system to the east of this site were provided.

### HEIGHT AND SETBACK REGULATIONS

The proposed height and setback regulations would require setbacks above the building base ranging from 10 to 20 feet, with the depth of the setback based on lot size, at a height determined by the width of the street that the zoning lot fronts. Maximum lot coverage of 65 percent would be established for the midrise portion of a building. Above 300 feet, lot coverage could not exceed 50 percent. The district proposes a maximum horizontal dimension of 175 feet above a height of 300 feet to minimize the impact of development on the historic skyline and towers for which Lower Manhattan is world famous. Developments

on certain streets, such as New and Pine streets, and Theatre Alley, or that are very narrow and characterized by buildings without setbacks would not be required to have setbacks.

The height and setback regulations would allow greater coverage for developments in the Historic and Commercial Core (Core) which is characterized by buildings with higher lot coverage. Buildings in the Core would be required to be developed pursuant to the same regulations proposed for outside the Core, except that developments in the Core would be allowed to have a maximum base height of 100 feet unless otherwise specified. Additionally they would be allowed to encroach into the area below the 6:1 sky exposure plane that rises from a height of 100 feet above the street line.

#### MANDATORY DISTRICT PLAN ELEMENTS

The amendment incorporates several design elements to provide an improved pedestrian environment, including pedestrian circulation spaces, mandatory street walls, required ground floor retail and limits on vehicular access. Development on zoning lots fronting on a sidewalk containing a subway staircase or entrances into a subway station would be required to relocate the entrance onto the zoning lot. The proposed requirements include:

**Pedestrian Circulation Space:** all new developments on a zoning lot greater than 5,000 square feet containing more than 70,000 square feet of new floor area would be required to provide pedestrian circulation space. The requirements for pedestrian circulation space would be defined in Section 37-07 (Requirements for Pedestrian Circulation Spaces)

**Mandatory Street Walls:** The district is characterized by buildings whose front walls are located directly on or close to the street line. To insure that new development follows this pattern, selected streets would be required to have a minimum street wall height of 60 feet. These streets include Rector, Greenwich, Nassau, Fulton, John,

Liberty (east of Broadway) and Beaver streets. Park Row South, Broadway and Battery Place would have a minimum required street wall of 150 feet and a maximum permitted street wall height of 250 feet before a setback was required. West, Wall and Broad streets would have a minimum required street wall height of 85 feet and a maximum street wall height of 150 feet before a setback was required. A special permit would be available to modify the required minimum street wall height and length of required street wall where it would produce a site plan that relates better to existing development.

**Retail Continuity:** Certain streets with active retail and significant pedestrian volume would be required to have ground floor retail or service uses at or near the streetline. These streets include John, Fulton, Nassau, Dey, Greenwich, and Rector streets, Broadway, Park Row South and a portion of Whitehall Street.

**Off Street Relocation or Renovation of a Subway Stair:** All developments fronting on a sidewalk that contains a stairway entrance would be required to provide for the off-street relocation or renovation of a subway stair in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair).

**Curb Cut Prohibitions:** In order to minimize pedestrian/vehicular conflicts, curb cuts would be prohibited on certain streets that are important for vehicular circulation such as Broadway and Water Street or that are important pedestrian streets such as Nassau, John and Fulton streets. The Commissioner of the Department of Buildings would be allowed to permit a curb cut for required loading berths and the City Planning Commission would be allowed to authorize a curb cut for loading berths.

## DENSITY CONTROLS

A new method of calculating dwelling unit density is proposed that would remove the existing dwelling unit size penalty in the 15 FAR zones and eliminate the need for zoning districts with a CR suffix. Density would be measured by establishing a factor based on the current requirements to yield a minimum average dwelling unit size of 740 square feet for R8 districts and 790 square feet for R10 or equivalent districts. The residential floor area in 15 FAR districts could be increased from 10 to 12 FAR by the provision of non-bonusable residential recreation space.

## THE SOUTH STREET SEAPORT SUBDISTRICT

The Special South Street Seaport District controls the granting and receiving sites for the distribution of the development rights from designated granting sites in the Seaport District. The Seaport District would be made a subdistrict of the LMD. The proposed height and setback controls of the LMD, including the requirements for pedestrian circulation space, would be applicable in the Seaport Subdistrict. The Subdistrict would continue to allow for the transfer of development rights between granting and receiving lots, and for an increase in tower coverage by the addition of development rights. The existing special permit Section (74-721c) for the modification of height and setback regulations would be made a part of the subdistrict.

## WATERFRONT ZONING

Waterfront development is proposed to be regulated by the provisions of Article VI Chapter 2 of the Zoning Resolution (Special Regulations Applying in the Waterfront Area) to insure that waterfront developments provide adequate public access and are in keeping with development along the rest of the East River shoreline. To allow for design flexibility, a new special permit is proposed that would allow for flexible and coordinated development of piers 9, 11, 13 and 14. The special permit would allow the four piers to be treated as a unified

development, permitting distribution of bulk and other modifications in order to achieve a better site plan and to maximize the usability of the open public spaces.

## OTHER CONTROLS

### PARKING

Accessory off-street parking for dwelling units in non-residential buildings converted to residential use that were erected prior to 1977 would continue to be permitted and incorporated into the provisions for the new district. The City Planning Commission would be allowed to authorize off-site, enclosed parking facilities for non-residential building converting to residential use. The off-site parking would have to be located within 600 feet of the converted building.

### APPLICABILITY OF SPECIAL PERMITS

The applicability of certain special permits by the Board of Standards and Appeals would be added, eliminated or changed. The BSA special permit (Section 73-244) to allow eating or drinking places with entertainment or dancing with a capacity of greater than 200 persons would be allowed in C5 zones within the new district. The BSA special permit (Section 73-68) for modifications of height, setback and rear yard requirements would not be applicable. The special permit (Section 73-21) for automotive service stations would be limited to certain streets.

City Planning Commission special permits (Sections 74-721 and 74-722) relating to the modification of height, setback and yard regulations and floor area regulations would not be applicable in the proposed LMD. Special permits (Sections 74-41 Arenas, Auditoriums, stadiums or Trade Expositions and 74-46 Indoor Interactive Entertainment Facilities) would be allowed in C5 districts within the proposed LMD.

#### REGULATIONS FOR THE FORMER SPECIAL GREENWICH STREET DEVELOPMENT DISTRICT

Provisions are proposed to allow the modification of previously required amenities so that they could be made consistent with the present goals of the district. The proposed district includes a CPC authorization to modify or eliminate the requirements for mandated public amenities that were provided pursuant to the former G district. The requirements for development on the block bounded by West, Cedar, Albany and Washington streets would continue. The requirement for a pedestrian bridge across Greenwich Street at Liberty Street would be removed. In order to provide for an integrated plan for the area around the Brooklyn Battery Tunnel, the existing special permit would continue to be available to develop the air space above the approaches to the tunnel.

#### REGULATIONS OUTSIDE OF LOWER MANHATTAN

Changes are proposed for regulations outside of the Lower Manhattan area to consolidate those regulations so that the same regulations are applicable to several special districts citywide. These changes affect the following sections.

##### Article III Chapter 3.

Section 33-15 (Floor Area Bonus for Open-Air Concourses and Sidewalk Widening) that provides a bonus in 15 FAR districts for the provision of these amenities would be deleted. All of the 15 FAR districts that are mapped are contained within the Special Midtown Development District (MiD), the Special Hunter's Point Mixed-Use District and the proposed Special Lower Manhattan District. The provision for Open Air Concourses is rarely used and bonused sidewalk widenings (as contrasted with unbonused widenings as pedestrian circulation improvements) are not allowed within the MiD or the Special Hunters Point District. This change would delete unused or unwanted bonusable amenities in these highest density zones.

### Article III Chapter 7

Section 37-03 (Off Street Renovation of a Subway Stair) requires the off-street relocation of a subway stair for the stations listed in this section. A similar requirement exists in the MiD in Section 81-47 (Off-Street Relocation or Renovation of a Subway Stair). The proposed revision would consolidate the requirements and procedures for a subway stair renovation or relocation that are applicable for the stations listed in Section 37-03 as well as for the stations listed in the MiD and the Special Lower Manhattan District. This would consolidate the administrative procedures for all subway stair relocations and renovations to make them consistent for the MiD and LMD districts.

Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) and Section 37-05 (Improvements of Existing Plazas or Plaza-Connected Open Areas) would be amended to eliminate the as-of-right allowances for Open Air Concourses and Sidewalk Widening.

A new section, Requirements for Pedestrian Circulation Space ( Section 37-07) would be added. This section will replace the requirements of the MiD ( Section 81-45) and would be applicable in the MiD and the new LMD. These requirements would be the same as those currently required in the MiD and would be mandatory for the LMD.

### Article VII Chapter 4

Special permit (Section 74-634 Subway station improvements in commercial zones of 10 FAR and above in Manhattan) is applicable for the subway stations listed in that section. The requirements for a special permit bonus for the MiD are listed in Section 81-53 (Subway Station Improvements) that is proposed to be deleted and added to Section 74-634. The amended Section 74-634 would contain the requirements and procedures for bonused subway station improvements for the stations listed in this section, in the MiD, and in the LMD.

Requirements that are specific to a special district and a listing of the applicable stations for each district would be listed in the special district.

#### Article VIII Chapter 1.

The regulations of the Special Midtown Development District for the Off-Street Renovation or Relocation of a Subway Stair (Section 81-47), Pedestrian Circulation Space (Section 81-45), Through Block Connection (Section 81-46) and the special permit for Bonused Subway Station Improvements (Section 81-53) will be changed or deleted as described above.

These changes to other sections of the Zoning Resolution would consolidate and simplify the regulations for actions that are now specified in several places in the Zoning Resolution and modify them so that the administrative procedures and definitions would be consistent. Requirements that are specific to a special district would be defined in the district. These regulations would apply in the LMD.

#### Article XI Chapter 1.

The Special Lower Manhattan Mixed-Use District (LMM) would be renamed the Tribeca Mixed-Use District (TMU). The name change would prevent confusion with the new Special Lower Manhattan District.

In addition to the text changes described in this report, several map changes are also proposed and are described in the related zoning map change (C 980315 ZMM).

### **ENVIRONMENTAL REVIEW**

This application (N 980314 ZRM), in conjunction with the applications for the related actions (C 980315 ZMM) and (C 980316 HUM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the

City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 98DCP037M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 9, 1998.

## **PUBLIC REVIEW**

On February 9, 1998, this text change application was duly referred to Manhattan Community Boards 1 through 6 and 8, the Manhattan Borough President and the Manhattan Borough Board for information and review in accordance with the procedure for referring non-ULURP matters.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application on March 17, 1998, and on that date by a vote of 32 to 2 with 1 abstention, adopted a resolution recommending disapproval of the application with the following comments:

"Community Board #1 strongly recommends the disapproval of the proposed creation of a Special Lower Manhattan District and the concomitant zoning text amendment, zoning map amendment and urban renewal plan modification since this proposal thoroughly fails to address what the Community Board considers to be several of the most important needs of our district which can and should be addressed through this zoning package including:

- the downzoning of the South Street Historic District
- the downzoning of the East River piers, aprons and marginal streets as per our January 25, 1994 resolution
- incentives to encourage or mandate the creation of the necessary parks, schools and other services including improved public transportation needed to accommodate the existing and new residential population of Lower Manhattan
- relocation of development receiving sites within the South Street Seaport Historic District and over the East River and East River piers to

outside the South Street Seaport Historic District and inland from the East River bulkhead, and

- CB #1 supports the elimination of the Manhattan Landing Special District but favors a new zoning for this area consistent with the type of waterfront uses recommended by CB #1 in our January 25, 1994 resolution (attached)."

Community Board 3 held a public hearing on this application on March 12, 1998 and on March 24, 1998 by a vote of 28 to 7 with 1 abstention adopted a resolution recommending that the applications be tabled pending resolution of the issues raised by Community Board 1.

Community Board 8, on March 11, 1998, by a vote of 29 to 0 with 0 abstentions adopted a resolution recommending approval of this application.

### **Borough Board Recommendation**

At its May 14th meeting, the Manhattan Borough Board adopted a resolution opposing the application with the following comments:

"The Manhattan Borough Board strongly recommends the disapproval of the proposed creation of a Special Lower Manhattan District and the concomitant zoning text amendment, zoning map amendment and urban renewal plan modification since this proposal thoroughly fails to address what the Borough Board considers to be several of the most important needs of Community Board 1. The Community Board's needs can and should be addressed through this zoning package by including:

- the downzoning of the South Street Historic District
- the downzoning of the East River piers, aprons and marginal streets as per Community Board 1's January 25, 1994 resolution (see attached resolution)
- incentives to encourage or mandate the creation of the necessary parks, schools and other services including improved public transportation needed to accommodate the existing and new residential population of Lower Manhattan
- relocation of development receiving sites within the South Street Seaport Historic District and over the East River and East River piers to outside the South Street Seaport Historic District and inland from the East River bulkhead, and

- The Manhattan Borough Board supports the elimination of the Manhattan Landing Special District but favors a new zoning for this area consistent with the type of waterfront uses recommended by CB #1 in its January 25, 1994 resolution."

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on May 20, 1998 approving the application with the following conditions:

- regarding the RFP for the piers, "one important criteria in selecting the successful proposal would be the type and quality of open space provided in association with the development",
- EDC committed to permit Community Board 1 and the Borough President's office to review and comment on the draft RFP and to consider those recommendations and to review the responses to the RFP with the Community Board,
- the Department of City Planning has committed that it will seek to achieve no less than 45 percent open space on the piers,
- the Department of City Planning will begin a dialogue within the next 30 to 60 days with the CB 1 regarding the rezoning of the South Street Historic District which includes 250 Water Street.

### **City Planning Commission Public Hearing**

On June 3, 1998 (Calendar No. 2), the City Planning Commission scheduled June 17, 1998, for a public hearing on this application (N 980314 ZRM). The hearing was duly held on June 17, 1998 (Calendar No. 8), in conjunction with the public hearings on the applications for the related actions (C 980315 ZMM) and (C 980316 HUM). There were five speakers in favor of the application and no speakers in opposition. Written testimony relating to the effect of the rezoning on one specific site was received at the hearing and one letter was received subsequent to the hearing from the Real Estate Board of New York.

The speakers included a representative of the Manhattan Borough President; the President of the Alliance for Downtown New York (ADNY); a Vice-President of the American Institute of Architects (AIA); a land use attorney of Winthrop, Stimpson, Putnam and Roberts; and the President of the Municipal Arts Society (MAS). The Borough President's representative expressed support for the proposal and recognized that the proposal would encourage a wider range of uses and contribute to the development of a more mixed-use community. She noted the concerns expressed by Community Board 1 particularly regarding the need for public facilities including schools and open space. She agreed with Community Board 1 that the East River Piers (Piers 9, 11, 13 and 14) represent an open space resource. She noted importance of the proper zoning for the South Street Historic District and expressed her thanks to the Department of City Planning and the Economic Development Corporation for working with the Community Board to respond to these issues.

The testimony by ADNY verified that great progress that has been made in the revitalization of Lower Manhattan and supported this proposal as a continuation of the effort to continue that revitalization. He noted that the growth in the residential population of Lower Manhattan and the strengthening of the commercial market particularly regarding new technology firms. The need for the redevelopment of the piers and the concentration of bulk of a higher density particularly on Pier 9, was supported. ADNY also urged the Commission to review the proposed curb cut restrictions to insure that they would not inhibit the development of new residential buildings or the conversion of non-residential buildings to residential use.

The representative of the AIA stated that the proposal would aid in the continuing revitalization of Lower Manhattan by consolidating and simplifying the existing regulations and would produce buildings that are in keeping with existing development and the character of the area. He recommended that the Commission consider mandating of streetwall and tower articulation to add visual texture to the area.

The land use attorney expressed his support by noting that the proposal would simplify and consolidate the existing regulations which would encourage the continued revitalization of Lower Manhattan. He noted that this would provide the needed follow-up to the previous actions to support continued recovery in the area.

The President of the MAS expressed support for the proposal which would continue efforts to aid the revitalization of Lower Manhattan by fostering appropriate development and consolidating zoning regulations. He stated that the provisions of Waterfront Zoning are appropriate for the East River waterfront. He suggested that the existing Brooklyn Battery Tunnel entrances be removed as a development site and considered for the development of open space and urged that the dialogue between the Department of City Planning and Community Board 1 be continued to develop a plan for appropriate zoning for the South Street Seaport Historic District.

There were no other speakers and the hearing was closed.

#### **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with the applications for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP 98-002.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that this amendment to the Zoning Resolution (N980314 ZRM) as modified herein, in conjunction with the related zoning map amendment (C 980315 ZMM) and amendment to the Brooklyn Bridge Southeast Urban Renewal Plan (C 980316 HUM) is appropriate. The proposal will create a Special Lower Manhattan District (LMD) that will simplify and consolidate regulations in Lower Manhattan and provide a comprehensive set of controls for the area. It will support the continuing revitalization of Lower Manhattan by allowing a wider range of uses; eliminating outdated controls; and providing simplified height and setback regulations that are more consistent with the character of existing development.

## **THE SPECIAL GREENWICH STREET AND MANHATTAN LANDING DEVELOPMENT DISTRICTS**

The 1966 Lower Manhattan Plan established the framework for the zoning regulations that implemented the plan. The plan and the resulting Special Greenwich Street Development and Manhattan Landing districts were designed to provide for a sweeping redevelopment of the downtown area, broaden the economic base and promote the development of a more mixed-use community. Since their adoption, however, no waterfront development has occurred pursuant to the Special Manhattan Landing Development District and only a few buildings have been constructed pursuant to the Special Greenwich Street Development District. Based on this record, the Commission has determined that the revitalization and redevelopment of the area is more likely to occur on a block-by-block basis rather than throughout the entire area.

These special districts have also become anachronistic in that they do not easily allow for new development that is in keeping with the existing character of the area. Furthermore, the districts currently require amenities that are no longer deemed desirable; in the case of the Manhattan Landing District, it requires the filling in or decking over of the East River in Lower Manhattan which is both environmentally and economically unsound. The goal of

encouraging a more economically diverse and mixed-use community remains valid and the Commission believes that the changes incorporated by this action will help to accomplish that goal.

#### THE SPECIAL SOUTH STREET SEAPORT SUBDISTRICT

The Commission believes that it is important to incorporate the South Street Seaport as a subdistrict of the LMD. The district has been successful in providing a mechanism for the distribution of the development rights of the Seaport. The revised height and setback controls of the new district would be applicable in the subdistrict as would the granting and receiving transfer sites as they were previously designated. The zoning controls for the entire area of the LMD would then be consistent.

In response to a written statement by a property owner in the area, the Commission has re-examined the provisions relating to the C6-4 portions of the South Street Seaport Subdistrict and has modified the text. Based on the existing character of the area, and the location of future development sites, the Commission has determined that the standard height and setback, and lot coverage provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) should be applicable as an alternative in the C6-4 portion of the South Street Historic District. The Commission notes that this change would allow the development of an 11-story commercial building that received a Certificate of Appropriateness from the Landmarks Preservation Commission (LPC) in 1991. This change is consistent with an amendment to the Special Manhattan Landing Development District that was made in 1994 to remove the requirement for a pedestrian arcade that was not part of the LPC approval thereby making the building complying with the zoning regulations.

The Commission also modified the text to reduce from 20 feet to 10 feet the mandatory setbacks above a building's base in the C6-4 portion of the South Street Historic District for predominantly residential buildings, regardless of site size. The Commission was concerned

that the proposed mandatory setbacks of 20 feet would have made it difficult to develop residential building on certain sites in this area. The Commission believes that reducing the depth of the required setbacks will ensure the feasibility of new residential buildings while allowing the Landmarks Preservation Commission sufficient flexibility in considering the design of buildings for a Certificate of Appropriateness.

The Commission has carefully considered the concerns expressed by both Community Board 1 and the Borough President regarding development in the Seaport area and is encouraged by the Department's commitment to begin discussions on the future zoning for this area. It encourages all parties to work together in examining the zoning and planning issues for this important area.

#### USE AND SIGN REGULATIONS

The Commission believes that providing a wider retail base in Lower Manhattan will encourage a more mixed-use community and aid in the redevelopment of the area. Because much of the area is mapped for high-density C5 district development, certain retail, amusement and entertainment uses are prohibited and certain permitted retail uses are restricted in their location within a building. Creating a more diversified neighborhood to broaden the economic base and encourage residential use will be facilitated if the appropriate retail, amusement and entertainment services are available. Although movies and entertainment establishments with dancing are permitted in the portions of the LMD zoned C6, they are not allowed in the many areas that are zoned C5. Therefore, the Commission believes that movies and entertainment establishments with dancing with a capacity of no more than 200 persons with a dance floor area, if any, limited to 400 square feet, should be allowed in C5 districts in the LMD. These uses will help to provide the necessary activity to continue the revitalization of the area.

The Commission believes that encouraging a livelier streetscape will also be facilitated by amending the sign regulations in the C5 portions of the new district to allow illuminated signs, where they would otherwise not be permitted, of up to eight square feet to be placed within the window of a building. Similarly, banners will be allowed to project across a street for eight feet and to be located higher above the street than would otherwise be allowed. The Commission noted the comment received from the Real Estate Board of New York urging that illuminated signs of up to 50 square feet be allowed in C5 districts but believes that the proposed size of eight square feet is appropriate.

#### NEW HEIGHT AND SETBACK CONTROLS

The Commission believes that the unique character of Lower Manhattan results both from its street plan and also from the special architectural quality of development and that this special character should be maintained. Therefore, the Commission has approved new height and setback regulations that will require development to occur in a manner that is more harmonious with the existing character of the area. The Commission believes that it is important that a unified set of controls be applied throughout the entire district to replace the overlapping controls that now exist. The Commission has determined that the existing street wall character of the area should be maintained, and it supports the requirement of street walls on certain streets. These regulations allow sufficient flexibility to provide adequate building configurations suitable for modern office use. The Commission carefully considered the proposed maximum horizontal dimension of 175 feet for the portions of all developments over 300 feet in height and believes that this is an appropriate control that will preclude thin slab buildings that might block the historic skyline of Lower Manhattan while still allowing development above that height with a reasonable floor size.

The Commission notes that the Department formed a technical committee composed of members recommended by the AIA and the Real Estate Board of New York in developing its recommendations for height and setback controls. The Commission considered the concern of

the AIA expressed in the public hearing testimony regarding the need for building articulation. It believes that the proposal, which allows for this articulation, is appropriate and that such articulation should not be mandatory.

Because the provision of open space in a dense environment is important, the Commission believes that it is important to retain the plaza bonus in most of Lower Manhattan. The Commission supports the prohibition on the applicability of the plaza bonus in certain areas, particularly on those streets where street walls are required in order to maintain the character of the area, and within the Historic and Commercial Core and the South Street Seaport Subdistrict. For example, the Commission notes that plaza would be inappropriate on key streets such as Broadway. Sidewalk widenings and arcades will not be allowed as bonusable amenities because their contribution to the streetscape is not believed to warrant bonus floor area. However, they will qualify as meeting the requirements for mandatory pedestrian circulation space.

The Commission has modified the text amendment regarding street wall regulations. The modification sets a minimum street wall height of 60 feet in those cases where no minimum height is specified. The Commission believes that this change clarifies the intent of the regulations.

#### MANDATORY DISTRICT PLAN ELEMENTS

The Commission believes that certain urban design and streetscape controls such as required retail continuity, contribute significantly to the quality of the LMD. Therefore, certain streets have been designated as requiring retail continuity to insure that a vibrant streetscape develops that will enhance the area and contribute to its revitalization.

The Commission recognizes that Lower Manhattan is a place of high pedestrian density and wants to insure that new development will not excessively burden the pedestrian environment.

The Commission believes that the requirements for mandatory pedestrian circulation space for developments over 70,000 square feet are an important element of the text amendment. It notes that these requirements are the same as those that have been established for the Special Midtown District.

The Commission considered testimony from a property owner in the South Street Seaport Historic District regarding the pedestrian circulation requirement. The Commission has modified the text to remove this requirement in the C6-4 portion of the Historic District. The Commission believes this requirement is not appropriate in this area because of the lower built densities, less pedestrian congestion, and potential conflicts with the established historic character. These requirements could have made it difficult in the future for the Landmarks Preservation Commission to grant a Certificate of Appropriateness for a development, since the pedestrian circulation requirements may not be in keeping with the existing character of the historic area.

In conjunction with the pedestrian circulation requirements, the Commission also agrees that pedestrian congestion can be eased by continuing the requirements for the off-street relocation or renovation of a subway stair. These requirements exist in several locations in Manhattan and the Commission proposes to standardize the procedures for these regulations by locating them in Section 37-03 of the Zoning Resolution so that all of the relocation and renovation requirements for the high density districts of Manhattan are the same.

#### DENSITY CONTROLS

The Commission reviewed the existing the existing density controls for the area which include the lot-area set aside provisions of Section 35- 40 (Applicability of Lot Area Requirements to Mixed Buildings) and the minimum size per room provisions of Section 35- 70 (Special Provisions for Certain Mixed Buildings). The Commission believes that a more uniform and predictable method of determining density is needed. The proposed text

amendment provides a formula to determine density based on a minimum average density per unit that will provide predictable densities consistent with the current measuring techniques but will be much simpler to apply. The formula will allow development to occur while allowing a variety of dwelling unit sizes and insuring that no one unit is less than the specified minimum size of 400 square feet. The Commission notes that the text has been clarified to set a factor to establish the maximum number of dwelling units or rooming units which will more clearly state the maximum number of units allowed.

#### THE HISTORIC AND COMMERCIAL CORE

The Commission believes that the area encompassed by the landmarked Street Plan of New Amsterdam and Colonial New York is a unique architectural resource and is the precursor to the modern city particularly as exemplified by the unique street wall character of the area. The Commission is pleased that the new height and setback regulations for the area within the landmarked street plan recognize this special character by mandating street walls, allowing a higher maximum street wall than would otherwise be permitted, and allow the area under the sky exposure plane to be filled in, to encourage development that is more in keeping with the special massing and architectural quality of the area.

#### WATERFRONT ZONING

Development on the East River waterfront is currently controlled by the provisions of the Special Manhattan Landing District. The Commission believes that with the removal of this special district that it is appropriate that the "Waterfront Zoning" provisions of Article VI Chapter 2 be made applicable to this area. This would make all of the Manhattan waterfront, with the exception of the Special Battery Park City District, subject to the same provisions. This would produce more predictable results, including the provision of view corridors and adequate public access, and the appropriate use and bulk on the piers and along the waterfront.

The Commission believes that the proposed special permit that would allow piers 9, 11, 13 and 14 to be treated as one development site, would provide for greater flexibility in the placement of bulk. In turn, this would result in improved open space by permitting the assemblage of development on one or more piers, allowing open space to be consolidated on other piers.

The Commission recognizes the concerns of Community Board 1 and the Borough President regarding the development of the piers and the need for open space on these piers. The Commission notes that projects requesting this special permit must go through a full ULURP review, allowing for Community concerns to be addressed. The Commission is encouraged by the Department's commitment to seek 45 percent open space on these piers, and the City's commitment to work closely with the community in developing future plans. The Commission is aware of the pending Request for Proposal (RFP) that is being prepared by the Economic Development Corporation for these piers. The Commission notes and is also encouraged by the City's commitment to share the RFP for these piers with the community, and to allow the community to comment on the responses to the RFP. The Commission encourages the Department to continue to work cooperatively with the Community Board and the Borough President on this important issue.

The Commission considered the comments of the Alliance for Downtown New York concerning the need for more development potential on the piers. It believes that the text amendment allows for ample development potential by consolidating the development rights of the four piers and that no changes are warranted.

**BOARD OF STANDARDS AND APPEALS AND CITY PLANNING COMMISSION  
SPECIAL PERMITS**

The Commission believes that certain permits, including a special permit by the Board of Standards and Appeals (BSA), Section 73-68 (Modification of Height, Setback and Rear Yard

Regulations), City Planning Commission Section 74-721 (Modification of Height, Setback, and Yard Regulations), and Section 74-722 (Special Floor Area Regulations) are no longer appropriate for Lower Manhattan. The new height and setback regulations of the LMD were designed to preclude the need for these permits and therefore the Commission believes that these permits should not be applicable within the special district. A new special permit, Section 91-311 (Modification of Street Wall Requirements) will be available to modify the locational requirements and minimum base heights of street walls as required in Section 91-31 (Street Wall Regulations).

The Commission notes that the BSA special permit for Automotive Service Stations (Section 73-21) is not appropriate for streets where retail continuity is required, and it concurs that this permit should not apply to those streets. The Commission believes the CPC special permits for Arenas, Auditoriums, Stadiums or Trade Expositions (Section 74-41) and Indoor Interactive Entertainment Facilities (Section 74-46) are appropriate within C5 districts within the Lower Manhattan District. They would help to bring new activity to the area, subject to discretionary review and provide a wider range of activity to broaden the economic base of the area.

The Commission considered the need for increased entertainment uses in the area and determined that BSA special permit (Section 73-244) that allows eating or drinking establishments with entertainment, including musical entertainment or dancing, and a capacity of more than 200 persons will also be appropriate in the C5 districts within Lower Manhattan. This will allow these uses, subject to discretionary review, and will help advance the goal of creating a more active, mixed-use environment. The Commission believes that the three-year special permit term is consistent with the terms in other parts of the city and sees no need to modify this provision.

The Special Greenwich Street Development District that is being eliminated includes a City Planning Commission certification of improvements for the development of the block bounded by Liberty, Washington, Cedar and West streets (Section 91-72) and the special permit to allow development over the approaches to the Brooklyn Battery Tunnel (Section 91-73). The certification is important for this block to ensure that the required pedestrian connections are provided. The Commission also believes retaining the special permit for the Brooklyn Battery Tunnel approaches is important. The Commission considered the concerns of the MAS that this special permit should not be allowed and that only open space should be developed on the site. The Commission notes that the approaches cut off this portion of Lower Manhattan from the core of the area. The Commission believes that new open space is important, but that it could best be provided and would be more feasible in conjunction with a planned development for the area. Such development and open space could better integrate this area into the core of Lower Manhattan and provide a better connection to Battery Park City. In order to approve the special permit, the City Planning Commission must make specific findings that will ensure appropriate development and open space. The Commission therefore concludes that this special permit should be retained.

#### PARKING REGULATIONS

The Commission believes the authorization for off-site parking for accessory parking buildings converted from non-residential to residential use is appropriate. This authorization will facilitate the conversion of buildings by allowing for more flexibility in locating accessory parking. This is a particular concern in landmark buildings where the modification of building facades to allow garage entrances may not always be appropriate. The Commission also believes that curb cut prohibitions on certain streets are appropriate. The streets where curb cut prohibitions will apply are critical to the pedestrian network. The Commissioner of Buildings will be allowed to approve a curb cut for required loading berths on these streets and the City Planning Commission, by authorization, may allow curb cuts for loading berths. The Commission considered testimony by the Alliance for Downtown New

York questioning the scope of the curb cut prohibitions. Based on its review, the Commission believes that streets with curb cut prohibitions have been carefully selected and are appropriate. However, in order to provide some additional flexibility, it is modifying the proposed zoning text of Section 91-52 to also allow, by authorization, curb cuts for accessory residential parking on those streets with curb cut prohibitions except for Battery Place, Broad Street, Broadway, Liberty Street west of Broadway, Park Row South and Wall Street. The Commission believes curb cuts on these streets, because of their importance to the pedestrian and traffic network, are inappropriate.

#### CHANGE THE SPECIAL LOWER MANHATTAN MIXED-USE DISTRICT TO THE TRIBECA MIXED-USE DISTRICT

The Commission believes it is appropriate to change the name of the Lower Manhattan Mixed-Use District to the Tribeca Mixed-Use District (TMU). This change will more clearly identify the location of that district and also prevent confusion with the new Special Lower Manhattan District (LMD).

#### ADDITIONAL CHANGES

The Commission believes that the text changes that affect areas outside of Lower Manhattan are appropriate. These changes will consolidate and make consistent the requirements relating to pedestrian circulation spaces, the off-street renovation of a subway stair, urban plazas, and subway station improvements. The Commission concurs that this change will clarify the Zoning Resolution by providing a consistent set of standards. The Commission also agrees that unenclosed but not enclosed sidewalk cafes should be allowed in the LMD and that no sidewalk cafes should be allowed on Broadway and State, Liberty, Whitehall and Chambers streets.

The Commission considered the comment received from the Real Estate Board of New York that the special permit for a subway station improvement should be made an authorization.

The Commission believes that these improvements are very complex and should receive the full public discussion and review that is required for a special permit.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in Underline is new text, to be added;  
Matter in ~~Strikeout~~ is old text, to be deleted;  
Matter within # # is defined in Sections 12-10 or 91-62;  
. . . indicates unchanged text omitted within a paragraph;  
\* \* \* indicates unchanged text appearing in the Zoning Resolution.

ARTICLE I  
GENERAL PROVISIONS

\* \* \*

Chapter 1  
Title, Establishment of Controls and Interpretation of Regulations

\* \* \*

11-12  
Establishment of Districts

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

\* \* \*

Commercial Districts

\* \* \*

- C5-3.5 Restricted Central Commercial District
- ~~C5-3CR Restricted Central Commercial District~~
- C5-4 Restricted Central Commercial District
- C5-5 Restricted Central Commercial District
- ~~C5-5CR Restricted Central Commercial District~~
- C5-P Restricted Central Commercial District

\* \* \*

- C6-4A General Central Commercial District
- ~~C6-4CR General Central Commercial District~~
- C6-4M General Central Commercial District

\* \* \*

- C6-6 General Central Commercial District
- ~~C6-6CR General Central Commercial District~~
- C6-6.5 Restricted Central Commercial District

C6-7 General Central Commercial District  
C6-7T Restricted Central Commercial District  
~~C6-7CR General Central Commercial District~~  
C6-7.5 Restricted Central Commercial District  
C6-8 General Central Commercial District  
C6-9 General Central Commercial District  
~~C6-9CR General Central Commercial District~~

\* \* \*

~~Establishment of the Special Greenwich Street Development District~~

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

\* \* \*

Establishment of the Special Lower Manhattan District

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

~~Establishment of the Special Lower Manhattan Mixed Use District~~

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

\* \* \*

~~Establishment of the Special Manhattan Landing Development District~~

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

\* \* \*

~~Establishment of the Special South Street Seaport District~~

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

\* \* \*

Establishment of the Special Tribeca Mixed Use District

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

\* \* \*

Chapter 2  
Construction of Language and Definitions

\* \* \*

12-10  
DEFINITIONS

\* \* \*

Accessory use, or accessory

\* \* \*

An #accessory use# includes:

\* \* \*

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

\* \* \*

(4) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B Districts and the ~~LMM~~ #Special Tribeca Mixed Use District#, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#.

\* \* \*

Joint living-work quarters for artists

\* \* \*

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph (D) (Use Group 17 - Special Uses), 42-141 (Modification by certification of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists), 74-78 (Conversions of Non-Residential Buildings) and Article XI, Chapter 1 (Special ~~Lower Manhattan~~ Tribeca Mixed Use District).

\* \* \*

### Loft dwelling

A "loft dwelling" is a ~~#dwelling unit#~~ in the ~~#Special Lower Manhattan Tribeca Mixed Use District#~~, in a ~~#building#~~ designed for non-~~#residential use#~~ erected prior to December 15, 1961. Regulations governing ~~#loft dwellings#~~ are set forth in Article XI, Chapter 1 (Special ~~Lower Manhattan Tribeca~~ Mixed Use District).

\* \* \*

### Open air concourse

An "open air concourse" is an open area for public use on a ~~#zoning lot#~~ that provides for access of light and air and direct pedestrian access from an adjoining ~~#street#~~ or ~~#sidewalk-widening#~~ to an adjacent subway platform, subway mezzanine or subway concourse, as set forth in Section 37-04.

\* \* \*

### Sidewalk widening

A "sidewalk widening" is a continuous open area on a ~~#zoning lot#~~ at the same elevation as the adjoining sidewalk and is directly accessible to the public at all times from an adjoining ~~#street#~~, as set forth in Section 37-04.

\* \* \*

### Special Greenwich Street Development District

The "Special Greenwich Street Development District" is a Special Purpose District designated by the letter "G" in which special regulations set forth in Article VIII, Chapter 6, apply to all ~~#developments#~~ (as defined in Section 86-01). The ~~#Special Greenwich Street Development District#~~ appears on the ~~#zoning maps#~~ superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed.

\* \* \*

### Special Lower Manhattan District

The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LM" in which special regulations set forth in Article IX, Chapter 1, apply to all #developments#. The #Special Lower Manhattan District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed.

### Special Lower Manhattan Mixed Use District

~~The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LMM" in which special regulations set forth in Article VIII, Chapter 6, apply to all #developments#. The #Special Lower Manhattan District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed.~~

~~\* \* \*~~

#### ~~Special Manhattan Landing Development District~~

~~The "Special Manhattan Landing Development District" is a Special Purpose District designated by the letters "MLD" in which special regulations set forth in Article IX, Chapter 8, apply to all #developments#. The #Special Manhattan Landing Development District# appears on the #zoning maps# superimposed on other districts.~~

~~\* \* \*~~

#### ~~Special South Street Seaport District~~

~~The "Special South Street Seaport District" is a Special Purpose District designated by the letter "S" in which special regulations set forth in Article VIII, Chapter 8, apply. The #Special South Street Seaport District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement and modify those of the districts on which it is superimposed.~~

~~\* \* \*~~

#### Special Tribeca Mixed Use District

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply. The #Special Tribeca Mixed Use District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or supersede those of the districts on which it is superimposed.

~~\* \* \*~~

#### ~~Urban open space~~

~~An "urban open space" is an open area for public use on a #zoning lot#, #developed# in accordance with the requirements set forth in Section 37-04. There are three types of #urban open spaces#: #open air concourses#, #sidewalk widenings# and #urban plazas#.~~

~~\* \* \*~~

### Chapter 3

Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens

\* \* \*

13-12  
Residential Development

~~#Accessory#~~ off-street parking spaces are permitted only for new ~~#residential developments#~~ or ~~#enlargements#~~, as follows:

- (a) For the area south of 60th Street and its prolongations, the number of ~~#accessory#~~ off-street parking spaces shall not exceed 20 percent of the number of new ~~#dwelling units#~~ contained in the ~~#development#~~ or ~~#enlargement#~~ or 200 spaces, whichever is less.

~~However, in Manhattan, for the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the #Special Lower Manhattan Mixed-Use District# that extends south of Murray Street, #accessory# off-street parking spaces are permitted for #dwelling units# converted in non-#residential buildings#, or portions thereof, erected prior to January 1, 1977, provided that the number of #accessory# off-street parking spaces shall not exceed 20 percent of the number of #dwelling units# contained in the conversion or 200 spaces, whichever is less. Curb cuts shall be prohibited on #streets# where the frontage of such converted #buildings# is 40 feet or less.~~

\* \* \*

Chapter 4  
Sidewalk Cafe Regulations

\* \* \*

APPENDIX C  
Special Zoning Districts - where cafes shall or shall not be allowed where permitted by the underlying zoning:

Manhattan	Enclosed	Unenclosed
<del>1. Theater District</del>	<del>No</del>	<del>No</del>
<del>2. Lincoln Square District</del>	<del>No</del>	<del>Yes</del>
<del>3. United Nations Development District</del>	<del>No</del>	<del>Yes</del>
<del>4. Fifth Avenue District</del>	<del>No</del>	<del>No</del>
<del>5. Madison Avenue Preservation District</del>	<del>No</del>	<del>No</del>
<del>6. Clinton Preservation District</del>	<del>Yes</del>	<del>Yes</del>
<del>7. N.Y.C. Convention &amp; Exhibition Center Development District</del>	<del>Yes</del>	<del>Yes</del>

<del>8.</del>	<del>Transit Land Use District</del>	<del>Yes</del>	<del>Yes</del>
<del>9.</del>	<del>Greenwich Street Development District</del>	<del>No</del>	<del>No</del>
10.	Battery Park City District	Yes	Yes
11.	Manhattan Landing Development District	Yes	Yes
12.	South Street Seaport District	Yes	Yes
13.	Little Italy District	No	Yes
14.	Limited Commercial District	No	No <sup>4</sup>
15.	Park Improvement District	No	No
16.	Lower Manhattan Mixed Use District	Yes	Yes

1.	Battery Park City District	Yes	Yes
2.	Clinton District	Yes	Yes
3.	Limited Commercial District	No	No <sup>1</sup>
4.	Lincoln Square District	No	Yes
5.	Little Italy District	No	Yes
6.	Lower Manhattan District	No	Yes <sup>2</sup>
7.	Madison Avenue Preservation District	No	No
8.	Midtown District	No	No
9.	Park Improvement District	No	No
10.	Transit Land Use District	Yes	Yes
11.	Tribeca Mixed Use District	Yes	Yes
12.	United Nations Development District	No	Yes

<sup>1</sup> Unenclosed sidewalk cafes are allowed on Greenwich Avenue.

<sup>2</sup> Unenclosed sidewalk cafes are not allowed on State, Liberty, Whitehall or Chambers Streets or Broadway.

\* \* \*

## Chapter 5

### Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens

\* \* \*

#### 15-01

##### Applicability

. . . In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, ~~except that part of the #Special Lower Manhattan Mixed Use District# that extends south of Murray Street,~~ the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter.

\* \* \*

#### 15-012

Applicability within M1-5A, or M1-5B Districts or the LMM Special Tribeca Mixed Use Districts-

Except as specifically set forth in Sections 15-013, 15-026 and 15-50, the provisions of this Chapter are not applicable in M1-5A, or M1-5B Districts or ~~LMM~~ the #Special Tribeca Mixed Use District#.

\* \* \*

15-111  
Number of permitted dwelling units

\* \* \*

(b) In existing non-#residential buildings#, that portion of the #floor area# that . . .

\* \* \*

However, in Manhattan, in all #Commercial Districts# with an R10 equivalent in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, ~~except that portion of the #Special Lower Manhattan Mixed-Use District# that extends south of Murray Street,~~ that portion of the #floor area# in existing non-#residential buildings# that exceeds the permitted #residential floor area# may be converted to #dwelling units#, provided that there shall be a minimum average of 900 square feet of gross #floor area# per #dwelling unit# in such excess #residential floor area#.

\* \* \*

15-13  
Special Home Occupation Provision

\* \* \*

(b) In C5 and C6 Districts, in Manhattan, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, ~~except that portion of the #Special Lower Manhattan Tribeca Mixed-Use District# that extends south of Murray . . .~~

\* \* \*

ARTICLE II  
RESIDENCE DISTRICT REGULATIONS

\* \* \*

Chapter 3  
Bulk Regulations for Residential Buildings in Residence Districts

\* \* \*

23-011  
Quality Housing Program

\* \* \*

- (c) The Quality Housing Program shall not apply to:
- (1) Article VII, Chapter 8 (Large Scale Residential Developments);
  - (2) Special Purpose Districts, except the following:
    - (i) the #Special Limited Commercial District#;
    - (ii) the #Special Grand Concourse Preservation District#;
    - (iii) the #Special Ocean Parkway District#; and
    - (iv) the #Special Transit Land Use District#; or
    - (v) the #Special Tribeca Mixed Use District#; and
    - (vi) the #Special Lower Manhattan District#, as modified in Section 91-05; or

\* \* \*

Chapter 7  
Special Urban Design Guidelines — Residential Plazas and Arcades

\* \* \*

27-01  
Applicability of this Chapter

\* \* \*

Section 35-35 (Floor Area Bonus for a Residential Plaza, Urban Plaza, ~~Open Air Concourse,~~  
~~Sidewalk Widening,~~ or Arcade in Connection with Mixed Buildings)

\* \* \*

27-60  
ARCADES

The provisions of this Section shall apply to all #developments# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15 or 33-4615.

\* \* \*

ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS

Chapter 3  
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

\* \* \*

33-01  
Applicability of this Chapter

\* \* \*

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-14 paragraph (a) and ~~33-46~~15, paragraph (a).

\* \* \*

33-12  
Maximum Floor Area Ratio

\* \* \*

Section 33-14 (Floor Area Bonus for an Urban Plaza)

~~Section 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening)~~

Section ~~33-46~~15 (Floor Area Bonus for Arcades)

Section ~~33-47~~16 (Floor Area Bonus for Front Yards).

Section ~~33-48~~17 (Special Provisions for Zoning Lots Divided by District Boundaries)

\* \* \*

33-124  
Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of existing public amenities

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, ~~#open air concourse#~~, ~~#sidewalk widening#~~, #arcade# or other public amenity, open or enclosed . . .

\* \* \*

33-126  
Special provisions for C5-2A Districts

In a C5-2A District, the provisions of Section 33-12 (Maximum Floor Area Ratio), 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations) and 33-47 (Modification of Height and Setback Regulations) shall be inapplicable to any #development# or #enlargement#. No #floor area# bonuses are

permitted. In lieu thereof, the following regulations shall apply to all such #developments# or #enlargements#.

\* \* \*

(a) Mandatory #street walls#

The #street wall# of a #development# or #enlargement# having a frontage on a #wide street# shall be within 10 feet of the #street line#, or within 10 feet of a permitted #arcade's# supporting columns . . .

\* \* \*

(d) Provision of pedestrian circulation space

\* \* \*

Such pedestrian circulation spaces shall meet the requirements set forth in Section ~~81-454~~37-073 (Design standards for pedestrian circulation spaces), except that references to #urban plazas#, subway connections and through block connections shall not be applicable within C5-2A Districts. ~~Sidewalk widenings, arcades, and corner arcades shall not be subject to the standards set forth in Section 27-60 (ARCADES) or Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widenings and Urban Plazas).~~

\* \* \*

(e) Retail continuity

. . . A #building's street# frontage shall be allocated exclusively to such #uses# except for lobby or entrance space, or one or more of the following pedestrian circulation spaces, subject to the mandatory #street wall# requirements of paragraph (a) of this Section: building entrance recess areas, corner arcades or corner circulation spaces, ~~corner arcades or building entrance recess areas~~ conforming to the requirements and design standards of Section ~~81-454~~37-073.

\* \* \*

33-14  
Floor Area Bonus for an Urban Plaza

C4-7 C5-2 C5-3 C5-4 C5-5 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

(a) #Commercial buildings#

In the districts indicated, for #commercial buildings#, for each square foot of #urban plaza developed# in accordance with Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening~~s and Urban Plazas), the total #floor area# . . .

\* \* \*

(b) #Community facility buildings# or #buildings# used for both #commercial# and #community facility uses#

In the districts indicated, for #community facility buildings# or #buildings# used for both #commercial# and #community facility uses#, for each square foot of #urban plaza developed# in accordance with Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening~~s and Urban Plazas), the total #floor area# . . .

\* \* \*

~~33-15~~  
~~Floor Area Bonus for Open Air Concourses and Sidewalk Widening~~s  
(Delete entire Section.)

\* \* \*

~~33-16~~  
Floor Area Bonus for Arcades

\* \* \*

~~33-17~~  
Floor Area Bonus for Front Yards

\* \* \*

~~33-171~~  
In districts with bulk governed by Residence District bulk regulations

\* \* \*

~~33-172~~  
In certain other Commercial Districts

\* \* \*

In the districts indicated, the provisions set forth in Section 33-474161 shall also apply as set forth in the following table:

\* \* \*

33-4817  
Special Provisions for Zoning Lots Divided by District Boundaries

\* \* \*

33-44  
Alternate Front Setbacks

\* \* \*

If the open area provided under the terms of this Section is a #residential plaza# or #urban ~~open space~~plaza#, such open area may be counted for the bonus provided for a #residential plaza# or #urban ~~open space~~plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Residential Plaza); and Section 33-14 (Floor Area Bonus for an Urban Plaza); ~~or Section 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening)~~.

\* \* \*

33-455  
Alternate regulations for towers on lots bounded by two or more streets

\* \* \*

- (a) The maximum percent of #lot area# that may be occupied by such tower, shall be the sum of 40 percent plus one-half of one percent for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12 (Maximum Floor Area Ratio), 33-14 (Floor Area Bonus for an Urban Plaza); ~~Section 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening)~~ or Section 33-4615 (Floor Area Bonus for Arcades). The maximum #lot coverage# for any tower built under the provisions of this Section or for any #building# or #buildings# on any #zoning lot# occupied by such tower shall be 55 percent of the #lot area# of such #zoning lot#.
- (b) At all levels, including ground level, such #building# shall be set back from the #street line# as follows:
  - (1) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0667 for

every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-14, ~~33-15~~, or 33-1615 provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

- (2) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .10 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-14, ~~33-15~~, or 33-1615, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

\* \* \*

### 33-456

Alternate setback regulations on lots bounded by two or more streets

\* \* \*

- (a) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0333 for each .10 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-14, ~~33-15~~ or 33-1615, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.
- (b) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .05 for each .10 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-14, ~~33-15~~ or 33-1615, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

\* \* \*

### 34-224

Floor area bonus for an urban plaza

\* \* \*

In the districts indicated, except for #buildings developed# pursuant to the Quality Housing Program, for each square foot of #urban plaza developed# in accordance with the provisions of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening and Urban~~ Plazas). . .

\* \* \*

Chapter 5  
Bulk Regulations for Mixed Buildings in Commercial Districts

\* \* \*

35-313  
Residential portions

\* \* \*

- (a) In the districts indicated, the maximum #floor area ratio# for the #residential# portion of a #mixed building# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, except as set forth in Section 35-35 (Floor Area Bonus for a Residential Plaza, Urban Plaza, ~~Open Air Concourse, Sidewalk Widening, or Arcade in Connection with Mixed Buildings~~).

\* \* \*

35-321  
Existing public amenities for which floor area bonuses have been received

- (a) Elimination or reduction in size of existing public amenity

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #arcade#, ~~#open air concourse#, #sidewalk-widening# . . .~~

\* \* \*

35-35  
Floor Area Bonus for a Residential Plaza, Urban Plaza, ~~Open Air Concourse, Sidewalk Widening, or Arcades~~ in Connection with Mixed Buildings

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

- (a) In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 Districts, any #floor area# bonus for a #residential plaza#, #urban plaza#, ~~#open air concourse#, #sidewalk widening#~~ or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #mixed building# may be applied to a #mixed building#, provided that any given

~~#residential plaza#, #urban plaza#, #open air concourse#, #sidewalk widening# or #arcade# shall be counted only once in determining a bonus.~~

\* \* \*

- (b) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, the #floor area# bonus provisions of Sections 35-351 through 35-~~354~~353 shall not apply.

\* \* \*

- (d) Within the boundaries of Community District 7, Borough of Manhattan, the provisions of Sections 35-351 through 35-~~354~~353 shall not apply.

\* \* \*

~~35-353~~

~~Open air concourses and sidewalk widenings~~  
(Delete entire Section.)

\* \* \*

~~35-354~~353

Arcades

C1-8 C1-9 C2-7 C2-8

- (a) In the districts indicated, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 33-~~46~~15 shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

\* \* \*

~~35-70~~

~~SPECIAL PROVISIONS FOR CERTAIN MIXED BUILDINGS~~  
(Delete entire Section.)

\* \* \*

Chapter 6

Accessory Off-Street Parking and Loading Regulations

\* \* \*

36-31

General Provisions

C1 C2 C3 C4 C5 C6

In all districts, as indicated, ~~except as otherwise provided in Section 36-315 (Special requirements for certain mixed buildings),~~ #accessory# off-street parking spaces, open or enclosed, shall be provided for all new #residences# constructed after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #residences#:

\* \* \*

~~36-315  
Special requirements for certain mixed buildings  
(Delete entire Section.)~~

\* \* \*

Chapter 7  
Special Regulations

\* \* \*

37-02  
Applicability of Article II, Chapter 7, to Residential Plazas and Arcades

\* \* \*

(a) In the districts indicated, the provisions of Article II, Chapter 7 (Special Urban Design Guidelines - Residential Plazas and Arcades), shall apply to any #residential development# or to any #development# occupied by a #predominantly residential use# that obtains a #floor area# bonus pursuant to Sections 34-223, 34-225, 35-351 or ~~35-354~~353.

\* \* \*

37-03  
Off-Street Relocation or Renovation of a Subway Stair

~~37-031  
Applicability of this Section~~

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Union Square District# as listed in Section 118-60 and those stations listed in this Sectionthe following table, the existing entrance or entrances shall be relocated from the

#street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of this Section. ~~These provisions are in accordance with the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975, and as may be subsequently revised).~~

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of this Section and Section 37-07 (Requirements for Pedestrian Circulation Space) may be counted as pedestrian circulation space pursuant to Section 37-07.

Station	Line	District
Wall Street-Broadway	IRT (Lexington Ave)	C5-5CR
Fulton Street-Broadway	IRT (Lexington Ave)	C5-5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6-4
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
23rd Street	IRT (Lexington Ave)	C5-2
28th Street	IRT (Lexington Ave)	C5-2
33rd Street	IRT (Lexington Ave)	C5-3
34th Street	IND (8th Ave)	C6-4
59th Street	IRT (Lexington Ave)	C5-2
South Ferry	IRT (Bway/7th Ave)	C5-5CR
Cortlandt Street	IRT (Bway/7th Ave)	C5-3
Wall Street	IRT (Bway/7th Ave)	C5-5
Fulton Street	IRT (Bway/7th Ave)	C5-5CR
Park Place	IRT (Bway/7th Ave)	C5-5CR
Broad Street	BMT (Nassau)	C5-5
Fulton Street	BMT (Nassau)	C6-4
Chambers Street	BMT (Nassau)	C6-4
Whitehall Street	BMT (Broadway)	C5-5CR
Cortlandt Street	BMT (Broadway)	C5-5
City Hall	BMT (Broadway)	C5-5CR
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
Lexington Avenue (60th Street)	BMT (Broadway)	C6-4
Broadway/Nassau	IND (8th Ave)	C5-5CR
Chambers Street	IND (8th Ave)	C6-4 C5-3CR
34th Street	IND (8th Ave)	C6-4
50th Street	IND (8th Ave)	C6-4

37-032031

Standards for location, design and hours of public accessibility

In addition to the standards set forth in the current station planning guidelines as issued by New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975, and as may be subsequently revised), the following standards shall also apply:

(a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from a public sidewalk, ~~or from within a space accessible to the public, as those spaces are defined in the applicable zoning district regulations~~ or pedestrian circulation space as defined in Section 37-07 (Requirements for pedestrian circulation space). Any such pedestrian circulation

space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

- (b) The relocated or renovated entrance may be provided within a #building#, but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted towards the #floor area# of the #enlargement# or #development#.

(eb) Design standards

The relocated or renovated entrance shall have a stair width of at least eight feet for each run.

- ~~(c) The relocated entrance shall have a queuing space at the top and bottom of the stairs at least eight feet wide and 15 feet long, and such queuing space may overlap a #sidewalk widening#, an #arcade#, a #plaza#, a #residential plaza# or an #urban plaza#.~~

- (d) Where two or more existing stairway entrances are being relocated or renovated as part of the same #development# or #enlargement#, the new entrance or entrances shall have a total stair ~~width or widths~~ equal to or greater than the sum of the stair widths of ~~those existing~~ stairway entrances ~~being relocated~~, but in ~~any no~~ case ~~no~~ may any stair be less than eight feet in width.

The relocated entrance may be relocated within an #urban plaza#, provided that the minimum width of each stair is ten feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated entrance within an #urban plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for an #urban plaza#.

- (e) For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with an #urban plaza# or an #arcade# in accordance with the provisions of Sections 27-60 (ARCADES) or 37-073 (Design standards for pedestrian circulation spaces).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of five feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet, 6 inches from finished floor to finished ceiling, including all lighting fixtures and #signs#.

- (e) The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

- ~~(f) The relocated entrance may be relocated within a #plaza#, a #residential plaza# or an #urban plaza# provided that the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a #sidewalk widening#. A relocated entrance with a #plaza#, a #residential plaza# or an #urban plaza# is permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #plaza#, a #residential plaza# or an #urban plaza#.~~
- (g) The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.
- (h) The below-grade portion of a relocated entrance may be constructed within the #street#.
- (c) Hours of public accessibility
- (i) The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by ~~the~~ New York City Transit Authority.

37-033032

Administrative procedure for a subway stair relocation or renovation

- (a) For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space), ~~Except as otherwise provided in paragraph (b) of this Section,~~ no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued ~~for any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance,~~ unless the following criteria are met:
  - (4a) for a relocated entrance, sSuch plan includes a stair relocation plan and ~~the~~ related documents that bind the developer to:
    - (i1) construct the new stair entrance in accordance with such plan;
    - (i2) demolish above-ground elements of the existing entrance; ~~and~~
    - (i3) seal the existing entrance at the sidewalk level; and
  - (4) maintain the work performed on the relocated or renovated entrance;
- or
- (2b) for a renovated entrance, such plan includes a renovation plan and related documents that bind the developer to:

- (1) renovate or reconstruct the entrance in accordance with such plan; and
- (2) maintain the work performed on the renovated or reconstructed entrance; and
- (2c) Such plan and related documents bear the New York City Transit Authority's approval; and
- (3d) Such plan is accompanied by a certified copy of an agreement, as recorded between the New York City Transit Authority and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York (County of New York) and is accompanied by the Register's receipt of recordation; and
- (4) ~~Such plan is accompanied by any request for modification of special urban design guidelines pursuant to Section 37-034.~~
- (b) ~~In the event that major construction problems render the stair relocation infeasible or that operating design considerations make it undesirable, the Transit Authority and the City Planning Commission, by joint certification, may release the developer from said requirement. In such event, the stair relocation requirement shall be satisfied by retention of the existing stair and provision on the #zoning lot# of an open area which accommodates pedestrian traffic passing the existing entrance. Such space shall have a width equal to at least one and one-half times the width of the existing stair entrance and shall extend along the full length of the stair entrance.~~
- (ee) no permanent certificate of occupancy shall be issued for any #development# or #enlargement# subject to the subway stair relocation requirement or counting a renovated or reconstructed subway stair as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space), unless and until all of the work required under paragraphs (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings. Prior to obtaining a permanent certificate of occupancy, the relocated subway stair must be 100 percent complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.

37-034033

Modification of special urban design guidelines and urban open space requirements for a relocated or renovated subway stair

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Section 37-01 (Special Urban Design Guidelines - Streetscape), Section 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), 37-031 (Standards for location, design and hours of public accessibility) or 37-04 (Requirements for Urban Plazas) and the applicable provisions of #urban open space# in Section 12-10 (DEFINITIONS), if it finds that the relocated subway stair cannot be accommodated without modification to these provisions.

\* \* \*

37-035034

Waiver of requirements

(Delete existing text.)

The provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair) may be waived by joint certification of New York City Transit and the Chairperson of the City Planning Commission that major construction problems or operating design considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space), that accommodates pedestrian traffic passing the existing stair entrance.

\* \* \*

37-04

Requirements for ~~Open Air Concourses, Sidewalk Widening~~s and Urban Plazas

~~#Open air concourses#, #sidewalk widenings# and #urban plazas# are collectively referred to as #urban open spaces#. All #urban open spaces plazas# shall comply with the following basic requirements provisions of this Section. and with additional requirements as specified for each type in accordance with the provisions of Sections 37-041 (Open air concourses), 37-042 (Sidewalk widenings), and 37-043 (Urban plazas). These provisions may be modified pursuant to Sections 74-91 (Urban Open Space Modifications- Urban Plazas) and 81-23 (Floor Area Bonus for Urban Plazas).~~

~~No foundation permit shall be issued by the Department of Buildings for any #development# that includes an #urban plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #urban plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans demonstrating compliance with the provisions of this Section.~~

All plans for ~~#urban plazas#~~, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the ~~#urban plaza#~~ pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any ~~#development#~~ or ~~#enlargement#~~ on the ~~#zoning lot#~~. The recording information shall be included on the certificate of occupancy for any ~~#building#~~, or portion thereof, on the ~~#zoning lot#~~ issued after the recording date.

(a) ~~Restrictions on location of non-qualifying open areas and dimensions~~

~~An #urban plaza# shall contain an area of not less than 1,600 square feet. In no case may spaces between existing #buildings# remaining on the #zoning lot# qualify as #urban plazas#. In addition, in order to preserve the intent of the provisions relating to the boundaries, proportions and obstructions of #urban plazas/open spaces#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #urban plazas#, between an #open air concourse# and an #urban plaza#, or between an #urban plaza# or #open air concourse# and a building wall or #arcade# of the #development#.~~

(b) ~~Planting and trees~~

(1) ~~#Street# trees adjacent to #urban open spaces#~~

~~#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #urban open space#. At least one tree of four-inch caliper or more shall be planted for each 25 feet of the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways. The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may also be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. The required trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, located and maintained in accordance with the specifications established by the Department of Parks and the Department of Highways. If the Commissioner of Buildings determines that the tree planting requirements of this paragraph cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel, the number of required #street# trees that cannot be planted as required in this paragraph shall be planted in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage. Where an #urban plaza# is #developed#, such additional trees may be planted within the #urban plaza# in addition to the trees required in Section 37-043, paragraph (k). No trees shall be planted within a #sidewalk widening#.~~

(2) ~~Trees within an #urban plaza# or #open air concourse#~~

~~Where trees are planted within an #urban plaza# or #open air concourse#, they shall measure at least four inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches. Any planting bed containing required plaza trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls and shall have bounding walls not higher than 20 inches above the adjacent walking surface. Trees shall be planted at a maximum spacing of 25 feet apart within a single planting bed.~~

~~(3) — Planting within an #urban plaza# or #open air concourse#~~

~~When planting beds are provided, they shall have a soil depth of at least two feet for grass or other ground cover, three feet for shrubs and three feet, six inches for trees.~~

~~For #open air concourses#, additional planting requirements are set forth in Section 34-042, paragraph (f).~~

~~For #urban plazas#, additional planting and tree requirements are set forth in Section 34-043, paragraph (k).~~

~~(c) — Paving~~

~~The paving of the #urban open space# shall be of non-skid durable materials that are decorative and compatible in color and pattern. The paving of the #street# sidewalk area adjacent to the #development# may be treated with design patterns and materials sympathetic to that of the paving of the #urban open space#. Any change of paving materials within the public right-of-way shall require review by the Department of Highways and the Art Commission.~~

~~(d) — Standards of accessibility for persons with disabilities to #urban plazas# and #open air concourses#~~

~~(1) — There shall be at least one path of travel conforming to the standards set forth in paragraph (d)(2) of this Section providing access to each of the following:~~

~~(i) — the major portion of an #urban plaza# or #open air concourse#;~~

~~(ii) — any building lobby accessible to the #urban plaza# or #open air concourse#; and~~

~~(iii) — any #use# that may be present on or adjacent to the #urban plaza# or #open air concourse#.~~

~~(2) — The following standards shall apply to assure access for persons with disabilities:~~

- ~~(i) — Such paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.~~
- ~~(ii) — Ramps shall be provided alongside any stairs or steps for such paths. Ramps shall have a minimum width of three feet, a slope of not greater than one in 12, a non-skid surface and, for open-edged ramps, a two-inch high safety curb. At each end of a ramp there shall be a level area, which may be a public sidewalk, at least five feet long. In an #open air concourse#, because elevator service shall be provided, no such ramps are required to connect the mezzanine portion with the #street# level portion.~~
- ~~(iii) — All stairs or ramps within such paths shall provide handrails. Handrails shall be 34 inches high, have a midrail 22 inches high and shall extend at least 18 inches beyond the stair or ramp ends.~~
- ~~(iv) — Where stairs are used to effect changes of grade for such paths, they shall have closed risers, no projecting nosings, a maximum riser height of seven and one-half inches and a minimum tread width of eleven inches.~~

(b) Locational restrictions

In other than C5-5 or C6-9 Districts, no #urban plaza#, or portion thereof, is permitted to occupy more than 33 percent of the frontage of the #zoning lot#, or portion thereof, within 175 feet of an existing #plaza#, #urban plaza#, #public park# or urban park that occupies more than 33 percent of its #block# frontage on the same or opposite side of the same #street# and has a depth of at least 12 feet. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts.

(c) Restrictions on orientation

In other than C5-5 or C6-9 Districts, the following restrictions shall apply to all #urban plazas#:

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 27 degrees of the direction indicated. "To front on a #street#" means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

- (1) Where the major portion of an #urban plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.
- (2) No major portion of an #urban plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.
- (3) An #urban plaza# that is located on an intersection of two #streets# must have its major portion, as defined in paragraph (d)(2) of this Section, front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

(d) Requirements for major portions of #urban plazas#

- (1) All contiguous #urban plaza# areas on a #zoning lot# shall be considered as one #urban plaza#.
- (2) The shape and dimensions of an #urban plaza# shall be such that for a major portion of the #urban plaza#, comprising at least the percentage of total area specified herein, all points within such major portion shall be visible from all other points therein. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one

from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade.

The major portion of an #urban plaza# shall be at least 70 percent of the #urban plaza's# total area, except that in the case of a through #block urban plaza# as defined in paragraph (e) of this Section, the major portion shall be at least 50 percent of such #urban plaza's# total area. The major portion of the #urban plaza# shall be subject to the proportional requirements set forth in paragraphs (d)(4) and (d)(5) of this Section.

- (3) The major portion of an #urban plaza# shall have a minimum dimension of 40 feet. The remaining portion of such #urban plaza# shall have a minimum dimension of 20 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #urban plaza# fronts.
- (4) For major portions of #urban plazas# with frontage on two or more intersecting #streets#, the length of the frontage along any one #street# shall not be greater than three times the average depth of the #urban plaza# measured perpendicular to the #street line# of said #street# from the building wall that faces it.
- (5) For major portions of #urban plazas# with frontage on only one #street#, at no point shall the depth from the building wall or rear #lot line# that faces the #street# to the #street line# be less than one-third nor more than three times the length of the frontage of the major portion along such #street line#.

(e) Regulations for through #block urban plazas#

Where an #urban plaza# or portion of an #urban plaza# extends through the #block# connecting two #streets# that are parallel or within 45 degrees of being parallel to each other, and any building wall or walls adjoin such through #block urban plaza# or through #block# portion of an #urban plaza#, no more than 120 feet aggregate length of such walls within 50 feet of the opposite side of the through #block urban plaza# shall exceed 90 feet in height from the surface of the #urban plaza#. In addition to the 20 feet minimum width requirement described in paragraph (d)(3) of this Section, such a through #block urban plaza# shall maintain a straight path at least 15 feet in width, free of any obstructions from #street line# to #street line#.

(f) Circulation and access

- (1) To facilitate access to an #urban plaza#, within 10 feet of a #street line# or sidewalk widening, along at least 50 percent of each #street# frontage of the major portion and the entire #street# frontage of the remaining portion of an #urban plaza#, the surface of the #urban plaza# shall be at the same elevation as the adjoining public sidewalk. Along at least 50 percent of each #street# frontage of the major portion and at least 50 percent of each #street#

frontage of the remaining portion of an #urban plaza#, for a depth of at least 20 feet from the #street line#, there shall be no obstruction to public access to the #urban plaza# from a sidewalk or sidewalk widening. For the remaining 50 percent of the frontage and within 20 feet of the #street line#, no walls or other obstructions shall be higher than three feet above the #curb level# of the #street line# in front of the #urban plaza#. However, the City Planning Commission may permit, by authorization, certain obstructions such as light stanchions, flag poles, trash receptacles, public space signage or other features to be located in the #urban plaza# within 20 feet of the #street line#, provided that the Commission finds that:

- (i) such obstructions are desirable or necessary features for the public enjoyment of the #urban plaza#; and
- (ii) sufficient public access additional to the minimum required under the provisions of this paragraph (Circulation and access) is provided to offset any adverse impact on public circulation or access caused by the obstructions or features permitted by such authorization.

The Commission shall furnish a copy of the application for such authorization to the affected Community Board and the local Council Member at the earliest possible stage and will give due consideration to their opinions as to the appropriateness of such obstructions. If the Community Board or local Council Member elects to comment on such application, it must be done within 45 days of such application.

- (2) The level of an #urban plaza# shall not at any point be more than three feet above or below the #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#; however, an #urban plaza# with an area of 10,000 square feet or more may additionally have a maximum of 15 percent of its area at an elevation more than three feet above or below, but not more than five feet above or below #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#.
- (3) Where there is a grade change of at least 2.25 feet in 100 feet along a portion of a #street# fronted upon, for a distance of at least 75 feet, by an #urban plaza# with an area of 10,000 square feet or more, the level of such #urban plaza# may be at any elevation that is not more than five feet above or below the #curb level# of the nearest adjoining #street# in front of the #urban plaza#. Along the length of frontage not required for access, no wall higher than three feet above the level of the adjoining sidewalk may be constructed.
- (4) For areas of #urban plazas# not obstructed by permitted obstructions as set forth in paragraph (f)(1) of this Section, a circulation path shall be provided of at least five feet clear width. A major public path at least eight feet in width

shall extend to at least 75 percent of the depth of the major portion of the #urban plaza#, measured from the #street line#.

- (5) Where an entry to a subway station exists in the sidewalk area of a #street# on which an #urban plaza# fronts and such entry is not replaced within the #urban plaza# itself, the #urban plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #urban plaza# area around a subway entry shall be free of all obstructions.
- (6) Where an entry to a subway station is provided within the #urban plaza# itself, stairs shall have a minimum width of 10 feet.

(eg) Permitted obstructions

~~The provisions of paragraph (e) of this Section shall not apply to #sidewalk-widenings#.~~

- (1) ~~#Urban open spaces#~~plazas# shall be unobstructed from their lowest level to the sky except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: fountains and reflecting pools; waterfalls; sculptures and other works of art; benches; seats; trees planted at grade or in planting beds; bushes and flowers in planters or in planting beds; arbors or trellises over public seating areas; litter receptacles; bicycle racks; outdoor furniture; lights and lighting stanchions; flag poles; public telephones; public toilets; temporary exhibitions; awnings or canopies over the entrances to retail stores fronting on the #urban open space#~~plaza#;~~bollards; subway station entrances, which may include escalators; and drinking fountains. If drinking fountains are provided, at least one fountain shall be accessible to wheelchair users by being 30 inches high, hand-and-foot operated, and display the International Symbol of Access. In addition to the obstructions listed in this paragraph, #urban plazas# having an area of 10,000 square feet or more may include an open air amphitheater or an outdoor ice skating rink. However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (g)(2) of this Section.
- (2) ~~Permitted obstructions may occupy a maximum percentage of the area of an #open air concourse# as set forth in paragraph (e) of Section 37-042, and an #urban plaza#, as follows: set forth in paragraph (h) of Section 37-043.~~

For #urban plazas# less than 5,000 square feet in area: 38 percent

For #urban plazas# at least 5,000 square feet in area and less than 10,000 square feet in area: 40 percent

For #urban plazas# 10,000 square feet or more in area: 50 percent

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or movable, such as movable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

- (3) Trees do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions.
- (43) Kiosks and open air cafes may be placed within an #urban ~~open space~~ plaza# upon certification, pursuant to paragraph (eg)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of paragraph (eh) of this Section.

Where a kiosk is provided, it shall be a one-story structure, predominantly of light-colored materials, such as metal, glass, plastic or fabric as approved by the Department of Buildings in conformance with the Building Code, that, including roofed areas, does not occupy an area in excess of 150 square feet, except that where the #urban ~~open space~~ plaza# has an area of less than 5,000 square feet, the aggregate area of the kiosks shall not exceed 100 square feet measured by exterior dimensions. The aggregate area occupied by kiosks in an #urban ~~open space~~ plaza# larger than 5,000 square feet shall not exceed 150 square feet or 1.5 percent of the total area of the #urban ~~open space~~ plaza#, whichever is greater, provided no one kiosk occupies an area of more than 150 square feet. A kiosk may be freestanding or may be attached on only one side to a wall of the #building# of the #development# or a #building# on the adjacent #zoning lot#. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may be occupied by #uses# such as news or magazine stands, candy stands, flower stands or information booths.

Where an open air cafe is provided, it shall occupy an aggregate area not more than 20 percent of the total area of the #urban ~~open space~~ plaza#. It shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have a temporary fabric roof in conformance with the Building Code. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #urban ~~open space~~ plaza#. No kitchen equipment shall be installed within an open air cafe; however, kitchen equipment may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in an #urban ~~open space~~plaza# through open windows. In all cases, only #uses# permitted by the applicable district regulations may occupy #urban ~~open spaces~~plazas# or front on #urban ~~open spaces~~plazas#.

- (54) Open air amphitheaters and open air ice skating rinks that charge admission may be placed within an #urban ~~open space~~plaza# upon certification pursuant to paragraph (eh)(65) of this Section. Such features shall be treated as permitted obstructions for the purposes of this paragraph, ~~(e) of this Section~~(Permitted obstructions).
- (65) Kiosks and open air cafes that comply with the provisions of paragraph (eh)(43) of this Section, and open air amphitheaters or open air ice skating rinks ~~which that~~ charge admission may be placed within the area of an #urban ~~open space~~plaza# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:
- (i) such #use# promotes public use and enjoyment of the #urban ~~open space~~plaza#;
  - (ii) such #use# complements and stabilizes desirable #uses# in the surrounding area;
  - (iii) such #use# is provided in accordance with the requirements set forth in this Section; and
  - (iv) the owners of such #use# will maintain such #use# in accordance with the provisions of paragraph (k) (Maintenance) of this Section.

All applications for the placement of kiosks, open air cafes, open air amphitheaters or open air ice skating rinks ~~which that~~ charge admission within an #urban ~~open space~~plaza# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section. All such plans for kiosks, open air cafes, open air amphitheaters or open air ice skating rinks ~~which that~~ charge admission, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk, open air cafe, open air amphitheater, or open air ice skating rink ~~which that~~ charges admission, pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk, open air cafe, open air amphitheater or open air ice skating rink ~~which that~~ charges admission within the #urban ~~open space~~plaza#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

- (6) An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years but, upon application, may be renewed for a similar period by the Chairperson of the City Planning Commission.

- (fh) Prohibition of driveways, parking spaces, loading berths, exhaust vents and building trash storage facilities

~~(4) No driveways, parking spaces, passenger dropoffs or loading berths are shall be permitted within an #urban plaza#. Furthermore, driveways are prohibited within #urban plazas# and #open air concourses#, and are permitted within a #sidewalk widening# only in accordance with the provisions of Section 37-042. (2) No building trash storage facilities are permitted within an #urban plaza#, nor shall any building trash storage facility be accessed or serviced through the #urban plaza#. If parking spaces, passenger drop-offs, driveways, loading berths or building trash storage facilities are located near or adjoin an #urban plaza#, they shall be separated from it by a building wall or planted area sufficient to visually conceal these facilities and any vehicles therein from any point in the #urban plaza#.~~

~~(3) No exhaust vents are permitted on any #urban open space# or on the building wall of the #development# fronting upon the #urban open space# except where such vents on the building wall are more than 8 feet 6 inches above the level of the #urban open space#.~~

~~For #urban plazas#, additional prohibitions are set forth in Section 37-043, paragraph (i).~~

- (i) Seating

There shall be a minimum of one linear foot of seating for each 30 square feet of #urban plaza# area, except that for #urban plazas# fronting upon a #street# having a grade change of at least 2.25 feet in 100 feet or for through #block urban plazas#, there shall be a minimum of one linear foot of seating for each 40 square feet of #urban plaza# area.

Not more than 50 percent of the linear seating capacity may be in movable seats that may be stored between the hours of sunset and sunrise.

The following standards shall be met for all required seating:

- (1) Seating shall have a minimum depth of 16 inches; however, seating with backs shall have a minimum depth of 14 inches and a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth shall count double, provided there is access to both sides.
- (2) At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface and at least 50 percent of this seating shall have backs at least 12 inches high. Seating higher than 36 inches or lower than 12 inches above the level of the adjacent walking surface shall not count towards meeting the seating requirements.
- (3) The flat tops of walls including but not limited to those that bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (f)(1) and (f)(2) of this Section, provided that they are made of stone, concrete or similar composite material, wood or plastic with a smooth surface and rounded upper edges with a radius of at least one inch to ensure seating comfort.
- (4) Movable seating or chairs, excluding seating for open air cafes, may be credited as 18 inches of linear seating per chair.
- (5) Steps, seats in outdoor amphitheatres and seating of open air cafes do not count towards meeting the seating requirement.
- (6) Seating for any #use# within an #urban plaza# is subject to applicable articles and amendments of the New York City Building Code.
- (7) For the benefit of persons with disabilities, a minimum of five percent of the required seating shall have backs.

(j) Planting and trees

For an #urban plaza# not exceeding 2,000 square feet in area, four trees are required.

For an #urban plaza# greater than 2,000 square feet in area, but not exceeding 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban plaza# area.

For an #urban plaza# greater than 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban plaza# area for the first 6,000 square feet of area and one additional tree is required for every 1,000 square feet, or part thereof, of the remaining #urban plaza# area.

For all #urban plazas#, at least 50 percent of the required plaza trees shall be planted with gratings flush to grade.

Where trees are planted within an #urban plaza#, they shall measure at least four inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches. Any planting bed containing required plaza trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls and shall have bounding walls not higher than 20 inches above the adjacent walking surface. Trees shall be planted at a maximum spacing of 25 feet within a single planting bed.

When planting beds are provided, they shall have a soil depth of at least two feet for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #urban plazas#. At least one tree of four-inch caliper or more shall be planted for each 25 feet of the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways. The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may also be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. The required trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, located and maintained in accordance with the specifications established by the Department of Parks and the Department of Highways. If the Commissioner of Buildings determines that the tree planting requirements of this paragraph cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel, the number of required #street# trees that cannot be planted as required in this paragraph shall be planted in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage or within the #urban plaza#.

(k) Mandatory allocation of frontages for permitted #uses#

At least 50 percent of the total frontage of building walls of the #development# fronting on an #urban plaza#, or fronting on an #arcade# adjoining an #urban plaza#, exclusive of such frontage occupied by vertical circulation elements, building lobbies

and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall be directly accessible from the major portion of the #urban plaza# or adjoining arcade.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

Frontage on the #urban plaza# that is occupied by a building lobby shall not exceed 75 feet or 40 percent of the total frontage of the #development's# building walls on the major portion of the #urban plaza#, whichever is less.

The building frontage on the major portion of the #urban plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #urban plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower.

(l) Paving

The paving of the #urban plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern. The paving of the #street# sidewalk area adjacent to the #development# may be treated with design patterns and materials sympathetic to that of the paving of the #urban plaza#. Any change of paving materials within the public right-of-way shall require review by the Department of Highways and the Art Commission.

(m) Standards of accessibility for persons with disabilities to #urban plazas#

(1) There shall be at least one path of travel conforming to the standards set forth in paragraph (m)(2) of this Section, providing access to each of the following:

- (i) the major portion of an #urban plaza#;
- (ii) any building lobby accessible to the #urban plaza#; and
- (iii) any #use# that may be present on or adjacent to the #urban plaza#.

(2) The following standards shall apply to assure access for persons with disabilities:

- (i) Such paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.
- (ii) Ramps shall be provided alongside any stairs or steps for such paths. Ramps shall have a minimum width of three feet, a slope of not greater

than 1:12, a non-skid surface and, for open-edged ramps, a two-inch high safety curb. At each end of a ramp there shall be a level area, which may be a public sidewalk, at least five feet long.

(iii) All stairs or ramps within such paths shall provide handrails. Handrails shall be 34 inches high, have a midrail 22 inches high and shall extend at least 18 inches beyond the stair or ramp ends.

(iv) Where stairs are used to effect changes of grade for such paths, they shall have closed risers, no projecting nosings, a maximum riser height of seven and one-half inches and a minimum tread width of eleven inches.

(gn) Lighting and electrical power

~~#Urban open spaces~~plazas shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. Such level of illumination shall be maintained from sunset to sunrise. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution shall be part of the required detail design plans as set forth in this Section. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of an ~~#urban open space~~plaza, ~~except for a #sidewalk widening#.~~

(hq) Public space signage systems

The following public space signage systems shall be required for all ~~#open air concourses#~~ and ~~#urban plazas#~~:

(1) Entry plaque

The entry plaque shall be located at each ~~#street#~~ frontage or point of pedestrian entry to the ~~#open air concourse#~~ or ~~#urban plaza#~~. A maximum of two entry plaques may be provided. The entry plaque shall contain:

- (i) a public space symbol which is at least 14 inches square in dimension; has a white background; has a grid of four (4) straight lines no greater than one-eighth inch wide and green in color; and has a tree-shaped symbol as shown;

(Illustration — tree symbol)

- (ii) lettering at least two inches in height stating "OPEN TO PUBLIC" This lettering shall be located within nine inches of the public space symbol; and
- (iii) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post with its center five feet above the elevation of the nearest walkable pavement. It shall be in a position that clearly identifies the entry into the ~~#open air concourse#~~ or ~~#urban plaza#~~, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the ~~#open air concourse#~~ or ~~#urban plaza#~~.

(2) Information plaque

An information plaque, with a surface area of not less than two feet square, constructed from the same permanent materials as the entry plaque and located within the most frequently used area of the ~~#open air concourse# or #urban plaza#~~, with clear lettering consisting of:

- (i) the type and quantity of trees, movable seating, and permanent artwork;
- (ii) the name of the current owner of the building and the name, address and phone number of the person designated to maintain the ~~#open air concourse# or #urban plaza#~~ between the hours of 9:00 a.m. and 5:00 p.m.;
- (iii) the statement, "Complaints regarding this urban ~~open space~~plaza may be addressed to the Department of City Planning or the Department of Buildings of the City of New York"; and
- (iv) the statement, "This urban ~~open space~~plaza is accessible to persons with disabilities."

(ip) ~~#Signs#~~

An ~~#urban open space~~plaza shall be treated as a ~~#street#~~ for the purposes of the applicable ~~#sign#~~ regulations. ~~#Signs#~~, except for the plaque required by paragraph (h) of this Section, are permitted only as ~~#accessory#~~ to ~~#uses#~~ permitted within the ~~#urban open space~~plaza and ~~#uses#~~ adjoining the ~~#urban open space~~plaza, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).

~~(j) Mandatory allocation of frontages for permitted #uses#~~

~~At least 50 percent of the total frontage of building walls of the #development# fronting on an #urban open space#, or fronting on an #arcade# adjoining an #urban open space#, exclusive of such frontage occupied by vertical circulation elements, building lobbies and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted.~~

~~All such #uses# shall be directly accessible from the #urban open space# or adjoining #arcade#. The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.~~

~~For #urban plazas#, additional requirements are set forth in Section 37-043, paragraph (l).~~

~~For #open air concourses#, the provisions of this Section, paragraph (j), shall apply to both the mezzanine portion and the #street# level portion.~~

~~For #sidewalk widenings#, the provisions of this Section, paragraph (j), shall not apply along any #narrow street# frontage.~~

(kg) Maintenance

- (1) The building owner shall be responsible for the maintenance of the #urban ~~open space~~plaza# including, but not limited to, the confinement of permitted obstructions, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#.
- (2) Litter receptacles shall be provided with a minimum capacity of one cubic foot for each 2,000 square feet of #urban ~~open space~~plaza# area excluding the area of any #sidewalk widening#. An additional capacity of one cubic foot of litter receptacle shall be provided for each 2,000 square feet of #urban ~~open space~~ plaza# area in connection with outdoor eating services or other #uses# permitted within #urban ~~open spaces~~plazas# that generate litter.
- (3) ~~#Urban open space uses#, specified in paragraph (e)(2)~~ Kiosks, open air cafes, open air amphitheaters and open air ice skating rinks permitted in accordance with the provisions of this Section, shall be confined within areas designated on building plans as available for occupancy by such #uses#. Encroachment by an #urban ~~open space~~plaza use# outside an area so designated shall be a valid ground for complaint and removal.
- (4) Performance bond

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post with the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to ensure the mandatory tree planting, movable seating exclusive of any seating for open air cafes, and the litter-free maintenance of the #urban ~~open space~~plaza# including the replacement of such trees and movable furniture during the life of the #development#.

In the event of a failure in the required performance, the Chairperson of the City Planning Commission shall notify the building owner in writing of such failure and shall stipulate the period of time in which the building owner has to correct the failure. If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default in the required performance and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any

required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond or City securities that the building owner is required to provide.

In the event that the City enforces the aforementioned obligation as provided for in this paragraph (k)(4) of this Section (Performance bond), the building owner shall, within 90 days of such enforcement, provide the City with an additional bond or City securities in an amount not less than that which was expended to cure the default.

The value of the bond or City securities if tendered prior to January 1, 1989~~98~~, shall be at a rate of \$750 per required tree, \$100 per movable chair and \$200 per 1,000 square feet of ~~#urban open space~~plaza# for litter removal as set forth in this Section.

Effective January 1, 1989, and at five year intervals thereafter, the City Planning Commission shall establish new rates for the mandatory tree planting, movable seating and litter-free maintenance of the ~~#urban open space#~~.

(lr) Penalties for violations

Failure to comply with the conditions or restrictions of the bonused ~~#urban open space#~~ shall constitute a violation of this Resolution and shall constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

No foundation permit shall be issued by the Department of Buildings for any #development# that includes an #urban plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #urban plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans demonstrating compliance with the provisions of this Section.

All plans for #urban plazas#, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the #urban plaza# pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

37-041

~~Open air concourses~~  
(Delete entire Section.)

~~37-042~~  
~~Sidewalk widenings~~  
(Delete entire Section.)

~~37-043~~  
~~Urban plazas~~  
(Delete entire Section.)

\* \* \*

37-05  
Improvement of Existing Plazas or Plaza-Connected Open Areas

\* \* \*

- (d) such #use# complies with the requirements set forth in paragraph (e)(4) of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widenings and Urban Plazas~~); and
- (e) the owner of such #use# will maintain such #use# in accordance with the maintenance and penalties for violations provisions of paragraphs ~~(k)~~ and ~~(l)~~ of Section 37-04.

\* \* \*

37-06  
Nighttime Closing of Existing Public Open Areas

\* \* \*

In order to promote increased public use of the public open areas in #Commercial# or #Manufacturing Districts#, the Commission may require, or the applicant may request, additional improvements to the existing public open areas, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-023 for #residential plazas#, or in Section 37-04, paragraph (eh)(43) for #urban plazas# or #plazas#. In no event shall any public open area be reduced in size.

\* \* \*

37-07  
Requirements for Pedestrian Circulation Space

All pedestrian circulation space required pursuant to the provisions of any special purpose district shall comply with the provisions of this Section, as such may be modified by the terms of the special district.

37-071

Amount of pedestrian circulation space

The minimum amount of pedestrian circulation space to be provided for #developments# or #enlargements# shall be determined by the following table:

MINIMUM PEDESTRIAN CIRCULATION SPACE REQUIREMENTS

<u>Size of #zoning lot#</u>	<u>Required #floor area#</u>
<u>5,000 to 20,000 square feet</u>	<u>1 square foot per 350 square feet of new #floor area#</u>
<u>Above 20,000 square feet</u>	<u>1 square foot per 300 square feet of new #floor area#</u>

37-072

Types of pedestrian circulation space

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, building entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #urban plaza#.

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

PROVISION OF PEDESTRIAN CIRCULATION SPACE  
ON CERTAIN TYPES OF LOTS

<u>Type of Pedestrian Circulation Space</u>	<u>#Corner lot#</u>	<u>#Through lot#</u>	<u>#Interior lot#</u>
Arcade	X	X	X
Building entrance recess area	X	X	X
Corner arcade	X		
Corner circulation space	X		
Relocation or renovation of subway stair	X	X	X
Sidewalk widening	X	X	X
Subway station improvement	X	X	X
Through #block# connection	X	X	
#Urban plaza#	X	X	X

Minimum design standards for each type of pedestrian circulation space and, where applicable, the maximum amount of each type of pedestrian circulation space that may be counted towards meeting the requirements of Section 37-071 (Amount of pedestrian circulation space) are set forth in Section 37-073 (Design standards for pedestrian circulation spaces).

37-073

Design standards for pedestrian circulation spaces

(a) Arcade

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 27-60 (ARCADES). In lieu thereof, the provisions of this Section shall apply.

An arcade is a continuous covered space that adjoins and extends along a #front lot line#, is at the same elevation as the adjoining sidewalk, is open for its entire length to the sidewalk except for columns and is accessible to the public at all times. An arcade shall be provided on the #wide street# frontage of a #zoning lot# of a new #development# or #enlargement# where the #zoning lot# lies directly adjacent to an existing arcade on a #wide street#, except where an existing #building# without an arcade extends along a portion of the #wide street front lot line# of the #zoning lot# containing the new #development# or #enlargement#.

Where an arcade abuts another arcade, there shall be a clear, unobstructed passage between both arcades.

An arcade shall meet the following requirements:

(1) Dimensions

An arcade with columns shall have a minimum clear width of 10 feet, exclusive of all columns, and a maximum width of 15 feet, inclusive of columns. No column width shall be greater than five feet. Columns shall be spaced along the #street# with a minimum clear width between columns of 15 feet. An arcade shall have a clear height of not less than 12 feet and not more than 30 feet.

- (i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:
  - (a) it has a continuous, unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the new #building# frontage, whichever is greater; and
  - (b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.
- (ii) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent #zoning lot#, matching it in width and alignment and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the new #building# frontage, whichever is greater.
- (iii) On a #corner lot# fronting on a #narrow street#, an arcade is permitted only if it extends for the full length of the #street# frontage, with the exception of a driveway for a required loading berth located at the #side lot line# of the #zoning lot#, or if the arcade provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: a corner arcade, a #plaza#, an off-street rail mass transit access improvement, an intersecting sidewalk widening, an intersecting #street#, a relocated or renovated subway entrance, a through #block# connection, a through #block# galleria or an #urban plaza#.
- (iv) On a #wide street#, an arcade shall be permitted, provided that:

- (a) the arcade extends along the full length of the #street line# between intersecting #streets#; or
- (b) in the case of a #building# that occupies less than the entire #street# frontage between intersecting #streets#, on a full blockfront #zoning lot#, unobstructed pedestrian flow along the entire frontage is provided on the #zoning lot# by the arcade in combination with one or more of the following #open spaces# with which the arcade connects at one or both ends: a corner circulation space, a #plaza#, an intersecting sidewalk widening or an #urban plaza#; or
- (c) in the case of a #building# whose #zoning lot# occupies less than the entire #street# frontage between intersecting #streets#, the arcade connects with an existing arcade of matching width and alignment, a #plaza# or an #urban plaza# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire blockfront is provided by the arcade in combination with such existing spaces.

(2) Full blockfront arcade

When a #zoning lot# occupies a full blockfront, both ends of the arcade on that #street# frontage shall be open and accessible directly from the sidewalk of the intersecting #street# or any other qualifying pedestrian circulation space.

(3) Permitted obstructions

Except for building columns, an arcade shall be free from obstructions of any kind.

(4) Specific prohibitions

No vehicular driveways, except as permitted under paragraph (a)(1) (Dimensions) of this Section, parking spaces, passenger drop-offs, loading berths or trash storage facilities are permitted within an arcade, nor shall such facilities be permitted immediately adjacent to an arcade.

(5)     Illumination

All existing and new arcades shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise.

(b)     Building entrance recess area

A building entrance recess area is a space that adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the building's lobby entrance or to the entrance to a ground floor #use#.

A building entrance recess area shall meet the following requirements:

(1)     Dimensions

A building entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the #street line# at a building's lobby entrance and a maximum length of 30 feet parallel to the #street line# at a ground floor #use# entrance. It shall have a maximum depth of 15 feet measured from the #street line# and shall have a minimum depth of 10 feet measured from the #street line#.

(2)     Permitted obstructions

Any portion of a building entrance recess area under an overhanging portion of the #building# shall have a minimum clear height of 15 feet. It shall be free of obstructions except for building columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a building column and a wall of the #building#, there shall be a clear path at least five feet in width.

(3)     Permitted overlap

A building entrance recess area may overlap with an arcade, a corner arcade, a corner circulation space or a sidewalk widening, and may adjoin or overlap and connect directly without obstruction to another building entrance recess area except that, on any one #street# frontage, each lobby or ground floor #use# shall connect to only one building entrance recess area.

(c)     Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 27-60 (ARCADES). In lieu thereof, a corner arcade shall be a small covered space adjoining the intersection of two #streets# at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner arcade shall meet the following requirements:

(1) Dimensions

- (i) a corner arcade shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#; and
- (ii) the height of a corner arcade shall be not less than 12 feet and a clear path at least 12 feet wide shall be provided from one #street line# to another #street line#.

(2) Permitted obstructions

Except for building columns, a corner arcade shall be free from obstructions of any kind.

(3) Specific prohibitions

The specific prohibitions pertaining to an arcade as described in paragraph (a)(4) of this Section shall also be applicable to a corner arcade.

(4) Permitted overlap

A corner arcade may overlap with an arcade; however, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

(d) Corner circulation space

A corner circulation space is a small #open space# on the #zoning lot# of a #development# or #enlargement#, adjoining the intersection of two #streets#, at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner circulation space shall meet the following requirements:

(1) Dimensions

A corner circulation space shall have the same minimum dimensions as a corner arcade, as described in paragraph (c)(1) of this Section.

(2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, building columns, #street# trees, planters, vehicle storage, parking or trash storage. No gratings, except for drainage, shall be permitted.

(3) Building entrances

Entrances to ground level #uses# are permitted from a corner circulation space.

An entrance to a building lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# that bound the corner circulation space.

(4) Permitted overlap

A corner circulation space may overlap with a sidewalk widening.

(e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair), one and a half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

(f) Sidewalk widening

A sidewalk widening is a continuous paved open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the #wide street# frontage of a #zoning lot# of a new #development# or #enlargement# where all existing #buildings# on the same #block# frontage, whether on the same or another #zoning lot#, provide sidewalk widenings.

A sidewalk widening shall meet the following requirements:

(1) Dimensions

A sidewalk widening shall have a width of no less than five feet nor more than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire length to a sidewalk.

A sidewalk widening shall extend along the full length of the #front lot line# except for the portion of the #front lot line# interrupted by an existing #building# which is located at a #side lot line# or, in the case of a full #block# frontage, located at the intersection of two #streets#.

A required sidewalk widening on a #wide street# shall connect directly to any existing adjoining sidewalk widening and shall extend the entire length of the new #front lot line#.

The width of such a required sidewalk widening shall equal that of the existing adjoining sidewalk widening. If there is more than one such existing sidewalk widening, the width of such a required sidewalk widening shall equal that of the existing sidewalk widening that is longest.

A sidewalk widening is permitted on a #wide street# when not adjacent to an existing sidewalk widening only if either the sidewalk widening extends along the #street line# of the #wide street# for the full length of the #block# front, or the #zoning lot# is a #corner lot# and the sidewalk widening extends along the full length of the #street line# of the #wide street# to its intersection with the #street line# of the other #street# on which the #zoning lot# fronts.

Except for the permitted interruptions, as set forth in paragraph (f)(2) of this Section, a sidewalk widening is permitted on a #narrow street# only if it has a length of at least 100 feet.

(2) Permitted interruptions

Interruptions of the continuity of a qualifying sidewalk widening shall be permitted only under the following conditions:

- (i) by an arcade that has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening;
- (ii) if overlapped by a corner circulation space or a building entrance recess area that permits uninterrupted pedestrian flow;
- (iii) if overlapped by an #urban plaza#, provided that the overlapping portion of such #urban plaza# conforms to the design standard of a sidewalk widening;
- (iv) by an off-street subway entrance provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#;
- (v) if overlapped by the queuing space of a relocated or renovated subway entrance, provided that the queuing space for the entrance leaves at least a five foot uninterrupted width of sidewalk widening along the entire length of the queuing space; or
- (vi) by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, a through #block# galleria or a through #block urban plaza# at such a #side lot line#, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted towards meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#.

(4) Specific prohibitions

No #street# trees are permitted on a sidewalk widening. No vehicle storage, parking or storage of trash is permitted on a sidewalk widening. Gratings may not occupy more than 50 percent of the sidewalk widening area nor be wider than one half the width of the sidewalk widening.

(5) Special design treatment

When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet nor less than five feet along the sidewalk widening from its termination.

The transition area shall receive special design treatment which may include, but is not limited to, landscaping, sculpture or building transparency. The transition area shall be designed to effect a gradual change of the sidewalk widening width to match the #street wall# line of the existing #building# at the sidewalk widening's termination. This may be accomplished by a curved or diagonal edge of paving along a landscaped bed, the use of stepped edges of the #building# or other architectural treatment of the #building# or paving which avoids an abrupt visual termination of the sidewalk widening. Such special design treatment may be considered a permitted obstruction.

(g) Subway station improvement

For #developments# or #enlargements# that are granted a special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan), no more than 3,000 square feet may count towards meeting the pedestrian circulation space requirement.

(h) Through #block# connection

A through #block# connection is a paved open or enclosed space providing unobstructed access to the building's main lobby and connecting, in a straight continuous unobstructed path, two parallel or nearly parallel #streets#.

Up to a maximum of 3,000 square feet of a through #block# connection may count towards the minimum pedestrian circulation space requirement.

A through #block# connection shall meet the following requirements:

(1) Location

- (i) A through #block# connection shall be located at least 150 feet from the intersection of two #streets#.
- (ii) Where the #zoning lot# or a portion thereof is directly across a #street# from, and opposite to, an existing through #block# connection on an adjacent #block# and the existing connection is at least 150 feet from the intersection of two #streets#, the alignment of the new through #block# connection shall overlap with that of the existing connection. Such existing connection may also be a through #block# galleria, through #block urban plaza# or any through #block# circulation area with a minimum width of 12 feet, which is located within a #building#.
- (iii) Where there are already two through #block# connections located on the same #block#, a new through #block# connection shall not count towards meeting the pedestrian circulation space requirement.
- (iv) No through #block# connection shall be permitted on any portion of a #zoning lot# occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission, or occupied by a #building# whose designation as a landmark or interior landmark has been calendared for public hearing and is pending before the Landmarks Preservation Commission.

(2) Design standards for a through #block# connection

- (i) A through #block# connection shall provide a straight continuous unobstructed path at least 15 feet wide. If covered, the clear unobstructed height of a through #block# connection shall not be less than 15 feet.
- (ii) At no point shall the level of a through #block# connection be more than five feet above or below #curb level#. In all cases, the through #block# connection must provide a clear path, accessible to people with disabilities, through its entire length.
- (iii) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.
- (iv) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the building's main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.

- (v) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the building's main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.
- (vi) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.
- (vii) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# or #development# is open for business and shall have posted, in prominent, visible locations at its entrances, signs meeting the standards set forth in paragraph (h)(2)(viii) of this Section.
- (viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:
  - (a) For an unenclosed through #block# connection, the public access information shall be an entry plaque located at the entrance to the through #block# connection at each #street# frontage. The entry plaque shall contain:
    - (1) a public space symbol which is at least 14 inches square in dimension, has a white background, has a grid of four straight lines no greater than one-eighth inch wide and green in color and has a tree-shaped symbol as shown:

---

(Illustration — Tree Symbol)

- (2) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine inches of the public space symbol; and
- (3) an international Symbol of Access for people with disabilities that is at least three inches square.

The entry plaque shall be mounted with its center five feet above the elevation of the nearest walkable pavement on a wall or a permanent freestanding post. It shall be placed so that the

entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the through #block# connection, in a position that clearly identifies the entry to the connection.

(b) For an enclosed through #block# connection or a portion thereof:

(1) a public space symbol as described in paragraph (h)(2)(viii)(a) of this Section, not less than six inches square, shall be mounted with its center five feet above the elevation of the nearest walkable pavement;

(2) lettering stating "PUBLIC ACCESS TO \_\_\_\_\_ STREET," indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol; and

(3) lettering not more than two inches or less than one and a half inches in height stating "OPEN TO PUBLIC" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol.

The above required information shall be permanently affixed on the glass panel of the entry doors of the through #block# connection clearly facing the direction of pedestrian flow. The information shall be located not higher than six feet or lower than three feet above the level of the pedestrian path at the entry, and shall be in a format and color which will ensure legibility.

(i) Urban plaza

A maximum of 30 percent of the area of an #urban plaza# that faces a #street# intersection, or provides access to a major building entrance, may be counted toward meeting the pedestrian circulation space requirement.

A maximum of 3,000 square feet of a through #block urban plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #urban plazas#, the first 10 feet of depth from the #street line# may be counted toward meeting the pedestrian circulation space requirement, provided that the #urban plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #urban plazas# shall comply with Section 37-04 (Requirements for Urban Plazas).

Any area of permitted overlap between pedestrian circulation spaces or other amenities shall be counted only once toward meeting the required amount of pedestrian circulation space. Unobstructed access shall be provided between overlapping spaces.

37-074

Modification of design standards of pedestrian circulation spaces within existing buildings

The City Planning Commission may authorize a modification of any required minimum amount of pedestrian circulation space to be provided on #wide street# frontages and design standards, as indicated, for the following required pedestrian circulation spaces, to be provided within or under an existing #building# to remain on a #zoning lot#:

- (a) Arcade: minimum width, minimum height, obstructions, minimum clear width between obstructions, minimum length, column sizes
- (b) Building entrance recess area: minimum length, minimum depth from #street line#, minimum height, obstructions, clear space between obstructions and clear space between obstructions and building wall
- (c) Corner arcade or corner circulation space: minimum depth, minimum width of clear path, minimum height, obstructions
- (d) Through #block# connection: minimum width of unobstructed path, minimum height, through #block# level

The Commission may authorize such a modification of design standards for pedestrian circulation spaces when the following conditions are met:

- (1) a modification is needed because of the inherent constraints of the existing #building#;

(2) the modification is limited to the minimum needed because of the inherent constraints of the existing #building#; and

(3) the pedestrian circulation space as modified shall be equal in area, and substantially equivalent, to the required space in quality, effectiveness and suitability for public use.

\* \* \*

ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

\* \* \*

Chapter 2  
Special Regulations Applying in the Waterfront Area

\* \* \*

62-13  
Applicability of District Regulations

\* \* \*

The provisions of this Chapter shall not apply to the following special purpose districts- unless expressly stated otherwise in the special district provisions:

~~#Special Battery Park City District#~~

~~#Special South Street Seaport District#~~

~~#Special Manhattan Landing Development District#~~

\* \* \*

ARTICLE VII  
ADMINISTRATION

\* \* \*

Chapter 3  
Special Permits by the Board of Standards and Appeals

\* \* \*

73-244

In C2, C3, C4\*, M1-5A, M1-5B, M1-5M, and M1-6M Districts and the Special Lower-Manhattan Tribeca Mixed- Use District

In C2, C3, C4\*, M1-5A, M1-5B, M1-5M, and M1-6M Districts and the Special Lower-Manhattan Tribeca Mixed- Use District, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

\* \* \*

Chapter 4  
Special Permits by the City Planning Commission

74-00

POWERS OF THE CITY PLANNING COMMISSION

\* \* \*

74-634

Subway station improvements in commercial zones of 10 FAR and above in Manhattan

The City Planning Commission may grant, by special permit, after public notice and hearing and subject to a Board of Estimate action, grant a #floor area# bonuses, modify Section 37-01 (Special Urban Design Guidelines Streetscape), Section 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), the provisions of #urban open space# in Section 12-10 (DEFINITIONS), and in a C5-5 District, height and setback and #rear yard# regulations not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations) and the #street wall# continuity provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) or Section 91-31 (Street Wall Regulations), for #developments# or #enlargements# located on #zoning lots# where which provide major improvements to adjacent subway stations are provided in accordance with the provisions of this Section. For the purposes of this Section, "adjacent" shall mean that upon completion of the improvement, the #zoning lot# will The subway stations in districts where such improvements may be constructed are listed in paragraph (a) of this Section. The #zoning lot# for the #development# or #enlargement# on which such #floor area# bonus is requested shall be adjacent to the subway station for which the improvement is proposed. In order for the #zoning lot# of the #development# or #enlargement# to qualify as "adjacent," it must physically adjoin a subway station mezzanine, platform, concourse or

connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements. Subway stations where such improvements may be constructed are those stations located within the #Special Midtown District# as listed in Section 81-511 (Subway station improvements), the #Special Lower Manhattan District# as listed in Section 91-43 (Special permit for subway station improvements), the #Special Union Square District# as listed in Section 118-60, and those stations listed in the following table:

(a) — Bonus eligible subway stations by line and zone

~~#Developments# or #enlargements# which provide major improvements to adjacent subway stations are eligible for a #floor area# bonus which shall not exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations. The stations eligible for bonus are as follows:~~

Station	Line	District
Wall Street-Broadway	IRT (Lexington Ave)	C5-5CR
Fulton Street-Broadway	IRT (Lexington Ave)	C5-5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6-4
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
23rd Street	IRT (Lexington Ave)	C5-2
28th Street	IRT (Lexington Ave)	C5-2
33rd Street	IRT (Lexington Ave)	C5-3
34th Street	IND (8th Ave)	C6-4
59th Street	IRT (Lexington Ave)	C5-2
South Ferry	IRT (Bway/7th Ave)	C5-5CR
Cortlandt Street	IRT (Bway/7th Ave)	C5-3
Wall Street	IRT (Bway/7th Ave)	C5-5
Fulton Street	IRT (Bway/7th Ave)	C5-5CR
Park Place	IRT (Bway/7th Ave)	C5-5CR
Broad Street	BMT (Nassau)	C5-5
Fulton Street	BMT (Nassau)	C6-4
Chambers Street	BMT (Nassau)	C6-4
Whitehall Street	BMT (Broadway)	C5-5CR
Cortlandt Street	BMT (Broadway)	C5-5
City Hall	BMT (Broadway)	C5-5CR
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
Lexington Avenue (60th Street)	BMT (Broadway)	C6-4
Broadway/Nassau	IND (8th Ave)	C5-5CR
Chambers Street	IND (8th Ave)	C6-4 C5-3CR
34th Street	IND (8th Ave)	C6-4
50th Street	IND (8th Ave)	C6-4

The selection of subway station improvements shall be on a case-by-case basis and shall be subject to the approval of the Metropolitan Transportation Authority, New York City Transit and the City Planning Commission. All such improvements shall comply with all applicable design standards of the current station planning guidelines of New York City Transit.

(b) ~~Compliance with Transit Authority design standards~~

~~The subway station improvement shall comply with all applicable design standards of the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975- and as may be subsequently revised).~~

(c) ~~Procedure~~

~~(1) Pre-application~~

~~The applicant shall submit schematic or concept plans for the proposed improvement to the Metropolitan Transportation Authority, the Transit Authority and the City Planning Commission.~~

~~(2) — Application pre-certification~~

~~After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and the City Planning Commission, the applicant shall submit necessary documentation in conformance with the New York City Transit Authority's "Guidelines for Submission and Approval of Outside Projects". Prior to certification by the City Planning Commission, the Transit Authority shall provide a letter to the Commission containing conceptual approval of the improvement and a statement of any special considerations regarding the Transit Authority's future operation of the improvement.~~

~~(3) — The special permit application to the City Planning Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the City from the proposed improvement and determining the appropriate amount of bonus #floor area# and for making the findings for the modifications of Section 37-01, Section 37-02 and height and setback regulations in C5-5 Districts.~~

~~(4) — The special permit application shall include any request for modification of special urban design guidelines pursuant to Section 74-634 paragraph (e) and of height and setback and #rear yard# regulations pursuant to Section 74-634 paragraph (f).~~

~~(5) — Uniform Land Use Review Procedure - certification~~

~~The City Planning Commission shall not certify any application under the Uniform Land Use Review Procedure until the requisite letter from the Transit Authority has been received and incorporated in the application. Such letter may be subject to subsequent execution of a final agreement with the developer.~~

~~(6) — Prior to the granting of a special permit:~~

~~(i) — the Transit Authority shall have submitted a letter to the City Planning Commission:~~

~~(a) — stating that the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials;~~

~~relationship to existing site conditions; and such other elements as may be appropriate; and~~

~~(b) — confirming that the construction of the subway improvement in accordance with such submission is feasible; and~~

~~(ii) — the applicant shall sign a legally enforceable instrument, running with the land containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.~~

~~(7) — The restrictive declarations and any instrument creating a transit easement on the #zoning lot# shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for the borough in which the improvement or easement is being created, and a certified copy of the instrument shall be submitted to the City Planning Commission and the Transit Authority.~~

~~(8) — Prior to obtaining a temporary certificate of occupancy for the bonus #floor area#, the bonused subway improvement shall be substantially complete, which shall, for this purpose, mean usable by the public, as determined by the Transit Authority.~~

~~(9) — Prior to obtaining a permanent certificate of occupancy, the bonused subway improvement must be 100 percent complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.~~

~~(d) — Floor area bonus~~

~~The amount of the #floor area# bonus shall be at the discretion of the City Planning Commission and may range from no #floor area# bonus to the maximum amount allowable by special permit pursuant to the provisions of this Section. For a #residential# or mixed #use development#, when a #floor area# bonus is granted pursuant to this Section, alone or in combination with other bonuses, the #lot area# requirements of Section 23-20 (DENSITY REGULATIONS-REQUIRED LOT AREA-PER DWELLING UNIT, LOT AREA PER ROOM, OR FLOOR AREA PER ROOM) and 35-40 (APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED-BUILDINGS) shall not apply. Instead for every 750 square feet of gross #residential floor area# provided, there shall be not more than one #dwelling unit#. In determining whether to grant a special permit and the precise amount of #floor area# bonus pursuant to the special permit, the Commission shall make all of the following findings:~~

- ~~(1) — the degree to which the station's general accessibility, rider orientation and safety will be improved by the provision of new connections, additions to circulation space or easing of circulation bottlenecks;~~
- ~~(2) — provision of escalators or elevators where justified by traffic or depth of mezzanine or platform below #street# level;~~
- ~~(3) — convenience and spaciousness of #street# level entrance and compatible relationship to the ground floor #uses# of the #development# or #enlargement#;~~
- ~~(4) — improvements in the station's environment by provision for daylight access, or improvements to noise control, air quality, lighting or other architectural treatments.~~

~~(e) — Modification of special urban design guidelines and urban open space~~

~~The City Planning Commission may modify the requirements of Section 37-01 (Special Urban Design Guidelines- Streetscape), Section 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), and the requirement for #urban open space# in Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) if it finds the provisions of a subway improvement cannot be accommodated without modification to these requirements.~~

~~(f) — Modification of height and setback and yard regulations~~

~~In a C5-5 District, in the case of on-site subway station improvements that generate #floor area# bonus pursuant to Section 74-634, the City Planning Commission may permit modification of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to #rear yard# regulations, or in Sections 33-41 to 33-45, inclusive, relating to height and setback regulations.~~

~~The City Planning Commission may grant such modification upon consideration that the applicable height and setback or #rear yard# regulations cannot be complied with by some method feasible for the applicant to pursue because of the provision of a subway station improvement, the size or irregular shape of the lot, the size or irregular shape of the #block# or width of #streets#. The Commission shall also consider the characteristics of surrounding development. The Commission shall require, where appropriate, sufficient safeguards to insure the free flow of pedestrian and vehicular traffic in the general area.~~

~~The City Planning Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.~~

(a) Pre-application requirements

Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority, New York City Transit and the Chairperson of the City Planning Commission.

(b) Requirements for application

The application for a special permit pursuant to this Section shall include a letter from New York City Transit to the City Planning Commission containing conceptual approval of the improvement and a statement of any special considerations regarding New York City Transit's future operation of the improvement. The applicant shall submit all information and justification sufficient to enable the Commission to:

- (1) evaluate the benefits to the City;
- (2) determine the appropriate amount of bonus #floor area#; and
- (3) where applicable, assess the advantages and disadvantages of waiving or modifying #street wall# continuity requirements.

(c) Conditions

- (1) For a #residential# or mixed #development#, when a #floor area# bonus is granted pursuant to this Section, alone or in combination with other bonuses, the #lot area# requirements of Sections 23-20 (DENSITY REGULATIONS—REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM) and 35-40 (APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS) shall not apply. Instead, the minimum average size of a #dwelling unit# shall be 790 square feet.
- (2) Within the #Special Midtown District#, for a #development# or #enlargement# within the Theater Subdistrict on a #zoning lot# containing a theater designated as listed pursuant to Section 81-742 (Listed theaters), the Commission shall find that the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) have been met.
- (3) Within the #Special Midtown District#, for a #development# or #enlargement# located on a #zoning lot# divided by a Theater Subdistrict Core boundary, as defined in Section 81-71 (General Provisions), the amount of #lot area# eligible for bonus #floor area# shall not exceed an amount equal to twice the #lot area# of that portion of the #zoning lot# located outside the Theater Subdistrict Core.

(d) Findings

- (1) In determining the amount of #floor area# bonus, the City Planning Commission shall consider the degree to which:

- (i) the general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and
- (ii) significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the #street# level entryway into the #development# or #enlargement# will occur.
- (2) In determining modifications to the requirements of Article 3, Chapter 7 (Special Regulations), the Commission shall find that the provisions of a subway improvement cannot be accommodated without modification to these requirements.
- (3) In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District# or Section 91-31 (Street Wall Regulations) in the #Special Lower Manhattan District#, the Commission shall find that the modification will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.

(e) Procedural requirements

Prior to the granting of a special permit, the City Planning Commission shall be provided with the following:

- (1) a letter from New York City Transit stating that the drawings and other documents submitted by the applicant have been determined by New York City Transit to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the subway improvement in accordance with such submission is feasible.
- (2) a legally enforceable instrument running with the land and signed by the applicant, and all parties in interest, other than parties in interest who have waived or subordinated their interest, containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and provide capital maintenance for the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.

(f) Recordation & completion procedures

Any instrument creating a transit easement on the #zoning lot# shall be recorded against the #zoning lot# in the Office of the Register of the City of New York and a certified copy of the instrument shall be submitted to the City Planning Commission and New York City Transit. The applicant shall not apply for nor accept a temporary certificate of occupancy for the bonus #floor area#, and the Department of Buildings shall not issue such a temporary certificate of occupancy, until New York City Transit has determined that the bonused subway improvement is substantially complete which shall, for this purpose, mean open to and usable by the public.

The applicant shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue such permanent certificate of occupancy, until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by New York City Transit.

The City Planning Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

\* \* \*

74-721

Height and setback and yard regulations

\* \* \*

~~(c) — Where a #development# on a #zoning lot# is located within the #Special South Street Seaport District# (Article VIII, Chapter 8), on application the Commission may permit modification of height and setback regulations and an increase in tower coverage beyond that allowed by Section 88-06 where the #development# satisfies either of the following conditions:~~

~~(1) — that the developer obtains negative easements limiting the height of future #development# to 85 feet or less on any adjoining #zoning lot(s)# which are contiguous or would be contiguous to said #zoning lot# but for the separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air comparable to the standards of the Seaport and Manhattan Landing Districts in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# will be located; or~~

~~(2) — that coverage on a #receiving lot# may be increased above 55 percent, but in no event to more than 80 percent, where additional #development rights# are~~

~~purchased and converted to coverage according to the formula set forth in Section 88-06.~~

~~Prior to the Commission's public hearing on such #development#, the applicant shall indicate, to the Commission, its final decision as to the option chosen.~~

~~(3) As a condition for the special permit, the Commission shall make the following findings:~~

~~(i) that such special permit will aid in achieving the general purposes and intent of the Special District(s) in which the #development# is located;~~

~~(ii) that the modification of height and setback will provide a better distribution of #bulk# on the #zoning lot#; and~~

~~(iii) that the distribution of #bulk# and the #development# permits adequate access of light and air to surrounding #streets# and properties.~~

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

~~(dc) In C5-3, C6-6 and C6-7 Districts excluding the "CR" Districts, which are provided for in a separate subsection hereunder, the Commission may modify height and setback and #yard# regulations including tower coverage controls for #developments# or #enlargements# located on a #zoning lot# having an area less than 40,000 square feet, provided the #zoning lot# occupies an entire blockfront on a #wide street#.~~

~~\* \* \*~~

~~(3) that the #development# . . .~~

~~\* \* \*~~

~~Such public open areas shall have a southern exposure, and adjoin a public sidewalk and be #developed# pursuant to the provisions of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), paragraphs (b) through (l), and Section 37-043 (Urban plazas), paragraphs (j) and (k). . .~~

~~\* \* \*~~

~~(ed) As a further condition for the issuance of a permit under this Section . . .~~

~~\* \* \*~~

- (f) ~~In all #Commercial Districts# indicated with a suffix "CR," the Commission may permit modifications of the height and setback and #yard# regulations, and spacing between #buildings# regulations involving abutting #buildings#, for:~~
- (1) ~~a #mixed building development#, complying with the provisions of Section 35-70 (SPECIAL PROVISIONS FOR CERTAIN MIXED BUILDINGS); or~~
  - (2) ~~a #mixed building enlargement# which except for paragraph (d) complies with the provisions of Section 35-70; or~~
  - (3) ~~a #building# solely occupied by permitted recreational and related #uses#, provided that the following findings are made:~~
    - (i) ~~that such modification will enhance the relationship of the #building# to nearby #buildings#;~~
    - (ii) ~~that in the case of a #mixed building development#, such modification will aid in the concentration and enhancement of the area or areas required for recreational space or other provided pedestrian amenities; and~~
    - (iii) ~~that in the case of a #building# solely occupied by permitted recreational and related #uses#:~~
      - (a) ~~public pedestrian circulation will be improved by the provision of substantial areas within the #zoning lot# accessible to the general public and located at or close to the principal level of pedestrian circulation in adjacent areas with prominent and obvious public entrances; and~~
      - (b) ~~such facility will contribute toward the viability and objectives of the #Commercial Residential# (CR) #District# by providing increased street activity during evening hours and on weekends.~~
- (ge) Notwithstanding any other provisions of the Zoning Resolution . . .

\* \* \*

74-91  
~~Urban Open Space Modifications~~ of Urban Plazas

In C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the City Planning Commission may permit modifications of the provisions of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening and Urban Plazas~~) affecting the eligibility of #urban plazas#, #sidewalk widenings# or #open air concourses# for bonus #floor area#, provided that such

~~modifications shall not include any modification of Sections 33-14 (Floor Area Bonus for an Urban Plaza) or 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening) for the bonus #floor area# of 10 square feet for each square foot of #urban open space plaza#, and that such Any modifications shall be conditioned upon the Commission findings made by the Commission in accordance with the provisions of this Section that the usefulness and attractiveness of the #urban plaza# will be assured by the proposed layout and design and that the #development# as a whole will produce a good urban design relationship with surrounding #buildings# and #open spaces#.~~

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #urban open spaces/plazas# to surrounding development.

\* \* \*

~~74-911  
Urban plazas  
(Delete entire Section.)~~

~~74-912  
Sidewalk widenings  
(Delete entire Section.)~~

~~74-913  
Open air concourses  
(Delete entire Section.)~~

\* \* \*

## ARTICLE VIII SPECIAL PURPOSE DISTRICTS

\* \* \*

~~Chapter 1  
Special Midtown District~~

\* \* \*

~~Table of Contents - Special Midtown District~~

\* \* \*

MANDATORY DISTRICT PLAN ELEMENTS	81-40
General Provisions	81-41
Retail Continuity Along Designated Streets	81-42
Street Wall Continuity Along Designated Streets	81-43

Curb Cut Restrictions	81-44
Provision of Pedestrian Circulation Space	81-45
<del>Through Block Connection</del>	<del>81-46</del>
Off-Street Relocation or Renovation of a Subway Stair	81-476
Major Building Entrances	81-487
Off-street Improvement of Access to Rail Mass Transit Facility	81-498
INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES	81-50
General Provisions and Procedures	81-51
<del>Subway Station Improvements</del>	<del>81-53</del>

\* \* \*

81-022

Applicability of Special Transit Land Use District regulations

\* \* \*

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:
- (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the City Planning Commission and ~~the~~ New York City Transit Authority for off-street relocation of a subway stair entrance in accordance with the requirements of Section ~~81-4746 (Off-Street Relocation of a Subway Stair)~~; or
  - (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and ~~the~~ New York City Transit Authority for the provision of a subway station improvement in accordance with the provisions of Section ~~81-5374-634~~ (Subway Station Improvements in commercial zones of 10 FAR and above in Manhattan).

\* \* \*

81-211

Maximum floor area ratio for non-residential or mixed buildings

\* \* \*

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS								
Means for Achieving Permitted FAR Levels on a #Zoning Lot#								
		Maximum #Floor Area Ratio# (FAR)						
		Districts						Grand Central Subdistrict
		C5 P	C6-4 C6-5 M1-6	C5-2.5 <sup>2</sup> C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 <sup>2</sup> C6-6 C6-7	C5-2.5	C5-3 C6-6
A	Basic maximum FAR	8.0	10.0	12.0	14.0	15.0	12.0	15.0
B	Maximum as-of-right #floor area# allowances: #Urban plaza# (Section 81-23)	--	1.0 <sup>1</sup>	1.0 <sup>1</sup>	--	1.0	--	--
C	Maximum FAR with as-of-right incentives	8.0	11.0 <sub>1</sub>	13.0 <sup>1</sup>	14.0	16.0	12.0	15.0
D	Maximum special permit #floor area# allowances: (district-wide incentives) Subway station improvement (Section <del>81-5374</del> 81-5374-634)	--	2.0 <sup>1</sup>	2.4 <sup>1</sup>	--	3.0	2.4	3.0

\* \* \*

81-23

Floor Area Bonus for Urban Plazas

\* \* \*

(b) no #development# or #enlargement# on a #zoning lot# shall receive a bonus for an #urban plaza# that is within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);

\* \* \*

All #urban plazas# provided within the #Special Midtown District# shall comply with the requirements for #urban plazas# set forth in Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening~~s and Urban Plazas).

A major portion of an #urban plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (~~Provision of Pedestrian Circulation Space~~), provided that the overlapping portion of the #urban plaza# also conforms to the design standards of Section ~~81-45~~ 37-07 (Requirements for Pedestrian Circulation Space) for a sidewalk widening. Such sidewalk widening may be included in the major portion of an #urban plaza# for purposes of calculating the proportional restrictions set forth in Section 37-04, paragraph (~~e~~d).

\* \* \*

81-413  
Provisions for persons with disabilities

All mandatory district plan elements required by the provisions of Section 81-45 (~~Provision of Pedestrian Circulation Space~~) or ~~Section 81-46 (Through Block Connection)~~ shall be accessible to persons with disabilities, meeting the standards set forth in Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening~~s and Urban Plazas), paragraph (~~d~~m).

\* \* \*

81-42  
Retail Continuity along Designated Streets

On designated retail #streets# . . . A #building's street# frontage shall be allocated exclusively to such #uses# except for lobby space or entrance space, entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to the provisions of Section ~~81-53~~74-634, or one or more of the following pedestrian circulation spaces subject to the #street wall# continuity requirements of Section 81-43: relocated subway stairs conforming to the requirements and standards of Section 81-476 and through #block# connections conforming to the provisions of paragraph (h) of Section 81-4637-073.

\* \* \*

81-43  
Street Wall Continuity Along Designated Streets

\* \* \*

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45, ~~or 81-46 or 81-47~~ subject to the setback restrictions of this Section and to the minimum length of the ~~#street wall#~~, subject to ~~such~~ the setback restrictions of this Section. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station improvement for which bonus ~~#floor area#~~ is granted, in accordance with the provisions of Section ~~81-53 (Subway Station Improvements)~~ 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan).

\* \* \*

The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the ~~#building#~~, through ~~#block#~~ connections within the ~~#building#~~ or building entrance recess areas within the ~~#building#~~, where such spaces are provided in accordance with the requirements and design standards of Sections 81-45, ~~or 81-46 or 81-47~~ and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the ~~#residential#~~ portion of a ~~#building#~~ shall comply with the ~~#outer court#~~ regulations of Section 23-84 (Outer Court Regulations).

\* \* \*

81-45  
~~Provision of Pedestrian Circulation Space~~

(Delete existing text.)

Within the #Special Midtown District#, all new #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space), as modified by the provisions of this Section..

The requirements for pedestrian circulation space may be met by providing one or more of the following types of spaces: arcade, building entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway, station improvement, through #block# connection or #urban plaza#.

In addition to the types of pedestrian circulation spaces listed in Section 37-07, the following may be counted towards meeting the minimum pedestrian space requirement:

- (a) up to a maximum of 3,000 square feet of an access improvement to rail mass transit, provided pursuant to Section 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility); and

(b) within the Theater Subdistrict, theater waiting space provided pursuant to Section 81-451.

However, pedestrian circulation space shall not be required if any of the following conditions exist:

- (1) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (2) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street frontage#;
- (3) the #zoning lot# is an #interior# or #through lot# fronting only on a #street# or #streets# where arcades, sidewalk widenings or #urban plazas# are prohibited;
- (4) the #zoning lot# is an #interior lot# fronting on either 34th Street, 42nd Street, 57th Street or Fifth Avenue, with another interior frontage of lesser length on any other #street#; or
- (5) the #zoning lot# is a #through lot# with both #street frontages# less than 25 feet in length.

New #developments# or #enlargements# on a #zoning lot# having a full #block# frontage on a #wide street# other than Fifth Avenue, 42nd Street, 34th Street or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on that #street#. In the case of a #zoning lot# having two full #block# frontages on #wide streets#, this minimum amount may be allocated on either one or both #wide streets#; where each #street# bounding a #zoning lot# with at least one full #block# frontage is a #wide street#, the minimum amount may be allowed on one or more of those #wide streets#.

Where pedestrian circulation space is provided along Seventh Avenue or Broadway between 43rd and 50th Streets, #signs# and marquees shall be permitted as exceptions to the requirements relating to permitted obstructions in Section 37-07 (Requirements for Pedestrian Circulation Space).

Special dimensional requirements for arcades and sidewalk widenings along designated #streets# are set forth in Section 81-43 (Street Wall Continuity along Designated Streets). Where a new #building# or #enlarged# portion of an existing #building# provides an arcade, no obstructions, including columns, shall be permitted within such arcade, and the maximum height of such arcade shall be 20 feet and the maximum width shall be 10 feet. Arcades or sidewalk widenings shall not be permitted on 34th Street, 42nd Street, 57th Street or Fifth Avenue frontages or on any #street# frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be permitted parallel to and along Seventh Avenue or Broadway.

81-451

~~Design standards for pedestrian circulation spaces  
Theater waiting space~~

(Delete existing text.)

Theater waiting space shall be an unobstructed area providing outdoor waiting space for a theater audience, located immediately adjacent to the sidewalk and to a theater listed in Section 81-742 (Listed Theaters) or a new theater designed and intended to show live theatrical performances. Theater waiting space may be located on the same #zoning lot# occupied by a theater or a #zoning lot# immediately adjacent to a theater, and shall meet the following requirements:

- (a) such space shall adjoin and open onto a sidewalk or sidewalk widening for its entire length and shall have a minimum length of 30 feet measured parallel to the #street line# and a minimum clear depth of 10 feet measured perpendicular to the #street line# exclusive of any columns. Its level shall be entirely the same as that of the adjoining sidewalk. When located under an overhanging portion of a #building or other structure#, it shall have a minimum clear height of 15 feet and be free of any obstructions except for #building# columns;
- (b) such space shall provide direct access to a #building's# entrance or the theater's lobby. Where the theater and the theater waiting space are on separate #zoning lots#, a plaque shall be provided within the theater waiting space adjacent to the theater stating that the space is available as a waiting area for the theater audience. Such plaque shall be placed between four feet and six feet above #curb level#, and shall be visible from the sidewalk;
- (c) such space shall not adjoin a driveway or an off-#street# loading berth;
- (d) the entire theater waiting space shall be illuminated with a minimum level of not less than eight horizontal foot-candles (lumens per foot).

The theater waiting space may overlap with an arcade, a building entrance recess area, a corner arcade, a corner circulation space or a sidewalk widening. However, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

~~81-452~~

~~Bonused amenities qualifying as pedestrian circulation spaces  
(Delete entire Section.)~~

81-453

~~Exemptions from the pedestrian circulation space requirements  
(Delete entire Section.)~~

81-454

~~Modification of design standards of pedestrian circulation spaces within existing buildings  
Delete entire Section)~~

~~81-46~~

~~Through Block Connection  
(Delete entire Section.)~~

~~81-461~~

~~Locational standards  
(Delete entire Section.)~~

~~81-462~~

~~Design standards for a through block connection  
(Delete entire Section.)~~

~~81-4781-46~~

~~Off-Street Relocation or Renovation of a Subway Stair~~

~~(Delete existing text.)~~

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

The subway stations where such improvements are required are listed in the following table and shown on Map 3 (Subway Station Improvement Areas) in Appendix A.

Station	Line
34th Street/Penn Station	IRT (Seventh Ave)
34th Street/Herald Square	BMT/IND (Sixth Ave)
42nd Street	IND (Eighth Avenue)
42nd Street/Times Square	BMT/IRT (Seventh Avenue)
42nd Street	IND (Sixth Avenue)
42nd Street/Grand Central Terminal	IRT (Lexington Avenue)
47th-50th Street (Rockefeller Center)	IND (Sixth Avenue)
49th Street (Seventh Avenue)	BMT
50th Street	IND (Eighth Avenue)
50th Street	IRT (Seventh Avenue)
51st Street	IRT (Lexington Avenue)
53rd Street (Seventh Avenue)	IND (Eighth Avenue)
Fifth Avenue (53rd Street)	IND (Queens)
Lexington Avenue/Third Avenue (53rd Street)	IND (Queens)
57th Street (Seventh Avenue)	BMT
57th Street (Sixth Avenue)	IND (Sixth Avenue)
Columbus Circle (59th Street)	IND (Eighth Avenue)/IRT (Seventh Avenue)

\* \* \*

81-471

~~Standards for location and design  
(Delete entire Section.)~~

81-472

~~Relocated or renovated subway stair as a pedestrian circulation space  
(Delete entire Section.)~~

81-473

~~Administrative procedure for subway stair relocation or renovation  
(Delete entire Section.)~~

81-487

Major Building Entrances

\* \* \*

81-498

Off-street Improvement of Access to Rail Mass Transit Facility

An off-street rail mass transit access improvement shall provide a new point of unobstructed off-street public access to a rail mass transit station or facility. It shall immediately adjoin, and be accessible without any obstruction from, ~~a public sidewalk, a sidewalk widening, a corner circulation space,~~ an arcade, a building entrance recess area, a corner arcade, a corner circulation space, ~~a building entrance recess area,~~ a public sidewalk, a sidewalk widening or an #urban plaza#, each of which shall have a minimum horizontal dimension equal to the width of the rail mass transit access improvement.. . .

\* \* \*

81-50

INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES

\* \* \*

81-51

General Provisions and Procedures

(Delete existing text.)

The City Planning Commission may grant special permits authorizing, for non-#residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of this Section.

81-511

Subway station improvements

Except in the Preservation Subdistrict and except for #zoning lots# wholly ~~contained within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action,~~ may grant special permits authorizing, for non-#residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of Section 81-5374-634 (Subway Sstation Ij improvements in commercial zones of 10 FAR and above in Manhattan). However, in the Theatre Subdistrict, ~~no special permit shall be issued pursuant to the provisions of Section 81-53 without prior certification by the City Planning Commission that either:~~

- (a) ~~there is not available to the applicant any feasible alternative involving the preservation or rehabilitation of an existing Theatre for which bonus #floor area# may be authorized by special permit or certification; or~~

~~(b) the amenity for which the special permit is requested, because of its importance to the surrounding area, has priority over any feasible alternative involving the preservation or rehabilitation of an existing theatre.~~

~~The total additional #floor area# permitted on the #zoning lot# by such special permit shall in no event exceed the amount permitted in the underlying district by the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings).~~

~~Within the #Special Midtown District#, certain special permit provisions of Article VII, Chapters 3,4, 8 and 9 are inapplicable or subject to modification, as set forth in Section 81-60 (APPLICABILITY OF ARTICLE VII PROVISIONS).~~

~~Failure to comply with the conditions or restrictions of the bonused amenity shall constitute a violation of this Resolution and shall constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.~~

~~The subway stations where such improvements are permitted are listed in the following table and shown on Map 3 (Subway Station Improvement Areas) in Appendix A.~~

<del>Station</del>	<del>Line</del>
<del>34th Street/Penn Station</del>	<del>IRT (Seventh Avenue)</del>
<del>34th Street/Herald Square</del>	<del>BMT/IND (Sixth Avenue)</del>
<del>42nd Street</del>	<del>IND (Eighth Avenue)</del>
<del>42nd Street/Times Square</del>	<del>BMT/IRT (Seventh Avenue)</del>
<del>42nd Street</del>	<del>IND (Sixth Avenue)</del>
<del>42nd Street/Grand Central Terminal</del>	<del>IRT (Lexington Avenue)</del>
<del>47th-50th Street (Rockefeller Center)</del>	<del>IND (Sixth Avenue)</del>
<del>49th Street (Seventh Avenue)</del>	<del>BMT</del>
<del>50th Street</del>	<del>IND (Eighth Avenue)</del>
<del>50th Street</del>	<del>IRT (Seventh Avenue)</del>
<del>51st Street</del>	<del>IRT(Lexington Avenue)</del>
<del>53rd Street (Seventh Avenue)</del>	<del>IND (Eighth Avenue)</del>
<del>Fifth Avenue (53rd Street)</del>	<del>IND (Queens)</del>
<del>Lexington Avenue/Third Avenue (53rd Street)</del>	<del>IND (Queens)</del>
<del>57th Street (Seventh Avenue)</del>	<del>BMT</del>
<del>57th Street (Sixth Avenue)</del>	<del>IND (Sixth Avenue)</del>
<del>Columbus Circle (59th Street)</del>	<del>IND (Eighth Avenue) /IRT (Seventh Avenue)</del>

~~81-53  
Subway Station Improvements  
(Delete entire Section.)~~

~~81-531  
Midtown subway stations  
(Delete entire Section.)~~

~~81-532  
Selection of improvements  
(Delete entire Section.)~~

~~81-533  
Compliance with Transit Authority design standards  
(Delete entire Section.)~~

~~81-534  
Procedure  
(Delete entire Section.)~~

~~81-535  
Floor area bonus  
(Delete entire Section.)~~

~~81-536  
Waiver or modification of street wall continuity provisions  
(Delete entire Section.)~~

\* \* \*

81-623  
Building lobby entrance requirements

\* \* \*

Each required building entrance shall lead directly to the building lobby. For #developments# or #enlargements# on #through lots#, required building entrances on each such #street# frontage shall be connected directly to the building lobby by providing a through #block# connection pursuant to paragraph (h)(2) Section 81-462 (Design standards for a through block connection) of Section 37-073. ~~The required through #block# connection shall be considered as pedestrian circulation space, meeting the requirements of Section 81-45 (Provision of Pedestrian Circulation Space), if it is more than 50 feet from the nearest north/south #street# or Depew Place.~~

Each required building entrance shall include a building entrance recess as defined in Section ~~81-45~~37-07 (Design standards for pedestrian circulation spaces), except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the length of a building entrance recess shall not be greater than 40 feet parallel to the #street line# and there may be only one building entrance recess area on each such #street# frontage.

\* \* \*

81-625  
Pedestrian circulation space requirements

Any #development# or #enlargement# within the Grand Central Subdistrict shall be subject to the provisions of Section 81-45 (~~Provision of Pedestrian Circulation Space~~), Section 81-4746 (Off-street Relocation or Renovation of a Subway Stair) and Section 81-~~4948~~ (Off-street Improvement of Access to Rail Mass Transit Facility),<sup>1</sup> except that:

\* \* \*

81-721  
Required use allocations on street frontages

\* \* \*

Where a stairway entrance into a subway is relocated onto a #zoning lot# in accordance with the requirements of Section 81-~~4746~~ (Off-Street Relocation of a Subway Stair) . . .

\* \* \*

81-731  
Special regulations for signs, transparency, banners and canopies

\* \* \*

- (a) . . . For the purposes of this Section, clear, unobstructed openings in the surface of a #street wall# provided for a stairway entrance into a subway relocated onto a #zoning lot# in accordance with the requirements of Section 81-~~4746~~ (Off-Street Relocation of a Subway Stair) or a through #block# connection provided in accordance with the requirements of paragraph (h) of Section 81-~~4637-073~~ (~~Through Block Connection~~) shall be treated as transparent glazed surfaces.

\* \* \*

81-741  
General provisions

\* \* \*

~~(g) Certification for subway station improvements~~

~~Within the Theater Subdistrict, any application for a special permit pursuant to the provisions of Section 81-53 (Subway Station Improvements) shall be subject to prior certification by the City Planning Commission in accordance with Section 81-51 (General Provisions).~~

\* \* \*

81-748  
~~Floor area bonus for through block galleries~~  
(Delete entire Section.)

\* \* \*

Chapter 4  
Special Battery Park City District

\* \* \*

84-20  
ZONE B

Zone B is designed to provide for commercial and mixed #development# with ancillary retail and service #uses#, in accordance with the Large Scale Commercial Development Plan which is attached as an exhibit to the Master Lease for Battery Park City dated June 6, 1980, as amended. Alignment of the pedestrian bridge at Liberty Street shall connect or allow for connection at the easterly line of West Street with a pedestrian ways connection to be provided on the southerly side of Liberty Street, as provided in this Section and Section 91-72 (Certification for development on the block bounded by Liberty, Washington, Cedar and West Streets). ~~set forth in Article VIII, Chapter 6 (Special Greenwich Street Development District).~~ In addition, the pedestrian bridge at the World Trade Center crossing shall connect or allow for connection with the World Trade Center at the easterly line of West Street. The pedestrian bridges are shown on the District Plan in Appendix 1.

\* \* \*

ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS

\* \* \*

~~Chapter 6  
Special Greenwich Street Development District  
(Delete entire Chapter.)~~

\* \* \*

~~Chapter 8  
Special South Street Seaport District  
(Delete entire Chapter.)~~

\* \* \*

ARTICLE IX  
SPECIAL PURPOSE DISTRICTS

Chapter 1  
Special Lower Manhattan District

<u>SPECIAL LOWER MANHATTAN DISTRICT</u>	<u>CONTENTS</u>
<u>GENERAL PURPOSES</u>	<u>91-00</u>
<u>General Provisions</u>	<u>91-01</u>
<u>Definitions</u>	<u>91-02</u>
<u>District Maps</u>	<u>91-03</u>
<u>Subdistrict and Core Areas</u>	<u>91-04</u>
<u>Applicability of the Quality Housing Program</u>	<u>91-05</u>
<u>Applicability of Article VII Provisions</u>	<u>91-06</u>
<u>SPECIAL USE REGULATIONS</u>	<u>91-10</u>
<u>Modification of Use Regulations in C5 Districts</u>	<u>91-11</u>
<u>Uses on Designated Retail Streets</u>	<u>91-12</u>
<u>Sign Regulations</u>	<u>91-13</u>
<u>FLOOR AREA AND DENSITY REGULATIONS</u>	<u>91-20</u>
<u>Floor Area Regulations for Residential Buildings and the Residential Portion of Mixed Buildings</u>	<u>91-21</u>
<u>Density Regulations for Residential Buildings and the Residential Portion of Mixed Buildings</u>	<u>91-22</u>
<u>Floor Area Regulations for Non-residential and Mixed Buildings</u>	<u>91-23</u>
<u>As-of-Right Bonuses for Increased Floor Area</u>	<u>91-24</u>
<u>Special Permit Bonuses for Increased Floor Area</u>	<u>91-25</u>

HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS	91-30
Street Wall Regulations	91-31
Setback Regulations	91-32
Lot Coverage Regulations	91-33
Maximum Horizontal Dimension for Tall Buildings	91-34
MANDATORY DISTRICT PLAN ELEMENTS	91-40
Regulations for Designated Retail Streets	91-41
Pedestrian Circulation Space	91-42
Off-Street Relocation or Renovation of a Subway Stair	91-43
OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS	91-50
Accessory Off-Street Parking for Residential Uses in Converted Buildings	91-51
Curb Cut Regulations	91-52
REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT	91-60
General Provisions	91-61
Definitions	91-62
Transfer Areas Map	91-63
Transfer of Development Rights from Granting Lots	91-64
Addition of Development Rights to Receiving Lots	91-65
Modification of Bulk Regulations	91-66
Recordation	91-67
Designated Pedestrian Ways	91-68
Special Permit for Development of Piers 9, 11, 13 and 14	91-69
SPECIAL REGULATIONS FOR CERTAIN AREAS	91-70
Authorization for the Modification of Required Public Amenities	91-71
Certification for Development on the Block Bounded by Liberty, Washington, Cedar and West Streets	91-72
Special Permit for Development over the Approaches to the Brooklyn Battery Tunnel	91-73
Special Provisions for Battery Park Underpass/South Street	91-74
District Maps	Appendix A

## 91-00

### GENERAL PURPOSES

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

- (a) Encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;
- (b) Facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- (c) Improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) Enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- (e) Restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;
- (f) Establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration; and
- (g) Promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

## 91-01

### General Provisions

Except as modified by the express provisions of this District, the regulations of the underlying zoning districts shall remain in effect.

Requirements that apply generally throughout the #Special Lower Manhattan District# are set forth in the provisions for this Chapter. The provisions of Section 91-40 (MANDATORY DESIGN PLAN ELEMENTS) specify planning and urban design features to be provided in connection with new #developments# or #enlargements# that are primarily oriented toward the accommodation and well-being of pedestrians. For requirements that are not generally applicable but are tied to specific locations within the Special District, the locations where these requirements apply are shown on District Map 2 (Street Wall Continuity Types 1, 2 &

3), Map 3 (Street Wall Continuity Types 4 & 5), Map 4 (Designated Retail Streets) and Map 5 (Curb Cut Prohibitions) in Appendix A.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area) shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

An existing public amenity, open or enclosed, that was a mandatory requirement or received a #floor area# bonus pursuant to the provisions of the former Special Greenwich Street Development District, eliminated on (effective date of amendment), shall not be removed, reduced in size or in any way altered, other than pursuant to the provisions of Section 91-71 (Authorization for the Modification of Required Public Amenities).

Special regulations governing the development of three specific sites in the Special Lower Manhattan District are set forth in the following Sections:

Section 91-72 (Certification for Development on the Block bounded by Liberty, Washington, Cedar and West Streets)

Section 91-73 (Special Permit for Development over the Approaches to the Brooklyn Battery Tunnel)

Section 91-74 (Special provisions for Battery Park Underpass/South Street).

#### 91-02 Definitions

For the purposes of this Chapter, matter in italics is defined in Section 12-10, or 91-62 (Definitions).

#### 91-03 District Maps

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 Special Lower Manhattan District  
Map 2 Street Wall Continuity Types 1, 2 & 3  
Map 3 Street Wall Continuity Types 4 & 5  
Map 4 Designated Retail Streets  
Map 5 Curb Cut Prohibitions  
Map 6 South Street Seaport Subdistrict (Section 91-63)  
Map 7 Subway Station Improvement Areas.

91-04

Subdistrict and Core Areas

In order to carry out the purposes and provisions of this Chapter, the South Street Seaport Subdistrict and the Historic and Commercial Core are established within the #Special Lower Manhattan District# and include specific regulations designed to advance the purpose of these areas:

(a) The South Street Seaport Subdistrict

The South Street Seaport Subdistrict contains certain provisions that do not apply to other areas of the Special District. Except as otherwise provided in the Subdistrict regulations, the Subdistrict is subject to all other regulations of the #Special Lower Manhattan District# and the underlying districts. The requirements for the South Street Seaport Subdistrict are set forth in Section 91-60 (SPECIAL REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT).

The Subdistrict is shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A.

(b) The Historic and Commercial Core

The Historic and Commercial Core has been established to promote #development# compatible with existing #buildings# that border the area whose street plan has been accorded landmark status by the New York City Landmarks Commission as the Streetplan of New Amsterdam and Colonial New York. Height and setback provisions for the Historic and Commercial Core are set forth in Sections 91-31 through 91-33.

The Core is bounded by Broadway and Wall, Whitehall and Water Streets, as shown on Map 1 (Special Lower Manhattan District) in Appendix A.

91-05

Applicability of the Quality Housing Program

Within the #Special Lower Manhattan District#, #residential buildings# or the #residential# portion of a #mixed building# may be #developed# or #enlarged# in accordance with the provisions of Article II, Chapter 8 (The Quality Housing Program), except that the #bulk# regulations of Section 28-11 shall be superseded by the #bulk# regulations of this Chapter. Recreation space required pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall be in addition to any recreation space required pursuant to this Chapter.

91-06

Applicability of Article VII Provisions

91-061

Applicability of special permits by the Board of Standards and Appeals

Within the #Special Lower Manhattan District#, the following Board of Standards and Appeals special permits shall not be applicable or shall be applicable only as modified:

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

Section 73-68 (Modifications of Height, Setback and Rear Yard Regulations)

The following special permits by the Board of Standards and Appeals shall be applicable as modified:

Section 73-21 (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 (Streets Where Street Wall Continuity Is Required) or Map 4 (Designated Retail Streets) in Appendix A

Section 73-244 (In C2, C3, C4\*, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall also apply in C5 Districts to eating or drinking establishments with entertainment, including musical entertainment or dancing, and a capacity of more than 200 persons.

91-062

Applicability of special permits by the City Planning Commission

Within the #Special Lower Manhattan District#, the following City Planning Commission special permits shall not be applicable or shall be applicable within C5 Districts, as follows:

The following special permits by the City Planning Commission shall not be applicable:

Section 74-721 (Modification of Height, Setback and Yard Regulations)

Section 74-722 (Special Floor Area Regulations)

The following special permits by the City Planning Commission shall be applicable also within C5 Districts:

Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions)

Section 74-46 (Indoor Interactive Entertainment Facilities).

91-10  
SPECIAL USE REGULATIONS

91-11  
Modification of Use Regulations in C5 Districts

91-111  
Additional uses in C5 Districts

In addition to the special permit #uses# cited in Section 91-05, the #use# regulations for C5 Districts within the #Special Lower Manhattan District# are modified to permit the following #uses#:

From Use Group 7:

Use Groups 7B and 7E

From Use Group 8:

Use Groups 8A\*, 8B and 8E

From Use Group 12:

Use Groups 12A\*\*, 12B, 12C and 12E

---

\* inclusive of the waiting area requirements for theaters as listed in Use Group 8A

\*\* except for eating or drinking establishments as listed in Use Group 12A

91-112

Eating and drinking establishments with dancing in C5 Districts

In all C5 Districts within the Special District, in addition to eating and drinking establishments permitted pursuant to Section 32-15 (Use Group 6), the following types of eating and drinking establishments shall be permitted:

Eating or drinking establishments with entertainment, including musical entertainment or dancing, with a total capacity of 200 persons or fewer, shall be permitted, provided that the dance floor or area, if any, does not exceed 400 square feet. The locational and waiting area requirements for eating or drinking establishments of Section 73-244 (In C2, C3, C4\*, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall apply.

Eating or drinking establishments with entertainment, including musical entertainment or dancing, with a capacity of more than 200 persons shall be permitted, pursuant to the provisions of Section 73-244, as modified in Section 91-061 (Applicability of special permits by the Board of Standards and Appeals).

91-113

Location of certain commercial uses

In C5 Districts within the Special District#, the provisions of Section 32-423 (Limitation on ground floor location) shall not apply.

91-12

Uses on Designated Retail Streets

On designated retail #streets#, as shown on Map 4 in Appendix A, for any #development# or #enlargement# fronting on such #streets#, #uses# located on the ground floor level, or within five feet of #curb level#, shall be limited to only those #uses# permitted by the underlying regulations and Section 91-111 (Additional uses in C5 Districts), other than automobile showrooms or plumbing, heating or ventilating equipment showrooms or any of the #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

91-13

Sign Regulations

In the #Special Lower Manhattan District#, except as modified by the provisions of this Section, the regulations of Section 32-60, *et. seq.* pertaining to #signs#, shall apply.

91-131

Illuminated signs in C5 Districts

In all C5 Districts within the Special District, not more than one #illuminated#, non-#flashing sign#, other than an #advertising sign#, with a total #surface area# not exceeding eight square feet shall be permitted for each #street# frontage of the #zoning lot#. Such #sign# may be located only within a window of a #building#.

91-132

Banner regulations

In all C5 and C6 Districts within the Special District, in lieu of the provisions of Section 32-652 (Permitted projection in all other Commercial Districts), banners may project across a #street line# for a maximum distance of eight feet.

In C5-3 or C5-5 Districts within the Special District, in lieu of the provisions of Section 32-655 (Height of signs in all other Commercial Districts), banners may extend above #curb level# to a maximum height of 40 feet.

91-20

FLOOR AREA AND DENSITY REGULATIONS

91-21

Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings

91-211

Maximum floor area ratio for residential uses

Within the #Special Lower Manhattan District#, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be determined in accordance with the regulations of the underlying district and may not be increased except as provided in Sections 91-212 (Floor area increase in a C6-4 District) or 91-213 (Floor area increase for provision of recreation space).

In a C4-6 District, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be 3.4.

91-212

Floor area increase in a C6-4 District

In a C6-4 District, except within the South Street Seaport Subdistrict, the #residential floor area# of a #building# may exceed 10.0 in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING) or Section 91-241 (Floor area bonus for urban plazas), provided that the maximum #residential #floor area# ratio shall not exceed 12.0.

91-213

Floor area increase for provision of recreation space

In C5-3, C5-5 and C6-9 Districts, the #residential floor area# of a #building# may be increased to 12.0, provided that the #building# includes recreation space for the #residential# occupants in an amount not less than 13 square feet for each #rooming unit#, 16.25 square feet for each #dwelling unit#, or a total area of at least 5,000 square feet, whichever is greater.

Such recreation space may be located at any level, including a roof, and shall:

- (a) be restricted to #residential# occupants of the #building# and their guests for whom no admission or membership fees may be charged;
- (b) be directly accessible from a lobby or other public area served by the #residential# elevators;
- (c) be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas;
- (d) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet; and
- (e) have not less than 50 percent of the area open from its lowest level to the sky. The remaining portion may be roofed and up to 50 percent of its perimeter may be enclosed. In no event may more than 25 percent of the required recreation space be fully enclosed. All enclosures shall be transparent except when located within the #building#. Covered areas shall contain recreation facilities or seating areas.

A copy of requirements (a) through (e) shall be permanently posted in a conspicuous place within each recreation space.

91-22

Density Regulations for Residential Buildings and the Residential Portion of Mixed Buildings

In the #Special Lower Manhattan District#, the #lot area# requirements of Sections 23-20 (DENSITY REGULATIONS—REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM) and 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) and the provisions of Section 35-42 (Density or Lot Area Bonus in Mixed Buildings) shall not apply to any #residential# or #mixed building development#. In lieu thereof, the maximum number of #dwelling units# or #rooming units# shall equal the total #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

Each #dwelling unit# shall contain at least 400 square feet of #floor area# except that this requirement shall not apply to #non-profit residences for the elderly#.

MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS

<u>District</u>	<u>#Dwelling Unit# Factor</u>	<u>#Rooming Unit# Factor</u>
<u>R8 (or commercial equivalent)</u>	<u>740</u>	<u>530</u>
<u>R10 (or commercial equivalent)</u>	<u>790</u>	<u>600</u>

The maximum number of #dwelling units# or #rooming units# for #non-profit residences for the elderly# may be increased over the amount of #dwelling units# or #rooming units# permitted by this Section by up to 10 percent.

91-23

Floor Area Regulations for Non-Residential and Mixed Buildings

For non-#residential buildings# or #mixed buildings# within the #Special Lower Manhattan District#, the basic maximum #floor area ratio# of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified on the following chart.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in the following table. Wherever there may be an inconsistency between any provision in Section 74-79 and the following table, the provisions of the table shall apply.

**MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY DISTRICT**

<u>BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)</u>									
<u>Means for Achieving Permitted FAR Levels on a #Zoning Lot#</u>	<u>#Special Lower Manhattan District# except within the Core or Subdistrict</u>			<u>Historic and Commercial Core</u>	<u>South Street Seaport Subdistrict and all waterfront #zoning lots#</u>				
	<u>R8</u>	<u>C6-4</u>	<u>C5-3 C5-5 C6-9</u>		<u>C5-5</u>	<u>M1-4</u>	<u>- C2-8</u>	<u>C4-6</u>	<u>C6-4</u>
<u>Basic maximum FAR</u>	<u>6.02<sup>1</sup></u>	<u>10</u>	<u>15</u>	<u>15</u>	<u>2.0<sup>2</sup></u> <u>6.5<sup>3</sup></u>	<u>2.0<sup>2</sup></u> <u>3.4<sup>3</sup></u>	<u>3.4</u>	<u>10</u>	<u>15</u>
<u>Maximum as-of-right #floor area# bonus for #urban plazas#</u>	<u>NA</u>	<u>2</u>	<u>3</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Maximum as-of-right #floor area# bonus for Inclusionary Housing</u>	<u>NA</u>	<u>2</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Maximum FAR with as-of-right #floor area# bonuses</u>	<u>6.02<sup>1</sup></u>	<u>12</u>	<u>18</u>	<u>15</u>	<u>2.0<sup>2</sup></u> <u>6.5<sup>3</sup></u>	<u>2.0<sup>2</sup></u> <u>3.4<sup>3</sup></u>	<u>3.4</u>	<u>10</u>	<u>15</u>
<u>Maximum special permit #floor area# bonuses: subway station improvements &amp; #covered pedestrian spaces#</u>	<u>NA</u>	<u>2</u>	<u>3</u>	<u>3</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Maximum total FAR with as-of-right and special permit #floor area# bonuses</u>	<u>6.02<sup>1</sup></u>	<u>12</u>	<u>18</u>	<u>18</u>	<u>2.0<sup>2</sup></u> <u>6.5<sup>3</sup></u>	<u>2.0<sup>2</sup></u> <u>3.4<sup>3</sup></u>	<u>3.4</u>	<u>10</u>	<u>15</u>
<u>Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)</u>	<u>NA</u>	<u>10</u>	<u>15<sup>4</sup></u> <u>18<sup>5</sup></u>	<u>15</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Maximum total FAR with transferred development rights from landmark #zoning lot# and as-of-right and special permit #floor area# bonuses</u>	<u>6.02<sup>1</sup></u>	<u>14</u>	<u>21.6</u>	<u>21.6</u>	<u>2.4<sup>2</sup></u> <u>7.8<sup>3</sup></u>	<u>2.0<sup>2</sup></u> <u>3.4<sup>3</sup></u>	<u>3.4</u>	<u>12</u>	<u>21.6</u>

<u>Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (Section 91-60)</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>2.0<sup>2</sup></u>	<u>3.4</u>	<u>12</u>	<u>21.6</u>
						<u>3.4<sup>3</sup></u>			

1. Maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3.
2. For a #commercial# or, where permitted, #manufacturing use#.
3. For a #community facility use#.
4. If receiving lot is located in a zoning district with a basic maximum FAR of less than 15.
5. If receiving lot is located in a zoning district with a basic maximum FAR of 15.

91-24

As-of-Right Bonuses for Increased Floor Area

Within the #Special Lower Manhattan District#, as-of-right bonuses for increased #floor area# are allowed only in accordance with the provisions of this Section.

91-241

Floor area bonus for urban plazas

The maximum permitted #floor area# on a #zoning lot# may be increased in accordance with the following regulations, provided that an #urban plaza#, which shall meet the requirements of Section 37-04 (Requirements for Urban Plazas), is included in the #development# or #enlargement#.

- (a) A #floor area# bonus for an #urban plaza# shall not be permitted for any #development# or #enlargement# located within:
  - (1) the Historic and Commercial Core;
  - (2) the South Street Seaport Subdistrict; or
  - (3) 50 feet of a #street line# of a designated #street# on which:
    - (i) retail continuity is required pursuant to Section 91-41 (Regulations for Designated Retail Streets), or;
    - (ii) #street wall# continuity is required pursuant to the regulations for Type 1 or Type 2 #street walls# pursuant to Section 91-31 (Street wall Regulations).
- (b) For each square foot of an #urban plaza#, the basic maximum #floor area# permitted by Section 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings) may be increased, in C6-4 Districts, by six square feet to a maximum #floor area# ratio of 12.0; and, in C5-3, C5-5 and C6-9 Districts, by ten square feet to a maximum #floor area# ratio of 18.0.
- (c) When an #urban plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of

the #urban plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

#### 91-242

Floor area bonuses for improvements on the block bounded by Liberty, Washington, Cedar and West Streets

For any #development# on the #block# bounded by Liberty, Washington, Cedar and West Streets within the former #Special Greenwich Street Development District#, certain improvements, as certified by the City Planning Commission, shall be eligible for as-of-right bonuses for #floor area#, pursuant to the provisions of Section 91-72.

#### 91-25

Special Permit Bonuses for Increased Floor Area

Within the #Special Lower Manhattan District#, the City Planning Commission may grant the following special permits for increased #floor area# in accordance with the provisions of this Section.

#### 91-251

Special permit for subway station improvements

Within the #Special Lower Manhattan District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings) or 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings)

For the purposes of the Special District, the #zoning lot# for the #development# or #enlargement# that will receive the #floor area# bonus shall be located within a #Commercial District# with a #floor area ratio# of 10.0 or above and shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.

The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A.

Station	Line
Bowling Green	IRT (Lexington Avenue)
Broad Street	BMT (Nassau)
Broadway/Nassau	IND (Eighth Avenue)
Brooklyn Bridge (City Hall)	IRT (Lexington Avenue)
Chambers Street	BMT (Nassau)
Chambers Street	IND (Eighth Avenue)
Chambers Street	IRT (Seventh Avenue)
City Hall	BMT (Broadway)
Cortlandt Street (World Trade Center)	BMT (Broadway)/IRT (Seventh Avenue)
Fulton Street	BMT (Nassau)
Fulton Street	IRT (Seventh Avenue)
Fulton Street (Broadway)	IND (Eighth Avenue)/IRT (Lexington Avenue)
Rector Street	BMT (Broadway)/IRT (Seventh Avenue)
Park Place	IRT (Seventh Avenue)
South Ferry	IRT (Seventh Avenue)
Wall Street	IRT (Seventh Avenue)
Wall Street (Broadway)	IRT (Lexington Avenue)
Whitehall Street	BMT (Broadway)
World Trade Center	IND (Eighth Avenue)

91-252

Special permit for covered pedestrian space

In C5-3, C5-5, C6-4 and C6-9 Districts within the #Special Lower Manhattan District#, except within the South Street Seaport Subdistrict, the City Planning Commission may grant, by special permit, a #floor area# bonus for a #commercial# or #community facility development# or #mixed building# that provides #covered pedestrian space# on a #zoning lot#, in accordance with the provisions of Section 74-87 (Covered Pedestrian Space).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings) and 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings).

91-30

HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section, except that in the C6-4 District within the South Street Seaport Subdistrict, the provisions of Section 33-432 (In other Commercial Districts) may be applied as an alternative to the height and setback and #lot coverage# regulations of this Section.

The height of all #buildings or other structures# shall be measured from #curb level#.

91-31  
Street Wall Regulations

Within the #Special Lower Manhattan District#, all portions of #buildings or other structures# located above the maximum base heights specified in paragraph (a) of this Section shall provide a setback in accordance with the regulations of Section 91-32 (Setback Regulations).

(a) Within the Special District, the maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater, except as provided for the following types of #street wall# regulations:

(1) #Street wall# regulations: Type 1

For #developments# or #enlargements# that front upon a #street# indicated as "Type 1" on Map 2 (Street Wall Continuity Types 1, 2 & 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum base height of 150 feet or the height of the #building#, whichever is less. The maximum base height shall be 250 feet.

(2) #Street wall# regulations: Type 2

For #developments or enlargements# that front upon a #street# indicated as "Type 2" on Map 2 (Street Wall Continuity Types 1, 2 & 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(3) #Street wall# regulations: Type 3

For #developments or enlargements# that front upon a #street# indicated as "Type 3" on Map 2 (Street Wall Continuity Types 1, 2 & 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum base height of 60 feet, five stories, or the height of the #building#, whichever is less. The maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater.

(4) #Street wall# regulations: Type 4

For #developments# or #enlargements# that front upon a #street# within the Historic and Commercial Core, indicated as "Type 4" on Map 3 (Street Wall Continuity Types 4 & 5) in Appendix A, the maximum base height shall be 100 feet.

(5) #Street wall# regulations: Type 5

For #developments# or #enlargements# that front upon a #street# indicated as "Type 5" on Map 3 (Street Wall Continuity Types 4 & 5) in Appendix A, no setbacks are required for any portion of a #building#.

(b) For #developments# or #enlargements# that front upon a #street# indicated as "Type 1" or "Type 2," at least 70 percent of the #aggregate width of street walls# shall be located on such #street line#. For #developments# or #enlargements# that front upon a #street# indicated as "Type 3," at least 70 percent of the #aggregate width of street walls# shall be located within 10 feet of the #street line#. The remaining 30 percent of the #aggregate width of street walls# may be located beyond such #street lines# in compliance with:

(1) the #outer court# regulations of Article II, Chapter 3, for #residential# portions of #buildings#; or

(2) the #outer court# regulations of Article II, Chapter 4, for all other portions of #buildings#; or

(3) the requirements of Section 37-07 (Requirements for pedestrian circulation space) where such areas are pedestrian circulation spaces.

(c) When a #building# fronts on two intersecting #streets# for which different maximum base heights are specified, the higher maximum base height may wrap around to the #street# with the lower maximum base height for a distance along the #street line# of 100 feet. However, "Type 5" #street walls# shall not be permitted to wrap around to the intersecting #street#.

(d) Arcades and sidewalk widenings shall be permitted along any #street# indicated as "Type 1," "Type 2" or "Type 3," pursuant to paragraphs (a), (b) or (c) of this Section, provided such arcade or sidewalk widening extends along the entire #block# frontage or abuts another arcade, existing on (effective date of amendment), of equal width and height or another sidewalk widening of equal width. In such case, the #street wall# requirements for paragraph (b) of this Section shall be measured from the permitted arcade or sidewalk widening.

91-311

Modification of streetwall regulations

Within the #Special Lower Manhattan District#, the City Planning Commission, by special permit, may modify the locational requirements and minimum base heights of Section 91-31 (Street Wall Regulations), provided that the Commission finds such change will:

- (a) produce an improved site plan consistent with existing scale and #street# configuration patterns;
- (b) enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion; and
- (c) ensure a more harmonious relationship between the #development# and the surrounding area.

91-32  
Setback Regulations

Within the #Special Lower Manhattan District#, setbacks are required for any portion of a #building# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31 (Street Wall Regulations).

Required setbacks shall be provided at a height not lower than any minimum base height or 60 feet where none is specified and not higher than any maximum base height specified for the applicable #street# in Section 91-31. The depth of the setback shall be determined by the #lot area# of the #zoning lot# on which the #building# is located, as shown in the following table:

<u>REQUIRED DEPTH OF SETBACKS</u>	
<u>#Lot area# of #zoning lot#</u>	<u>Minimum setback depth</u>
<u>Less than 15,000 square feet</u>	<u>10 feet</u>
<u>15,001 to 30,000 square feet</u>	<u>15 feet</u>
<u>Greater than 30,000 square feet</u>	<u>20 feet</u>

However, for predominantly #residential buildings# within a C6-4 District within the South Street Seaport Subdistrict, the minimum setback depth may be ten feet.

For "Type 1" and "Type 2" #street walls#, the required setbacks shall be measured from the #street line#.

For "Type 3" #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such line and the #street line#.

For all other #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 50 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such drawn line and the #street line#. However, setbacks are not required for #street walls# fronting upon the major portion of a bonused #urban plaza#.

For #buildings within the Historic and Commercial Core as shown on Map 1 in Appendix A, any #building# or portion of a #building# may be located within the required setback area beneath a #sky exposure plane# that rises from a height of 100 feet above the #street line# over the #zoning lot# at a vertical distance of six to a horizontal distance of one.

#### 91-33

##### Lot Coverage Regulations

Except within the Historic and Commercial Core, any #development# or #enlargement#, or portion thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above the maximum base height specified in Section 91-31 (Street Wall Regulations), up to a height of 300 feet. Above a height of 300 feet, any #development# or #enlargement# or portion thereof shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

Within the Historic and Commercial Core, any #development# or #enlargement#, or portion thereof, shall have a maximum #lot coverage# of 75 percent of the #lot area# of the #zoning lot# above the maximum base height specified in Section 91-31, up to a height of 300 feet. Above a height of 300 feet, any #development# or #enlargement# or portion thereof shall have a maximum #lot coverage# of 60 percent of the #lot area# of the #zoning lot#.

For #developments# or #enlargements# fronting on more than one #street# where different maximum base heights are specified, the maximum #lot coverage# regulations specified in this Section, up to a height of 300 feet, shall apply above the lowest maximum base height specified for such #developments# or #enlargements#.

#### 91-34

##### Maximum Horizontal Dimension for Tall Buildings

For any portion of a #development# or #enlargement# above a height of 300 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 175 feet.

91-40  
MANDATORY DISTRICT PLAN ELEMENTS

91-41  
Regulations for Designated Retail Streets

91-411  
Location of required retail space

For any #development# or #enlargement# fronting on the ground floor level of designated retail #streets#, as shown on Map 4 in Appendix A, the #street# frontage of the #building# shall be allocated exclusively to the #uses# set forth in Section 91-12 (Uses on Designated Retail Streets). However, #uses# located within lobby or entrance spaces, subway station improvements or pedestrian circulation spaces that do not front on the ground floor level of the #street# shall be in accordance with the provisions for permitted #uses# of the underlying district.

Where the #street# frontage occupied by all building entrances is 20 feet or more in width, the amount of #street# frontage occupied by lobby space, entrance space and/or a building entrance recess shall not exceed, in total, 40 linear feet or 25 percent of the building's total #street# frontage, whichever is less, exclusive of any frontage occupied by a relocated subway stair or the entrance area to a bonused subway station improvement.

Storefronts for permitted ground floor #uses# shall be no more than 10 feet from the #street line# or, where an #arcade# is provided with supporting columns at the #street line#, no more than 10 feet from the supporting columns.

91-412  
Access and glazing of required retail space

Access to each permitted establishment or #use# shall be provided directly from the designated retail #street#, as shown on Map 4 in Appendix A. Where there is more than one entrance to the establishment or #use# from the designated retail #street#, direct access shall be provided via the entrance with the greatest aggregate clear opening width.

At least 50 percent of the #street wall# surface of each permitted establishment or #use# shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.

For the purposes of this glazing requirement, the #street wall# surface of each permitted establishment shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

91-42  
Pedestrian Circulation Space

Within the boundaries of the #Special Lower Manhattan District#, all new #developments# or #enlargements# on #zoning lots# of at least 5,000 square feet that contain more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

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

- (a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (b) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street frontage#;
- (c) the #zoning lot# is an #interior# or #through lot# fronting on a #street# or #streets# listed in paragraph (a) of Section 91-31 (Street Wall Regulations);
- (d) the #zoning lot# is a #through lot# and both #street frontages# are less than 25 feet in length; or
- (e) the #zoning lot# is located in a C6-4 District within the South Street Seaport Subdistrict.

91-43

Off-Street Relocation or Renovation of a Subway Stair

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A.

<u>Station</u>	<u>Line</u>
<u>Bowling Green</u>	<u>IRT (Lexington Avenue)</u>
<u>Broad Street</u>	<u>BMT (Nassau)</u>
<u>Broadway/Nassau</u>	<u>IND (Eighth Avenue)</u>
<u>Brooklyn Bridge/City Hall</u>	<u>IRT (Lexington Avenue)</u>
<u>Chambers Street</u>	<u>BMT (Nassau)</u>
<u>Chambers Street</u>	<u>IND (Eighth Avenue)</u>
<u>Chambers Street</u>	<u>IRT (Seventh Avenue)</u>

City Hall	BMT (Broadway)
Cortlandt Street (World Trade Center)	BMT (Broadway)/IRT (Seventh Avenue)
Fulton Street	BMT (Nassau)
Fulton Street	IRT (Seventh Avenue)
Fulton Street (Broadway)	IND (Eighth Avenue)/IRT (Lexington Avenue)
Rector Street	BMT (Broadway)/IRT (Seventh Avenue)
Park Place	IRT (Seventh Avenue)
South Ferry	IRT (Seventh Avenue)
Wall Street	IRT (Seventh Avenue)
Wall Street (Broadway)	IRT (Lexington Avenue)
Whitehall Street	BMT (Broadway)
World Trade Center	IND (Eighth Avenue)

### 91-50

#### OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

The off-street parking regulations of Article 1, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens) and the loading regulations of the underlying districts apply to the #Special Lower Manhattan District#, except as supplemented or modified by the provisions of this Section.

### 91-51

#### Accessory Off-Street Parking for Residential Uses in Converted Buildings

#Accessory# off-street parking spaces shall be permitted for #dwelling units# in non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are converted to #residential use#, provided:

- (a) no more than 200 spaces or a number of spaces equal to 20 percent of the number of #dwelling units# on the #zoning lot#, whichever is less, shall be permitted;
- (b) no curb cut shall be permitted on any #street# where the converted #building# has a #street# frontage of 40 feet or less;
- (c) no portion of any such parking facility shall be more than 23 feet above #curb level#;
- (d) no exhaust vents shall open onto any #street# or #public park# or publicly accessible #open space#, and no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets# or parks; and
- (e) all such parking facilities shall be provided on the same #zoning lot# as the #residential uses# to which they are #accessory#, except as otherwise provided in Section 91-511 (Authorization for off-site parking facilities for converted buildings).

### 91-511

### Authorization for off-site parking facilities for converted buildings

The City Planning Commission may authorize #accessory# residential off-site parking spaces for non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are converted to #residential use#, to be provided in a fully-enclosed #building# on a #zoning lot# within the #Special Lower Manhattan District# other than the #zoning lot# that contains the #residential use#, provided the Commission finds that:

- (a) such #accessory# off-site parking spaces are conveniently located in relation to the #residential use#, and in no case further than 600 feet from the #zoning lot# containing the #residential use#;
- (b) such location of the #accessory# off-site parking facility will permit better site planning for the #building# converted to #residential use#;
- (c) the #accessory# off-site parking facility will not create or contribute to traffic congestion or unduly inhibit vehicular and pedestrian movement;
- (d) that the #accessory# off-site parking facility is located so as to draw a minimum of additional vehicular traffic to and through local #residential streets#; and
- (e) that such #accessory# off-site parking facility shall contain parking spaces #accessory# only to #residential uses#.

The number of #accessory# off-site parking spaces authorized in accordance with the provisions of this Section shall be recorded on the certificates of occupancy, temporary and permanent, for both the #residential use# and the #accessory# off-site parking facility.

### 91-52

#### Curb Cut Regulations

All curb cuts shall be prohibited on #streets# indicated on Map 5 (Curb Cut Prohibitions) in Appendix A, except that:

- (a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to required off-street loading berths from other #streets# bounding the #zoning lot#; and
- (b) the City Planning Commission may authorize curb cuts for loading berths, provided:
  - (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
  - (2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

(c) the City Planning Commission may authorize curb cuts for #accessory# parking for #residences#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of required pedestrian circulation spaces, or public transit facilities.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

No curb cuts may be approved or authorized on Battery Place, Broad Street, Broadway, Liberty Street west of Broadway, Park Row South or Wall Street.

Where a curb cut is approved or authorized pursuant to this Section, the maximum width of a curb cut, including splays, shall be 15 feet for a #street# with one-way traffic and 25 feet for a #street# with two-way traffic.

91-60

#### REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

91-61

##### General Provisions

The regulations of Sections 91-60, et. seq., relating to special regulations for the South Street Seaport Subdistrict are applicable only in the South Street Seaport Subdistrict. The boundaries of the South Street Seaport Subdistrict are shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A. The regulations of Section 91-60, et. seq., supplement or modify the regulations of this Chapter applying in general to the South Street Seaport Subdistrict area of the #Special Lower Manhattan District#.

In order to preserve and protect the character of the South Street Seaport Subdistrict and to implement the provisions of the Brooklyn Bridge Southeast Urban Renewal Plan, as amended, special controls and incentives are provided.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of paragraph (c) of Section 74-792 (Conditions and limitations) concerning the transfer of

development rights from landmark sites in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts shall not apply in the South Street Seaport Subdistrict.

\* \* \*

---

## 91-62

### Definitions

For purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

#### #Development# rights

Within the South Street Seaport Subdistrict, the basic maximum permitted #floor area# for a #granting lot# shall be that which is allowed by the applicable district regulations as if such granting lot were undeveloped, and shall not include any additional #floor area# bonuses for #urban plazas#, #arcades#, or any other form of #floor area# increase, whether as-of-right or by special permit. #Streets# located within the Subdistrict that have been closed or discontinued in whole, part or whose air space has been closed or discontinued pursuant to Section E15-3.0 of the Administrative Code, or its successor, shall have attributed to such closed area or closed air space the basic maximum permitted #floor area# allowed within the underlying zoning district within which such #streets# are situated. The #lot area# of a closed or discontinued volume of air space shall be measured by the area of the bed of the #street# lying below and within such closed or discontinued volume.

#### Granting lot

Within the South Street Seaport Subdistrict, a "granting lot" is a #zoning lot# or a closed or discontinued portion of a #street# or air space over a #street # which is identified as a #granting lot#, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, upon which #development# is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Subdistrict and from which #development# rights may be transferred. Such #zoning lots# and closed portions of #streets# or air space over #streets# are identified on the map of the transfer areas as Parcels 6, 7 and 9 and the adjacent hatched #street# areas.

#### Person

Within the South Street Seaport Subdistrict, a "person" is an individual, corporation (whether incorporated for business, public benefit or not-for-profit purposes or otherwise), partnership, trust firm, organization, other association or any combination thereof.

#### Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the Transfer Areas Map 6 to which #development rights# may be added. Such "receiving lots" are identified on the Map as Parcels 1, 8, 15, 16, 20 and 21.

Street

- (a) A #street#, as defined in Section 12-10; or
- (b) a way, designed or intended for general public circulation and #use#, that:
- (1) performs the pedestrian circulation functions usually associated with a way shown on the City Map;
  - (2) remains open and unobstructed from the at-grade circulation level to the sky, except for public facilities customarily located on a #street# shown on the City Map, or those facilities permitted to be located on a #street# shown on the City Map, including without limitation, transitory fixtures or objects unattached to the real property encompassed by such way; and
  - (3) is a designated pedestrian way, pursuant to Section 91-68 (Designated Pedestrian Ways).

A #street#, as defined in paragraph (b) of this Section, shall satisfy and apply to all references to #streets# provided elsewhere in the Zoning Resolution.

91-63  
Transfer Areas Map

The South Street Seaport Subdistrict transfer areas map, shown hereto as Map 6 of Appendix A, sets forth each #granting lot# and #receiving lot# within the Subdistrict.

91-64  
Transfer of Development Rights from Granting Lots

Within the South Street Seaport Subdistrict, #development rights# from each of the #granting lots# may be conveyed, or otherwise disposed of:

- (a) directly to a #receiving lot#; or
- (b) to a #person# for subsequent disposition to a #receiving lot#, all in accordance with the provisions of this Subdistrict, except that with respect to #zoning lots# located on Parcels 6, 7, and 9, as identified on Map 6 in Appendix A, only those #development rights# in excess of the larger of the following conditions may be so conveyed or otherwise disposed of:

(1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or

(2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

The City Planning Commission shall certify such initial transfer from the #granting lots#. Any #person# may convey its interest in all or a portion of such #development rights# to another #person#, but such #development rights# may only be used for a #development# on a #receiving lot#.

91-65

Addition of Development Rights to Receiving Lots

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# on such #receiving lot# shall not exceed a #floor area ratio# of 21.6. #Development rights# transferred to a #receiving lot# may be applied to the #development# of a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #floor area ratio# of a #residential building#, or portion thereof, exceed 12.0.

The City Planning Commission shall certify that the proposed #development# which utilizes such transferred #development rights# conforms to the regulations and controls of the Urban Renewal Plan.

91-66

Modification of Bulk Regulations

Within the South Street Seaport Subdistrict, the City Planning Commission may modify the height and setback and #lot coverage# regulations of Section 91-30, provided that:

(a) either of the following conditions have been met:

- (1) that the developer has obtained negative easements limiting the height of future #development# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# will be located; or
- (2) that the #lot coverage# for that portion of a #development# below 300 feet may be increased to a maximum of 80 percent when additional #development rights# have been purchased and converted to increased #lot coverage#. The maximum percentage of #lot coverage# on such #receiving lot# shall be the sum of 65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

(b) In order to grant such special permit, the Commission shall make the following findings:

(1) the location of the #development# and the distribution of #bulk# will permit adequate access of light and air to surrounding #streets# and properties;

(2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and

(3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

#### 91-67

##### Recordation

Within the South Street Seaport Subdistrict, at the time of transfer of #development rights# from a #granting lot#, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such #zoning lot# of any #building or other structure# which would contain #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed, such prohibition to be non-cancelable for 99 years; and at the time of the addition of #development rights# to a #receiving lot# as provided in Section 91-65, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #receiving lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited and identifying the #granting lot# (by tax block and lot number and description) from which the #floor area# has been removed. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation.

#### 91-68

##### Designated Pedestrian Ways

Within the South Street Seaport Subdistrict, the volume situated above the subsurface #streets# shown on the City Map and listed below are designated pedestrian ways and are governed by paragraph (b) of the definition of #street# as set forth in Section 91-62 (Definitions):

(a) Fulton Street, between Water and South Streets

(b) Water Street, between Fulton and Beekman Streets

(c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets

(d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

91-69

Special Permit for Development of Piers 9, 11, 13 and 14

Within the area bounded by South Street, the southerly edge of Pier 9, the U. S. Pierhead Line, and the northerly edge of Pier 14, which, for the requirements of this Section, shall be deemed to be a single #zoning lot#, the City Planning Commission may, by special permit, permit modification of the bulk regulations, other than #floor area ratio# applicable to the #zoning lot#, and may modify or waive the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), in accordance with the provisions of this Section.

The special permit shall be subject to the condition that the property owner, principal lessee or licensee of property owner has entered into an agreement with the Department of Parks and Recreation to operate and maintain the publicly-accessible areas in accordance with Section 62-624 (Maintenance and operation of waterfront public access areas). For purposes of this Section, the requirements of such publicly-accessible shall be deemed "waterfront public access areas."

In granting any such modifications, the Commission shall find that:

(a) any modification of height and setback regulations results in an appropriate distribution of permitted bulk on the piers;

(b) no #buildings or other structures# shall unduly obstruct the visual corridor bounded by the prolongation of the northern and southern #street lines# of Wall Street seaward to the U. S. Pierhead Line; and

(c) any modification will not unduly impede surface traffic and will minimize possible vehicular/pedestrian conflicts in the surrounding area;

(d) that the seaward end of all such piers is unobstructed to the greatest extent feasible so as to maximize views northward and southward;

(5) the development plan for such area includes an appropriate amount of publicly accessible open space which shall incorporate appropriate design features that serve the needs of the local area, including but not limited to landscaping, lighting and seating; and

(6) the development plan is integrated with existing and proposed nearby #developments#.

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

91-70

SPECIAL REGULATIONS FOR CERTAIN AREAS

#Developments# in the #Special Lower Manhattan District# built prior to (effective date of amendment) will continue to be governed by the regulations in effect at the time of issuance of the building permit and can only be modified or altered by the following:

91-71

Authorization for the Modification of Required Public Amenities

The City Planning Commission may authorize modifications of certain provisions of the former #Special Greenwich Street Development District#, eliminated on (effective date of amendment), that mandated public amenities, as follows:

- (a) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that resulted in an increase in the basic maximum #floor area ratio# or an increase in the adjusted basic maximum #floor area ratio#, the Commission may authorize:
  - (1) the alteration of the amenity or improvement, provided that the Commission finds that such modifications improve the intended public purpose of the amenity;
  - (2) the elimination of the amenity or improvement, provided that the Commission finds that the intended public purpose is no longer useful or desirable and a new public amenity or improvement is supplied, as permitted pursuant to this Chapter, that generates the same or higher amount of bonusable #floor area#; or
  - (3) in the case of an amenity or improvement built in excess of the requirements necessary to generate the bonus #floor area# at the time of #development#, the elimination of such portion of the amenity not tied to the bonus #floor area#, provided that the Commission finds that such portion is no longer useful or desirable.
- (b) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that did not result in an increase in the basic maximum #floor area ratio#, the Commission may authorize the elimination or alteration of the amenity or improvement if it finds that the intended public purpose is no longer useful or desirable.
- (c) No mandatory or elective public amenity or improvement built pursuant to the regulations of the former Special District shall be eliminated or reduced in size,

without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#, in accordance with the provisions of paragraph (a)(2) of this Section, except by special permit of the City Planning Commission, subject to a finding that the proposed change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the #Special Lower Manhattan District#.

However, the open pedestrian bridge spanning Greenwich Street between Liberty and Cedar Streets may be eliminated, without recourse to the City Planning Commission, where the pedestrian access provided between the required elevated public pedestrian circulation systems is no longer useful or desired.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-72

Certification for Development on the Block bounded by Liberty, Washington, Cedar and West Streets

For the #block# bounded by Liberty, Washington, Cedar and West Streets, the City Planning Commission shall certify that the following improvements, eligible for as-of-right #floor area# bonuses in the amount specified, are included in any plans for a proposed #development#.

(a) The following mandatory improvements are eligible for as-of-right #floor area# bonuses:

- (1) For an open pedestrian bridge with a minimum width of 15 feet spanning Washington Street near its intersection with Liberty Street to provide pedestrian access to the existing elevated public open space at the northern edge of the #block# bounded by Liberty, Washington, Albany and Greenwich Streets, as certified by the Commission, a #floor area# bonus shall be granted in the amount of 90 square feet per linear foot.
- (2) For a pedestrian connection at least 15 feet wide with a minimum floor to ceiling height of 12 feet between the existing pedestrian bridge spanning West Street and the bridge required over Washington Street pursuant to paragraph (a)(1) of this Section, as certified by the Commission, a #floor area# bonus shall be granted in the amount of 100 square feet per linear foot.

This connection shall be at the same height as the new bridge, provide an integrated connection to the existing West Street bridge and be open to the public for the same hours as the West Street bridge. Ramps but not stairs may be incorporated into the pedestrian connection to adjust its height to the Washington and West Street bridges.

(b) An optional pedestrian connection of public access from the pedestrian connection specified in paragraph (a)(2) of this Section to street level may be provided by stair,

ramp or escalator and shall be eligible for an as-of-right #floor area# bonus of 120 square feet per linear foot of stair or, if provided by escalators at least 32 inches wide, 20,000 square feet for the provision of a single run, and 30,000 square feet for the provision of a double run.

The development shall have its major pedestrian entrance and lobby on Liberty Street and be integrated with and provide unobstructed pedestrian access between the pedestrian connection specified in paragraph (a)(2) of this Section and the lobby of any new #building# on this #block#

No other #floor area# bonuses are permitted on the #block# unless the Commission has certified that the improvements specified in paragraphs (a) and (b) of this Section are included in any plans for #development# on the #block#.

#### 91-73

##### Special Permit for Development over the Approaches to the Brooklyn Battery Tunnel

The City Planning Commission, by special permit, may allow the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single #zoning lot# and may allow the #development# or #enlargement# of a #building# on such unmapped air space.

The #zoning lot# for such #development# or #enlargement# shall include only that portion of the area above the approaches to the Brooklyn Battery Tunnel and contiguous areas of land or property that are covered by a permanent platform and not designated as approaches to the Brooklyn Battery Tunnel.

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

- (a) adequate access and #street# frontage to one or more #streets# is provided; and
- (b) the streetscape, site design and the location of building entrances of the proposed #development# or #enlargement# will contribute to the overall improvement of pedestrian circulation within the surrounding area.

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

#### 91-74

##### Special provisions for Battery Park Underpass/South Street

A #zoning lot# containing a #development#, or portion thereof, on a #waterfront zoning lot#, may be located within the volume above the upper limiting plane of the Battery Park Underpass/South Street, when such volume is eliminated, discontinued and closed. That portion of the #zoning lot# that lies above the Battery Park Underpass/South Street shall not be considered #lot area# for the purpose of computing maximum #floor area#; however, such portion shall be considered #lot area# for all other purposes of this Resolution.

#### APPENDIX A: District Maps

Map 1 Special Lower Manhattan District

Map 2 Street Wall Continuity Types 1, 2 & 3

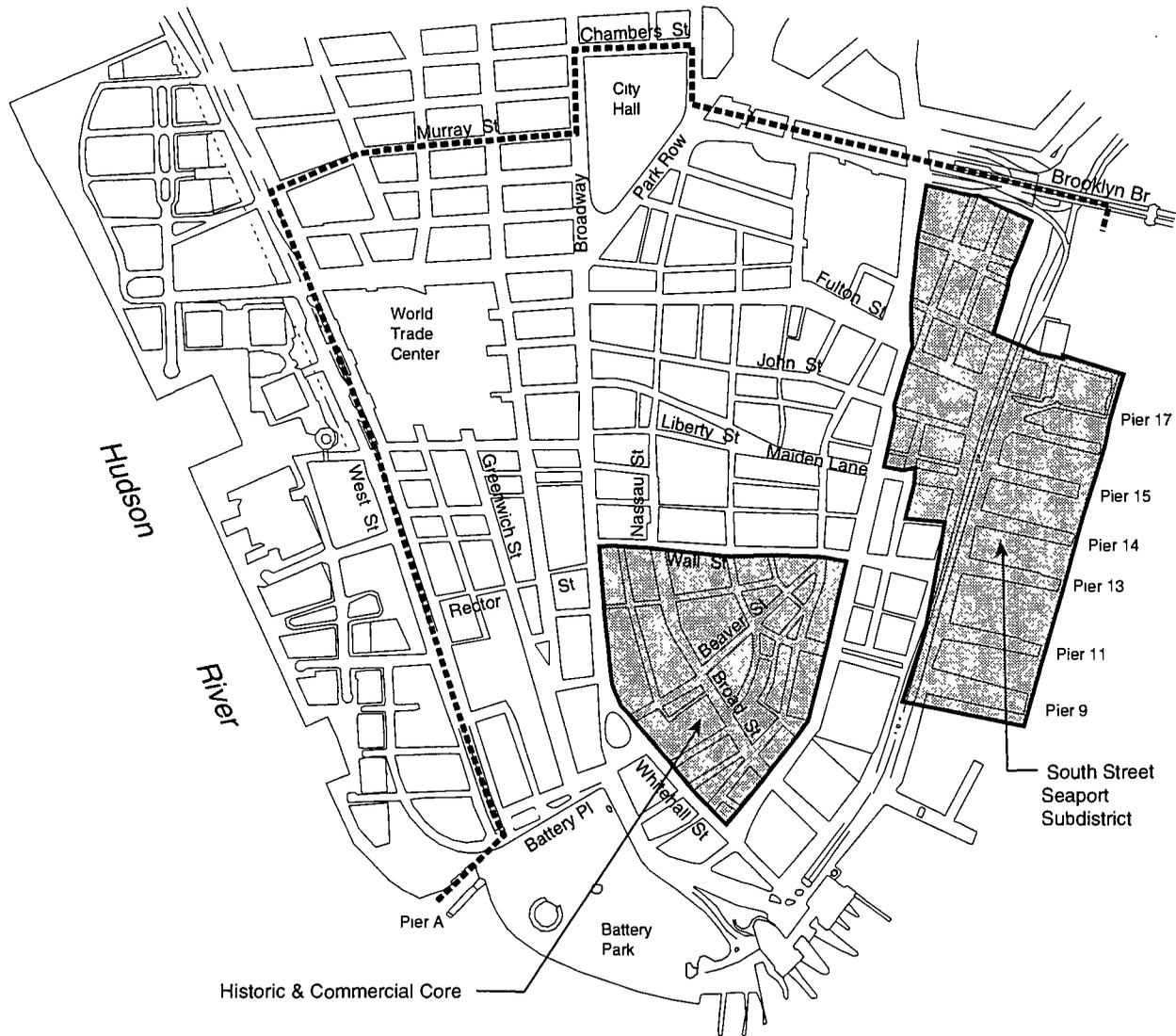
Map 3 Street Wall Continuity Types 4 & 5

Map 4 Designated Retail Streets

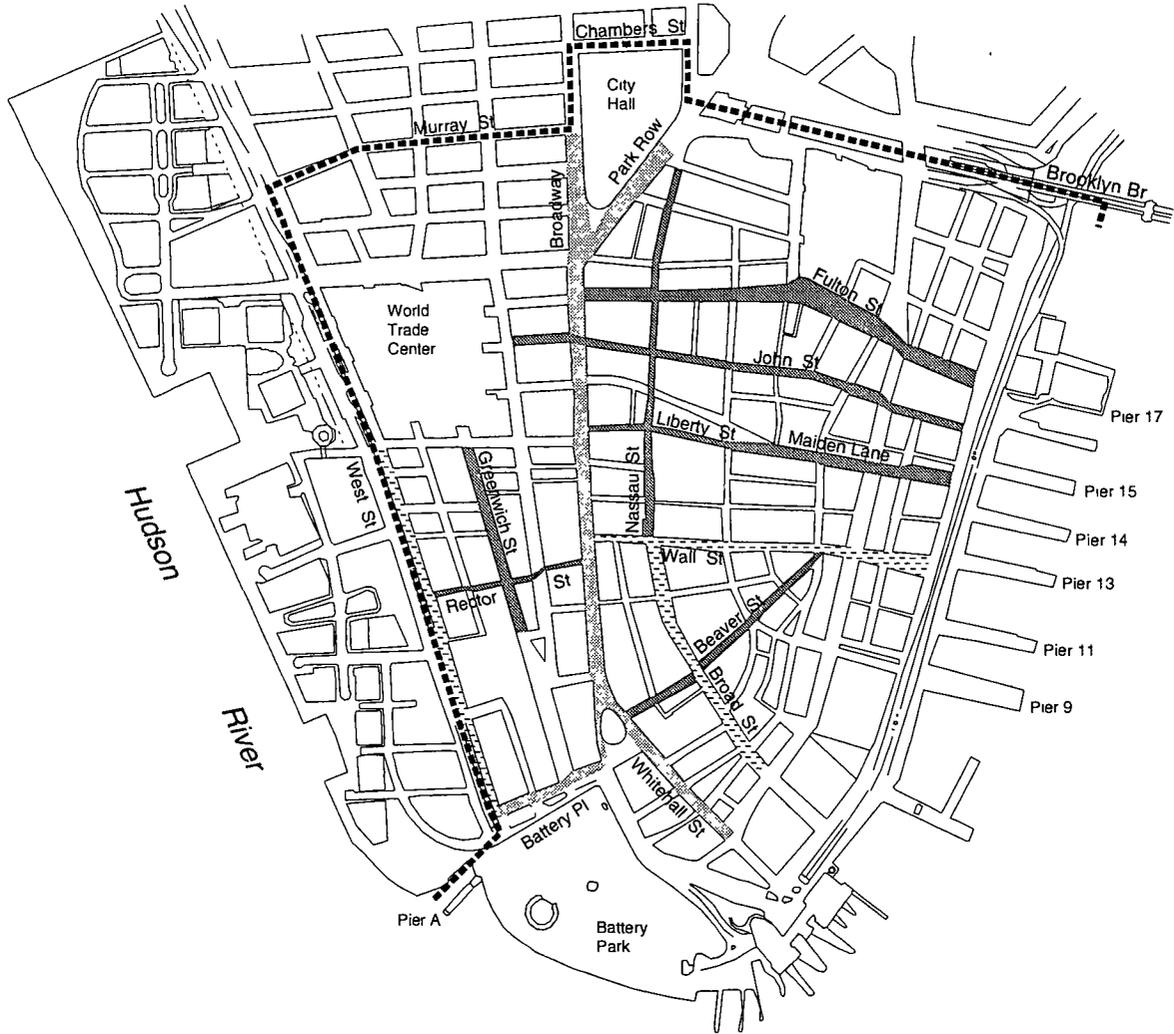
Map 5 Curb Cut Prohibitions

Map 6 South Street Seaport Subdistrict

# Map 1 Special Lower Manhattan District

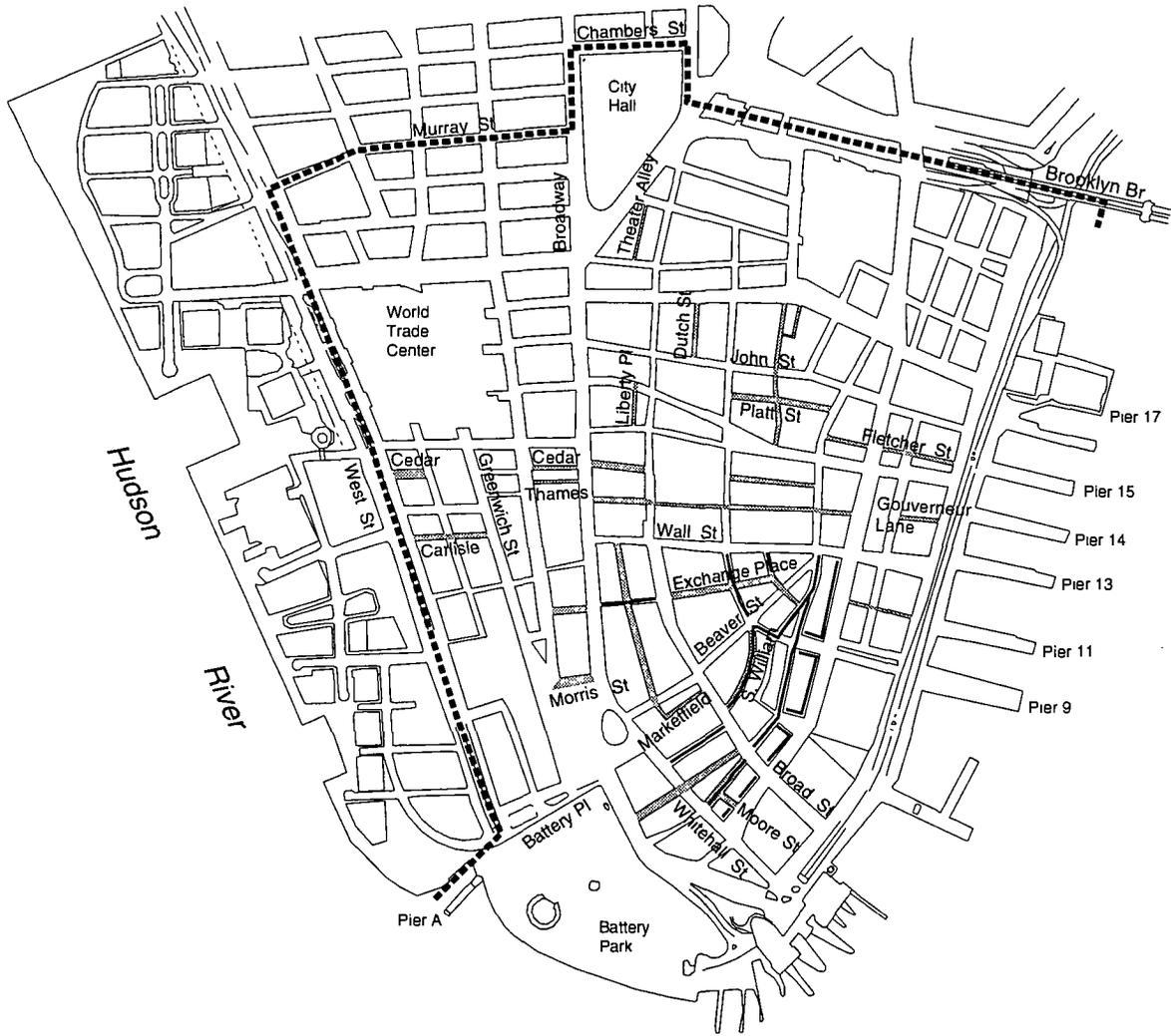


## Map 2 Street Wall Continuity Types 1, 2, & 3



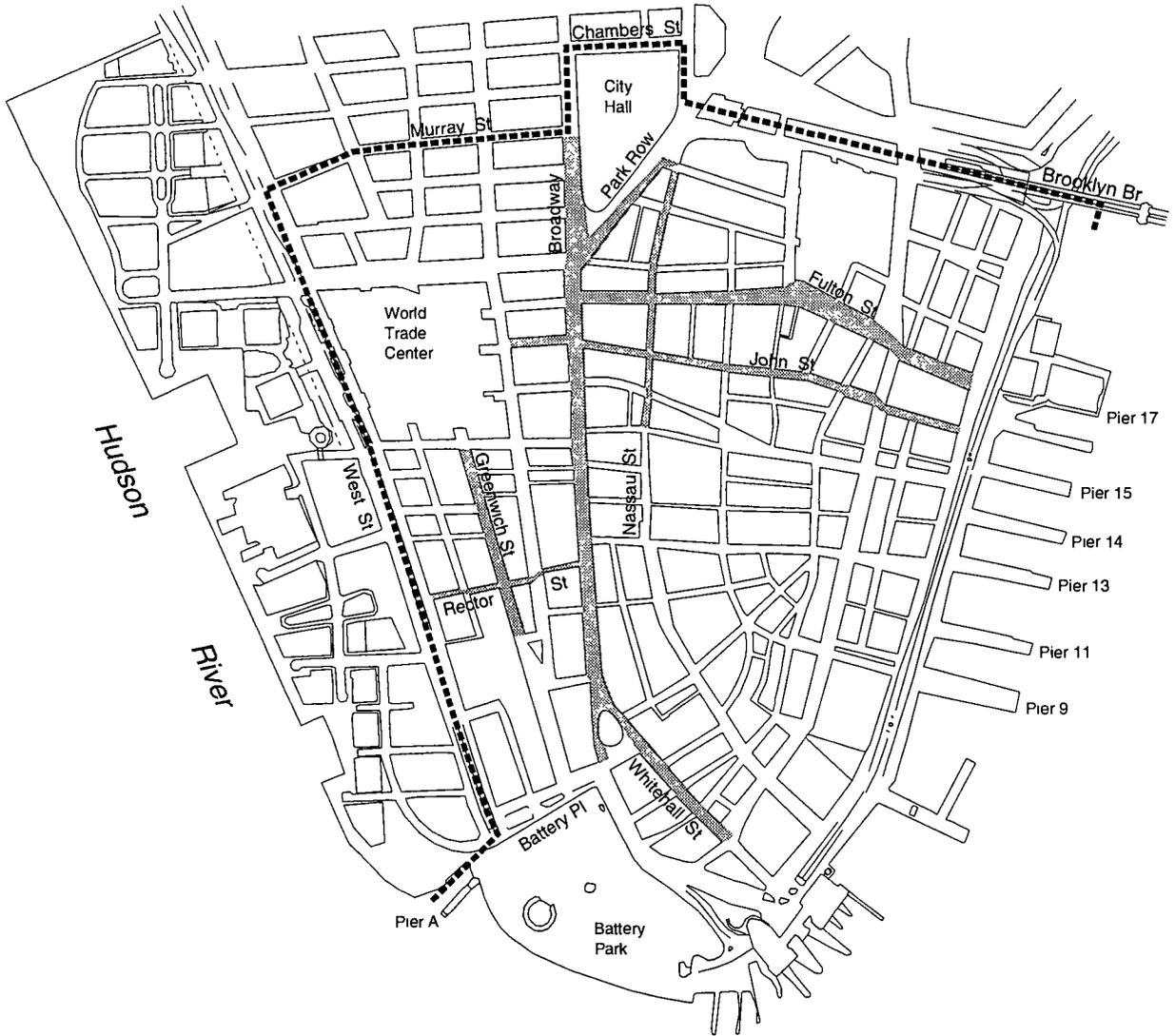
-  **Type 1: 150 Foot Minimum / 250 Foot Maximum Before Setback**
-  **Type 2: 85 Foot Minimum / 150 foot Maximum Before Setback**
-  **Type 3: 60 Foot Minimum**

# Map 3 Street Wall Continuity Types 4 & 5

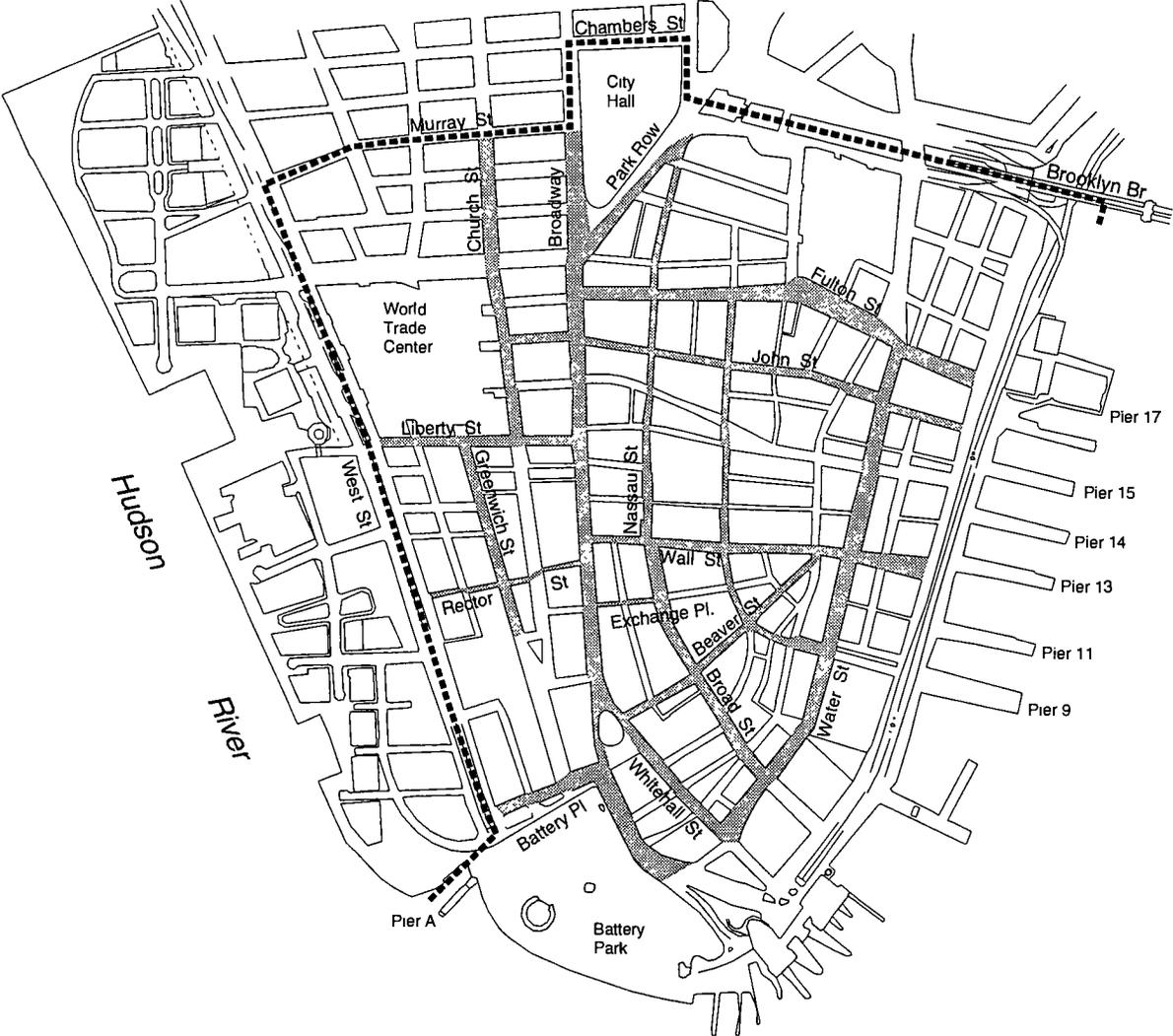


- Type 4: 100' Maximum Before Setback
- ▨ Type 5: Streets With No Required Setbacks

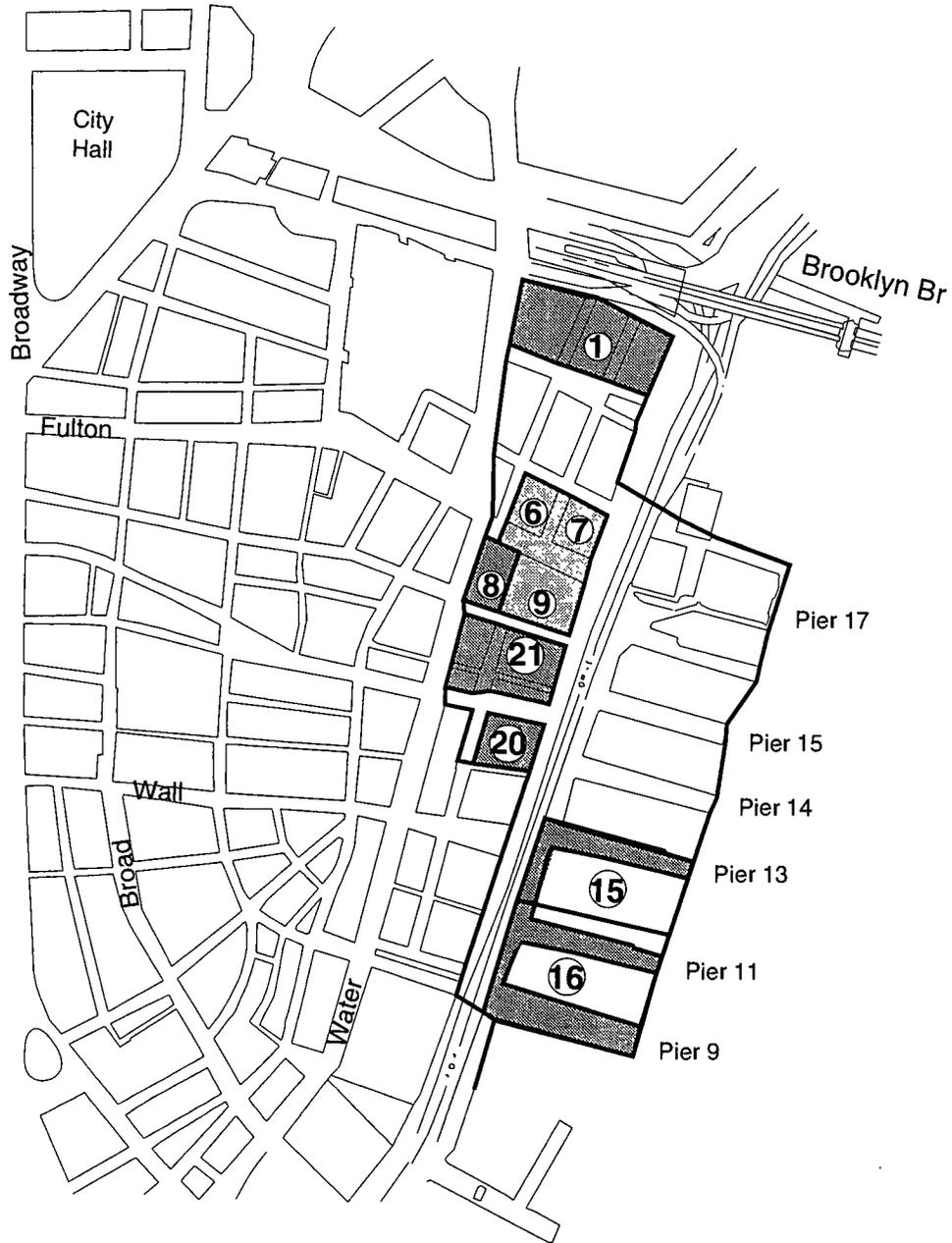
# Map 4 Designated Retail Streets



# Map 5 Curb Cut Prohibitions



# Map 6 South Street Seaport Subdistrict



 Receiving Lot

 Granting Lot

 Brooklyn Bridge Southeast Urban Renewal Plan Parcel Designation

# Map 7 Subway Station Improvement Areas



-  Platform
-  Subway Entrance

Chapter 3  
Special Jacob K. Javits Convention Center District

\* \* \*

93-222  
Design standards

\* \* \*

(b) Permitted obstructions

Obstructions permitted in paragraphs ~~(eg)~~(1) and ~~(eg)~~(43) of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~), shall be permitted in the pedestrian way. . .

\* \* \*

(e) Standards of accessibility for persons with disabilities

The standards of accessibility shall be as permitted in paragraph ~~(dm)~~ of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~).

\* \* \*

(l) Signs

The standards for #signs# on a pedestrian way shall be as permitted in paragraph ~~(ip)~~ of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~).

\* \* \*

(n) Maintenance

The standards for maintenance shall be as set forth in paragraph ~~(kg)~~ of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~).

\* \* \*

CHAPTER 8  
~~Special Manhattan Landing Development District~~  
(Delete entire Chapter)

\* \* \*

ARTICLE X  
SPECIAL PURPOSE DISTRICTS

\* \* \*

Chapter 7  
Special South Richmond Development District

\* \* \*

107-44  
Maximum Floor Area Ratio for Community Facility Uses

The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-4716 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

\* \* \*

ARTICLE XI  
SPECIAL PURPOSE DISTRICTS

Chapter 1  
Special ~~Lower Manhattan~~ Tribeca Mixed- Use District

111-00  
GENERAL PURPOSES

The "Special ~~Lower Manhattan~~ Tribeca Mixed- Use District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to retain adequate wage, job producing, stable industries within ~~Lower Manhattan~~ the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in ~~Lower Manhattan~~ the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide a limited new housing opportunity of a type and at a density appropriate to this mixed- use zone;

\* \* \*

111-01  
Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Special ~~Lower Manhattan Tribeca~~ Mixed– Use District  
(repeated from Section 12-10)

The "Special ~~Lower Manhattan Tribeca~~ Mixed– Use District" is a Special Purpose District designated by the letters "~~LMM~~" "~~TMU~~" in which special regulations set forth in Article XI, Chapter 1, apply. The ~~LMM~~ #~~Special Tribeca Mixed Use District~~# and its regulations supplement or supersede those of the districts on which it is superimposed.

\* \* \*

111-03  
District Map

The District Map for the #~~Special Lower Manhattan Tribeca~~ Mixed– Use District# (Appendix A) identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #~~Special Lower Manhattan Tribeca~~ Mixed–Use District#. These areas are as follows:

Area A1 - General Mixed– Use Area

Area A2 - Limited Mixed– Use Area (Commercial and Residential Uses)

~~Area A3 - Limited Mixed-Use Area (Commercial and Residential Uses)~~

Area A4A3 - General Mixed– Use Area

\* \* \*

111-10  
SPECIAL USE REGULATIONS

\* \* \*

111-102  
Ground floor use restrictions

(a) Areas A1 and A4 A3

Ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway.

\* \* \*

111-103

Additional use regulations

(a) Areas A1 and A4 A3

\* \* \*

(c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. In Areas A1, A2, and A3 ~~and A4~~, the Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the above-listed streets. Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.

111-104

Special provisions for Areas A1, A2, A3, ~~A4~~ and B2

\* \* \*

~~(c)~~ Area A3

~~The regulations applicable to a C6-4 District shall apply to all new #developments# and #enlargements#, except as set forth herein.~~

~~(1)~~ Maximum #floor area ratio#

~~No #floor area# bonuses shall be permitted.~~

~~(2)~~ #Lot area per room# regulations

~~The #lot area per room# regulations of Article II, Chapters 3 and 4 and Article III, Chapter 5, are not applicable. In lieu thereof, the minimum required #lot area per dwelling unit# shall be 75 square feet.~~

~~No density or #lot area# bonuses shall be permitted.~~

~~(3)~~ #Yard# and #court# regulations

~~The #yard# and #court# regulations of a C6-4 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533, 24-382, 33-283 (Required Rear Yard Equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A3, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.~~

~~(4) — Front height and setback regulations~~

~~The front height and setback and the alternate front setback regulations of a C6-4 District shall not apply. In lieu thereof, front building walls are required to be built for the full length of the #front lot line# on #wide# and #narrow streets#, as provided below. Along Murray Street, the mandatory front building wall shall be built parallel to the #street line# but with an initial setback at the ground of 10 feet from the #street line#. Such building wall shall rise for a minimum of 85 feet 0 inches above the #curb level# and a maximum of 125 feet 0 inches above #curb level#. Along all #wide streets# and #narrow streets#, except Murray Street, there shall be a mandatory front building wall built at the #front lot line# which shall rise for a minimum of 85 feet 0 inches above #curb level# and a maximum of 125 feet 0 inches above #curb level#. Recesses in such mandated front building walls for architectural or decorative purposes are permitted, at any #story# above the level of the second #story# ceiling, to the amount of 25 percent of the aggregate area of the wall at each #story#, provided the depth of any such recess does not exceed 10 feet. At the height of 125 feet 0 inches above #curb level#, there shall be a minimum setback, from the plane of the mandatory front building wall, of 10 feet on #wide streets#, and fifteen feet on #narrow streets#, except on Park Place where no setback shall be required.~~

~~At the height of 165 feet 0 inches above #curb level#, the #development# or #enlargement# shall follow the #bulk# regulations of the underlying C6-4 District, except on Park Place where no setback shall be required.~~

~~(5) — Curb cuts and loading requirements~~

~~New #developments# or #enlargements# must be served by drive-through loading facilities. Curb cuts shall not be permitted on Greenwich Street and Murray Street.~~

~~(d)(c) Area A4 A3~~

~~The regulations applicable to a C6-3A District shall apply to all new #developments# and #enlargements#, except as set forth herein.~~

111-30

ENVIRONMENTAL CONDITIONS FOR AREAS A2 AND A3

\* \* \*

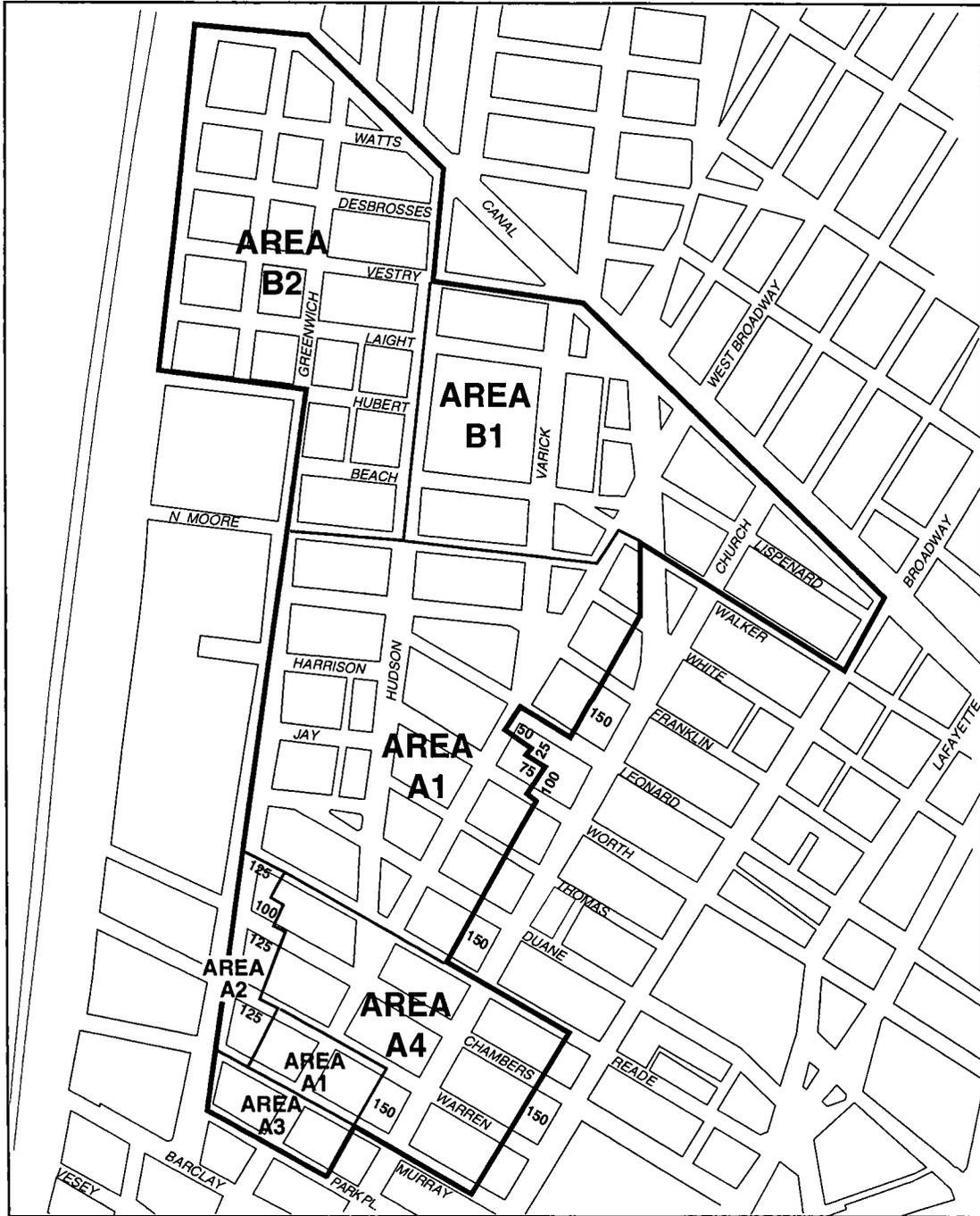
APPENDIX A

SPECIAL LOWER MANHATTAN TRIBECA MIXED- USE DISTRICT MAP

# APPENDIX A

## Special Lower Manhattan Mixed-Use District Map

### Existing



District Boundary  
 Area Boundary

- Area A1: General Mixed Use Area
- Area A2: Limited Mixed Use Area
- Area A3: Limited Mixed Use Area
- Area A4: General Mixed Use Area
- Area B1: Limited Mixed Use Area
- Area B2: Limited Mixed Use Area



Chapter 7  
Special Hunters Point Mixed-Use District

\* \* \*

117-43  
Mandatory Circulation Improvement

\* \* \*

The pedestrian circulation space provided shall be one or more of the following types: ~~sidewalk widening, corner circulation space,~~ building entrance recess area, corner circulation space, sidewalk widening or subway stair relocation.

Such pedestrian circulation space shall meet the requirements set forth in Section 117-431 (Design standards for pedestrian circulation spaces). ~~A sidewalk widening shall not be subject to the standards set forth in Section 12-10 (DEFINITIONS).~~

\* \* \*

117-451  
Bulk regulations

(a) Within the Court Square Subdistrict, the following provisions affecting #Commercial Districts# shall not apply:

Section 33-14 (Floor Area Bonus for an Urban Plaza);

~~Section 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening);~~

Section 33-4615 (Floor Area Bonus for Arcades)

Section 33-4716 (Floor Area Bonus for Front Yards).

Section 33-4817 (Special Provisions for Zoning Lots Divided by District Boundaries)

\* \* \*

118-60

OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

Where a #development# or #enlargement# is constructed...of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair).

\* \* \*

123-641

Floor area bonus for a residential plaza, urban plaza, ~~open air concourse, sidewalk widening~~ or arcades in connection with mixed use buildings

Any #floor area# bonus for a #residential plaza#, #urban plaza#, ~~#open air concourse#, #sidewalk widening#~~ or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #mixed use building# may be applied to a #mixed use building#, provided that any given #residential plaza#, #urban plaza#, ~~#open air concourse#, #sidewalk widening#~~ or #arcade# shall be counted only once in determining a bonus.

\* \* \*

The above resolution (N 980314 ZRM), duly adopted by the City Planning Commission on July 20, 1998 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**JOSEPH B. ROSE**, Chairman

**VICTOR G. ALICEA**, Vice-Chairman

**ALBERT ABNEY, IRWIN G. CANTOR, P.E.,**

**KATHY HIRATA CHIN, ESQ., ANTHONY I. GIACOBBE, ESQ.,**

**WILLIAM J. GRINKER, BRENDA LEVIN,**

**EDWARD T. ROGOWSKY, JACOB B. WARD, ESQ.,** Commissioners

Community/Borough Board  
Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 980316 HUM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) and the Economic Development Corporation (EDC) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 8th amendment to the Brooklyn Bridge Southeast Urban Renewal Plan for the Brooklyn Bridge Southeast Urban Renewal Area.

COMMUNITY BOARD NO. 1  
BOROUGH Manhattan

BOROUGH BOARD Manhattan

DATE OF PUBLIC HEARING 3/17/98

LOCATION PS234, 292 Greenwich St.

WAS QUORUM PRESENT?  YES  NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 3/17/98

LOCATION PS 234 292 Greenwich St.

RECOMMENDATION

APPROVE  APPROVE WITH MODIFICATIONS/CONDITIONS  
 DISAPPROVE  DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached Resolution

VOTING :  
IN FAVOR 32 AGAINST 2  
TOTAL MEMBERS APPOINTED TO BOARD 48

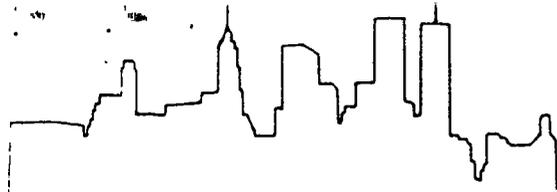
ABSTAINING 1

*Aime Confessio*

COMMUNITY/BOROUGH BOARD OFFICER

DATE April 17, 1998

Chairperson  
TITLE



# COMMUNITY BOARD No. 1

CITY OF NEW YORK



Anne Compoccia  
*Chairperson*

Paul Goldstein  
*District Manager*

April 16, 1998

Mr. Joe Rose  
Chairman  
City Planning Commission  
22 Reade Street  
New York, N.Y. 10007

Re: Lower Manhattan Rezoning  
Proposal

Dear Chairman Rose:

At our March monthly meeting Community Board #1 adopted the attached resolution in opposition to the Lower Manhattan Rezoning Proposal. We believe that the rezoning plan fails to address several of the key zoning concerns repeatedly identified to the Department of City Planning in recent year by Community Board #1. They are the need to downzone the South Street Seaport Historic District and the need to develop appropriate zoning for the East River piers which will insure that only very small structures are built on these piers and most of them are set aside for badly needed open space. The failure of the plan to create incentives or requirements for the creation of new open space is another glaring omission.

Community Board #1 believes that this proposal should not be approved unless these critical issues are addressed.

For well over a decade this Community Board and the City have been forced to turn down building after building proposed at 250 Water Street because the zoning in the Seaport Historic District permits buildings up to 12 FAR in an area where the average building has an FAR of 5. Every rejection of a building at 250 Water Street by the Landmarks Commission has cited the small scale character and charm of this historic district which stands in dramatic contrast to the tall skyscrapers which surround it. It is clear that the zoning of this small district should not be 10-12 FAR. Here we have a perfect opportunity to finally address this long-standing contradiction between the zoning and the historic district designation and the Department of City Planning has chosen to bypass this important problem. This is extremely unfortunate and we again urge City Planning to rezone this area.

The East River piers represent one of the only areas well suited to provide some badly needed open space in Lower Manhattan. The area east of Broadway and south of the Brooklyn Bridge has only the smallest amount of available open space. This is, of course, an area where the City has created major incentives for new residential development and where many new residents have moved with many more expected in the

next few years. A successful residential area needs to provide certain basic amenities and open space is certainly among the most important. We feel that City Planning should be taking the lead in identifying opportunities to create additional open space. We also strongly believe that it would be a serious error to allow for any additional large scale structures on these piers. The piers are a wonderful amenity because they allow people to get away from their steel and concrete surroundings and enjoy some uninterrupted vistas of the water and the sight of the tall buildings behind them. Can't we allow these small piers to be one area safe from large scale development?

We strongly urge the CPC to amend this plan to address these matters. Unless this is done we recommend that CPC turn down this rezoning plan.

Sincerely,

A handwritten signature in black ink that reads "Anne Compoccia". The signature is written in a cursive, flowing style.

Anne Compoccia  
Chairperson

Attachments

cc: V. Fields  
K. Freed  
S. Silver  
M. Connor  
Members, City Planning Commission  
P. Schneider  
P. Ertag

**COMMUNITY BOARD #1 MANHATTAN**  
**RESOLUTION**

DATE: MARCH 17, 1998

**COMMITTEES OF ORIGIN: ARTS, URBAN PLANNING AND DESIGN,  
FINANCIAL DISTRICT AND  
SEAPORT/CIVIC CENTER**

COMMITTEE VOTE: 8 IN FAVOR 2 OPPOSED 0 ABSTAINED  
BOARD VOTE: 32 IN FAVOR 2 OPPOSED 1 ABSTAINED

RE: **Lower Manhattan Rezoning Proposal**

WHEREAS: The Dept of City Planning is proposing the establishment of a new Special Lower Manhattan District to replace the existing zoning for Lower Manhattan south of Chambers Street, and

WHEREAS: The new district would eliminate the Special Manhattan Landing and Greenwich Street Development districts, make the Special South St. Seaport District a subdistrict of the new district and establish an Historic and Commercial Core, and

WHEREAS: The proposal before the Community Board actually consists of a zoning text amendment, a zoning map amendment and the Eighth modification of the Brooklyn Bridge Southeast Urban Renewal Plan, and

WHEREAS: The objectives of the rezoning proposal are to:

- \* foster the reuse of existing underused commercial buildings
- \* allow a wider range of commercial uses that better support an increasing residential population
- \* assure development that is consistent with historic fabric, including the existing scale and density of the area
- \* remove obsolete zoning controls that do not respond to present day needs and desires
- \* promote the orderly growth and development of the waterfront, and

WHEREAS: Community Board #1 has made known to the Dept. of City Planning many times in recent years our clear desire that the South Street Seaport Historic District be downzoned and that the East River piers, aprons and marginal streets within CB #1 be downzoned to prevent any structure more than one to two stories high and to insure public open space (a minimum of 65% of all piers, aprons and marginal streets, and

WHEREAS: The DCP's Lower Manhattan Rezoning proposal utterly fails to address these two priorities of CB #1 and would instead permit the construction of massive new high-rise buildings in the South St. Seaport Subdistrict and all waterfront zoning lots of up to 21.6 FAR, and

WHEREAS: This rezoning proposal fails to accomplish several of its stated objectives such as assuring that "development is consistent with historic fabric, including existing scale and density of the area". In the South Street Seaport Historic District, for example, the existing average building is roughly 5 stories tall while DCP's plan would allow buildings ten times that size, and

WHEREAS: While the City has instituted a number of programs to encourage the development and creation of new residential units in Lower Manhattan, this proposal thoroughly fails to address the growing need for such services as parks, schools and libraries for these new residents, and

WHEREAS: These zoning changes were originally conceived several years ago at a time when the Lower Manhattan real estate market was in the midst of a serious downturn and today that same market is dramatically healthier and hardly in need of the same zoning remedies intended to revitalize it, and

WHEREAS: The Community Board is extremely disappointed that after a very positive and collaborative working relationship with the Department of City Planning for the Tribeca Rezoning plan the DCP chose to employ for this proposal a rarely convened (three times in two years) Advisory Committee made up primarily of real estate developers and to reject every effort made by the Community board to have this massive rezoning plan address important priorities of CB #1 and this community, now

THEREFORE  
BE IT  
RESOLVED  
THAT:

Community Board #1 strongly recommends the disapproval of the proposed creation of a Special Lower Manhattan District and the concomitant zoning text amendment, zoning map amendment and urban renewal plan modification since this proposal thoroughly fails to address what the Community Board considers to be several of the most important needs of our district which can and should be addressed through this zoning package including:

- \* the downzoning of the South St. Seaport Historic District
- \* the downzoning of the East River piers, aprons and marginal streets as per our January 25, 1994 resolution
- \* incentives to encourage or mandate the creation of the necessary parks, schools and other services including improved public transportation needed to accommodate the existing and new residential population of Lower Manhattan
- \* relocation of development receiving sites within the South Street Seaport Historic District and over the East River and East River piers to outside the South Street Seaport Historic District and inland from the East River bulkhead, and

BE IT  
FURTHER  
RESOLVED  
THAT:

CB #1 supports the elimination of the Manhattan Landing Special District but favors a new zoning for this area consistent with the type of waterfront uses recommended by CB #1 in our January 25, 1994 resolution (attached).

98.res.mar.98

**COMMUNITY BOARD #1 MANHATTAN  
RESOLUTION**

**DATE: JANUARY 25, 1994**

**COMMITTEE OF ORIGIN: EAST RIVER WATERFRONT AD-HOC**

**COMMITTEE VOTE: 7 IN FAVOR 0 OPPOSED 0 ABSTAINED**

**BOARD VOTE: 27 IN FAVOR 0 OPPOSED 0 ABSTAINED**

**RE: East River Waterfront Restoration**

**WHEREAS:** Community Board #1 strongly supports the rehabilitation of Piers 9, 11, 13 and 14 and the adjacent City-owned property to allow for greater public access to the East River waterfront, and

**WHEREAS:** Community Board #1 has created the East River Waterfront Ad-Hoc Committee to produce an integrated re-development plan for the East River Waterfront of this Community Board district, and

**WHEREAS:** The Committee has been meeting for many months with local residents, business interests, waterfront users, elected officials, and the Economic Development Corporation in an effort to develop a consensus plan for the redevelopment of the East River waterfront which attempts to address the sometimes conflicting interests and needs of these groups, and the EDC has been notified of the need for their planning effort to include and reflect the input, ideas and directions provided by Community Board #1, and

**WHEREAS:** Any renovation plan for the East River waterfront should, among other things, make the waterfront more accessible and appealing to residents, workers and visitors; minimize or eliminate uses which would have a negative impact on this community; and generate sufficient income to pay for the maintenance and security needs of the waterfront area, as well as complement the existing Seaport, and

**WHEREAS:** The Seaport Community Coalition has submitted a community based plan which addresses use, management, economic and zoning issues pertinent to re-developing this unique and historic waterfront area, and

**WHEREAS:** The Seaport Community Coalition, East River Waterfront Plan - A Community Vision complies with and reflects the numerous existing Community Board #1 resolutions concerning use, zoning, and construction at the waterfront and in the water, and

WHEREAS: The Community Board is grateful to the Seaport Community Coalition for its in-depth research and analysis of the East River waterfront and has incorporated many of its recommendations into this resolution, and

WHEREAS: Community Board #1 appreciates that the EDC has indicated a willingness to work with the Community Board toward developing a waterfront plan acceptable to the community, and

WHEREAS: The City's new waterfront zoning precludes new pier and platform development for other than public recreational or maritime uses, now

THEREFORE BE IT RESOLVED THAT: Community Board #1 feels that there is a tremendous opportunity to create an attractive and feasible East River Waterfront re-development plan which addresses the needs of residents, workers and visitors and would make a major contribution towards the economic revitalization of Lower Manhattan which this area urgently needs, provided that all the parties support a compromise, consensus waterfront plan, and

BE IT FURTHER RESOLVED THAT: Community Board #1 adopts the Seaport Community Coalition's East River Waterfront Plan - A Community Vision as submitted (dated 11/29/93) as the guiding framework within which the EDC and other NYC agencies will work towards re-developing the East River waterfront and strongly urges that the following elements be incorporated into the City's East River Waterfront restoration plan:

1. A broad, continuous waterfront esplanade, consistent with the Manhattan Borough President's waterfront plan, running from the Downtown Heliport to the Brooklyn Bridge providing open access to the water edge so the public can enjoy the quiet of the river.
2. Public access to all piers (including a minimum 15' clear and unencumbered space around the north, south, and east edges), aprons, marginal streets (including the entire esplanade).
3. The special Manhattan Landing District should be eliminated.
4. Downzoning of all piers, aprons and marginal streets to prevent any structure more than one to two stories high and to insure public open space (a minimum of 65% of all piers, aprons and marginal streets).
5. Elimination of parking under the FDR Drive south of Pier 15 to Pier 9, as current lease agreements expire and limiting renewal options to one year, and that no new parking leases or agreements be issued for this area.
6. The first priority will be to maximize maritime/waterborne uses along the piers.

7. Provide open public space to include activities and accommodations for children, senior citizens, as well as the physically challenged (eg. park, ballfields, playground, fishing, recreational boating (rowboats), model boat sailing, picnic/seating space)
8. The park on Peck Slip be exchanged for an equally sized usable park space elsewhere in the Seaport area.
9. If maritime/waterborne demand and/or revenue cannot sustain the piers, other users will be considered that contribute positively to the community and are economically viable. Acceptable commercial uses (only as needed to fund on-going repairs, maintenance, security and debt):
  - marinas, power boat and sailing vessels
  - dinner cruises
  - waterside, maritime related restaurants (indoors or outdoors) that provide unencumbered use of the water and are acceptable to the community
  - maritime workshops
  - outdoor ice skating rink
  - fitness center
  - kayaking and canoeing facilities
  - commercial fishing boats
  - sailing charter boats
  - bicycle rental and sales
  - candy or ice cream stores
  - fishing tackle or equipment rental or sales
  - art craft shops
  - excursion sport fishing
  - boat showroom or sales in water or on pier
  - outdoor theater
  - temporary fairs with events acceptable to the community
  - water taxi routes

Community/Borough Board  
Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 980316 HUM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Housing Preservation Development (HPD) and the Economic Development Corporation (EDC) pursuant to Section 50 Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 1 of the New York City Charter, for the 8th amendment to the Brooklyn Bridge Southeast 1 Renewal Plan for the Brooklyn Bridge Southeast Urban Renewal Area.

COMMUNITY BOARD NO. 3  
BOROUGH Manhattan

BOROUGH BOARD Manhattan

DATE OF PUBLIC HEARING 3/2/98

LOCATION 333 BOWERY

WAS QUORUM PRESENT?  YES  NO

(A public hearing shall require a quorum of 20% of appointed members of the board, but in no event less than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN  
DATE 3/24/98

LOCATION 166 ESSEX

RECOMMENDATION

APPROVE  APPROVE WITH MODIFICATIONS/CONDITIONS  
 DISAPPROVE  DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

TO TABLE PENDING RESOLUTION  
OF ISSUES BY CB#1/MANHATTAN  
WITH CITY PLANNING.

VOTING : 28  
IN FAVOR 7 AGAINST 42  
TOTAL MEMBERS APPOINTED TO BOARD

ABSTAINING 1

DATE 9/8/98

Matthew Danzger  
COMMUNITY/BOROUGH BOARD OFFICER  
District Manager  
TITLE



SUSAN VAUGHN  
BOARD CHAIR

COMMUNITY BOARD NO. 3 MANHATTAN  
59 EAST 4th STREET • NEW YORK, N. Y. 10003 • TEL. 533-5300  
FAX. #533-3659

OFFICE OF THE  
CHAIRPERSON

12751  
APR 13 1998

c. Myers  
Kuh  
Brink  
Debruster  
Michaels  
Pewkes

April 9, 1998

RECEIVED  
APR 6 1998  
MANHATTAN OFFICE

Martha Danziger  
District Manager

Hon. Joseph B. Rose, Chairman  
City Planning Commission  
22 Reade Street, Room 2E  
New York, New York 10007

Dear Chairman Rose:

At its March 1998 monthly meeting, Community Board #3 passed the following motion:

To table ULURPs # N 980314 ZRM - zoning text amendment, C 980315 ZMM - zoning map amendment and C 980316 HUM - Eighth Amendment to the Brooklyn Bridge Southeast Urban Renewal Plan pending resolution of issues by Community Board #1/Manhattan with City Planning.

If you have any questions, please do not hesitate to call.

Sincerely,

SUSAN VAUGHN, CHAIR  
COMMUNITY BOARD #3

**M. BARRY SCHNEIDER**  
Chairman  
**DENISE WOODIN**  
District Manager

OFFICE OF THE  
CLERK

MAR 18 1998  
12476



**THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD 8**

*cc: Ruth Michaels Parnes  
Dobruskin  
Kuh  
Chasmanoff*  
309 EAST 94 STREET  
MAIN FLOOR  
NEW YORK, N.Y. 10128  
212-427-4840/41  
FAX #  
212-410-9738

March 16, 1998

Joseph B. Rose  
Chairman  
New York City Planning Commission  
22 Reade Street  
New York, N.Y. 10007

**RECEIVED  
MAR 23 1998  
MANHATTAN OFFICE**

RE: N 980314 ZRM- Lower Manhattan Rezoning

Dear Chairman Rose:

At the March 11, 1998 full board Land Use meeting of Community Board 8M, the following resolution was adopted by a vote of 29 in favor; 0 opposed; and 0 abstentions.

WHEREAS, the Department of City Planning has submitted an application relating to the establishment of the Special Lower Manhattan District; and,

WHEREAS, this application includes modifications of the requirements of Section 37-03, (Off Street Relocation or Renovation of a Subway Stair), which affects the subway station at 59<sup>th</sup> Street and Lexington Avenue in Community District 8; therefore,

BE IT RESOLVED that Community Board 8 recommends approval of this application.

Please advise this office of any action taken regarding this matter.

Sincerely,

M. Barry Schneider  
Chairman

C: Shampa Chanda, Department of City Planning  
Community Boards 1, 2, and 4  
Council Member Andrew Eristoff



THE CITY OF NEW YORK  
OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN

C. VIRGINIA FIELDS  
BOROUGH PRESIDENT

May 20, 1998

Joseph B. Rose  
Chair, City Planning Commission  
22 Reade Street  
New York, N.Y. 10007

Dear Joe:

At its May 14th meeting the Manhattan Borough Board approved the following resolution which opposes the zoning text amendments (N980314 ZRM), a zoning map amendment (C980315 ZMM), and a modification to an urban renewal plan (C980136 HUM) which establishes a new Special Lower Manhattan District (LMD) south of Murray Street and City Hall. The Borough Board adopted its resolution by a vote of 9 in favor, 0 opposed and 0 abstentions.

BOROUGH BOARD RESOLUTION

**WHEREAS:** The Department of City Planning is proposing the establishment of a new Special Lower Manhattan District to replace the existing zoning for Lower Manhattan south of Chambers Street; and

**WHEREAS:** The new district would eliminate the Special Manhattan Landing and Greenwich Street Development Districts, make the Special South Street Seaport District a subdistrict of the new district and establish and Historic and Commercial Core; and

**WHEREAS:** The proposal before the Manhattan Borough Board actually consists of a zoning text amendment, a zoning map amendment and the Eighth Modification of the Brooklyn Bridge Southeast Urban Renewal Plan; and

**WHEREAS:** The objectives of the rezoning proposal are to:

- foster reuse of existing underused commercial buildings

- allow a wider range of commercial uses that better support an increasing residential population
- assure development that is consistent with historic fabric, including the existing scale and density of the area
- remove obsolete zoning controls that do not respond to present day needs and desires
- promote the orderly growth and development of the waterfront; and

**WHEREAS:** Community Board 1 has made known to the Department of City Planning many times in recent years its clear desire that the South Street Seaport Historic District be downzoned and that the East River piers, aprons and marginal streets within Community Board 1 be downzoned to prevent and structure more than one or two stories high and to insure public open space (a minimum of 65% of all piers, aprons and marginal streets); and

**WHEREAS:** The Department of City Planning's Lower Manhattan Rezoning proposal utterly fails to address these two priorities of Community Board 1 and would instead permit the construction of massive new high-rise buildings in the South Street Seaport Subdistrict and all waterfront zoning lots of up to 21.6 FAR; and

**WHEREAS:** This rezoning proposal fails to accomplish several of its stated objectives such as assuring that "development is consistent with historic fabric, including existing scale and density of the area". In the South Street Seaport Historic District, for example, the existing average building is roughly five-stories tall while the Department of City Planning's plan would allow buildings ten times that size; and

**WHEREAS:** While the city has instituted a number of programs to encourage the development and creation of new residential units in Lower Manhattan, this proposal thoroughly fails to address the growing need for such services as parks, schools and libraries for these new residents; and

**WHEREAS:** These zoning changes were originally conceived several years ago at a time when the Lower Manhattan real estate market was in the midst of a serious downturn and today that same market is dramatically healthier and hardly in need of the same zoning remedies intended to revitalize it; and

**WHEREAS:** The Manhattan Borough Board is extremely disappointed that after a very positive and collaborative working relationship between Community Board 1 and the Department of City Planning for the Tribeca Rezoning plan, DCP chose to employ for this proposal a rarely convened (three times in two years) Advisory Committee made up primarily of real estate developers and to reject

every effort made by Community Board 1 to have this massive rezoning plan address important priorities of the Community Board and the Lower Manhattan community; now

THEREFORE  
BE IT  
RESOLVED

THAT: The Manhattan Borough Board strongly recommends the disapproval of the proposed creation of a Special Lower Manhattan District and the concomitant zoning text amendment, zoning map amendment and urban renewal plan modification, since this proposal thoroughly fails to address what the Borough Board considers to be several of the most important needs of Community Board 1. The Community Board's needs can and should be addressed through this zoning package by including:

- the downzoning of the South Street Seaport Historic District
- the downzoning of the East River piers, aprons and marginal streets as per Community Board 1's January 25, 1994 resolution (see attached resolution)

incentives to encourage or mandate the creation of the necessary parks, schools and other services including improved public transportation needed to accommodate the existing and new residential population of Lower Manhattan

relocation of development receiving sites within the South Street Seaport Historic District and over the East River and East River piers to outside the South Street Seaport Historic District and inland from the East River bulkhead;  
and

BE IT  
FURTHER  
RESOLVED

THAT: The Manhattan Borough Board supports the elimination of the Manhattan Landing Special District but favors a new zoning for this area consistent with the type of waterfront uses recommended by Community Board 1 in its January 25, 1994 resolution.

Sincerely,



C. Virginia Fields

cc: Manhattan Borough Board

**COMMUNITY BOARD #1 MANHATTAN  
RESOLUTION**

**DATE: JANUARY 25, 1994**

**COMMITTEE OF ORIGIN: EAST RIVER WATERFRONT AD-HOC**

**COMMITTEE VOTE: 7 IN FAVOR 0 OPPOSED 0 ABSTAINED  
BOARD VOTE: 27 IN FAVOR 0 OPPOSED 0 ABSTAINED**

**RE: East River Waterfront Restoration**

**WHEREAS:** Community Board #1 strongly supports the rehabilitation of Piers 9, 11, 13 and 14 and the adjacent City-owned property to allow for greater public access to the East River waterfront, and

**WHEREAS:** Community Board #1 has created the East River Waterfront Ad-Hoc Committee to produce an integrated re-development plan for the East River Waterfront of this Community Board district, and

**WHEREAS:** The Committee has been meeting for many months with local residents, business interests, waterfront users, elected officials, and the Economic Development Corporation in an effort to develop a consensus plan for the redevelopment of the East River waterfront which attempts to address the sometimes conflicting interests and needs of these groups, and the EDC has been notified of the need for their planning effort to include and reflect the input, ideas and directions provided by Community Board #1, and

**WHEREAS:** Any renovation plan for the East River waterfront should, among other things, make the waterfront more accessible and appealing to residents, workers and visitors; minimize or eliminate uses which would have a negative impact on this community; and generate sufficient income to pay for the maintenance and security needs of the waterfront area, as well as complement the existing Seaport, and

**WHEREAS:** The Seaport Community Coalition has submitted a community based plan which addresses use, management, economic and zoning issues pertinent to re-developing this unique and historic waterfront area, and

**WHEREAS:** The Seaport Community Coalition, East River Waterfront Plan - A Community Vision complies with and reflects the numerous existing Community Board #1 resolutions concerning use, zoning, and construction at the waterfront and in the water, and

WHEREAS: The Community Board is grateful to the Seaport Community Coalition for its in-depth research and analysis of the East River waterfront and has incorporated many of its recommendations into this resolution, and

WHEREAS: Community Board #1 appreciates that the EDC has indicated a willingness to work with the Community Board toward developing a waterfront plan acceptable to the community, and

WHEREAS: The City's new waterfront zoning precludes new pier and platform development for other than public recreational or maritime uses, now

THEREFORE BE IT RESOLVED THAT: Community Board #1 feels that there is a tremendous opportunity to create an attractive and feasible East River Waterfront re-development plan which addresses the needs of residents, workers and visitors and would make a major contribution towards the economic revitalization of Lower Manhattan which this area urgently needs, provided that all the parties support a compromise, consensus waterfront plan, and

BE IT FURTHER RESOLVED THAT: Community Board #1 adopts the Seaport Community Coalition's East River Waterfront Plan - A Community Vision as submitted (dated 11/29/93) as the guiding framework within which the EDC and other NYC agencies will work towards re-developing the East River waterfront and strongly urges that the following elements be incorporated into the City's East River Waterfront restoration plan:

1. A broad, continuous waterfront esplanade, consistent with the Manhattan Borough President's waterfront plan, running from the Downtown Heliport to the Brooklyn Bridge providing open access to the water edge so the public can enjoy the quiet of the river.
2. Public access to all piers (including a minimum 15' clear and unencumbered space around the north, south, and east edges), aprons, marginal streets (including the entire esplanade).
3. The special Manhattan Landing District should be eliminated.
4. Downzoning of all piers, aprons and marginal streets to prevent any structure more than one to two stories high and to insure public open space (a minimum of 65% of all piers, aprons and marginal streets).
5. Elimination of parking under the FDR Drive south of Pier 15 to Pier 9, as current lease agreements expire and limiting renewal options to one year, and that no new parking leases or agreements be issued for this area.
6. The first priority will be to maximize maritime/waterborne uses along the piers.

7. Provide open public space to include activities and accommodations for children, senior citizens, as well as the physically challenged (eg. park, ballfields, playground, fishing, recreational boating (rowboats), model boat sailing, picnic/seating space)
8. The park on Peck Slip be exchanged for an equally sized usable park space elsewhere in the Seaport area.
9. If maritime/waterborne demand and/or revenue cannot sustain the piers, other users will be considered that contribute positively to the community and are economically viable. Acceptable commercial uses (only as needed to fund ongoing repairs, maintenance, security and debt):
  - marinas, power boat and sailing vessels
  - dinner cruises
  - waterside, maritime related restaurants (indoors or outdoors) that provide unencumbered use of the water and are acceptable to the community
  - maritime workshops
  - outdoor ice skating rink
  - fitness center
  - kayaking and canoeing facilities
  - commercial fishing boats
  - sailing charter boats
  - bicycle rental and sales
  - candy or ice cream stores
  - fishing tackle or equipment rental or sales
  - art craft shops
  - excursion sport fishing
  - boat showroom or sales in water or on pier
  - outdoor theater
  - temporary fairs with events acceptable to the community
  - water taxi routes

**Borough President  
Recommendation**

**CITY PLANNING COMMISSION**  
22 Reade Street, New York, NY 10007  
FAX# (212) 720-3356

**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

**APPLICATION #** N 980314 ZRM, C 980315 ZMM, C 980136 HUM

**DOCKET DESCRIPTION**

This is a request by the Department of City Planning (DCP) to establish a new Special Lower Manhattan District (LMD) south of Murray Street and City Hall. The District would eliminate the Special Manhattan Landing District (LMD) and the Greenwich Street Development District (G), make the Special South Street Seaport District a subdistrict of the new district and establish an Historic and Commercial Core. The proposed action consists of two elements: a zoning text amendment (N 980314 ZRM) and a zoning map amendment (C 980315 ZMM). A related request by the Department of Housing Preservation and Development (HPD), on behalf of the Economic Development Corporation (EDC), is the Eighth Modification of the Brooklyn Bridge Southeast Urban Renewal Plan (C 980316 HUM).

**COMMUNITY BOARD NO.**

**BOROUGH**

**RECOMMENDATION**

- APPROVE  
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)  
 DISAPPROVE

**EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)**

Please see attached report.

*Percy Fields*  
BOROUGH PRESIDENT

DATE 5-20-98



THE CITY OF NEW YORK  
OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN

C. VIRGINIA FIELDS  
BOROUGH PRESIDENT

May 20, 1998

**ULURP NOS.**

N 980314 ZRM  
C 980315 ZMM  
C 980136 HUM

**APPLICANT**

Department of City Planning (DCP)  
Department of Housing Preservation and Development (HPD)

**REQUEST**

This is a request by the Department of City Planning (DCP) to establish a new Special Lower Manhattan District (LMD) south of Murray Street and City Hall. The District would eliminate the Special Manhattan Landing District (LMD) and the Greenwich Street Development District (G), make the Special South Street Seaport District a subdistrict of the new district and establish an Historic and Commercial Core. The proposed action consists of two elements: a zoning text amendment (N 980314 ZRM) and a zoning map amendment (C 980315 ZMM). A related request by the Department of Housing Preservation and Development (HPD), on behalf of the Economic Development Corporation (EDC), is the Eighth Modification of the Brooklyn Bridge Southeast Urban Renewal Plan (C 980316 HUM).

**BACKGROUND/PROJECT DESCRIPTION**

**BACKGROUND**

**The 1994 Plan for the Revitalization of Lower Manhattan**

In 1994, the Mayor convened a task force to develop the Plan for the Revitalization of Lower Manhattan in response to the growing job losses in Lower Manhattan that had started in the late 1980's.

The task force identified a number of critical issues facing Lower Manhattan, including the loss of jobs to the surrounding suburbs, the decline of assessed value of buildings, the decline in City tax revenues, the high vacancy rate, the reliance on a

few industry sectors, an aging building stock and a lack of direct commuter rail access.

The Revitalization Plan recommended a three-pronged program of financial incentives, transportation improvements and planning initiatives to revive Lower Manhattan. Among the recommendations included in the planning component were proposals to: implement zoning text changes to facilitate the conversions of obsolete office buildings to residential use; create a new special district in Lower Manhattan; simplify and consolidate the various regulations affecting Lower Manhattan; and treat the entire area with one unified vision and plan.

#### **Previous Department of City Planning Action**

In response to the Revitalization Plan's zoning recommendations, the Department of City Planning initiated two zoning text amendments -- adopted by the City in 1995 and 1996. They:

- reduced the minimum average size of dwelling units in converted buildings,
  - made more flexible the home occupation regulations,
  - permitted off-street parking in converted buildings, and
  - permitted non-residential buildings constructed between 1961 and 1977 to follow the more liberal rules available to buildings constructed before 1961 when converting to residential use. These changes also exempted Lower Manhattan from the requirements of the Relocation Incentive Program.

#### **PROJECT DESCRIPTION**

##### **Rezoning Objectives**

The Department of City Planning's rezoning proposal intends to achieve the following objectives:

- foster the reuse of existing underused commercial buildings;
- allow a wider range of commercial uses that better support an increasing residential population;
- assure development that is consistent with the area's historic fabric, including the existing scale and density of the area;
- remove obsolete zoning controls that do not correspond to present day needs and desires; and

- promote the orderly growth and development of the waterfront area.

#### **Proposed Special Lower Manhattan District (LMD) Text Amendment**

The proposed Special Lower Manhattan District text amendment is intended to simplify and consolidate into one comprehensive set of rules the various regulations -- some of which are overlapping -- affecting Lower Manhattan.

The text amendment would eliminate the Special Manhattan Landing Development District, the Special Greenwich Street Development District, subarea A3 of the Lower Manhattan Mixed-Use District (to be renamed the Tribeca Mixed-Use District) and consolidate the Special South Street Seaport District into the proposed LMD. The proposal also contains special use, signage, height and setback, density, urban design, parking and other controls that are tailored to the special needs and character of the area.

In a related action, the land use controls of the Brooklyn Bridge Southeast Urban Renewal Plan would be modified to bring them into conformance with the proposed zoning text so that all of the controls would be consistent.

#### **Proposed Use and Sign Controls**

**Use Controls:** The proposed special district would allow certain retail and service uses in C5 districts that are currently allowed in the adjacent C6 districts. These include Use Group 7 (home maintenance or repair services uses, Use Group 8 (amusement or service establishments), and Use Group 12 (amusement and retail uses).

Theaters would be allowed but would be required to provide waiting areas within the zoning lot to preclude sidewalk congestion. Establishments with entertainment, musical entertainment or dancing with a capacity of 200 persons or fewer and with a dance floor area of less than 400 square feet would also be allowed. They would also be required to provide indoor waiting areas within the zoning lot.

The controls for C5 districts prohibit the location of certain Use Groups 6, 9 and 11 uses on the ground floor of a building within 50 feet of a streetline. This restriction would be removed so that these uses could, in the proposed special district, locate at any ground floor location that other uses are permitted. On certain designated retail streets in all districts, automobile showrooms or plumbing, heating or ventilating equipment showrooms or any of the uses listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D would not be permitted on the ground floor.

**Sign Controls:** Small illuminated non-flashing signs located within a window, not currently allowed in C5 districts, would be permitted if they did not exceed eight square feet per establishment per street frontage. The existing controls on non-illuminated signs would remain.

Banners would be allowed in C5 and C6 districts. They could project across the street line for a maximum distance of eight feet, and in C5 districts, extend above the curb level to a height of 40 feet.

#### **Proposed Bulk Controls**

**Floor Area Regulations:** The only as-of-right floor area bonuses allowed in the new district would be for Urban Plazas (Section 37-04). Special permit bonuses to alleviate pedestrian overcrowding, including those for Covered Pedestrian Spaces (Section 74-87) and Subway Station Improvements (Section 74-634) would be allowed. The block bounded by Liberty Street, Washington Street, Cedar Street and West Street would be eligible for certain bonuses in exchange for the provision of pedestrian connections linking the existing pedestrian bridge across West Street to the elevated pedestrian system to the east of this site.

#### **The South Street Seaport Subdistrict and the Brooklyn Bridge Southeast Urban Renewal Plan**

The Special South Street Seaport District controls the granting and receiving sites for the distribution of the Seaport development rights. This Special District would become a subdistrict of the new Special Lower Manhattan District. Existing height and setback controls would remain in effect in the subdistrict. The existing special permit that allows modification of height and setback regulations (Section 74-721c) would be made a part of the subdistrict zoning.

The South Street Seaport Special District would continue to allow for the transfer of development rights between granting and receiving lots. Waterfront receiving lots include Piers 9, 11 and 13.

The Brooklyn Bridge Southeast Urban Renewal Plan would be modified so that its land use controls match those of the proposed new zoning district. The individual parcel land-use designations would be modified so that they conform to the proposed zoning. The plan would also be reformatted to comply with the current format of Urban Renewal Plans as outlined by the Department of Housing Preservation and Development (HPD).

## **Waterfront Zoning**

Waterfront development would be regulated by the provisions of Article VI Chapter II of the Zoning Resolution (Special Regulations Applying in the Waterfront Area). This is intended to make waterfront development more uniform, predictable and more in keeping with waterfront development on the rest of the East River waterfront. In addition, a new special permit is being proposed that, according to DCP, would allow for design flexibility and for flexible and coordinated development of Piers 9, 11, 13 and 14. This special permit is intended to allow the four piers to be treated as a unified development, permitting distribution of bulk and other modifications in order to achieve a better site plan and to maximize the usability of the open public spaces, according to DCP.

## **Other Controls**

**Parking:** Accessory off-street parking for dwelling units in non-residential buildings erected prior to 1997 that are converted to residential use would continue to be permitted and incorporated into provisions for the new district. The City Planning Commission (CPC) would be allowed to authorize off-site parking facilities for non-residential buildings converting to residential use.

**Applicability of the Board of Standards and Appeals (BSA) and City Planning Commission (CPC) Special Permits:** The Board of Standards and Appeals special permit to allow Eating or Drinking Places with Entertainment or Dancing with a Capacity of Greater than 200 Persons (Section 73-244) would be allowed in C5 zones within the new district. The BSA special permit to allow Modifications of Height, Setback and Rear Yard Requirements (Section 73-68) would not be applicable. The BSA special permit to allow automotive service stations (Section 73-21) would be limited on certain streets.

The City Planning Commission special permits to allow Modifications of Height, Setback and Yard Regulations (74-721 and 74-722) would not be applicable in the new district. CPC special permits to allow Arenas, Auditoriums, Stadiums or Trade Expositions (Section 74-41) and to allow Indoor Interactive Entertainment Facilities (Section 74-46) would be allowed in C5 districts.

**Regulations for the Former Special Greenwich Street Development District:** Provisions are proposed for the modification of previously required amenities so that they could be made consistent with the present goals of the district. The proposed district would allow an authorization to modify or eliminate the requirements for mandated public amenities that were provided pursuant to the former Greenwich Street District. The

requirements for a development on the blocks bounded by West, Cedar, Albany and Washington Streets would continue. The requirement for a pedestrian bridge across Greenwich Street at Liberty street would be removed. According to DCP, in an effort to provide an integrated plan for the area of the Brooklyn Battery Tunnel, the existing special permit would be available for the air space above the approaches to the tunnel.

#### **Regulations Outside of Lower Manhattan**

Changes are proposed for regulations outside of the Lower Manhattan area to consolidate those regulations into general sections of the zoning resolution so that the same regulations become applicable to several special districts. These changes include the following sections.

**Article III, Chapter 3:** Section 33-15 (Floor Area Bonus for Open-Air Concourse and Sidewalk Widening) that provides a bonus in 15 FAR districts for the provision of certain amenities would be deleted.

**Article III, Chapter 7:** Section 37-03 (Off-Street Renovation of a Subway Stair) would be revised so that requirements and procedures for a subway stair renovation or relocation for stations listed in the MID District and the proposed LM District would be added to the stations listed in this section.

Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) would be modified to eliminate the as-of-right allowances for Open Air Concourses and Sidewalk Widening.

A new Section 37-07 (Requirements for Pedestrian Circulation Space) would be added. This section would replace the requirements of Section 81-45 (MID District) and would be applicable in the MID District and the new LM District. The requirements of this section would be mandatory for the LM district.

**Article VII, Chapter 4:** Section 74-634 (Subway Station Improvements in Commercial Zones of 10 FAR and Above in Manhattan) would be revised to contain the requirements and procedures for bonused subway station improvements for the stations currently listed in this Section, the MID District and the proposed LM District. Requirements that are specific to a special district including the applicable stations for each district would be listed in the special district.

**Article XI, Chapter 1:** The Special Lower Manhattan Mixed-Use District would be renamed the Tribeca Mixed-Use District and its southern boundary would be moved northward one block to Murray Street. The name change is intended to prevent confusion with the new Special Lower Manhattan District. The boundary change is

intended to make the special districts more consistent with existing development of the districts in which they lie, and would make the proposed new special district coterminous with the area covered by the Lower Manhattan tax incentive program.

#### **Proposed Zoning Map Amendments**

**Proposed Special Lower Manhattan District:** The new LMD would be mapped: its western boundary would be West Street; its northern boundary would be Murray Street, City Hall Park and the centerline of the Brooklyn Bridge; its eastern and southern boundaries would be the waters of the East River.

**Greenwich Street and Manhattan Landing Development Districts:** These two special districts would be deleted as part of this proposal.

**Rezoning the C6-4 in the Special Greenwich Street Development District:** The C6-4 District that is located between Greenwich Street, West Street, Morris Street and Liberty Street is proposed to be rezoned to C6-9. The provisions of the Special Greenwich Street Development District allow development in this area to reach 18 FAR through a combination of as-of-right bonuses. According to DCP, this change is proposed to recognize that the area is now the same as a 15 FAR district because it can achieve the same FAR as the higher density zones through the same bonus mechanisms.

**Rezoning the C5-3CR in the Special Manhattan Landing Development District:** According to DCP, the existing C5-3CR portion of the MLD that is located on the East River between the southern edge of Pier 9 and the northern edge of Pier 13 is proposed to be rezoned to a C4-6 district to provide a uniform level of development potential along the river.

**Rezoning the Lower Manhattan Mixed-Use District:** The southern boundary of the Lower Manhattan Mixed-Use District (the LMM is proposed to be renamed the Tribeca Mixed-Use District) would be shifted one block northward from Park Place to Murray Street.

**Deleting "CR" Suffixes:** All of the "CR" suffixes in C6-4CR, C5-3CR and C5-5CR districts within the proposed Lower Manhattan District would be deleted.

**Rezoning the C6-4 on Battery Place:** This is a technical correction to make the zoning for this small area (all within the bed of Battery Place) conform to the existing surrounding zoning.

#### **Eighth Amendment to the Urban Renewal Plan for the Brooklyn Bridge Southeast Urban Renewal Area**

The proposed changes are intended to be consistent with all zoning provisions and permissible land uses in the proposed

Special Lower Manhattan District. The changes to the Urban Renewal Project will parallel the proposed Special Lower Manhattan District text change.

SUMMARY OF COMMUNITY BOARD ACTION

**COMMUNITY BOARD 1**

On March 17, 1998, Community Board 1 voted to oppose this application. The Board adopted its resolution by a vote of 32 in favor, 2 opposed and 1 abstention.

**COMMUNITY BOARD 3**

Community Board 3 did not vote on this application.

SUMMARY OF BOROUGH BOARD ACTION

On May 14, 1998, the Manhattan Borough Board voted to oppose this application. The Borough Board adopted its resolution by an unanimous vote.

BOROUGH BOARD RESOLUTION

WHEREAS: The Department of City Planning is proposing the establishment of a new Special Lower Manhattan District to replace the existing zoning for Lower Manhattan south of Chambers Street; and

WHEREAS: The new district would eliminate the Special Manhattan Landing and Greenwich Street Development Districts, make the Special South Street Seaport District a subdistrict of the new district and establish and Historic and Commercial Core; and

WHEREAS: The proposal before the Manhattan Borough Board actually consists of a zoning text amendment, a zoning map amendment and the Eighth Modification of the Brooklyn Bridge Southeast Urban Renewal Plan; and

WHEREAS: The objectives of the rezoning proposal are to:

- foster reuse of existing underused commercial buildings
- allow a wider range of commercial uses that better support an increasing residential population
- assure development that is consistent with historic fabric, including the existing scale and density of the area
- remove obsolete zoning controls that do not respond to

present day needs and desires

- promote the orderly growth and development of the waterfront; and

WHEREAS: Community Board 1 has made known to the Department of City Planning many times in recent years its clear desire that the South Street Seaport Historic District be downzoned and that the East River piers, aprons and marginal streets within Community Board 1 be downzoned to prevent and structure more than one or two stories high and to insure public open space (a minimum of 65% of all piers, aprons and marginal streets); and

WHEREAS: The Department of City Planning's Lower Manhattan Rezoning proposal utterly fails to address these two priorities of Community Board 1 and would instead permit the construction of massive new high-rise buildings in the South Street Seaport Subdistrict and all waterfront zoning lots of up to 21.6 FAR; and

WHEREAS: This rezoning proposal fails to accomplish several of its stated objectives such as assuring that "development is consistent with historic fabric, including existing scale and density of the area". In the South Street Seaport Historic District, for example, the existing average building is roughly five-stories tall while the Department of City Planning's plan would allow buildings ten times that size; and

WHEREAS: While the city has instituted a number of programs to encourage the development and creation of new residential units in Lower Manhattan, this proposal thoroughly fails to address the growing need for such services as parks, schools and libraries for these new residents; and

WHEREAS: These zoning changes were originally conceived several years ago at a time when the Lower Manhattan real estate market was in the midst of a serious downturn and today that same market is dramatically healthier and hardly in need of the same zoning remedies intended to revitalize it; and

WHEREAS: The Manhattan Borough Board is extremely disappointed that after a very positive and collaborative working relationship between Community Board 1 and the Department of City Planning for the Tribeca Rezoning plan, DCP chose to employ for this proposal a rarely convened (three times in two years) Advisory Committee made up primarily of real estate developers and to reject every effort made by Community Board 1 to have

this massive rezoning plan address important priorities of the Community Board and the Lower Manhattan community; now

THEREFORE  
BE IT  
RESOLVED  
THAT:

The Manhattan Borough Board strongly recommends the disapproval of the proposed creation of a Special Lower Manhattan District and the concomitant zoning text amendment, zoning map amendment and urban renewal plan modification, since this proposal thoroughly fails to address what the Borough Board considers to be several of the most important needs of Community Board 1. The Community Board's needs can and should be addressed through this zoning package by including:

- the downzoning of the South Street Seaport Historic District
- the downzoning of the East River piers, aprons and marginal streets as per Community Board 1's January 25, 1994 resolution (see attached resolution)
- incentives to encourage or mandate the creation of the necessary parks, schools and other services including improved public transportation needed to accommodate the existing and new residential population of Lower Manhattan
- relocation of development receiving sites within the South Street Seaport Historic District and over the East River and East River piers to outside the South Street Seaport Historic District and inland from the East River bulkhead; and

BE IT  
FURTHER  
RESOLVED  
THAT:

The Manhattan Borough Board supports the elimination of the Manhattan Landing Special District but favors a new zoning for this area consistent with the type of waterfront uses recommended by Community Board 1 in its January 25, 1994 resolution.

BOROUGH PRESIDENT ACTION

The Manhattan Borough President recommends approval.

The Manhattan Borough President recommends disapproval.

X The Manhattan Borough President recommends approval, subject to the condition detailed below.

The Manhattan Borough President recommends disapproval, unless the condition detailed below is addressed as described.

#### COMMENTS

Lower Manhattan is the third largest business district in the nation. It is also the birthplace of our great city and home to many of the most important sites and structures in the city and nation. Wall Street continues to be the financial capital of the world. From a purely economic viewpoint, Lower Manhattan has traditionally been the engine for economic growth in the City and has acted as a catalyst for development in both Midtown Manhattan and Downtown Brooklyn. These are clearly some of the reasons that Lower Manhattan demands and deserves the special attention it has received from the city and why the long-term health of Lower Manhattan is so vital to New York City.

After several years of declining vacancy rates and employment, Lower Manhattan is experiencing a renaissance, in part due to a package of City-sponsored incentives involving zoning changes and tax benefits enacted over the past three years that developed from the 1994 Plan for the Revitalization of Lower Manhattan.

While continuing its role as the financial capital of the world, Lower Manhattan is developing an integrated mixed-use community. Many new residential units in converted buildings are in the planning or construction stage, and office buildings are being modernized, attracting new media communications and new technology firms. New and converted hotel projects are planned to accommodate burgeoning tourism and increasing business activity, and new retail activity is being generated.

The current planning initiative under review by the Borough President is the proposal to create a new special district in Lower Manhattan intended to simplify and consolidate the various regulations affecting Lower Manhattan and treat the entire area with one unified vision and plan. The existing regulations in this area are complex and burdensome and limit uses that are customarily found in mixed-use neighborhoods. The proposed Lower Manhattan zoning text and map amendments would consolidate and simplify the regulations, and allow in the heart of Lower Manhattan a wider range of uses to support an increasingly diversified Lower Manhattan economy and 24-hour neighborhood. The new Special District will also designate certain streets for retail and streetwall continuity, and incorporate improved urban design controls and pedestrian improvements.

This proposal would help provide the types of uses needed to support a 24-hour community. However, turning Lower Manhattan into a 24-hour community will also require adequate community facilities such as schools and active and passive open space to meet the needs of a new residential population. In particular, the area east of Broadway and south of the Brooklyn Bridge contains extremely limited open space resources.

The Borough President strongly agrees with Community Board 1 and the Borough Board that the East River Piers (Piers 9, 11, 13 and 14) represent one of the only areas well suited to provide the open space required for this new residential community.

Realizing the importance of this issue, the Department of City Planning and the Economic Development Corporation (EDC) met with Community Board 1 and the Borough President's staff to discuss the East River Piers subsequent to the Community Board and Borough Board votes. At the meeting held on May 19, EDC indicated that it was preparing a draft Request for Proposals (RFP) for Piers 9, 13 and 14 that would permit commercial development (excluding parking, residential and office development). One important criteria in selecting the successful proposal would be the type and quality of open space provided in association with the development. In addition, EDC committed to permit Community Board 1 and the Borough President's office to review and comment on the draft RFP and to consider these recommendations. The City has also agreed to review the responses to the RFP with the Community Board. DCP has committed that it will seek to achieve no less than 45% open space on the East River Piers. The Borough President thanks both DCP and EDC for its commitment to addressing the need for open space in Lower Manhattan.

The new Special District is also intended to help reinforce the historic fabric of Lower Manhattan. The community board, however, expressed the concern that DCP's proposal fails to accomplish this stated objective in the South Street Seaport Historic District. The area stands in dramatic contrast to the tall skyscrapers which surround it. The existing average building is roughly five-stories tall, while DCP's plan would allow buildings ten times that size. The zoning within the South Street Seaport Historic District permits 10-12 FAR buildings in an area where the average building has an FAR of 5. The Borough President agrees with Community Board 1 and the Borough Board that DCP has an opportunity to address the long-standing contradiction between the zoning and the historic district designation. This issue was also discussed at the meeting with DCP and EDC mentioned previously. DCP stated during this meeting that while it is technically not feasible to make any changes to the proposal at this point in the application process, that DCP is committed within the next 30 to 60 days to begin a dialogue with CB 1 representatives regarding the issue of rezoning the

Historic District which includes 250 Water Street. Again the Borough President thanks DCP for responding to this concern.

Also, the Borough President wants to thank the Community Board for their letter stating that they had made great progress with DCP and EDC concerning the two outstanding issues and therefore would be comfortable urging the Borough President's approval of the proposal with the Borough President's continued assistance with the items agreed upon at the meeting. The Borough President had made her approval conditioned upon these agreements between DCP/EDC and the Community Board.

The Borough President, therefore, recommends approval of this application subject to the conditions described above.

Report and Recommendation Accepted:

A handwritten signature in cursive script that reads "Virginia Fields". The signature is written in dark ink and is positioned above a horizontal line.

C. Virginia Fields  
Manhattan Borough President