

Appendix A.1

Zoning Text and Map Amendments

A. MAY 25, 2004 PROPOSED ZONING TEXT AND MAPS

New York City Department of City Planning's May 25, 2004 zoning text and map amendments to the Special Hudson Yards District portion of the New York City Zoning Resolution are in this section. These zoning text and map amendments were assessed as part of the Proposed Action for the DGEIS and FGEIS.

B. AUGUST 30, 2004 PROPOSED ZONING TEXT AND MAPS

For the FGEIS, New York City Department of City Planning provided revised zoning text and map amendments (issued August 30, 2004) to the Special Hudson Yards District portion of the New York City Zoning Resolution. These zoning text and map amendments were assessed as part of Alternative S, "Revised Zoning Text Amendments" for the FGEIS and are provided in this section.

C. PROPOSED CITY MAP AMENDMENTS

The New York City Department of Parks and Recreation and New York City Department of City Planning are submitting an application for amendments to the City Map for the creation of new public parks, establishing legal grade on streets, as well as the creation of a new midblock street system, "Hudson Boulevard." These City Map Amendments are attached to both the May 25, 2004 and August 30, 2004 zoning text and map amendments. An explanation of the proposed revisions and the revised City Map are included under this section.

A. May 25, 2004
Proposed Zoning Text and
Map Amendments

SPECIAL HUDSON YARDS DISTRICT

PROPOSED ZONING TEXT AND MAP AMENDMENTS

May 25, 2004

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

11-12 Establishment of Districts

* * *

Establishment of the Jacob K. Javits Convention Center District

~~In order to carry out the special purposes as set forth in Article IX, Chapter 3, the #Special Jacob K. Javits Convention Center District# is hereby established.~~

Special Hudson Yards District

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

* * *

12-10 Definitions

* * *

~~The “Special Jacob K. Javits Convention Center District” is a Special Purpose District designated by the letters “CC” in which special regulations set forth in Article IX, Chapter 3 apply to all #developments#. The #Special Jacob K. Javits Convention Center District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement and supersede those of the districts on which it is superimposed.~~

The “Special Hudson Yards District” is a Special Purpose District designated by the letters “HY” in which special regulations set forth in Article IX, Chapter 3 apply to all #developments#. The #Special Hudson Yards District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

* * *

**ARTICLE 1
GENERAL PROVISIONS**

**CHAPTER 3
COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY
DISTRICTS 1 THROUGH 8 IN MANHATTAN AND A PORTION OF COMMUNITY
DISTRICTS 1 AND 2 IN THE BOROUGH OF QUEENS**

* * *

**~~13-224~~
~~Jacob K. Javits Convention Center study area~~**

~~No public parking lots are permitted in the area bounded by Eighth Avenue, 30th Street, the Hudson River and 42nd Street, except as provided in Section 13-552 (Public parking lots).~~

**~~13-225~~ 13-224
~~Manufacturing Districts~~**

* * *

**~~13-226~~ 13-225
~~Long Island City subject area~~**

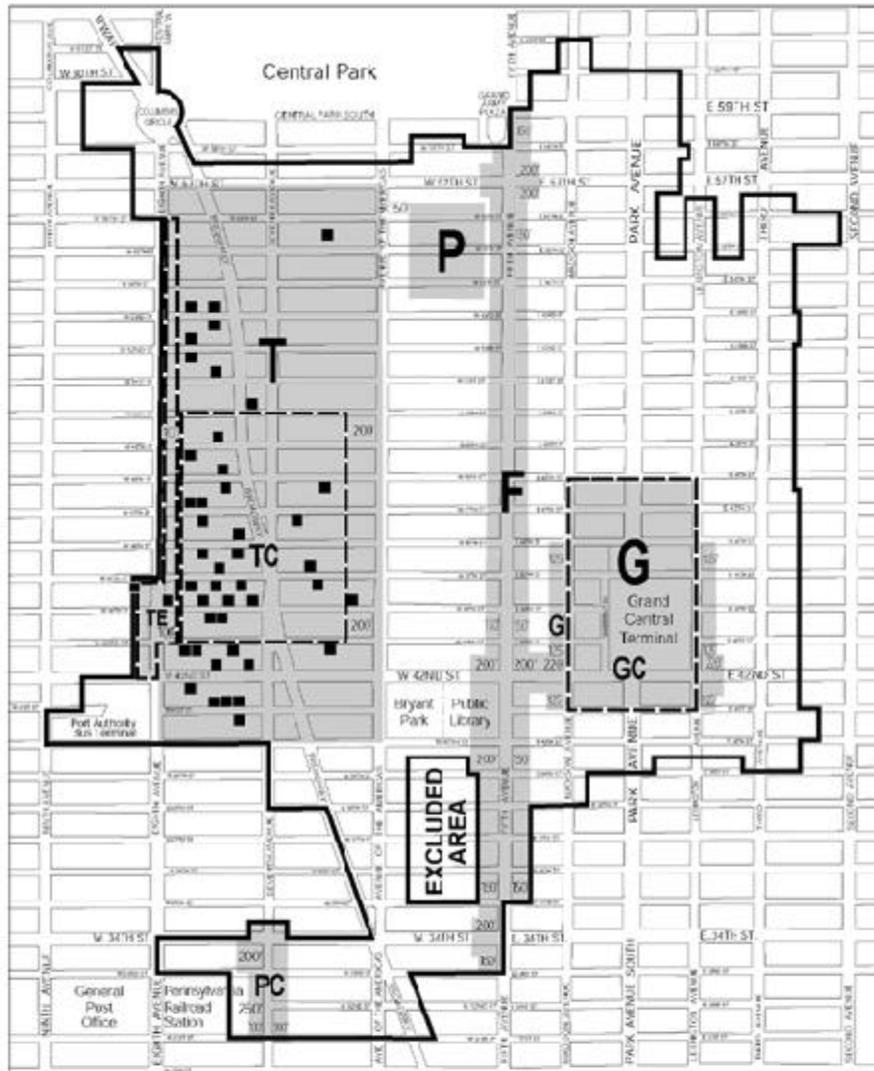
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ARTICLE VIII SPECIAL PURPOSE DISTRICTS

CHAPTER 1 SPECIAL MIDTOWN DISTRICT

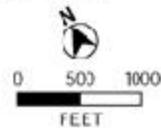
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APPENDIX A
Midtown District Plan Maps
 Map 1. Special Midtown District and Subdistricts



MIDTOWN DISTRICT PLAN
 MAP 1 - Special Midtown District and Subdistricts

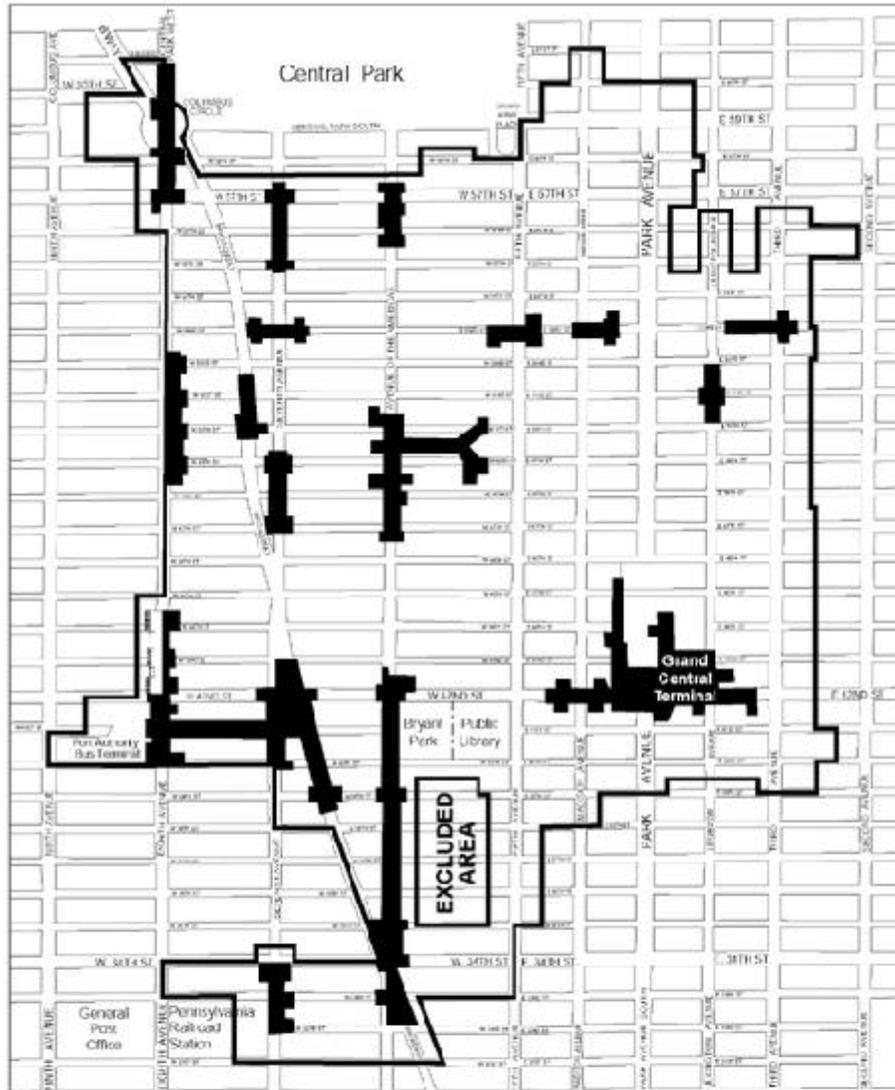
- | | |
|------------------------------------|---|
| F Fifth Avenue Subdistrict | GC Grand Central Subdistrict Core |
| G Grand Central Subdistrict | TC Theater Subdistrict: Core |
| PC Penn Center Subdistrict | TE Theater Subdistrict: Eighth Avenue Corridor |
| P Preservation Subdistrict | ■ Listed Theaters |
| T Theater Subdistrict | — Special Midtown District |



APPENDIX A

Midtown District Plan Maps

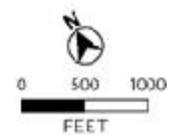
Map 3. Subway Station and Retail Mass Transit Facility Improvement Areas



MIDTOWN DISTRICT PLAN

MAP 3 - Subway Station and Rail Mass Transit Facility Improvement Areas

- Special Midtown District
- Improvement Area
- ▨ Improvement Area (Subway station improvement bonus pursuant to Section 81-292 not applicable)



**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**CHAPTER 3
SPECIAL HUDSON YARDS DISTRICT**

(delete entire Special Jacob K. Javits Convention Center District. All text in Chapter 3 is new)

**93-00
GENERAL PURPOSES**

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

- (a) to facilitate and guide the development of an environmentally beneficial, transit oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation, and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low-and medium scale character of the residential Hell’s Kitchen area;
- (f) to create and provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to create and provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to create and provide a transition between the Hudson Yards District and the West Chelsea area to the south;

- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;
- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

93-01

Definitions

Hudson Yards District Improvement Fund

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

Hudson Yards Redevelopment Area

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, Area P-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the centerline of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 30th Street to the U.S. Pierhead Line, and the southern #street line# of West 30th Street.

Special Hudson Yards District

The "Special Hudson Yards District" is a Special Purpose District designated by the letters "HY" in which special regulations set forth in Article IX, Chapter 3, apply.

93-02

General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #uses# within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

93-03

District Plan and Maps

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

The District Plan includes the following four maps:

Map 1. Special Hudson Yards District, Subdistricts and Subareas

Map 2. Mandatory Ground Floor Retail

Map 3. Mandatory Street Wall Requirements

Map 4. Mandatory Sidewalk Widening

Map 5. Transit Easements and Subway Entrances

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

93-04

Subdistricts and Subareas

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

The Large-Scale Plan (Subdistrict A),

The Farley Corridor (Subdistrict B)

The 34th Street Corridor (Subdistrict C)

The Tenth Avenue Corridor (Subdistrict D)

Other Areas (Subdistrict E)

Hell's Kitchen (Subdistrict F)

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

Within the Large-Scale Plan (Subdistrict A):

Eastern Rail Yards (Subarea A1)

Four Corners (Subarea A2)

Northern Blocks (Subarea A3)

Within the Farley Corridor (Subdistrict B):

Western Blocks (Subarea B1)

Central Blocks (Subarea B2)

Pennsylvania Station (Subarea B3)

Within the Tenth Avenue Corridor (Subdistrict D):

West Side (Subarea D1)

East Side (Subarea D2)

Within Other Areas (Subdistrict E)

West of the Port Authority Bus Terminal (Subarea E1)

South of the Port Authority Bus Terminal (Subarea E2)

South of Pennsylvania Station (Subarea E3)

Hell's Kitchen (Subdistrict F)

West of Ninth Avenue (Subarea F1)

Ninth Avenue Corridor (Subarea F2)

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

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter.

93-05

Applicability of District Regulations

93-051

Applicability of Chapter 3 of Article I

#Public parking lots# authorized pursuant to Section 13-552 (Public parking lots) prior to (effective date of amendment) and #accessory# off-street parking facilities for which a special permit has been granted pursuant to Section 13-561 prior to (effective date of amendment) may be renewed subject to the terms of such authorization or special permit.

93-052

Applicability of Chapter 3 of Article VII

Within the #Special Hudson Yards District#, the following provisions regarding special permits by the Board of Standards and Appeals for #non-complying buildings# shall not be applicable:

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

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

Section 73-64 (Modifications for Community Facility Uses)

Within the #Special Hudson Yards District#, the following provisions regarding special permits by the Board of Standards and Appeals shall not be applicable along any portion of a #street# where retail continuity is required pursuant to Section 93-14:

May 25, 2004

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations)

Section 73-21 (Automotive Service Stations)

Section 73-28 (Newspaper Publishing)

93-053

Applicability of Chapter 4 of Article VII

- (a) The following provisions regarding special permits by the City Planning Commission shall not be applicable:

Section 74-68 (Development Within or Over a Right-of-Way or Yards).

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-Scale Development) shall be inapplicable in the Large-Scale Plan Subdistrict

Section 74-82 (Through Block Arcades)

Section 74-83 (Court Houses)

Section 74-841 (Developments in Certain Commercial Districts)

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

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modifications of Urban Plazas)

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

- (b) Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to public parking lots of any capacity, and, to above-grade public parking garages, subject to the findings of Section 93-821 (Special permit for above-grade parking). However, the findings of Section 93-821 shall not apply to the renewal of any special permit granted prior to (effective date of amendment).

93-10

USE REGULATIONS

The #use# regulations of the underlying districts are modified as set forth in this Section 93-10, inclusive.

93-11

Air Space over a Railroad or Transit Right-of-way or Yard

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

93-12

Use Restrictions in the Phase 2 Hudson Boulevard and Park

In the Phase 2 Hudson Boulevard and Park as shown on Map 1, the #use# regulations in effect prior to (effective date of amendment) shall apply.

93-13

Special Residential Use Regulations

93-131

Restrictions on residential use

No #residential use# shall be permitted within the Central Blocks or Pennsylvania Station Subareas of the Farley Corridor Subdistrict, or in Subdistrict E (Other Areas).

93-132

Certification for residential use in the Large-Scale Plan Subdistrict

Within the Large-Scale Plan Subdistrict, #residential use# shall only be permitted by certification of the Chairperson of the City Planning Commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial floor area# specified for such #zoning lot# in Section 93-21, and that, for #zoning lots# in the Four Corners and Northern Blocks Subareas, a certification pursuant to Section 93-33 (Distribution of Floor Area from Eastern Rail Yard Subarea) has been made.

93-14

Location within Buildings

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

93-15

Retail Continuity Along Designated Streets

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

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D, or automobile showrooms or plumbing, heating or ventilating equipment showrooms. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated retail #streets#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials, and up to 20 percent of such area may be glazed with translucent materials.

The provisions of this Section 93-15 shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th #Street# frontage of the #zoning lot#.

93-16

Security Gates

All security gates installed after (effective date of amendment) that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

93-17

Public Parking Garages

#Public parking garages# located beneath Hudson Boulevard and the adjacent #public parks# shall be permitted as-of-right, except within the Phase 2 Hudson Boulevard and Park, as shown on Map 1.

93-18

Modification of Sign Regulations

The underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street, and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yards Subarea pursuant to Section 93-71.

93-181

Signs for theaters

For #zoning lots# occupied by more than two theaters and located within one-half mile of the Theater Subdistrict of the #Special Midtown District#, the applicable district #sign# regulations are modified so that permitted #signs# may project across a #street line# no more than four feet six inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

93-182

Authorization for signs on arenas

For new or #enlarged# arenas, the City Planning Commission may authorize non-#illuminated# or #illuminated signs#, including #flashing signs#, but not #advertising signs#, that exceed the limitations of the underlying district regulations, provided the Commission finds that such #signs# complement the architecture of the arena and enhance the entertainment character of the arena. The Commission may

prescribe additional safeguards and conditions to minimize adverse effects on the character of the surrounding area.

**93-20
FLOOR AREA REGULATIONS**

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

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

(a) Four Corners and Northern Blocks Subareas

In the Four Corners and Northern Blocks Subareas, the basic maximum permitted #floor area ratio# shall be as specified in row A in the table below. Such #floor area ratio# may be increased to the maximum amount specified in row B in the table below pursuant to Section 93-31 (District Improvement Fund Bonus) and/or the transfer of #floor area# from the Phase 2 Hudson Boulevard and Park pursuant to Section 93-32. For #developments# or #enlargements# that have maximized their permitted #floor area# through such #floor area# bonus or transfer provisions, the permitted #floor area# may be further increased to the maximum amount specified in row C in the table below through the distribution of #floor area# from the Eastern Rail Yards Subarea pursuant to Section 93-33. #Residential use# shall only be permitted as part of a #development# or #enlargement# with a non-#residential floor area ratio# of 20.0 or more, in accordance with the provisions of Section 93-132 (Certification for residential use in the Large-Scale Plan Subdistrict).

*Maximum Permitted Floor Area Ratio
within the Four Corners and Northern Blocks Subareas*

Subarea	<i>Four Corners</i>	<i>Northern Blocks</i>
ROW A Basic maximum #floor area ratio#	10 total 10C 2CF	10 total 10C 2CF
ROW B Maximum #floor area ratio# through bonus pursuant to Section 93-31 or transfer pursuant to Section 93-32.	18 total 18C 2CF	18 total 18C 2CF
ROW C Maximum #floor area ratio# through distribution pursuant to Section 93-33	No limit No limit C 4R 2CF	24 total 24 C 4R 2CF

C commercial FAR
CF community facility FAR
R residential FAR

(b) Eastern Rail Yards Subarea

The Eastern Rail Yard Subarea shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for #commercial use# shall be 19.0, the maximum #floor area ratio# for #residential use# shall be 6.0, and the maximum #floor area ratio# for #community facility use# shall be 2.0. In order to promote a superior site plan, the amount of #floor area# permitted to be #developed# or #enlarged# in the subarea shall be limited, and unused #floor area# may be distributed as set forth below:

- (1) The maximum #floor area ratio# for any #development# or #enlargement# in the subarea shall be 9.0. The maximum #floor area ratio# for #commercial use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 1.0. #Residential use# shall only be permitted as part of a #development# or #enlargement# with a non-#residential floor area ratio# of 8.0 or more, in accordance with the provisions of Section 93-132 (Certification for residential use in the Large-Scale Plan Subdistrict).
- (2) Unused #floor area# may be distributed to #zoning lots# in the Four Corners and Northern Blocks Subareas pursuant to Section 93-33, provided the amount of #floor area# distributed for #commercial use# does not exceed an amount equal to the #lot area# of the Eastern Rail Yards Subarea multiplied by 10.0, the amount of #floor area# distributed for #residential use# does not exceed an amount equal to the #lot area# of the Eastern Rail Yards Subarea multiplied by 5.0, and the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yards Subarea multiplied by 10.0.

(c) Phase 2 Hudson Boulevard and Park

For #zoning lots# or portions of #zoning lots# in the Phase 2 Hudson Boulevard and Park, the provisions of Section 93-32 (Floor Area Regulations in the Phase 2 Hudson Boulevard and Park) shall apply.

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

93-22

Floor Area Regulations in Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum permitted #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in row A in the table below. Such #floor area ratio# may be increased to the amount specified in row B in the table below pursuant to Section 93-31 (District Improvement Fund Bonus) and/or the transfer of #floor area# from the Phase 2 Hudson Boulevard and Park pursuant to Section 93-32. However, in Subdistrict C, the #residential floor area ratio# of a #building# may exceed 10.0 only through the Inclusionary Housing Program pursuant to Section 23-90, and in Subdistrict D, the #floor area ratio# of any #building# containing #residential use# may exceed 10.0 only pursuant to Section 23-90 and may only be increased beyond 12.0 pursuant to Sections 93-31 and/or 93-32.

In the Western Blocks Subarea of Subdistrict B, #residential use# shall only be permitted as part of a #development# or #enlargement# with a #commercial floor area ratio# of 12.0 or more.

In the Pennsylvania Station Subarea of Subdistrict B, the maximum #floor area ratio# permitted in row B may be increased to a maximum #floor area ratio# of 19.5 pursuant to Section 93-34 (Special Permit for Increased Floor Area in Pennsylvania Station Subarea), provided that not more than a #floor area ratio# of 19.5 shall be permitted for #commercial use# and not more than a #floor area ratio# of 2.0 shall be permitted for #community facility use#.

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

Maximum Permitted Floor Area Ratio within Subdistricts B through E

Subdistrict	Farley Corridor (Subdistrict B)			34th St Corridor (Subdistrict C)	Tenth Ave Corridor (Subdistrict D)		Other Areas (Subdistrict E)		
	<i>Western Blocks</i>	<i>Central Blocks</i>	<i>Penn. Station</i>		<i>West Side</i>	<i>East Side</i>	<i>West of PA</i>	<i>South of PA</i>	<i>South of Penn Sta.</i>
ROW A Basic maximum #floor area ratio#	10 total 10C 2CF	10 total 10C 2CF	10 total 10C 2CF	10 total 10C 7.5R 10CF	7.5 total 2C 7.5R 7.5CF	7.5 total 2C 7.5R 7.5CF	10 total 10C 2CF	10 total 10C 2CF	10 total 10C 10CF 10M
ROW B Maximum #floor area ratio# through bonus pursuant to Section 93-31, transfer pursuant to Section 93-32, or Inclusionary Housing	18 total 18C 6R 2CF	15 total 15C 2CF	15 total 15C 2CF	13 total 13C 12R 12CF	15 total 3C 12R 12CF	13 total 3C 12R 12CF	18 total 18C 2CF	18 total 18C 2CF	12 total 12C 12CF 12M

C commercial FAR
 CF community facility FAR
 R residential FAR
 M manufacturing FAR
 PA Port Authority Bus Terminal

93-23

Floor Area Regulations in Hell’s Kitchen (Subdistrict F)

The underlying district #floor area ratio# regulations shall apply within the Hell’s Kitchen Subdistrict, except that for #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within the Hell’s Kitchen Subdistrict and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches, the City Planning Commission may authorize the distribution of #floor area# across such district boundaries pursuant to Section 93-431 (Authorization for the provision of public open areas).

93-30

SPECIAL FLOOR AREA REGULATIONS

93-31

District Improvement Fund Bonus

In the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and Area P-2 of the #Special Garment District#, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Section 93-21, 93-22, 96-201, or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the #Hudson Yards District Improvement Fund#. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for such #development# or #enlargement#. Such contribution amount shall be \$100 per square foot of #floor area# as of (effective date of amendment) and shall be adjusted by the Chairperson on July 1 of the following year and each year thereafter, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

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

Such contribution amount shall be payable or secured at the time foundation work has been completed and the Commissioner of Buildings shall not authorize any additional construction until the Chairperson has certified that payment has been made or security therefor has been provided.

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

93-32

Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

In the Phase 2 Hudson Boulevard and Park, no new #development# shall be permitted, and no existing #development# shall be #enlarged#. However, #floor area# from a granting site within the subarea may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section 93-32.

For the purposes of this Section, a “granting site” shall mean a #zoning lot#, or portion thereof, within the Phase 2 Hudson Boulevard and Park or the Phase 2 Park within the 42nd Street Perimeter Area of the #Special Clinton District#, and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a “receiving site” shall mean a #zoning lot#, or portion thereof, within the Four Corners or Northern Blocks Subareas of the Large-Scale Plan Subdistrict or the Tenth Avenue Corridor Subdistrict, to which #floor area# from a “granting site” has been transferred.

(a) Transfer of floor area by certification

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

- (1) the maximum amount of #floor area# transferred from a granting site shall not exceed the maximum #floor area ratio# permitted for #commercial use# on such granting site prior to (effective date of amendment), less any existing #floor area# to remain on the granting site;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable, and
- (4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement as a #public park# and/or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in row B in the tables in Section 93-21 and 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in row B, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 or the Inclusionary Housing Program pursuant to Section 23-90 .

(b) Authorization for contribution-in-kind

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

- (1) the conditions for transferring #floor area# set forth in paragraph (a) above have been met.

- (2) the #granting site# will be improved, at the applicant's expense, as a #public park# and/or #street#, as provided for on the City Map, prior to conveyance to the City, and
- (3) the applicant has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# and/or #street# pursuant to an agreed upon construction schedule.

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

The amount of increased #floor area# generated by the contribution-in-kind shall be as determined by the Commission, which shall determine the reasonable cost of such improvement, and shall permit a #floor area# bonus in relation thereto. In making such determination, the Commission may consult with an engineer at the applicant's expense.

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

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-33

Distribution of Floor Area in the Large-Scale Plan Subdistrict

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

Northern Blocks Subareas to which #floor area# from the Eastern Rail Yard Subarea has been distributed.

(a) Distribution of #floor area# by certification

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

- (1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea, as set forth in paragraph (b)(2) of Section 93-21;
- (2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea by the amount of #floor area# distributed, and
- (3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a #zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea, as specified in row C of the table in Section 93-21.

(b) Requirements for Application

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

- (1) a site plan and #floor area# zoning calculations for the receiving site, and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea.

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea and the receiving site, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-34

Special Permit for Increased Floor Area in Pennsylvania Station Subarea

In the Pennsylvania Station Subarea, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a #floor area# increase for #commercial use# above a #floor area ratio# of 15.0 to a maximum #floor area ratio# of 19.5.

- (a) The following conditions shall apply:
- (1) The applicant shall submit a plan acceptable to the Chairperson of the City Planning Commission identifying that portion of the #development# or #enlargement# utilizing such increased floor area.
 - (2) All transit facility improvements shall comply with applicable design standards or the current guidelines of the Metropolitan Transit Authority, New Jersey Transit, or Amtrak as applicable.
 - (3) The applicant shall submit schematic or concept plans for all proposed improvements to the applicable transportation agency and the Chairperson of the City Planning Commission, and any further documentation deemed necessary by the reviewing agencies.
 - (4) The applicable transportation agency shall submit a letter to the Chairperson of the City Planning Commission stating the drawings and other documents submitted by the applicant have been determined to be of sufficient scope and detail to fix and describe the size and character of the transit improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate.
 - (5) The owner shall sign a legally-enforceable instrument in a form acceptable to the reviewing agencies containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, pursuant to an agreed-upon construction schedule. Such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Chairperson of the City Planning Commission and the applicable transportation agencies.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall

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

- (b) In order to grant such special permit, the Commission shall find:
- (1) That the transit improvements significantly enhance the surface and subsurface pedestrian circulation network into and around the #development# or #enlargement# and to and from public transit facilities;
 - (2) That the streetscape, the site design and the location of building entrances for the #development# or #enlargement# contribute to the overall improvement of pedestrian circulation within the #Special Hudson Yards District# and minimize congestion on surrounding streets, and
 - (3) That the increased #floor area# will not unduly increase the #bulk# of the #development# or #enlargement# , density of population or intensity of #use# to the detriment of the occupants of #buildings# in the surrounding area.

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

93-40

HEIGHT AND SETBACK REGULATIONS

In the #Special Hudson Yards District#, height and setback regulations shall be as set forth in this Section 93-40, inclusive.

93-41

Rooftop Regulations

(a) Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Hudson Yards District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts)

(b) Screening Requirements for Mechanical Equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

93-42

Height and Setback in Subdistricts A through E

In Subdistricts A through E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of this Section 93-42 shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (Special Height and Setback Regulations in Subdistricts A through E). The rooftop regulations set forth in Section 93-41 shall apply.

(a) Maximum base heights

The maximum height of a #building or other structure# before setback shall be 150 feet along a

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

(b) Required setbacks

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

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

(c) Tower #lot coverage#

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

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

- (d) Length of building wall

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

93-43

Height and Setback in Hell's Kitchen (Subdistrict F)

In the Hell's Kitchen Subdistrict, the underlying height and setback regulations shall apply, except that the rooftop regulations set forth in Section 93-41 shall apply.

93-431

Authorization for the provision of public open areas

For #developments# or #enlargements# on #zoning lots# that are wholly or partially within the Hell's Kitchen Subdistrict and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches, the City Planning Commission may authorize height and setback modifications within C2-7A Districts and the distribution of #floor area# without regard to district boundaries provided the Commission finds that:

- (a) such publicly accessible open area provides an appropriate amenity to the surrounding area;
- (b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting, and
- (c) modifications to the C2-7A height and setback regulations result in a #building# that does not exceed a height of 200 feet and is compatible with the scale and character of the surrounding area.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section 37-06. Furthermore, such open areas shall comply with the requirements for #urban plazas# set forth in the following paragraphs of Section 37-04:(o, Public space signage system); (p, Signs); (q, Maintenance), and (r, Penalties for violations).

All plans for publicly accessible open areas, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the publicly accessible open areas and setting further such provisions as necessary to ensure compliance with the requirements of this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# subject to the provisions of this Section 93-431 until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is substantially complete, which shall mean that the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is complete, which shall mean that all public access requirements of this Section have been met in accordance with the plans for such public access area.

93-50

SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A - E

In Subdistricts A through E, the height and setback regulations set forth in Section 93-42 shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, minimum base heights and maximum length of building walls for towers, and modifications of maximum base heights, depths of required setbacks, and tower #lot coverage#. Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 (Mandatory Street Wall Requirements). Where sidewalk widening lines are specified, such lines shall be parallel to and 5 or 10 feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widening).

93-51

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

93-511

Tower lot coverage

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

93-512

Northern Blocks Subarea

(a) Hudson Boulevard

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

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

- (1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet , and
- (3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

For the purposes of applying the #street wall# location and setback provisions of this paragraph to #developments# and #enlargements# fronting on the #public park# between West 38th and West 39th Streets, the #street lines# and sidewalk widening lines of Hudson Boulevard shall be prolonged northward to West 39th Street.

(b) Tenth Avenue

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

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

- (1) the aggregate width of such #street wall# does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet, and
- (3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(c) Midblocks

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

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

(d) Rear setback

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

93-513

Four Corners Subarea

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 shall apply, except that the maximum base height shall be 150 feet, and, for the purposes of applying such #street wall# location and setback provisions to #developments# and #enlargements# fronting upon the #public park# between West 33rd and West 35th Streets, the westerly #street line# and sidewalk widening lines of Hudson Boulevard shall be prolonged southward to West 33rd Street.

(b) West 34th Street

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

(c) Tenth Avenue

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

(d) Rear setback

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

93-514

Eastern Rail Yard Subarea

(a) Location of Buildings

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

- (1) East of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard;
- (2) West of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard and within 220 feet of West 33rd Street, and
- (3) For #buildings# containing only uses in Use Group 3 or 4, the footprint of such #buildings# at the level of the outdoor plaza required pursuant to paragraph (b) of Section 93-71 shall be west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard and within 250 feet of West 30th Street.

(b) Height and Setback

No setbacks shall be required for any building wall facing Eleventh Avenue, West 30th Street or West 33rd Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot# not occupied by the urban plaza required pursuant to Section 93-71. Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

(c) Length of building walls

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

93-52

Special Height and Setback Regulations in the Farley Corridor (Subdistrict B)

93-521

450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# on the #zoning lot# bounded by Tenth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

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

- (a). Along West 31st Street, a #building# may rise without setback provided no part of such

#building# is within 15 feet of West 31st Street, and

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

93-522

Ninth Avenue Rail Yard

The provisions of this Section shall apply, where applicable, to any #development# or #enlargement# within the area bounded by Ninth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

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

93-523

Pennsylvania Station Subarea

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

- (a) A #street wall# shall be provided for the mandatory public space required pursuant to paragraph (a) of Section 93-74. Such #street wall# shall extend for at least 100 feet along the Eighth Avenue sidewalk widening line and rise without setback to a minimum height of 60 feet. No portion of such #street wall# shall exceed a height of 150 feet within 15 feet of the Eighth Avenue #street line#. However, such #street wall# may encroach upon the mandatory sidewalk widening provided the height of such #street wall# within the sidewalk widening does not exceed 90 feet.
- (b) In addition to the #street wall# required pursuant to paragraph (a) above, #street walls# shall be provided along at least 35 percent of the Eighth Avenue frontage of the #zoning lot#. Such #street walls# shall be located within 10 feet of the Eighth Avenue #street line# and rise without setback to a minimum height of 90 feet and a maximum height of 150 feet, except that no setbacks shall be required where such #street walls are located 10 feet from the Eighth Avenue #street line#.
- (c) No #street walls# shall be located further than 10 feet from the Eighth Avenue #street line# unless they front upon a public plaza provided pursuant to paragraph (c) of Section 93-74.

Along West 31st and West 33rd Streets, any portion of a #development# or #enlargement# that exceeds a height of 150 feet shall be set back at least 15 feet from the West 31st and West 33rd Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31st or West 33rd Street #street line#, such #building# may rise without setback along such #street#.

93-53

Special Height and Setback Regulations in the 34th Street Corridor (Subdistrict C)

(a) 34th Street

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

(b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-54 shall apply.

93-54

Special Height and Setback Regulations in the Tenth Avenue Corridor (Subdistrict D)

(a) Tenth Avenue

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

For #zoning lots# that occupy the entire Tenth Avenue #block# front, the #street wall# of the #development# or #enlargement# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

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

- (1) the aggregate width of such #street wall# does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet, and
- (3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(b) Hudson Boulevard

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

(c) Midblocks between Tenth Avenue and Hudson Boulevard

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

(d) Length of building wall

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

93-55

Special Height and Setback Regulations in Other Areas (Subdistrict E)

(a) West of Port Authority Bus Terminal Subarea

In the West of Port Authority Bus Terminal Subarea, for #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-54 shall apply.

(b) South of Pennsylvania Station Subarea

In the South of Pennsylvania Station Subarea, the #street wall# of any #development# or #enlargement# shall be located on the #street line# and rise without setback to a minimum base height of 90 feet or the height of the #building#, whichever is less, and a maximum base height of 120 feet. Above a height of 120 feet, all portions of such #building# shall be set back at least 20 feet from the #street line#.

93-60

MANDATORY IMPROVEMENTS

93-61

Sidewalk Widening

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

93-62

Street Tree Planting

All new #developments# or #enlargements# shall provide and maintain trees of not less than three inch caliper at the time of planting in the sidewalk adjacent to the #zoning lot#. In the Four Corners Subarea, trees shall also be provided along the #street# edge of the mandatory sidewalk widening. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least 3 feet, six inches. Species shall be selected, installed and maintained in accordance with specifications established by the Department of Parks. The provisions of this Section shall not apply where the Commissioner of Buildings determines that such tree planting would be infeasible.

93-63

Pedestrian Circulation Space

In M1-6, C2-8 and C6-4 Districts, 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).

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

93-64

Major Building Entrances

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

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

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

93-65

Transit Easements

Any #development# or #enlargement# on a #zoning lot# that includes the locations listed below shall provide an easement for subway-related use and public access to the subway mezzanine or station:

The area bounded by Tenth Avenue, West 41st Street, a line 175 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue;

The area bounded by the southerly prolongation of the western #street line# of Hudson Boulevard, West 34th Street, a line 75 feet north of and parallel to West 34th Street, and a line 40 feet west of and parallel to the southerly prolongation of the western #street line# of Hudson Boulevard. The entrance shall be accessed from Hudson Boulevard;

The area bounded by Eleventh Avenue, West 36th Street, a line 90 feet east of and parallel to Eleventh Avenue, a line 50 feet south of and parallel to West 36th Street, a line 50 feet east of and parallel to 11th Avenue, and West 34th Street. The entrance shall be accessed from West 36th Street or 11th Avenue within 50 feet of West 36th Street;

The area bounded by West 41st Street, the easterly #lot line# of Block 1069, Lot 1, West 40th Street, and a line 100 feet west of and parallel to the easterly #lot line# of Block 1069, Lot 1. Entrances shall be accessed from West 40th and West 41st Streets, and from the elevated midblock bridge. The transit easement shall include a volume from 50 feet below grade to 30 feet above grade, and

For any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

These locations are illustrated on Map 5 (Transit Easements and Subway Entrances).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with and the approval of the Transit Authority.

An instrument establishing such transit easement, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or

#enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Floor space within any required transit easement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

93-66

Open Area Requirements in the Large-Scale Plan Subdistrict

In the Four Corners and Northern Blocks Subareas of the Large-Scale Plan Subdistrict, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

- (a) Where such open areas are sidewalk widenings required pursuant to Section 93-61, or where a sidewalk widening is not required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a distance of ten feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond ten feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) below, as applicable.
- (b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet shall be paved and/or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet shall be paved and contain landscaping. Paved areas shall not be more than two feet six inches above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (d) Open areas described in paragraphs (b) and (c) above may be occupied by features, equipment and appurtenances normally found in #public parks# and playgrounds, as listed in paragraph (g) of Section 37-04 (Requirements for Urban Plazas). In addition, gates and/or fences shall be permitted for open areas described in paragraph (c) above provided such gates are fully open during business hours, such gates and/or fences are not higher than five feet, and

are a minimum of 65 percent open to permit visibility of the open area. No driveways or parking areas shall be permitted in any open area, except for a driveway that leads directly to an enclosed parking or loading facility. Building trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the #street# or any public access area. All paved areas shall be accessible to the public during business hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than two feet six inches above the level of any adjacent paved area. .

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access areas shall be provided for special sites as specified in this Section 93-70, inclusive. In the event of a conflict between the provisions of this Section 93-70 inclusive and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

For #zoning lots# with multiple #buildings#, the Chairperson shall allow for the phased #development# of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is substantially complete, which shall mean

that the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is complete, which shall mean that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Nothing herein shall prevent the Chairperson from certifying that the public access areas integral to specific phases of the development have been substantially completed or completed for each such phase.

93-71

Public Access Areas in the Eastern Rail Yard Subarea

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

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed.

Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f) of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61.

(b) Outdoor plaza

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

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

Building walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard and shall rise to a minimum height of 90 feet and a maximum height of

120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such building wall may rise without setback at such prolongation line provided the aggregate width of such building wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet .

The retail and glazing requirements of Section 93-15 shall apply to at least 70 percent of the length of all building walls facing each side of the outdoor plaza.

(c) Urban plaza

A publicly accessible space, open to the sky (hereinafter referred to as an “urban plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such urban plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street, and be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

The retail and glazing requirements of Section 93-15 shall apply to at least 70 percent of the length of all building walls facing each side of the urban plaza.

(d) Through block connection

A publicly accessible through-block connection shall be provided connecting the outdoor plaza with the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) below. Public access shall also be provided between such through-block connection and the Tenth Avenue sidewalk within 50 feet of the centerline of West 32nd Street. Such through-block connection may be open to the sky or enclosed, need not be linear, and may have necessary grade changes. Such through-block connection shall have a minimum width of 30 feet. If such through block connection is enclosed, it shall have a minimum height of 30 feet. The retail and glazing requirements of Section 93-15 shall apply to at least 50 percent of the length of all building walls facing each side of the through block-connection.

(e) Connection to urban plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the urban plaza. The retail and glazing requirements of Section 93-15 shall apply to at least 50 percent of the length of all building walls facing each side of such connection. The minimum clear width of such public way shall be 20 feet. If enclosed, the minimum clear height shall be 30 feet.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If covered, the average clear height of such connection shall be 60 feet. The retail and glazing requirements of Section 93-15 shall apply to at least 50 percent of the length of all building walls facing each side of such connection.

(g) Tenth Avenue Bridge

A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through-block connections required pursuant to paragraph (d) above and paragraph (a) of Section 93-72. Such bridge may be open or enclosed, have a minimum clear width of 30 feet, and if enclosed have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the centerline of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section 93-72.

93-72

Public Access Areas at 450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Tenth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street. the provisions of this Section may be waived or modified.

(a) Through-block connection

A publicly accessible through-block connection shall be provided within 10 feet of the prolonged centerline of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) below. Such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through-block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet. Public access shall also be provided between such through-block connection and the Tenth Avenue sidewalk.

(b) Lincoln Tunnel Approach bridge

A publicly accessible pedestrian bridge shall be provided over the Lincoln Tunnel Approach linking the through-block connection required pursuant to paragraph (a) above with the covered pedestrian space required pursuant to Section 93-73. Such bridge shall be open or

enclosed, and have a minimum width of 30 feet. If enclosed, such bridge shall have a minimum clear height of 15 feet.

93-73

Public Access Areas on Ninth Avenue Rail Yard

The provisions of this Section shall apply, where applicable, to any #development# or #enlargement# in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street. A permanent easement shall be provided within 10 feet of and over the Lincoln Tunnel Approach for the purposes of facilitating the construction of the Lincoln Tunnel Approach Bridge required pursuant to paragraph (b) of Section 93-72. However, the provisions of this Section may be waived or modified for the #development# of an arena for which a special permit has been granted pursuant to Section 74-41.

(a) Covered Pedestrian Space

A publicly accessible covered pedestrian space shall be provided within 10 feet of the prolonged centerline of West 32nd Street connecting the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue. Such covered pedestrian space shall:

- (1) be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet, and a minimum clear path of 20 feet;
- (2) have a roof of transparent material that allows for natural daylight to enter;
- (3) provide direct access to any #building# adjacent to such covered space,
- (4) have retail uses fronting upon at least 50 percent of its northern and southern walls.

The maximum height of a building wall along the southern boundary of the covered pedestrian space shall not exceed the average height of the covered pedestrian space, or the height at which an arched or angled ceiling of the covered pedestrian space begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the covered pedestrian space.

In the event that such covered pedestrian space and any #development# or #enlargement# north of such covered pedestrian space do not occur simultaneously, both shall be designed to allow for compliance with the provision of this Section upon completion.

(b) Through block connection

A publicly accessible through block connection, open to the sky, shall be provided along the eastern edge of the Lincoln Tunnel Approach. Such connection shall have a minimum width of 20 feet and provide a direct connection with the covered pedestrian space required pursuant to paragraph (a) above.

(c) Plaza

A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space required pursuant to paragraph (a) above. Such plaza shall be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

(d) Connection to below grade passage

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

93-74

Public Access Areas in Pennsylvania Station Subarea

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

(a) Public Space

A publicly-accessible enclosed space with a minimum area of 32,500 square feet shall be provided. Such space shall have at least 100 feet of frontage along the Eighth Avenue #street line#, and have a minimum clear height of 60 feet. The length of such space shall not exceed four times its narrowest width. Up to one-half of such space may be below grade, but shall be visually connected to the at-grade space. Furthermore, such below-grade space shall be connected to the at-grade space by escalators on at least two sides. The retail and glazing requirements of Section 93-15 shall apply to least 70 percent of the length of all building walls facing each side of such space. Such space shall provide direct access to the through block connection required pursuant to paragraph (b) of this Section, adjacent building lobbies and transit facilities.

(b) Through-block Connection

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

(c) Plaza

A publicly accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

(d) Corner Circulation Space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section 37-073. Such spaces shall count towards meeting the pedestrian circulation space requirements of Section 93-63. However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if such corner is #developed# with a plaza in accordance with paragraph (c) of this Section.

93-80

OFF-STREET PARKING AND LOADING REGULATIONS

The regulations governing permitted and required #accessory# off-street parking spaces of Article 1, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6 and 7 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens), Article 2, Chapter 5 (Accessory Off-Street Parking and Loading Regulations), Article 3, Chapter 6 (Accessory Off-Street Parking and Loading), and Article 4, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply. In lieu thereof, the provisions of this Section 93-80, inclusive, shall apply.

93-81

Required and Permitted Parking

All #developments# or #enlargements# on #zoning lots# greater than 15,000 square feet shall provide #accessory# parking spaces in accordance with the provisions of this Section 93-81. For #zoning lots# of 15,000 square feet or less, #accessory# parking spaces are permitted up to the maximum number allowed for required spaces as set forth in this Section.

- (a) For #residences#, #accessory# off-street parking spaces shall be provided for at least 33 percent of the total number of #dwelling units#, and the total number of off-street parking spaces #accessory# to #residences# shall not exceed 50 percent of the total number of #dwelling units#. However, if the total number of #accessory# off-street parking spaces required for such #use# on the #zoning lot# is less than 15, no such spaces shall be required.
- (b) For #commercial# and #community facility uses#, a minimum of 0.35 #accessory# off-street parking spaces shall be provided for each 1,000 square feet of #floor area#, and not more than one off-street parking space shall be provided for every 2,500 square feet of #floor area#. However, if the total number of #accessory# off-street parking spaces required for such #uses# on the #zoning lot# is less than 40, no such spaces shall be required. No parking shall be required for houses of worship or #schools#.
- (c) The required and permitted amounts of #accessory# off-street parking spaces shall be determined separately for #residential#, #commercial# and #community facility#.

93-82

Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #zoning lot#, all such spaces shall be located within the same parking facility.
- (b) All #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided:
 - (1) such parking facilities are located within a C2-8, C6-4 or M1-6 District within the #Special Hudson Yards District#;
 - (2) such parking facilities are not more than 600 feet from the #use# to which they are #accessory# to;
 - (3) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#, and

- (4) the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.
- (c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts, or,
 - (2) located, at every level, behind #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

93-821

Special permit for above-grade parking

The City Planning Commission may permit parking facilities that do not comply with the provisions of paragraph (c) of Section 93-82 above, and may permit floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

- (a) Below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-ways or other conditions that impose practical difficulties for the construction of below-grade parking facilities;
- (b) The scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;
- (c) The materials and articulation of the #street wall# of the parking facility is compatible with #buildings# in the surrounding area;
- (d) The ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;
- (e) Any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area# so as to

minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

- (f) For portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties, and
- (g) The location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

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

93-83

Curb Cut Restrictions

Along all avenues in the Special Hudson Yards District, and along Hudson Boulevard and West 34th Street, and along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, no driveway curb cuts for parking facilities or loading berths shall be permitted except where the Commissioner of Buildings determines there is no alternative means of access to required off-#street# parking spaces or required loading berths from other #streets# bounding the #zoning lot#. However, in no event shall curb cuts be permitted on or within 40 feet of Hudson Boulevard.

93-831

Curb Cut Restrictions in the Large-Scale Plan Subdistrict

In the Four Corners Subarea, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

93-832

Curb cut restrictions in the Farley Corridor Subdistrict

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea, the maximum aggregate width of curb cuts on West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth

Avenue, only one curb cut shall be permitted with a maximum width of 90 feet.

93-84

Authorization for Additional Curb Cuts

Along the north side of West 35th, West 36th, West 37th, and West 38th Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts provided the Commission finds that such curb cuts are needed for required loading berths, such loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot# and thereby permit a more efficient loading operation, such curb cuts do not unduly inhibit surface traffic or pedestrian flow, and such curb cuts do not impair the essential character of the surrounding area.

93-85

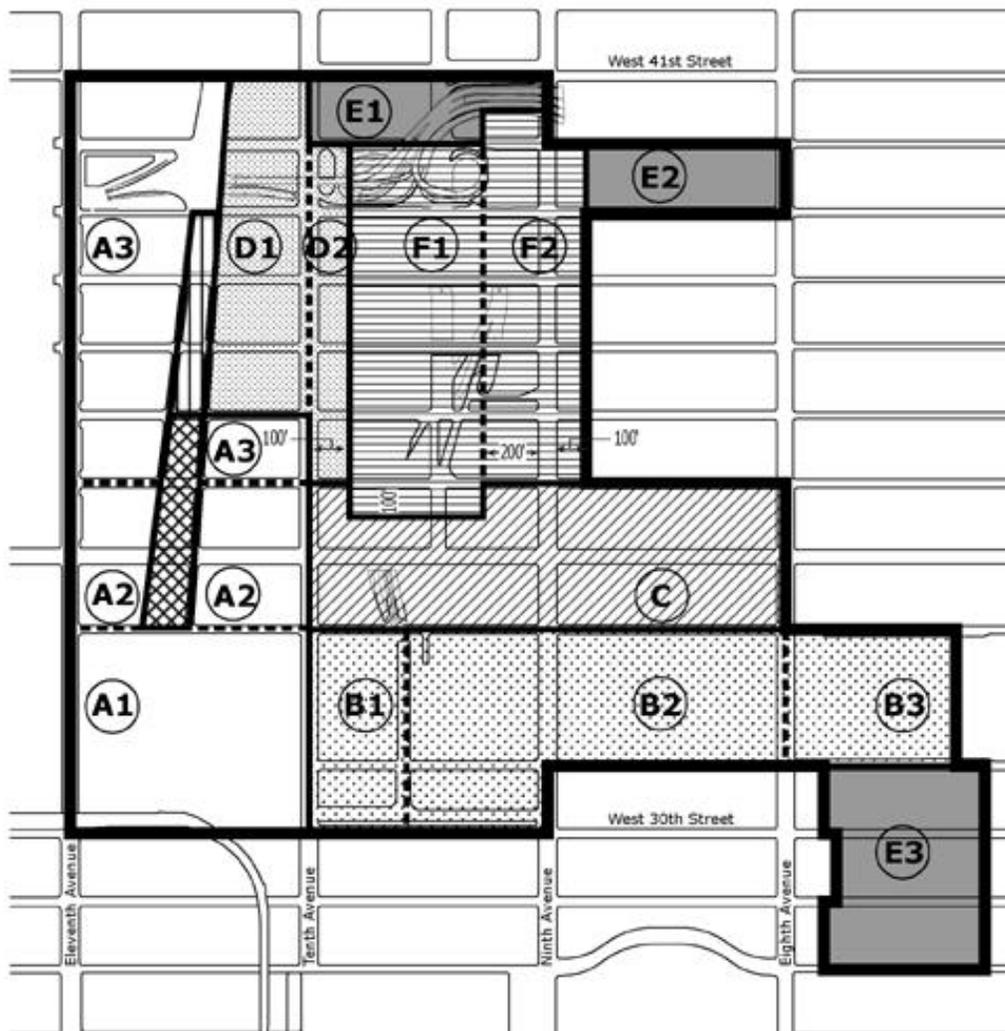
Indoor Bicycle Parking

Within the #Special Hudson Yards District#, a designated area for bicycle parking shall be provided for #developments# or #enlargements# with a minimum #commercial floor area ratio# of 5.0. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#, but in no event shall more than 400 square feet be required. Such facility shall be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for facilities #accessory# to the bicycle parking area.

* * *

SPECIAL HUDSON YARDS DISTRICT

Map 1 - Special Hudson Yards District, Subdistricts and Subareas



— Special Hudson Yards District boundary

A Large Scale Plan Subdistrict

A1 Eastern Railyard Subarea

A2 Four Corners Subarea

A3 Northern Blocks Subarea

 Phase 1 Hudson Boulevard and Park

 Phase 2 Hudson Boulevard and Park

B Farley Corridor Subdistrict

B1 Western Blocks Subarea

B2 Central Blocks Subarea

B3 Pennsylvania Station Subarea

C 34th Street Corridor Subdistrict

D Tenth Avenue Corridor Subdistrict

D1 West of Tenth Avenue Subarea

D2 East of Tenth Avenue Subarea

E Other areas Subdistrict

E1 West of Port Authority Bus Terminal Subarea

E2 South of Port Authority Bus Terminal Subarea

E3 South of Pennsylvania Station Subarea

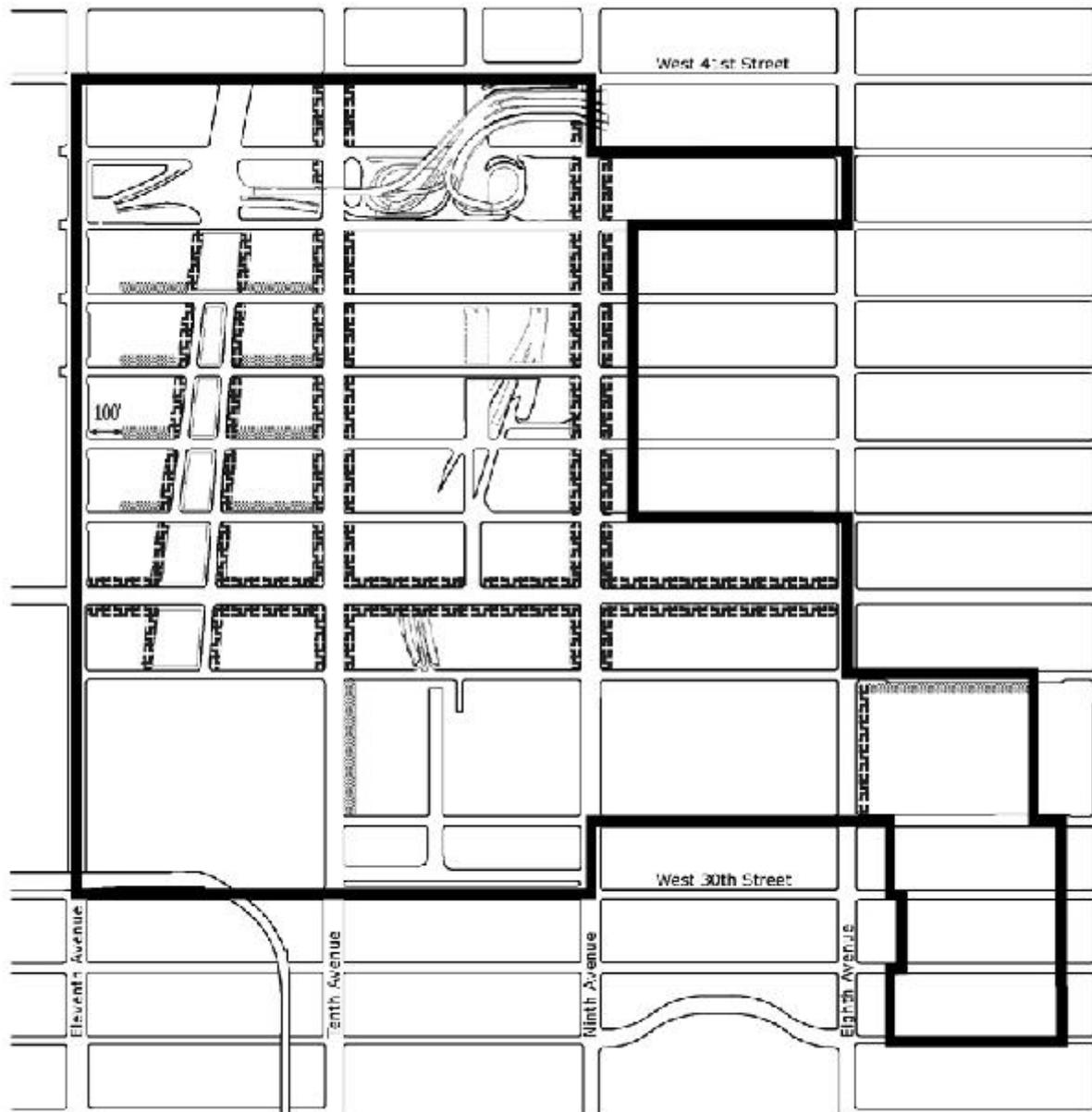
F Hell's Kitchen Subdistrict

F1 Midblock Subarea

F2 Ninth Avenue Corridor Subarea

SPECIAL HUDSON YARDS DISTRICT

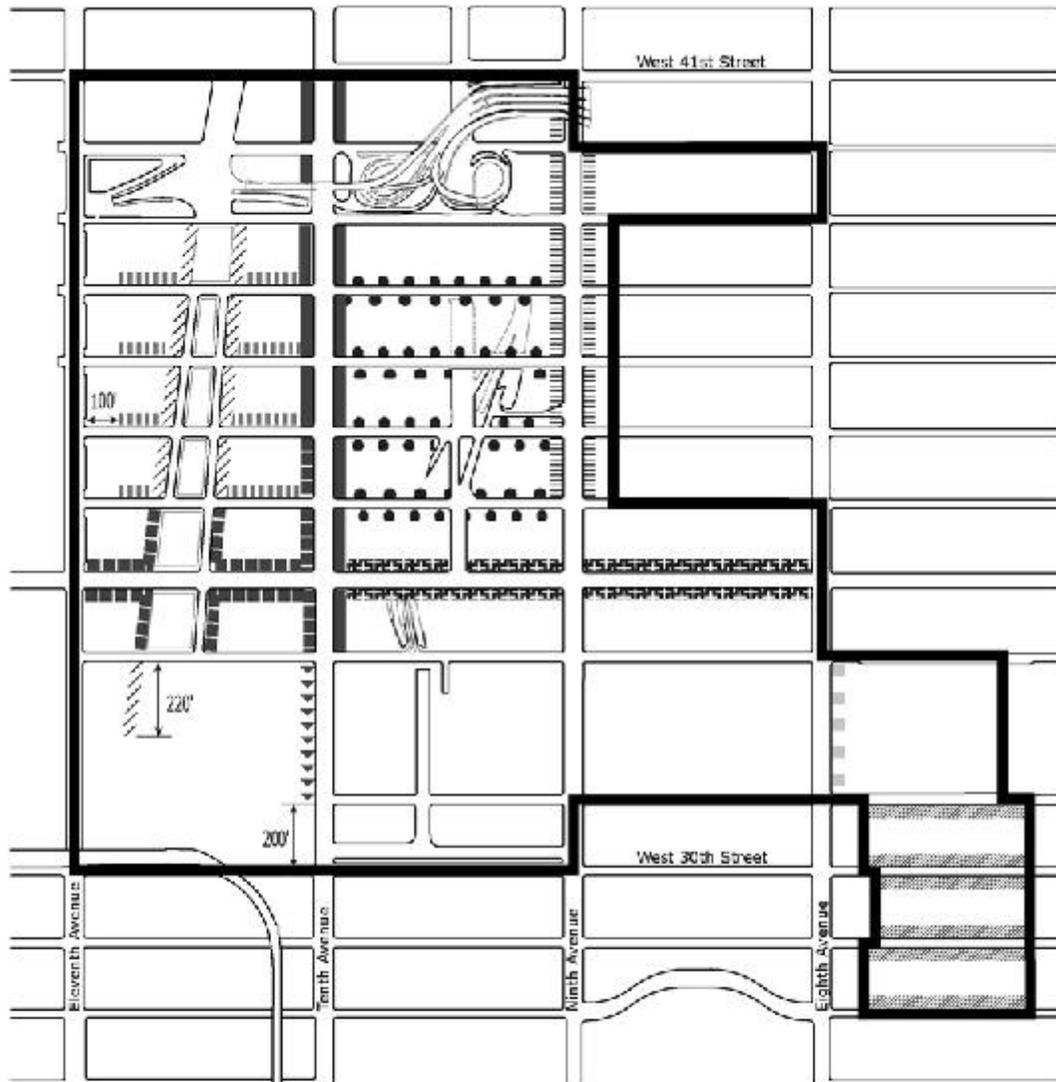
Map 2 - Mandatory Ground Floor Retail



-  100% Retail Requirement
-  50% Retail Requirement

SPECIAL HUDSON YARDS DISTRICT

Map 3 - Mandatory Street Wall Requirements



Hudson Yards Controls

	1	2	3
	60'	120'	50%
	90'	120'	100%
	90'	120'	70%
	90'	150'	100%
	90'	150'	70%
	90'	150'	35%
	120'	150'	100%
	60'	150'	70%

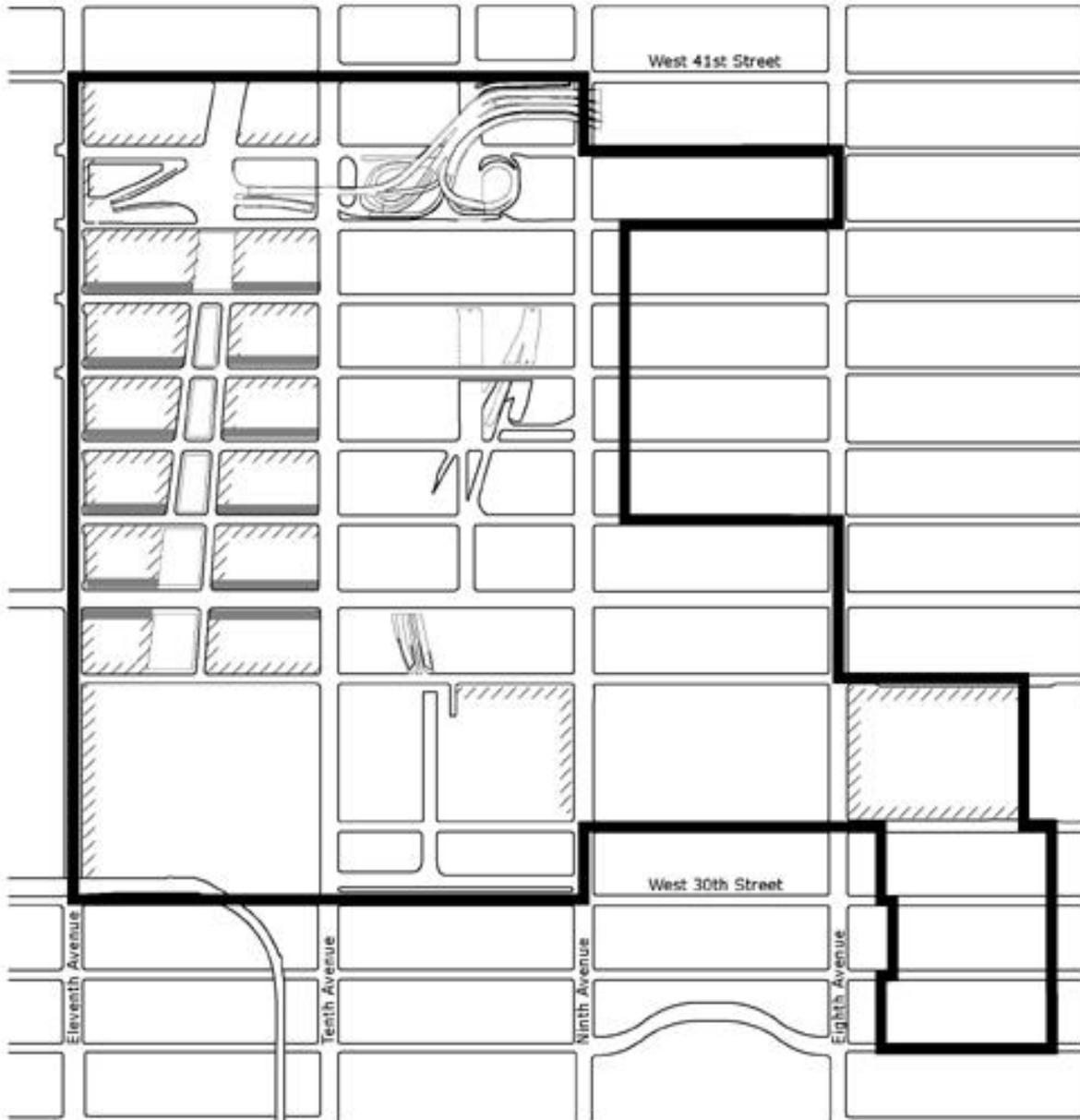
Contextual Controls

	1	2	3
	60'	85'	100%
	60'	95'	none

1. Minimum Base Height
2. Maximum Base Height
3. Percentage of zoning lot street frontage that must be occupied by a street wall.

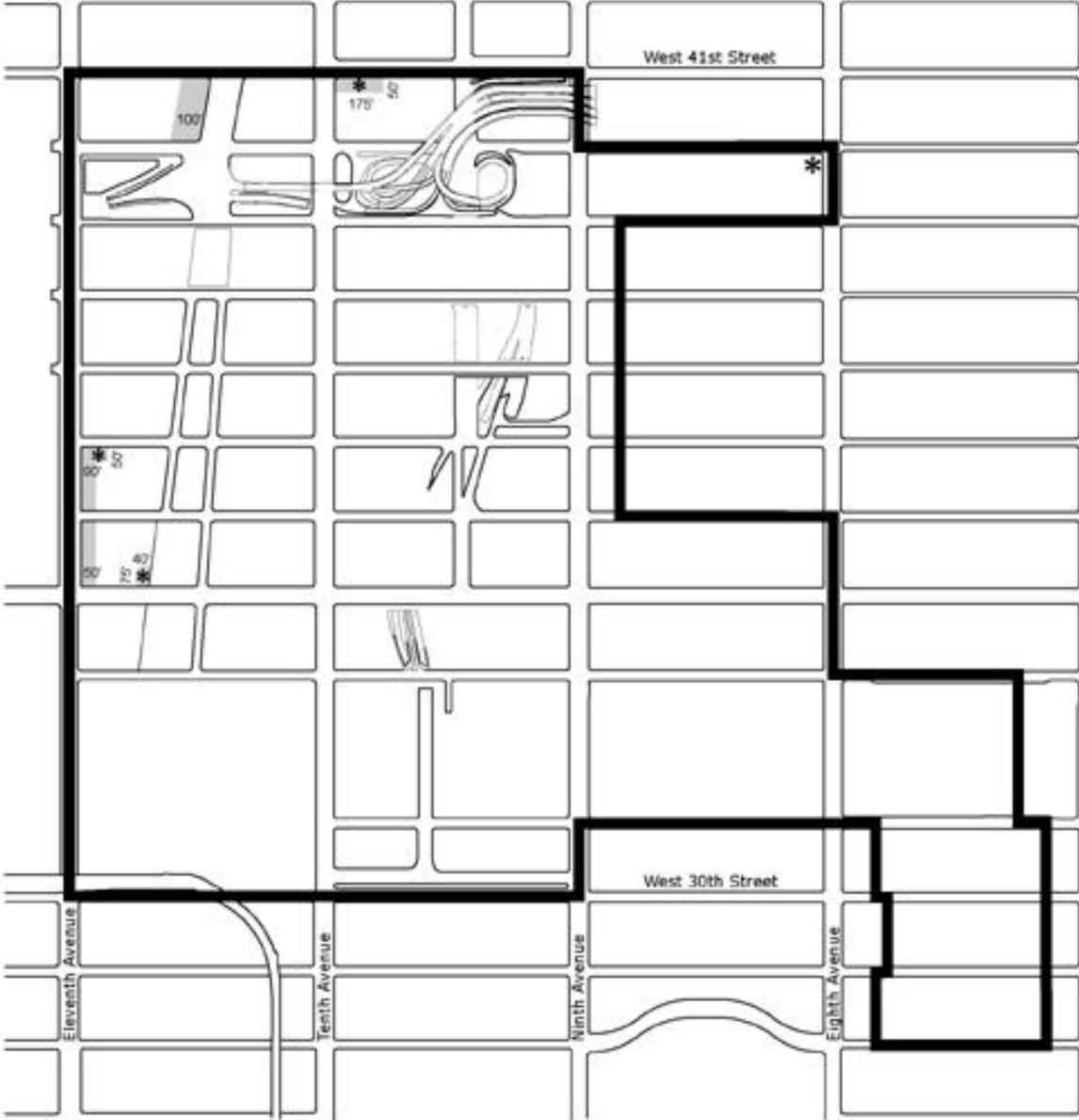
SPECIAL HUDSON YARDS DISTRICT

Map 4 - Mandatory Sidewalk Widening



- 10' Sidewalk widening
- //// 5' Sidewalk widening

SPECIAL HUDSON YARDS DISTRICT
Map 5 - Transit Easements and Subway Entrances



- Transit Easement
- * Subway entrance

**Chapter 6
Special Clinton District**

**96-00
GENERAL PURPOSES**

* * *

These goals include, among others, the following:

* * *

- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;
- (~~f~~)(g) to provide physical amenities, such as street trees, to improve the physical environment;
- (~~g~~)(h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (~~h~~)(i) to promote the most desirable use of land in the area and thus conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

* * *

**96-20
PERIMETER AREA**

#Developments# within the Perimeter Area shall be eligible for increased #floor area# pursuant to Section 96-21 (~~Floor Area Bonus~~) 96-201 (Special regulations for 42nd Street Perimeter Area) or Section 96-202 (Special regulations for Eighth Avenue Perimeter Area)...

* * *

**96-201
Special regulations for 42nd Street Perimeter Area**

* * *

(a) Use and bulk regulations within Phase 2 Park

Within the Phase 2 Park (Block 1070 Lot 20), the #use# regulations in effect prior to (effective date of amendment) shall apply, no new #development# shall be permitted and no existing #development# shall be #enlarged#. However, #floor area# from the #zoning lot# within the Phase 2 Park may be transferred to another #zoning lot# within the Large-Scale Plan or Tenth Avenue Corridor Subdistricts of the Special Hudson Yards District in accordance with the provisions of Section 93-32.

(b) Floor area increase

Within the 42nd Street Perimeter Area as shown in Appendix B, the base #floor area ratio# of any #development# or #enlargement# shall be 10.0, and may be increased pursuant to Section 93-31 (District Improvement Fund Bonus), to a maximum #floor area ratio# of 12.0 within Subarea 1, a maximum #floor area ratio# of 15.0 within Subarea 2, and a maximum #floor area ratio# of 18.0 within Subarea 3. However, the maximum permitted #community facility floor area ratio# for any #development# or #enlargement# shall be 12.0, and the #residential floor area ratio# of any #development# or #enlargement# may be increased from 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

(a)(c) Retail continuity requirements

* * *

(b)(d) Street wall continuity requirements

* * *

(e) Tower lot coverage requirements

For #buildings developed# or #enlarged# pursuant to the tower regulations of Section 23-65 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings), the tower portions of such #buildings# shall occupy, in the aggregate, at least 30 percent of the #lot area# of the #zoning lot#, except that no such minimum #lot coverage# shall apply to the highest 40 feet of the #building#.

For #buildings developed# or #enlarged# pursuant to the tower regulations of Section 33-45 (Tower Regulations), the tower portion of the #building# may occupy, in the aggregate, up to

60 percent of the #lot area# of the #zoning lot#.

(f) Maximum length of tower

For any #building developed# or #enlarged# pursuant to the tower regulations of Sections 23-65, 33-45 or 35-63, the maximum length of any #story# of the tower portion of such #building# that faces north or south shall not exceed 160 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# of the tower portion of the #building#. Any side of such rectangle from which perpendicular lines may be drawn to the #street line# of West 42nd Street, regardless of any intervening structures or properties, shall not exceed 160 feet.

(g) Pedestrian circulation space

Within Subareas 2 and 3 of the 42nd Street Perimeter Area, as shown in Appendix B, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

(h) Special parking and loading requirements

Within the 42nd Street Perimeter Area, the parking and loading requirements of the #Special Hudson Yards District# shall apply, as set forth in Section 93-80 (OFF-STREET PARKING AND LOADING). Furthermore, no curb cuts shall be permitted on 42nd Street.

96-202

Special regulations for Eighth Avenue Perimeter Area

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Section 81-21 (Floor Area Regulations), and Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

96-21

Floor Area Increase

- ~~(a) Except as specified in paragraph (b) of this Section, for any #development#, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING). A~~

permanent certificate of occupancy for any #building# incorporating a #floor area# increase pursuant to this Section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for lower income housing. In addition to the requirements of Section 23-90, any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

(b) — For any #development# located within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special regulations for Eighth Avenue Perimeter Area), the #floor area ratio# permitted by the underlying district may be increased pursuant to the provisions of Section 81-21 (Floor Area Regulations) as set forth in Article VIII, Chapter 1 (Special Midtown District).

96-22 96-21

Special Permit for Modification of Height and Setback Regulations

Except within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special Regulations for Eighth Avenue Perimeter Area), the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section ~~96-21~~ 96-201 (Special regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

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

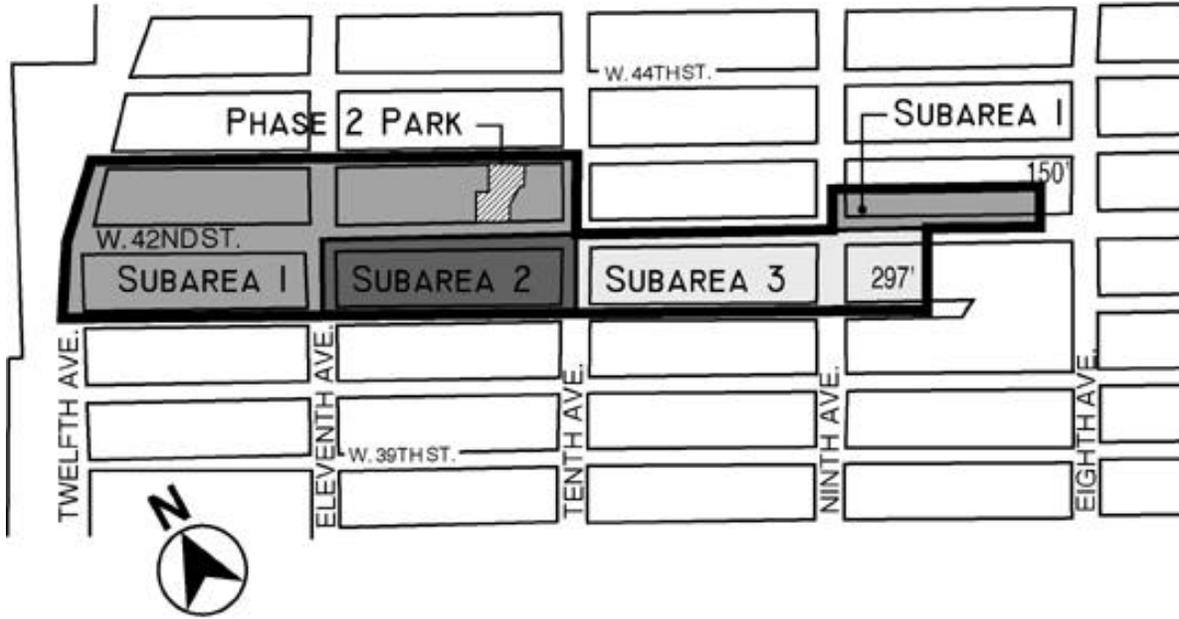
* * *

96-23 96-22

Relocation and Demolition of Buildings in the Perimeter Area

* * *

42nd STREET PERIMETER AREA



-  42nd. Street Perimeter Area Boundary
-  Phase 2 Park

Article XII - Special Purpose Districts

Chapter 1 Special Garment Center District

121-00 GENERAL PURPOSES

The "Special Garment Center 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:

* * *

(d) to recognize the unique character of the western edge of the District as integral to the adjacent Special Hudson Yards District;

~~(d)~~(e) to establish an appropriate visual character for wide streets within the Garment Center;
and

~~(e)~~(f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

* * *

121-03 District Plan (Appendix A)

The District Plan (Appendix A) for the #Special Garment Center District# shows the Preservation Areas, indicated by a "P-1" and "P-2". Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.

121-10 PRESERVATION AREA

121-11 Special Use Regulations

- (a) Use Groups A and B list the #uses# which are permitted in the Preservation Area. In Preservation Area P-1, permitted uses are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, conversion to Use Group 6B #use# is permitted subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation).
- (b) In Preservation Area P-2, for #buildings# with less than 70,000 square feet of #floor area# on (effective date of amendment), the underlying #use# regulations shall apply, except that the provisions of Section 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to the conversion to #dwelling units# of non-#residential buildings#.
- (c) In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on (effective date of amendment), permitted #uses# are listed in Use Groups A and B as set forth in Sections 121-111 and 121-112. In addition, conversion to any #use# permitted by the underlying #use# regulations is permitted subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation). For portions of such #buildings# converted to #dwelling units#, the provisions of Section 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to such conversions. Such #floor area# preservation requirements may be waived by authorization of the City Planning Commission pursuant to Section 121-13.

**121-111
Use Group A**

Conversion to Use Group A #uses# are exempt from the #floor area# preservation requirements of Section 121-113 (Floor area preservation). In Preservation Area P-1, in the case of conversion of #floor area# to Use Group 6B #use#, Use Group A #uses# may not be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of conversion of #floor area# to any #use# permitted by the underlying #use# regulations, Use Group A #uses# may not be used to satisfy the preservation requirement.

* * *

**121-112
Use Group B**

Conversion to Use Group B #uses# are exempt from the #floor area# preservation requirements of Section 121-113 (Floor area preservation). In Preservation Area P-1, in the case of conversion of #floor area# to Use Group 6B #use#, only Use Group B #uses# may be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of conversion of #floor area# to any

#use# permitted by the underlying #use# regulations, only Use Group B #uses#, and #uses# in Use Group 6A and 6C may be used to satisfy the preservation requirement.

* * *

121-113

Floor area preservation

In the Preservation Area P-1, the conversion of #floor area# to Use Group 6B #use# after March 26, 1987 is permitted only by certification ...

* * *

The amount of #floor area# to be preserved shall be equal to the amount of #floor area# converted. Such #floor area# may be preserved in the same #building# or in any other comparable #building# in the Preservation Areas P1 or P2, subject to the provisions of Section 121-114 (Comparability).

* * *

121-13

Authorization for Waiver of Floor Area Preservation Requirements

In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on (effective date of amendment), the City Planning Commission may authorize the conversion of #floor area# to any #use# permitted by the underlying #use# regulations without complying with the #floor area# preservation requirements set forth in Section 121-113, provided the Commission finds that:

- (a) The #floor area# to be converted has not been occupied by any #manufacturing#, wholesale or showroom #use# for a period of at least three years prior to (date of complete application filed with the Department of City Planning);
- (b) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (c) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (d) the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#; and
- (e) the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.

* * *

121-30

SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2

The following special #bulk# regulations shall apply within Preservation Area P-2, as shown in Appendix A:

121-31

Floor Area

The basic maximum #floor area ratio# for any #commercial# or #community facility use# shall be 10.0, and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratio# for any #residential use# shall be 7.5, and may be increased to 10.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such #residential floor area ratio# may be further increased from 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

For the conversion to #dwelling units# of non-#residential buildings# or portions thereof, where the total #floor area# on the #zoning lot# to be converted to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31 (District Improvement Fund Bonus).

121-32

Height of Street Walls and Maximum Building Height

The underlying height and setback and tower regulations shall not apply. In lieu thereof, the #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire frontage of the #zoning lot# not occupied by existing #buildings# to remain. The #street wall# of the new or enlarged #building# shall extend without setback to a minimum base height of 90 feet, or the height of the #building#, whichever is less, and a maximum base height of 120 feet. However, if the height of an adjacent #building# fronting on the same #street line# is between 70 and 90 feet before setback, the new or enlarged #building# may match the height of the adjacent #street wall# for a distance of not less than 20 feet measured horizontally from the side wall of such adjacent #building#. Above such maximum permitted base height, any #story# of a #building# containing #residential use# shall be set back at least 15 feet from the #street line#, and any #story# containing non-#residential use# shall be set back at least 20 feet from the #street line#. No #building or other structure# shall exceed a height of 250 feet.

121-40

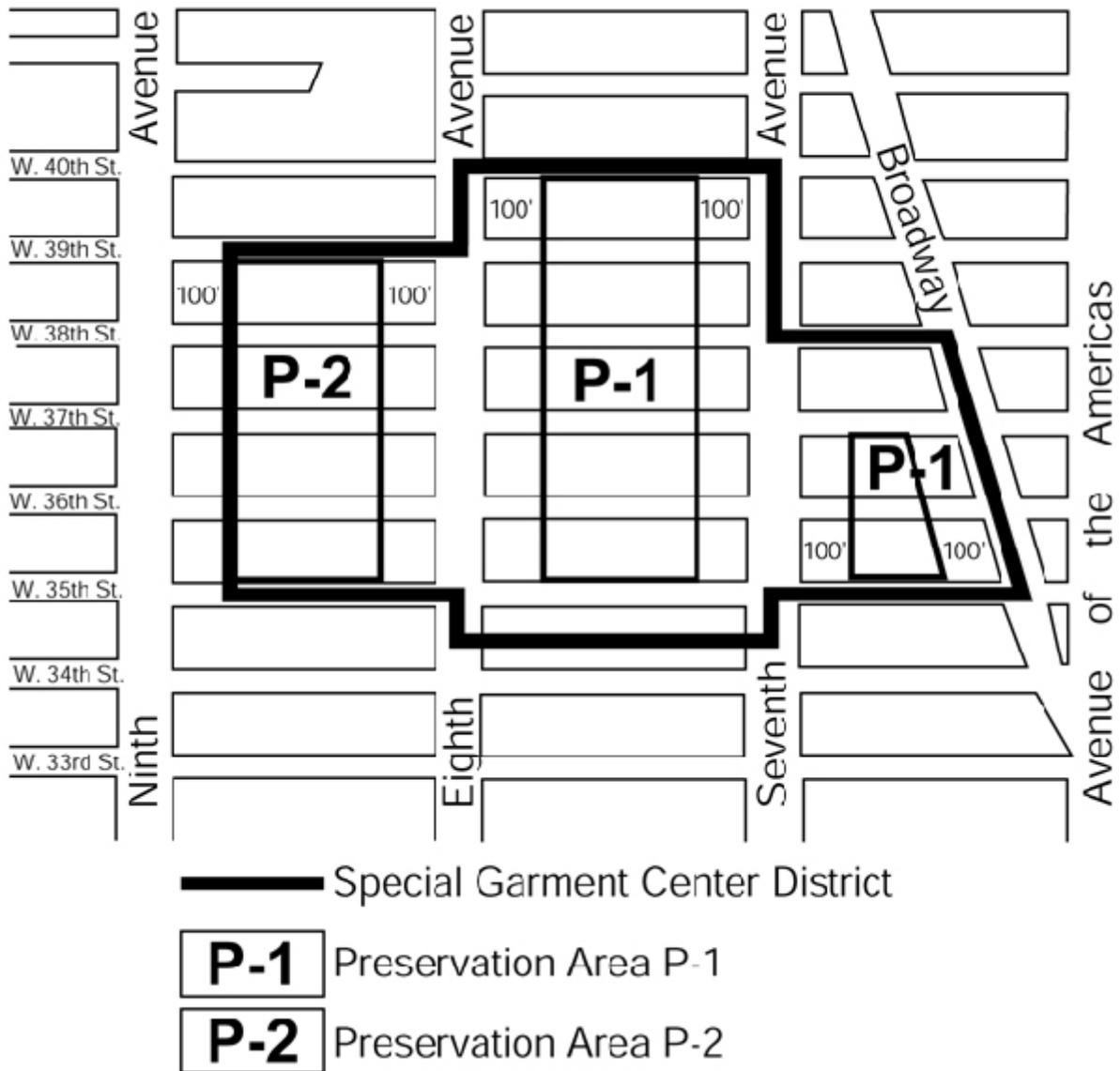
May 25, 2004

PARKING AND LOADING REQUIREMENTS IN PRESERVATION AREA P-2

Within Preservation Area P-2, as shown in Appendix B, the underlying parking and loading requirements shall not apply. In lieu thereof, the parking and loading regulations of the Special Hudson Yards District, as set forth in Section 93-80 (OFF-STREET PARKING AND LOADING) shall apply.

* * *

SPECIAL GARMENT CENTER DISTRICT PLAN



B. August 30, 2004
Proposed Zoning Text
and Map Amendments

SPECIAL HUDSON YARDS DISTRICT

REVISED ZONING TEXT AND MAP AMENDMENTS

August 30, 2004

Modified Zoning Text Amendment (N 040500(A)ZRM) Proposed Zoning Text

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

11-12 Establishment of Districts

* * *

~~Establishment of the Jacob K. Javits Convention Center District~~

~~In order to carry out the special purposes as set forth in Article IX, Chapter 3, the #Special Jacob K. Javits Convention Center District# is hereby established.~~

Special Hudson Yards District

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

* * *

12-10 Definitions

* * *

~~The “Special Jacob K. Javits Convention Center District” is a Special Purpose District designated by the letters “CC” in which special regulations set forth in Article IX, Chapter 3 apply to all #developments#. The #Special Jacob K. Javits Convention Center District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement and supersede those of the districts on which it is superimposed.~~

The “Special Hudson Yards District” is a Special Purpose District designated by the letters “HY” in which special regulations set forth in Article IX, Chapter 3 apply to all #developments#. The

#Special Hudson Yards District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

* * *

**ARTICLE 1
GENERAL PROVISIONS**

**CHAPTER 3
COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1 THROUGH 8 IN MANHATTAN AND A PORTION OF COMMUNITY DISTRICTS 1 AND 2 IN THE BOROUGH OF QUEENS**

* * *

**~~13-224~~
~~Jacob K. Javits Convention Center study area~~**

~~No public parking lots are permitted in the area bounded by Eighth Avenue, 30th Street, the Hudson River and 42nd Street, except as provided in Section 13-552 (Public parking lots).~~

**~~13-225~~ 13-224
~~Manufacturing Districts~~**

* * *

**~~13-226~~ 13-225
~~Long Island City subject area~~**

* * *

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

CHAPTER 1 SPECIAL MIDTOWN DISTRICT

* * *

APPENDIX A
Midtown District Plan Maps
 Map 1. Special Midtown District and Subdistricts



MIDTOWN DISTRICT PLAN
 MAP 1 - Special Midtown District and Subdistricts

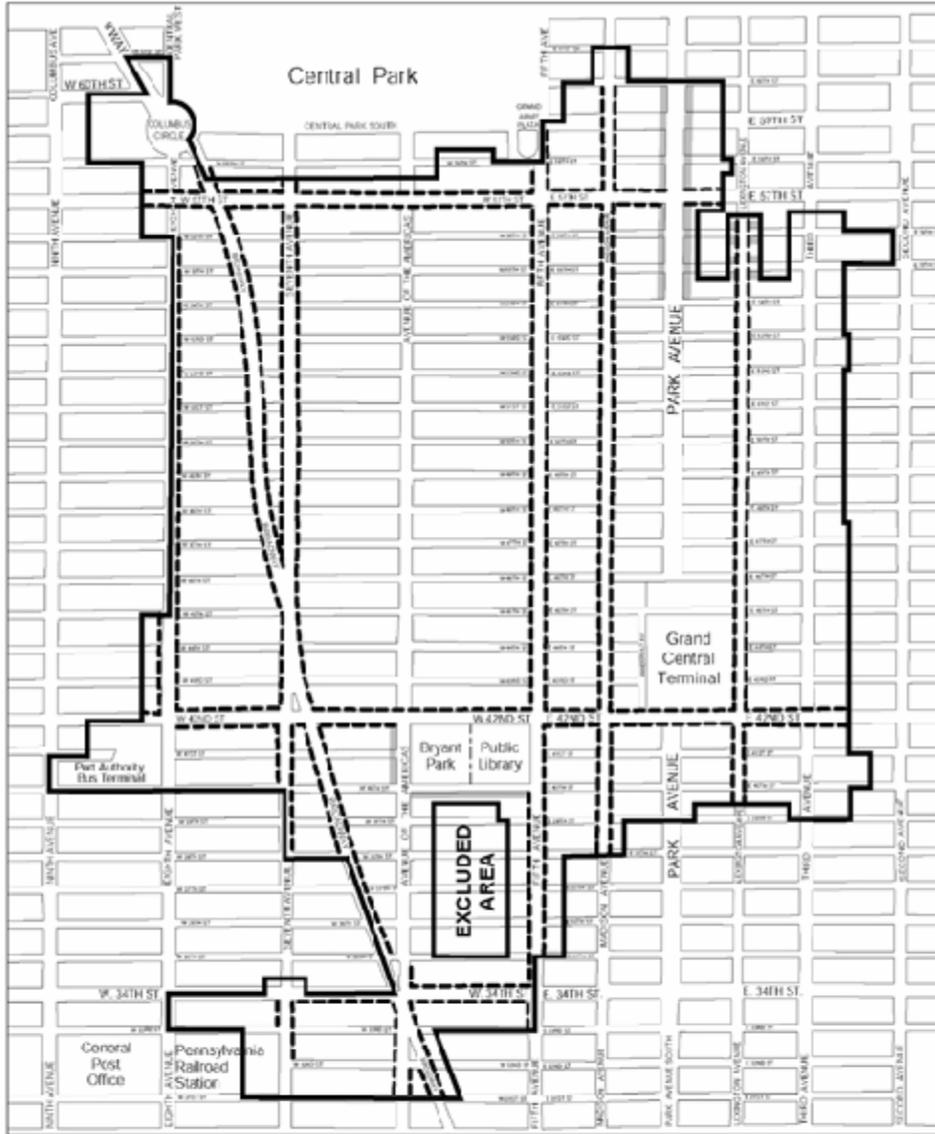
- | | |
|------------------------------------|---|
| F Fifth Avenue Subdistrict | GC Grand Central Subdistrict Core |
| G Grand Central Subdistrict | TC Theater Subdistrict: Core |
| PC Penn Center Subdistrict | TE Theater Subdistrict: Eighth Avenue Corridor |
| P Preservation Subdistrict | ■ Listed Theaters |
| T Theater Subdistrict | — Special Midtown District |



APPENDIX A

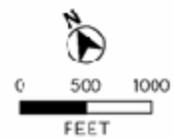
Midtown District Plan Maps

Map 2. Retail & Street Wall Continuity



MIDTOWN DISTRICT PLAN
MAP 2 - Retail and Street Wall Continuity

- Retail and Street Wall Continuity required
- _____ Only Street Wall Continuity required
- Special Midtown District



**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**CHAPTER 3
SPECIAL HUDSON YARDS DISTRICT**

(delete entire Special Jacob K. Javits Convention Center District. All text in Chapter 3 is new)

**93-00
GENERAL PURPOSES**

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

- (a) to facilitate and guide the development of an environmentally beneficial, transit oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation, and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low-and medium scale residential character of the Hell’s Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;

- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

93-01

Definitions

Hudson Yards District Improvement Fund

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

Hudson Yards Redevelopment Area

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, Area P-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the centerline of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, all #blocks# within the area bounded by Eleventh Avenue, West 43rd Street, Twelfth Avenue and West 30th Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use.

Phase 2 Hudson Boulevard and Park

The "Phase 2 Hudson Boulevard and Park" is the area within the #Special Hudson Yards District# bounded on the north by the centerline of West 39th Street, on the east by the eastern boundary of the #park# located between West 38th and West 39th Streets and the eastern #street line# of Hudson Boulevard East, on the south by the centerline of West 36th Street, and on the

west by the western #street line# of Hudson Boulevard West and the western boundary of the #park# located between West 38th and West 39th Streets, as shown on Map 1.

Special Hudson Yards District

The “Special Hudson Yards District” is a Special Purpose District designated by the letters “HY” in which special regulations set forth in Article IX, Chapter 3, apply.

93-02

General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #uses# within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

93-03

District Plan and Maps

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

The District Plan includes the following four maps:

Map 1. Special Hudson Yards District, Subdistricts and Subareas

Map 2. Mandatory Ground Floor Retail

Map 3. Mandatory Street Wall Requirements

Map 4. Mandatory Sidewalk Widening

Map 5. Transit Easements and Subway Entrances

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

93-04

Subdistricts and Subareas

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

The Large-Scale Plan (Subdistrict A),

The Farley Corridor (Subdistrict B)

The 34th Street Corridor (Subdistrict C)

The Tenth Avenue Corridor (Subdistrict D)

Other Areas (Subdistrict E)

Hell's Kitchen (Subdistrict F)

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

Within the Large-Scale Plan (Subdistrict A):

Eastern Rail Yards (Subarea A1)

Four Corners (Subarea A2)

Northern Blocks (Subarea A3)

Within the Farley Corridor (Subdistrict B):

Western Blocks (Subarea B1)

Central Blocks (Subarea B2)

Pennsylvania Station (Subarea B3)

Within the Tenth Avenue Corridor (Subdistrict D):

West Side (Subarea D1)

East Side (Subarea D2)

Within Other Areas (Subdistrict E)

West of the Port Authority Bus Terminal (Subarea E1)

South of the Port Authority Bus Terminal (Subarea E2)

Hell's Kitchen (Subdistrict F)

West of Ninth Avenue (Subarea F1)

Ninth Avenue Corridor (Subarea F2)

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

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter.

93-05

Applicability of District Regulations

93-051

Applicability of Chapter 1 of Article 1

Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has commenced but not completed on (effective date of amendment), the Board may renew such building permit for one term of not more than nine months.

93-052

Applicability of Chapter 3 of Article I

#Public parking lots# authorized pursuant to Section 13-552 (Public parking lots) prior to (effective date of amendment) and #accessory# off-street parking facilities for which a special permit has been granted pursuant to Section 13-561 prior to (effective date of amendment) may be renewed subject to the terms of such authorization or special permit.

93-053

Applicability of Chapter 3 of Article VII

- (a) The following special permits by the Board of Standards and Appeals for #non-complying buildings# shall not be applicable:

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

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

Section 73-64 (Modifications for Community Facility Uses)

- (b) Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall be applicable to substations on any site in #Residence# and #Commercial Districts#, provided such substations comply with all requirements of the #Special Hudson Yards District#. In addition, finding (a) of Section 73-16 shall not apply.

93-054

Applicability of Chapter 4 of Article VII

- (a) The following special permits by the City Planning Commission shall not be applicable:

Section 74-68 (Development Within or Over a Right-of-Way or Yards).

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-Scale Development) shall be inapplicable in the Large-Scale Plan Subdistrict

Section 74-82 (Through Block Arcades)

Section 74-83 (Court Houses)

Section 74-841 (Developments in Certain Commercial Districts)

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

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modifications of Urban Plazas)

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

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

- (1) Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to #public parking lots# of any capacity, and, to #public parking garages# or portions thereof located above grade subject to the findings of Section 93-821 (Special permit for above-grade parking). However, the findings of Section 93-821 shall not apply to any public parking facility in existence prior to (effective date of amendment) that is the subject of a renewal or new special permit.

- (2) Section 74-61 (Public Transit, Railroad or Electric Utility Substations) shall be applicable to substations on any site in #Residence# and #Commercial Districts# where a modification or waiver of a regulation of the #Special Hudson Yards District# is required. The Commission may modify or waive such regulations to the minimum extent necessary to accommodate the substation. In addition, finding (a) of Section 74-61 shall not apply.

93-10 USE REGULATIONS

The #use# regulations of the underlying districts are modified as set forth in this Section 93-10, inclusive.

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

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

93-12 Special Residential Use Regulations

93-121 Restrictions on residential use

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

93-122 Certification for residential use in Subdistricts A and B and Subarea E2

Within the Large-Scale Plan Subdistrict, the Farley Corridor Subdistrict, and the South of Port Authority Bus Terminal Subarea (E2), #residential use# shall be permitted only upon certification of the Chairperson of the City Planning Commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Section 93-21 or 93-22, as applicable, and that, for #zoning lots# in the Four Corners and Northern Blocks Subareas, a certification pursuant to Section 93-34 (Distribution of Floor Area from Eastern Rail Yard Subarea) has been made.

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

For #zoning lots# with at least 69,000 square feet of #lot area#, the Chairperson shall allow for a #residential building# or #buildings# to be #developed# without the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Section 93-21 or 93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly-shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future #development# of not more than 2 million square feet of #commercial floor area# on each such portion, and that, upon full #development# of such #zoning lot#, the ratio of #commercial floor area# to #residential floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot#, as specified in Section 93-21 or 93-22, as applicable.

93-13

Location within Buildings

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

93-14

Retail Continuity Along Designated Streets

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

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D, or automobile showrooms or plumbing, heating or ventilating equipment showrooms. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. In no event shall the length of #street# frontage occupied by

lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated retail #streets#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials, and up to 20 percent of such area may be glazed with translucent materials.

The provisions of this Section 93-14 shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th #Street# frontage of the #zoning lot#.

93-15

Security Gates

All security gates installed after (effective date of amendment) that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

93-16

Public Parking Facilities

In C2-5, C2-8 and C6 Districts, the provisions of Use Groups 8 and 12 of Section 32-17 are modified to require a special permit pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) for #public parking lots# of any capacity, and in C2-8 and C6 Districts, to allow, as-of-right, #public parking garages#, provided such garages are entirely below grade and contain not more than 0.29 parking spaces for each 1,000 square feet of #floor area# on the #zoning lot#. However, no #public parking garages# shall be permitted within the #Phase 2 Hudson Boulevard and Park#, as shown on Map 1.

93-17

Modification of Sign Regulations

The underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street, and its

southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yards Subarea pursuant to Section 93-71.

93-171

Authorization for signs on arenas

For new or #enlarged# arenas, the City Planning Commission may authorize non-#illuminated# or #illuminated signs#, including #flashing signs#, but not #advertising signs#, that exceed the limitations of the underlying district regulations, provided the Commission finds that such #signs# complement the architecture of the arena and enhance the entertainment character of the arena. The Commission may prescribe additional safeguards and conditions to minimize adverse effects on the character of the surrounding area.

93-18

Non-Conforming Uses in Large Scale Plan Subdistrict

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

93-20

FLOOR AREA REGULATIONS

93-21

Floor Area Regulations in the Large-Scale Plan Subdistrict

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

(a) Four Corners and Northern Blocks Subareas

In the Four Corners and Northern Blocks Subareas, the basic maximum permitted #floor area ratio# shall be as specified in row A in the table below. Such #floor area ratio# may be increased to the maximum amount specified in row B in the table below pursuant to Section 93-31 (District Improvement Fund Bonus) and/or the transfer or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections 93-32 or 93-33. For #developments# or #enlargements# that have maximized their permitted #floor area# through such #floor area# bonus or transfer provisions, the permitted #floor area# may be further increased to the maximum amount specified in row C in the table below through the distribution of #floor area# from the Eastern Rail Yards

Subarea pursuant to Section 93-34. #Residential use# shall only be permitted as part of a #development# or #enlargement# with a non-#residential floor area ratio# of 18.0 or more, in accordance with the provisions of Section 93-122 (Certification for residential use in the Large-Scale Plan Subdistrict).

*Maximum Permitted Floor Area Ratio
within the Four Corners and Northern Blocks Subareas*

Subarea	<i>Four Corners</i>	<i>Northern Blocks</i>
ROW A Basic maximum #floor area ratio#	10 total 10C 2CF	10 total 10C 2CF
ROW B Maximum #floor area ratio# through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33.	18 total 18C 2CF	18 total 18C 2CF
ROW C Maximum #floor area ratio# through distribution pursuant to Section 93-34	No limit No limit C 6R 2CF	24 total 24 C 6R 2CF

C commercial FAR
CF community facility FAR
R residential FAR

(b) Eastern Rail Yards Subarea

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

- (1) The maximum #floor area ratio# for any #development# or #enlargement# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted as part of a #development# or #enlargement# with a non-#residential floor area ratio# of 8.0 or more, in accordance with the provisions of Section 93-122 (Certification for residential use in the Large-Scale Plan Subdistrict).
- (2) Unused #floor area# may be distributed to #zoning lots# in the Four Corners and Northern Blocks Subareas pursuant to Section 93-34, provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yards Subarea multiplied by 10.0.

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

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

93-22

Floor Area Regulations in Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum permitted **#floor area ratio#** is determined by the subdistrict and, where applicable, subarea, as specified in row A in the table below. Such **#floor area ratio#** may be increased to the amount specified in row B in the table below only pursuant to Section 93-31 (District Improvement Fund Bonus), and, where applicable, the following provisions:

- (a) In Subdistricts C and D, the Inclusionary Housing Program, as set forth in Section 23-90,
- (b) In Subdistrict D, the transfer of **#floor area#** from the **#Phase 2 Hudson Boulevard and Park#**, as set forth in Section 93-32, and
- (c) In the Pennsylvania Station Subarea of Subdistrict B, by special permit as set forth in Section 93-34, provided that not more than a **#floor area ratio#** of 19.5 shall be permitted for **#commercial use#** and not more than a **#floor area ratio#** of 2.0 shall be permitted for **#community facility use#**.

In addition, the following provisions shall apply to **#residential uses#**:

- (1) In the Western Blocks Subarea of Subdistrict B, **#residential use#** shall only be permitted as part of a **#development#** or **#enlargement#** with a **#commercial floor area ratio#** of 12.0 or more;
- (2) In the Central Blocks Subarea of Subdistrict B and the South of Port Authority Bus Terminal Subarea of Subdistrict E, **#residential use#** shall only be permitted as part of a **#development#** or **#enlargement#** with a **#commercial floor area ratio#** of 15.0 or more,
- (3) In Subdistrict C, the **#residential floor area ratio#** of a **#building#** may exceed 10.0 only through the Inclusionary Housing Program pursuant to Section 23-90, and

- (4) In Subdistrict D, the #floor area ratio# of any #building# containing #residential use# may exceed 10.0 only pursuant to Section 23-90 and may only be increased beyond 12.0 only pursuant to Sections 93-31 (District Improvement Fund Bonus) and/or the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32.

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

Maximum Permitted Floor Area Ratio within Subdistricts B through E

Subdistrict	Farley Corridor (Subdistrict B)			34th St Corridor (Subdistrict C)	Tenth Ave Corridor (Subdistrict D)		Other Areas (Subdistrict E)	
	<i>Western</i> <i>B</i> <i>locks</i>	<i>Central</i> <i>Blocks</i>	<i>Penn.</i> <i>Station</i>		<i>West Side</i>	<i>East Side</i>	<i>West of</i> <i>PA</i>	<i>South of</i> <i>PA</i>
ROW A Basic maximum #floor area ratio#	10 total 10C 2CF	12 total 12C 2CF	10 total 10C 2CF	10 total 10C 7.5R 10CF	7.5 total 2C 7.5R 7.5CF	7.5 total 2C 7.5R 7.5CF	7.5 total 7.5R 6C 7.5CF	10 total 10C 2CF
ROW B Maximum #floor area ratio# through bonus pursuant to Section 93-31, transfer pursuant to Section 93-32, or Inclusionary Housing	21.6 total 21.6C 6R 2CF	19 total 19C 4R 2CF	15 total 15C 2CF	13 total 13C 12R 12CF	15 total 3C 12R 12CF	13 total 3C 12R 12CF	12 total 7.5R 7.2C 12 CF	18 total 18C 3R 2CF

C commercial FAR
 CF community facility FAR
 R residential FAR
 M manufacturing FAR
 PA Port Authority Bus Terminal

**93-23
 Floor Area Regulations in Hell’s Kitchen (Subdistrict F)**

The underlying district #floor area ratio# regulations shall apply within the Hell’s Kitchen Subdistrict, except that for #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within the Hell’s Kitchen Subdistrict and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches, the City Planning Commission may authorize the distribution of #floor area# across such district boundaries pursuant to Section 93-431 (Authorization for the provision of public open areas).

93-30

SPECIAL FLOOR AREA REGULATIONS

93-31

District Improvement Fund Bonus

In the #Special Hudson Yards District# and Area P-2 of the #Special Garment District#, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Section 93-21, 93-22, or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the #Hudson Yards District Improvement Fund#. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for such #development# or #enlargement#. Such contribution amount shall be \$100 per square foot of #floor area# as of (effective date of amendment) and shall be adjusted by the Chairperson on July 1 of the following year and each year thereafter, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

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

Such contribution amount shall be payable or secured at the time foundation work has been completed and the Commissioner of Buildings shall not authorize any additional construction until the Chairperson has certified that payment has been made or adequate security therefor has been provided.

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

93-32

Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

In the #Phase 2 Hudson Boulevard and Park#, no new #development# shall be permitted, and, except as provided in Section 93-051, no existing #development# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and #Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section 93-32.

For the purposes of this Section, a “granting site” shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# or the Phase 2 Park within the 42nd Street Perimeter Area of the #Special Clinton District#, and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a “receiving site” shall mean a #zoning lot#, or portion thereof, within the Four Corners or Northern Blocks Subareas of the Large-Scale Plan Subdistrict or the Tenth Avenue Corridor Subdistrict, to which #floor area# from a “granting site” has been transferred.

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

(a) Transfer of floor area by certification

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

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

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

- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable. In the event a #granting site# generates more #floor area# than is permitted on a #receiving site#, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section, and
- (4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# and/or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in row B in the tables in Section 93-21 and 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in row B, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31, an increase in #floor area# pursuant to paragraph (b) of this Section 93-32 or Section 93-33, or the Inclusionary Housing Program pursuant to Section 23-90.

(b) Authorization for contribution-in-kind

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

- (1) the conditions for transferring #floor area# set forth in paragraph (a) above have been met;
- (2) the #granting site# will be improved, at the applicant's expense, as a #public park# and/or #street#, as provided for on the City Map, prior to conveyance to the City,
- (3) the applicant has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# and/or #street# pursuant to an agreed upon construction schedule.

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

The amount of increased #floor area# generated by the contribution-in-kind shall be as determined by the Commission, which shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall permit a #floor area# bonus in relation thereto. In making such determination, the Commission may consult with an engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the #receiving site#, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section 93-31 (District Improvement Fund Bonus).

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this paragraph (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy

for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson.

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

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-33

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

Where all of the #lot area# within the following parcels, as they existed on (effective date of amendment):

Block 708, Lots 20 and 46;
Block 709, Lot 17, and
Block 710, Lot 20

that is also within the #Phase 2 Hudson Boulevard and Park#, has been conveyed to the city pursuant to the provisions of Section 93-32, the owner of the residual portion of one of these parcels may convey to the city such residual portion, with all #development# rights appurtenant thereto, provided that all certificates of occupancy have been surrendered and all structures on such parcel have been demolished.

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

The maximum amount of #floor area# increase on a receiving site shall be based on an amount not to exceed the #floor area ratio# increase permitted on a #zoning lot# through such

contribution pursuant to Section 93-21 or 93-22, as applicable. In the event the certified permissible #floor area# increase is greater than that permitted on a #receiving site#, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# increases on receiving sites pursuant to this Section.

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

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

93-34

Distribution of Floor Area in the Large-Scale Plan Subdistrict

In order to promote a superior site plan in the Eastern Rail Yards Subarea of the Large-Scale Plan Subdistrict, the Chairperson of the City Planning Commission shall allow, by certification, the distribution of #floor area# from the Eastern Rail Yard Subarea to #zoning lots# in the Four Corners and Northern Blocks Subareas of the Large-Scale Plan Subdistrict. Such distribution shall only be permitted for receiving sites that have maximized their permitted #floor area# through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 and/or the transfer or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections 93-32 or 93-33. For the purposes of this Section 93-34, a “receiving site” shall mean a #zoning lot# within the Four Corners or Northern Blocks Subareas to which #floor area# from the Eastern Rail Yard Subarea has been distributed.

(a) Distribution of #floor area# by certification

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

- (1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea, as set forth in paragraph (b)(2) of Section 93-21;
- (2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea by the amount of #floor area# distributed, and
- (3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a

#zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea, as specified in row C of the table in Section 93-21.

(b) Requirements for Application

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

- (1) a site plan and #floor area# zoning calculations for the receiving site, and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea.

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea and the receiving site, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-35

Special Permit for Increased Floor Area in Pennsylvania Station Subarea

In the Pennsylvania Station Subarea, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a #floor area# increase for #commercial use# above a #floor area ratio# of 15.0 to a maximum #floor area ratio# of 19.5.

(a) The following conditions shall apply:

- (1) The applicant shall submit a plan acceptable to the Chairperson of the City Planning Commission identifying that portion of the #development# or #enlargement# utilizing such increased floor area.
- (2) All transit facility improvements shall comply with applicable design standards or the current guidelines of the Metropolitan Transit Authority, New Jersey Transit, or Amtrak as applicable.
- (3) The applicant shall submit schematic or concept plans for all proposed improvements to the applicable transportation agency and the Chairperson of the City Planning Commission, and any further documentation deemed necessary by the reviewing agencies.

- (4) The applicable transportation agency shall submit a letter to the Chairperson of the City Planning Commission stating the drawings and other documents submitted by the applicant have been determined to be of sufficient scope and detail to fix and describe the size and character of the transit improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate.
- (5) The owner shall sign a legally-enforceable instrument in a form acceptable to the reviewing agencies containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, pursuant to an agreed-upon construction schedule. Such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Chairperson of the City Planning Commission and the applicable transportation agencies.

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

- (b) In order to grant such special permit, the Commission shall find:
 - (1) That the transit improvements significantly enhance the surface and subsurface pedestrian circulation network into and around the #development# or #enlargement# and to and from public transit facilities;
 - (2) That the streetscape, the site design and the location of building entrances for the #development# or #enlargement# contribute to the overall improvement of pedestrian circulation within the #Special Hudson Yards District# and minimize congestion on surrounding streets, and
 - (3) That the increased #floor area# will not unduly increase the #bulk# of the #development# or #enlargement# , density of population or intensity of #use# to the detriment of the occupants of #buildings# in the surrounding area.

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

93-40 HEIGHT AND SETBACK REGULATIONS

In the #Special Hudson Yards District#, height and setback regulations shall be as set forth in this Section 93-40, inclusive.

93-41 Rooftop Regulations

(a) Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Hudson Yards District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts)

(b) Screening Requirements for Mechanical Equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

93-42 Height and Setback in Subdistricts A through E

In Subdistricts A through E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of this Section 93-42 shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (Special Height and Setback Regulations in Subdistricts A through E). The rooftop regulations set forth in Section 93-41 shall apply.

(a) Maximum base heights

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

(b) Required setbacks

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

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

(c) Tower #lot coverage#

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

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in sq ft)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45

15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

- (d) Length of building wall

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

**93-43
Height and Setback in Hell’s Kitchen (Subdistrict F)**

In the Hell’s Kitchen Subdistrict, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply to all #developments# or #enlargements#, and
- (b) within the Midblock Subarea, (F1), #commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less.

93-431

Authorization for the provision of public open areas

For #developments# or #enlargements# on #zoning lots# that are wholly or partially within the Hell's Kitchen Subdistrict and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches, the City Planning Commission may authorize height and setback modifications within C2-5 Districts mapped within R9A Districts and the distribution of #floor area# without regard to district boundaries provided the Commission finds that:

- (a) such publicly accessible open area provides an appropriate amenity to the surrounding area;
- (b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting, and
- (c) modifications to the height and setback regulations of C2-5 Districts mapped within R9A Districts result in a #building# that does not exceed a height of 200 feet and is compatible with the scale and character of the surrounding area.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section 37-06. Furthermore, such open areas shall comply with the requirements for #urban plazas# set forth in the following paragraphs of Section 37-04:(o, Public space signage system); (p, Signs); (q, Maintenance), and (r, Penalties for violations).

All plans for publicly accessible open areas, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the publicly accessible open areas and setting further such provisions as necessary to ensure compliance with the requirements of this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# subject to the provisions of this Section 93-431

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

93-50

SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A - E

In Subdistricts A through E, the height and setback regulations set forth in Section 93-42 shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, minimum base heights and maximum length of building walls for towers, and modifications of maximum base heights, depths of required setbacks, and tower #lot coverage#. Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 (Mandatory Street Wall Requirements). Where sidewalk widening lines are specified, such lines shall be parallel to and 5 or 10 feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widening).

93-51

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

93-511

Tower lot coverage

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

93-512

Northern Blocks Subarea

- (a) Hudson Boulevard

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

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

- (1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet , and
- (3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

For the purposes of applying the #street wall# location and setback provisions of this paragraph to #developments# and #enlargements# fronting on the #public park# between West 38th and West 39th Streets, the #street lines# and sidewalk widening lines of Hudson Boulevard shall be prolonged northward to West 39th Street.

(b) Tenth Avenue

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

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

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

- (2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet, and
- (3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(c) Midblocks

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

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

(d) Rear setback

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

93-513

Four Corners Subarea

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 shall apply, except that the maximum base height shall be 150 feet, and, for the purposes of applying such #street wall# location and setback provisions to #developments# and #enlargements# fronting upon the #public park# between West 33rd and West 35th Streets, the westerly #street line# and

sidewalk widening lines of Hudson Boulevard West shall be prolonged southward to West 33rd Street.

(b) West 34th Street

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

(c) Tenth Avenue

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

(d) Rear setback

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

93-514

Eastern Rail Yard Subarea

(a) Location of Buildings

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

- (1) East of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) West of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street, and
- (3) For #buildings# containing only uses in Use Group 3 or 4, the footprint of such #buildings# at the level of the outdoor plaza required pursuant to paragraph (b) of Section 93-71 shall be west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 250 feet of West 30th Street.

(b) Height and Setback

No setbacks shall be required for any building wall facing Eleventh Avenue, West 30th Street or West 33rd Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot# not occupied by the urban plaza required pursuant to Section 93-71. Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

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

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

93-521 450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# on the #zoning lot# bounded by Tenth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

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

- (a) Along West 31st Street, a #building# may rise without setback provided no part of such #building# is within 15 feet of West 31st Street, and
- (b) Along West 33rd Street, a #building# may rise without setback provided that the #aggregate width of street walls# above a height of 150 feet and within 10 feet of the West 33rd Street #street line# does not exceed 50 percent of the length of the West 33rd Street frontage of the #zoning lot#.

93-522 Ninth Avenue Rail Yard

The provisions of this Section shall apply, where applicable, to any #development# or #enlargement# within the area bounded by Ninth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

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

93-523**Pennsylvania Station Subarea**

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

- (a) A #street wall# shall be provided for the mandatory public space required pursuant to paragraph (a) of Section 93-74. Such #street wall# shall extend for at least 100 feet along the Eighth Avenue sidewalk widening line and rise without setback to a minimum height of 60 feet. No portion of such #street wall# shall exceed a height of 150 feet within 15 feet of the Eighth Avenue #street line#. However, such #street wall# may encroach upon the mandatory sidewalk widening provided the height of such #street wall# within the sidewalk widening does not exceed 90 feet.
- (b) In addition to the #street wall# required pursuant to paragraph (a) above, #street walls# shall be provided along at least 35 percent of the Eighth Avenue frontage of the #zoning lot#. Such #street walls# shall be located within 10 feet of the Eighth Avenue #street line# and rise without setback to a minimum height of 90 feet and a maximum height of 150 feet, except that no setbacks shall be required where such #street walls are located 10 feet from the Eighth Avenue #street line#.
- (c) No #street walls# shall be located further than 10 feet from the Eighth Avenue #street line# unless they front upon a public plaza provided pursuant to paragraph (c) of Section 93-74.

Along West 31st and West 33rd Streets, any portion of a #development# or #enlargement# that exceeds a height of 150 feet shall be set back at least 15 feet from the West 31st and West 33rd Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31st or West 33rd Street #street line#, such #building# may rise without setback along such #street#.

93-53**Special Height and Setback Regulations in the 34th Street Corridor (Subdistrict C)**

- (a) 34th Street

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

(b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-54 shall apply.

93-54**Special Height and Setback Regulations in the Tenth Avenue Corridor (Subdistrict D)**

(a) Tenth Avenue

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

For #zoning lots# that occupy the entire Tenth Avenue #block# front, the #street wall# of the #development# or #enlargement# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

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

- (1) the aggregate width of such #street wall# does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet, and
- (3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(b) Hudson Boulevard

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

- (c) Midblocks between Tenth Avenue and Hudson Boulevard

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

- (d) Length of building wall

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

93-55

Special Permit for Modification of Height and Setback Regulations

Within the #Special Hudson Yards District#, except within C1-7A Districts or C2-5 Districts mapped within R9A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street# , the City Planning Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A - E), inclusive, provided the Commission finds that:

- (a) such modifications will result in a better distribution of #bulk# on the #zoning lot# and will not adversely effect access to light and air for surrounding public access areas, #streets# and properties;
- (b) where the #development# or #enlargement# is subject to the requirements of Sections 93-60 (MANDATORY IMPROVEMENTS), inclusive, or 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES), inclusive, such modifications will not impair the quality of such public access areas on the #zoning lot#,
- (c) such modifications are consistent with the goal of the special district to provide flexibility of architectural design and encourage more attractive buildings forms, and
- (d) such modifications will result in a #development# or #enlargement# that enhances the streetscape and is compatible with #development# in the surrounding area.

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

93-60**MANDATORY IMPROVEMENTS****93-61****Sidewalk Widening**

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

93-62**Street Tree Planting**

All new #developments# or #enlargements# shall provide and maintain trees of not less than four inch caliper at the time of planting in the sidewalk adjacent to the #zoning lot#. In the Four Corners Subarea, trees shall also be provided along the #street# edge of the mandatory sidewalk widening. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least 3 feet, six inches. Species shall be selected, installed and maintained in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

93-63**Pedestrian Circulation Space**

In C2-8 and C6-4 Districts, 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).

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, or

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

93-64

Major Building Entrances

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

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

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

93-65

Transit Easements

Any #development# or #enlargement# on a #zoning lot# that includes the locations listed below shall provide an easement for subway-related use and public access to the subway mezzanine or station:

The area bounded by Tenth Avenue, West 41st Street, a line 175 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue;

The area bounded by the western boundary of the #park# between West 34th and West 35th Streets, West 34th Street, a line 40 feet west of and parallel to the western boundary of the #park# between West 34th and West 35th Streets, and a line 75 feet north of and parallel to West 34th Street. The entrance shall be accessed from the #park# between West 34th and West 35th Streets;

The area bounded by Eleventh Avenue, West 36th Street, a line 90 feet east of and parallel to Eleventh Avenue, a line 50 feet south of and parallel to West 36th Street, a line 50 feet east of and parallel to 11th Avenue, and West 34th Street. The entrance shall be accessed from West 36th Street or 11th Avenue within 50 feet of West 36th Street;

The area bounded by West 41st Street, the easterly #lot line# of Block 1069, Lot 1, West 40th Street, and a line 100 feet west of and parallel to the easterly #lot line# of Block 1069, Lot 1. Entrances shall be accessed from West 40th and West 41st Streets, and from

the elevated midblock bridge. The transit easement shall include a volume from 50 feet below grade to 30 feet above grade, and

For any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

These locations are illustrated on Map 5 (Transit Easements and Subway Entrances).

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

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, one certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Floor space within any required transit easement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

93-66

Open Area Requirements in the Large-Scale Plan Subdistrict

In the Four Corners and Northern Blocks Subareas of the Large-Scale Plan Subdistrict, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

- (a) Where such open areas are sidewalk widenings required pursuant to Section 93-61, or where a sidewalk widening is not required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a

distance of ten feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond ten feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) below, as applicable.

- (b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet shall be paved and/or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet shall be paved and contain landscaping. Paved areas shall not be more than two feet six inches above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (d) Open areas described in paragraphs (b) and (c) above may be occupied by features, equipment and appurtenances normally found in #public parks# and playgrounds, as listed in paragraph (g) of Section 37-04 (Requirements for Urban Plazas). In addition, gates and/or fences shall be permitted for open areas described in paragraph (c) above provided such gates are fully open during business hours, such gates and/or fences are not higher than five feet, and are a minimum of 65 percent open to permit visibility of the open area. No parking areas shall be permitted in any open area. Driveways in any open area shall lead directly to an enclosed parking or loading facility, except that portes-cocheres are allowed in any open area on #zoning lots# with at least 80,000 square feet of #lot area#. Building trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the #street# or any public access area. All paved areas shall be accessible to the public during business hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than two feet six inches above the level of any adjacent paved area. .

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section 93-70, inclusive. In the event of a conflict between the provisions of this Section 93-70 inclusive and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased #development# of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future #development# of such public access area at the time that the adjacent #zoning lot# is #developed#.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased #development# of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase.

93-71

Public Access Areas in the Eastern Rail Yard Subarea

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

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed.

Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f) of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61.

(b) Outdoor plaza

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

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

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

The retail and glazing requirements of Section 93-14 shall apply to at least 70 percent of the length of all building walls facing each side of the outdoor plaza.

(c) Urban plaza

A publicly accessible space, open to the sky (hereinafter referred to as an “urban plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such urban plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street, and be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

The retail and glazing requirements of Section 93-14 shall apply to at least 70 percent of the length of all building walls facing each side of the urban plaza.

(d) Through block connection

A publicly accessible through-block connection shall be provided connecting the outdoor plaza with the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) below. Public access shall also be provided between such through-block connection and the Tenth Avenue sidewalk within 50 feet of the centerline of West 32nd Street. Such through-block connection may be open to the sky or enclosed, need not be linear, and may have necessary grade changes. Such through-block connection shall have a minimum width of 30 feet. If such through block connection is enclosed, it shall have a minimum height of 30 feet. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of the through block-connection.

(e) Connection to urban plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the urban plaza. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection. The minimum clear width of such public way shall be 20 feet. If enclosed, the minimum clear height shall be 30 feet.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If covered, the average clear height of such connection shall be 60 feet. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection.

(g) Tenth Avenue Bridge

A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through-block connections required pursuant to paragraph (d) above and paragraph (a) of Section 93-72. Such bridge may be open or enclosed, have a minimum clear width of 30 feet, and if enclosed have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the centerline of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section 93-72.

93-72

Public Access Areas at 450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Tenth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street the provisions of this Section may be waived or modified in conjunction with such special permit.

(a) Through-block connection

A publicly accessible through-block connection shall be provided within 10 feet of the prolonged centerline of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) below. Such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through-block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet. Public access shall also be provided between such through-block connection and the Tenth Avenue sidewalk.

(b) Lincoln Tunnel Approach bridge

A publicly accessible pedestrian bridge shall be provided over the Lincoln Tunnel Approach linking the through-block connection required pursuant to paragraph (a) above with the through-block passageway required pursuant to Section 93-73 or the covered pedestrian space required pursuant to Section 93-731. Such bridge shall be open or enclosed, and have a minimum width of 30 feet. If enclosed, such bridge shall have a minimum clear height of 15 feet.

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

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. For such #developments# with a #floor area ratio# greater than 2.0, or #enlargements# that result in a total #floor area ratio# greater than 2.0, the following easements shall be required:

- (a) a permanent easement shall be provided within 10 feet of and over the Lincoln Tunnel Approach for the purposes of facilitating the construction of the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72, and
- (b) a permanent easement with a minimum width of 60 feet shall be provided within 10 feet of the prolonged centerline of West 32nd Street connecting the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.

Where the #floor area ratio# on the #zoning lot# exceeds 4.0 but is not greater than 10.0, a publicly-accessible through-block passageway with a minimum width of 60 feet shall be provided within 10 feet of the prolonged centerline of West 32nd Street. Such passageway shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.

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

93-731

Special requirements for zoning lots with floor area ratios greater than 10

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. Where the #floor area ratio# for any such #development# or #enlargement# exceeds 10.0, the following paragraphs (a) through (d) shall apply:

(a) Covered Pedestrian Space

A publicly accessible covered pedestrian space shall be provided within 10 feet of the prolonged centerline of West 32nd Street. Such pedestrian space shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue. Such covered pedestrian space shall:

- (1) be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet, and a minimum clear path of 20 feet;
- (2) have a roof of transparent material that allows for natural daylight to enter;
- (3) provide direct access to any #building# adjacent to such covered space,
- (4) have retail uses fronting upon at least 50 percent of its northern and southern walls.

The maximum height of a building wall along the southern boundary of the covered pedestrian space shall not exceed the average height of the covered pedestrian space, or the height at which an arched or angled ceiling of the covered pedestrian space begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the covered pedestrian space.

In the event that such covered pedestrian space is not provided pursuant to this paragraph (a) concurrently with a #development# or #enlargement# north of such covered pedestrian space, both shall be designed to allow for compliance with the provision of this Section upon completion.

(b) Through block connection

A publicly accessible through block connection, open to the sky, shall be provided along the eastern edge of the Lincoln Tunnel Approach. Such connection shall have a minimum width of 20 feet and provide a direct connection with the covered pedestrian space required pursuant to paragraph (a) above.

(c) Plaza

A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space required pursuant to paragraph (a) above. Such plaza shall be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

(d) Connection to below grade passage

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

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

93-74

Public Access Areas in Pennsylvania Station Subarea

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

(a) Public Space

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

(b) Through-block Connection

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

(c) Plaza

A publicly accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

(d) Corner Circulation Space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section 37-073. Such spaces shall count towards meeting the pedestrian circulation space requirements of Section 93-63. However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if such corner is #developed# with a plaza in accordance with paragraph (c) of this Section.

93-80**OFF-STREET PARKING REGULATIONS**

The regulations governing permitted and required #accessory# off-street parking spaces of Article 1, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6 and 7 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens), Article 2, Chapter 5 (Accessory Off-Street Parking and Loading Regulations), Article 3, Chapter 6 (Accessory Off-Street Parking and Loading), and Article 4, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply. In lieu thereof, the provisions of this Section 93-80, inclusive, shall apply.

93-81**Required and Permitted Parking**

All #developments# or #enlargements# on #zoning lots# greater than 15,000 square feet shall provide #accessory# parking spaces in accordance with the provisions of this Section 93-81. For #zoning lots# of 15,000 square feet or less, #accessory# parking spaces are permitted up to the maximum number allowed for required spaces as set forth in this Section.

- (a) For #residences#, #accessory# off-street parking spaces shall be provided for at least 33 percent of the total number of #dwelling units#, except that where such #dwelling units# are government assisted pursuant to paragraph (e) of Section 25-25, #accessory# off-street parking spaces shall be provided for at least 25 percent of the total number of such #dwelling units#. The total number of off-street parking spaces #accessory# to #residences# shall not exceed 50 percent of the total number of #dwelling units#. However, if the total number of #accessory# off-street parking spaces required for such #use# on the #zoning lot# is less than 15, no such spaces shall be required.
- (b) For #commercial# and #community facility uses#, a minimum of 0.29 #accessory# off-street parking spaces shall be provided for each 1,000 square feet of #floor area#, and not more than one off-street parking space shall be provided for every 2,500 square feet of #floor area#. However, if the total number of #accessory# off-street parking spaces required for such #uses# on the #zoning lot# is less than 40, no such spaces shall be required. No parking shall be required for houses of worship or #schools#.
- (c) The required and permitted amounts of #accessory# off-street parking spaces shall be determined separately for #residential#, #commercial# and #community facility uses# .

93-82

Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) In Subdistricts A through E, all #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #zoning lot#, all such spaces shall be located within the same parking facility.
- (b) All #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided:
 - (1) such parking facilities are located within a C2-8 or C6-4 District within the #Special Hudson Yards District#;
 - (2) such parking facilities are not more than 600 feet from the #use# to which they are #accessory# to;
 - (3) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#, and

- (4) the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.
- (c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts, or,
 - (2) located, at every level above grade, behind #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

93-821

Authorization for above-grade parking

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (c) of Section 93-82 above, and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

- (a) Below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-ways or other conditions that impose practical difficulties for the construction of below-grade parking facilities;
- (b) The scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;
- (c) The materials and articulation of the #street wall# of the parking facility is compatible with #buildings# in the surrounding area;
- (d) The ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;
- (e) Any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area# so as to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining

#street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

- (f) For portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties, and
- (g) The location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

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

93-83 Curb Cut Restrictions

Along all avenues in the Special Hudson Yards District, and along Hudson Boulevard and West 34th Street, and along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, no driveway curb cuts for parking facilities or loading berths shall be permitted except:

- (a) for entrances or exits to a public parking garage located beneath Hudson Boulevard and the adjacent #public parks#, or
- (b) where the Commissioner of Buildings determines there is no alternative means of access to required off-#street# parking spaces or required loading berths from other #streets# bounding the #zoning lot#. However, in no event shall curb cuts be permitted on or within 40 feet of Hudson Boulevard.

93-831 Curb Cut Restrictions in the Large-Scale Plan Subdistrict

In the Four Corners Subarea, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

93-832 Curb cut restrictions in the Farley Corridor Subdistrict

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea, the maximum aggregate width of curb cuts on

West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth Avenue, the maximum aggregate width of curb cuts shall be 90 feet.

93-84

Authorization for Additional Curb Cuts

Along the north side of West 35th, West 36th, West 37th, and West 38th Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts provided the Commission finds that such curb cuts are needed for required loading berths, such loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot# and thereby permit a more efficient loading operation, such curb cuts do not unduly inhibit surface traffic or pedestrian flow, and such curb cuts do not impair the essential character of the surrounding area.

93-85

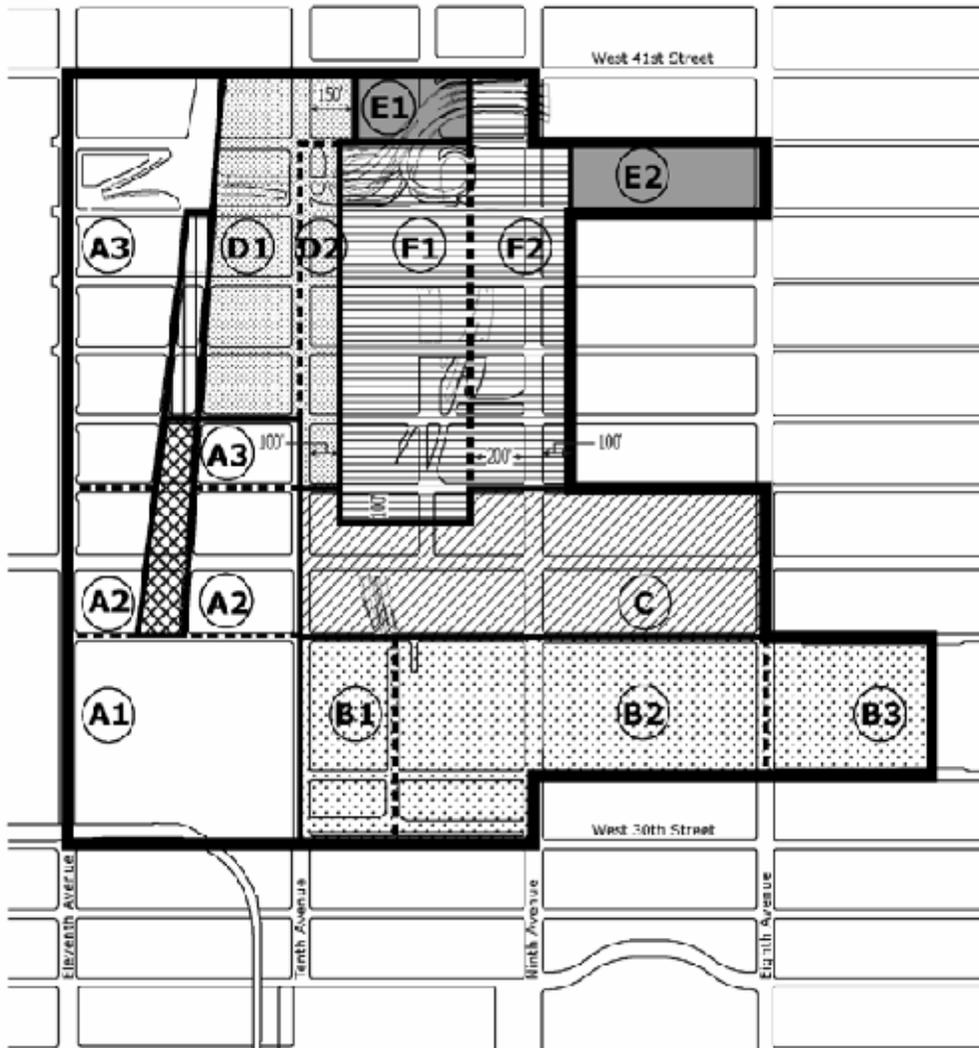
Indoor Bicycle Parking

Within the #Special Hudson Yards District#, a designated area for bicycle parking shall be provided for #developments# or #enlargements# with a minimum #commercial floor area ratio# of 5.0. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#, but in no event shall more than 400 square feet be required. Such facility shall be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for facilities #accessory# to the bicycle parking area.

* * *

SPECIAL HUDSON YARDS DISTRICT

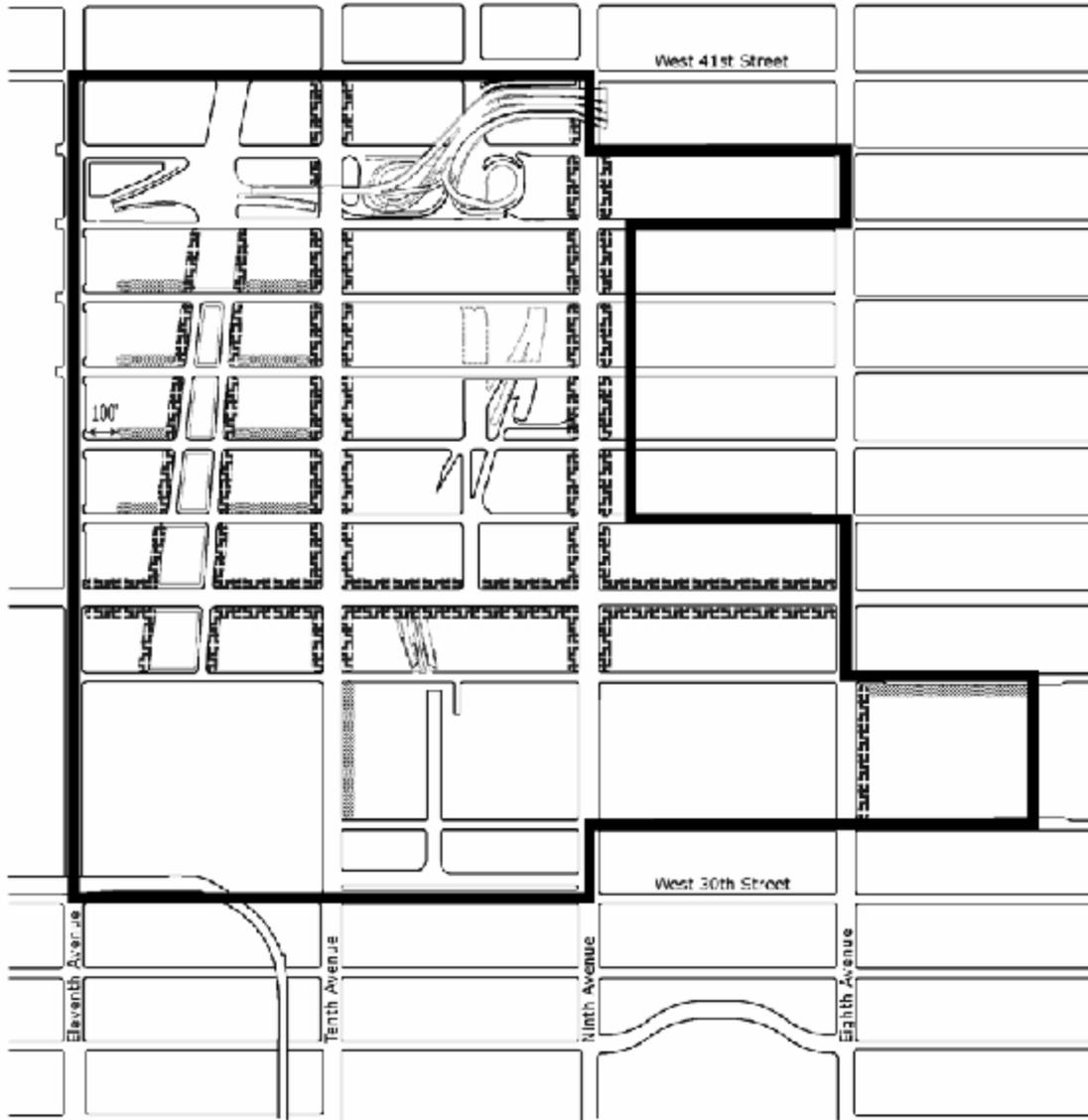
Map 1 - Special Hudson Yards District, Subdistricts and Subareas



- Special Hudson Yards District boundary**
- A** Large Scale Plan Subdistrict
 - (A1) Eastern Railyard Subarea
 - (A2) Four Corners Subarea
 - (A3) Northern Blocks Subarea
- Phase 1 Hudson Boulevard and Park
- Phase 2 Hudson Boulevard and Park
- B** Farley Corridor Subdistrict
 - (B1) Western Blocks Subarea
 - (B2) Central Blocks Subarea
 - (B3) Pennsylvania Station Subarea
- C** 34th Street Corridor Subdistrict
- D** Tenth Avenue Corridor Subdistrict
 - (D1) West of Tenth Avenue Subarea
 - (D2) East of Tenth Avenue Subarea
- E** Other areas Subdistrict
 - (E1) West of Port Authority Bus Terminal Subarea
 - (E2) South of Port Authority Bus Terminal Subarea
- F** Hell's Kitchen Subdistrict
 - (F1) Midblock Subarea
 - (F2) Ninth Avenue Corridor Subarea

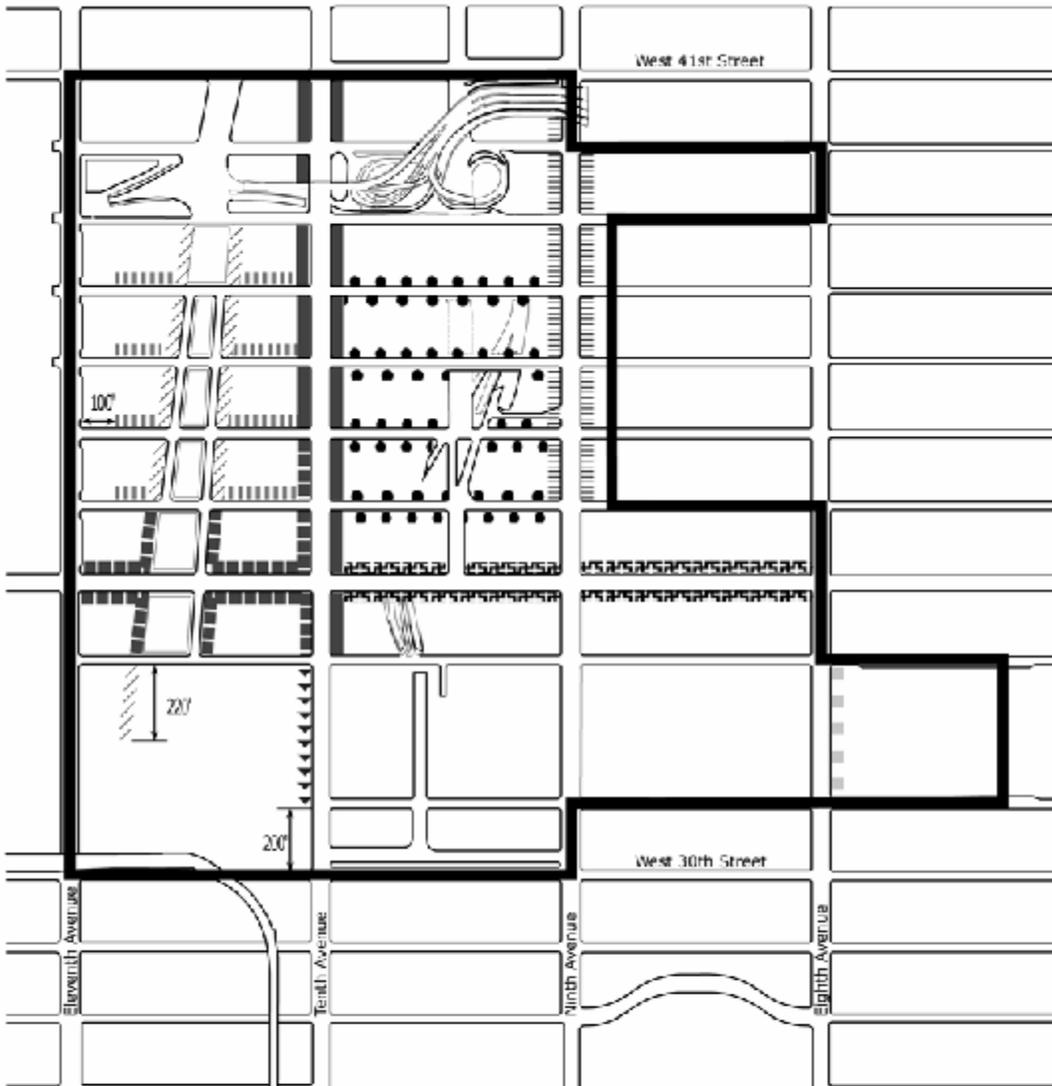
SPECIAL HUDSON YARDS DISTRICT

Map 2 - Mandatory Ground Floor Retail



-  100% Retail Requirement
-  50% Retail Requirement

SPECIAL HUDSON YARDS DISTRICT Map 3 - Mandatory Street Wall Requirements



Hudson Yards Controls

	1	2	3
	60'	120'	50%
///////	90'	120'	70%
—————	90'	150'	100%
■■■■■	90'	150'	70%
■■■■■	90'	150'	35%
▬▬▬▬▬	120'	150'	100%
◀◀◀◀◀	60'	150'	70%

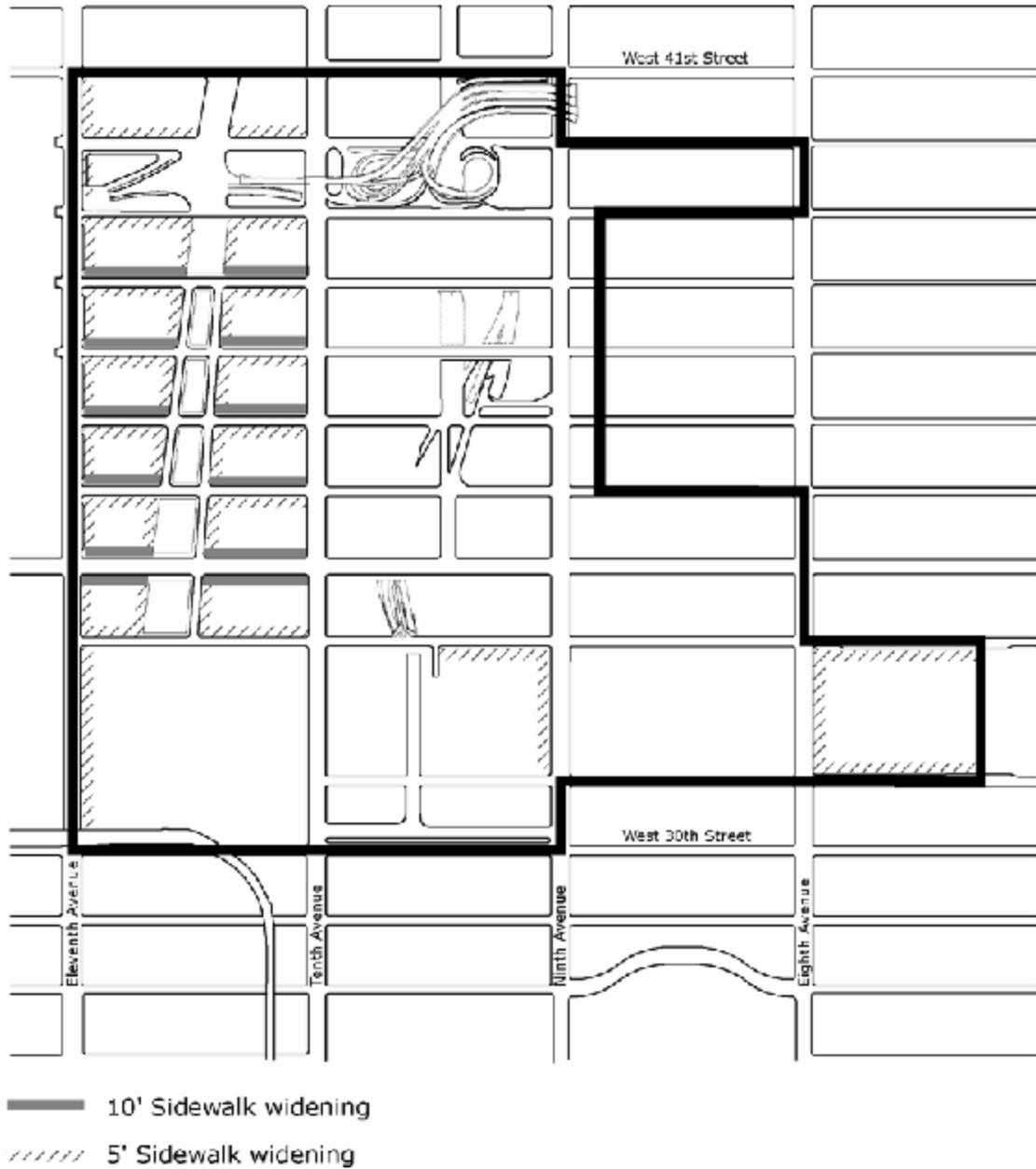
Contextual Controls

	1	2	3
	60'	85'	100%
▲-▲-▲	60'	95'	none

1. Minimum Base Height
2. Maximum Base Height
3. Percentage of zoning lot street frontage that must be occupied by a street wall.

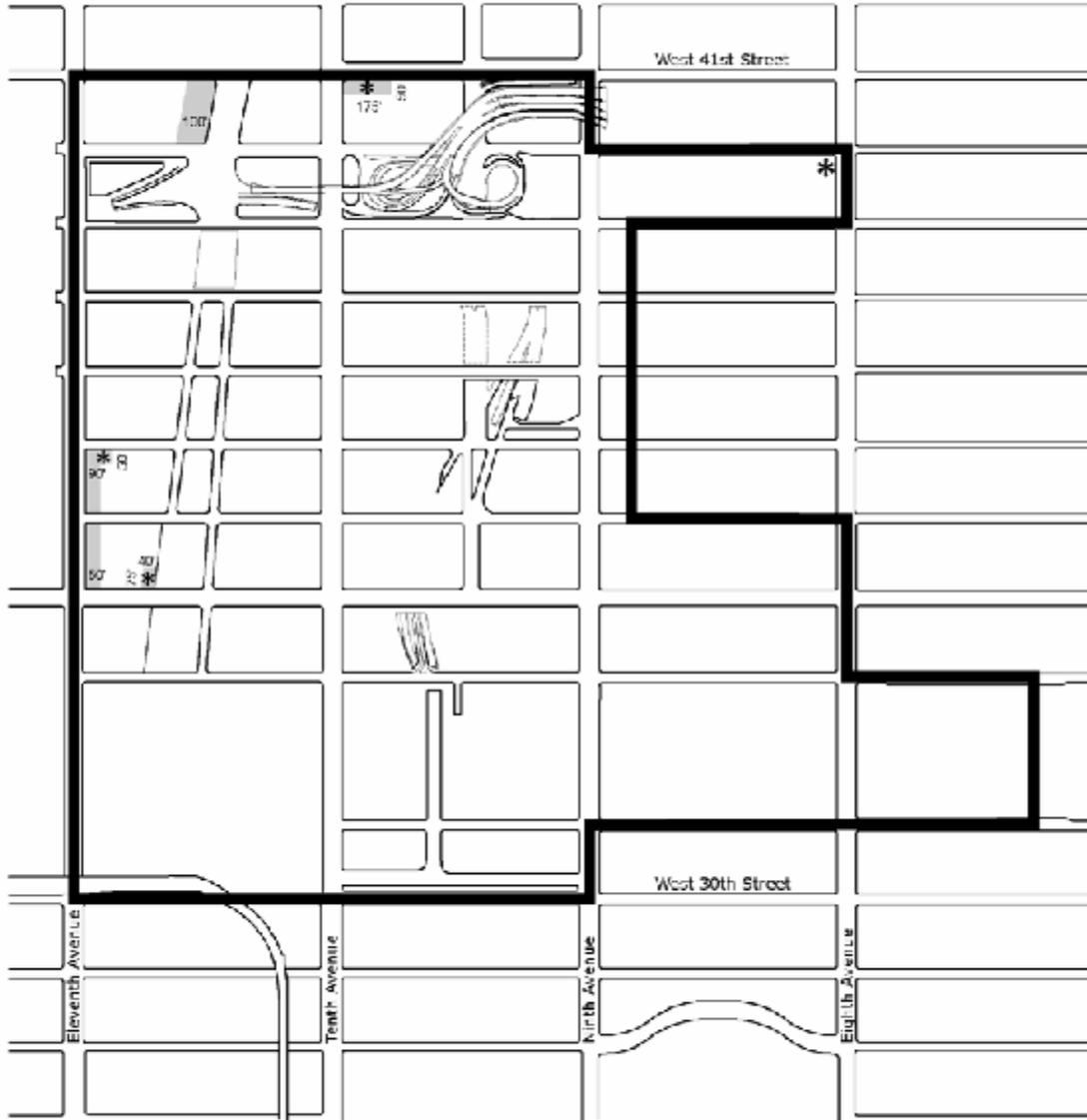
SPECIAL HUDSON YARDS DISTRICT

Map 4 - Mandatory Sidewalk Widening



SPECIAL HUDSON YARDS DISTRICT

Map 5 - Transit Easements and Subway Entrances



- Transit Easement
- * Subway entrance

**Chapter 6
Special Clinton District**

**96-00
GENERAL PURPOSES**

* * *

These goals include, among others, the following:

* * *

- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;
- ~~(g)~~(g) to provide physical amenities, such as street trees, to improve the physical environment;
- ~~(g)~~(h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- ~~(h)~~(i) to promote the most desirable use of land in the area and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues, consistent with the foregoing purposes.

* * *

**96-20
PERIMETER AREA**

#Developments# within the Perimeter Area shall be eligible for increased #floor area# pursuant to Section ~~96-21 (Floor Area Bonus)~~ 96-21 (Special Regulations for 42nd Street Perimeter Area) or Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area)...

* * *

**~~96-201~~ 96-21
Special ~~R~~egulations for 42nd Street Perimeter Area**

* * *

- (a) Use and bulk regulations within Phase 2 Park

Within the Phase 2 Park (Block 1070 Lot 20), no new #development# shall be permitted and no existing #development# shall be #enlarged#. However, #floor area# from the #zoning lot# within the Phase 2 Park may be transferred to another #zoning lot# within the Large-Scale Plan or Tenth Avenue Corridor Subdistricts of the Special Hudson Yards District in accordance with the provisions of Section 93-32.

(b) Floor area increase

(1) Subarea 1

Within Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix B, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

(2) Subarea 2

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix B, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0. However, the #floor area ratio# of any #development# or #enlargement# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. For #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Legitimate Theater Use)

(a)(c) Retail continuity requirements

* * *

(b)(d) Street wall continuity requirements

* * *

(f) Pedestrian circulation space

Within Subareas 2 and 3 of the 42nd Street Perimeter Area, as shown in Appendix B, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

(g) Special curb cut and parking requirements

No curb cuts shall be permitted on 42nd Street. The parking requirements of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING), except that such parking requirements shall not apply to any #development# or #enlargement# for which a special permit was granted prior to (effective date of amendment).

~~96-202~~ 96-22**Special ~~r~~Regulations for Eighth Avenue Perimeter Area**

For #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the floor area ratio permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Section 81-21 (Floor Area Regulations), and Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

~~96-21~~**Floor Area Increase**

- (a) ~~Except as specified in paragraph (b) of this Section, for any #development#, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING). A permanent certificate of occupancy for any #building# incorporating a #floor area# increase pursuant to this Section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for lower income housing. In addition to the requirements of Section 23-90, any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.~~
- (b) ~~For any #development# located within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special regulations for Eighth Avenue Perimeter Area), the #floor area ratio# permitted by the underlying district may be increased pursuant to the provisions of Section 81-21 (Floor Area Regulations) as set forth in Article VIII, Chapter 1 (Special Midtown District).~~

96-22 ~~96-23~~

Special Permit for Modification of Height and Setback Regulations

Except within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special Regulations for Eighth Avenue Perimeter Area), the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

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

* * *

~~96-23~~ 96-24

Relocation and Demolition of Buildings in the Perimeter Area

* * *

96-25

Floor Area Bonus for New Legitimate Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix B, for #developments# or #enlargements# that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING PROGRAM), three additional square feet of #floor area# may be provided for each square foot of new legitimate theater #use#, upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions shall exist:

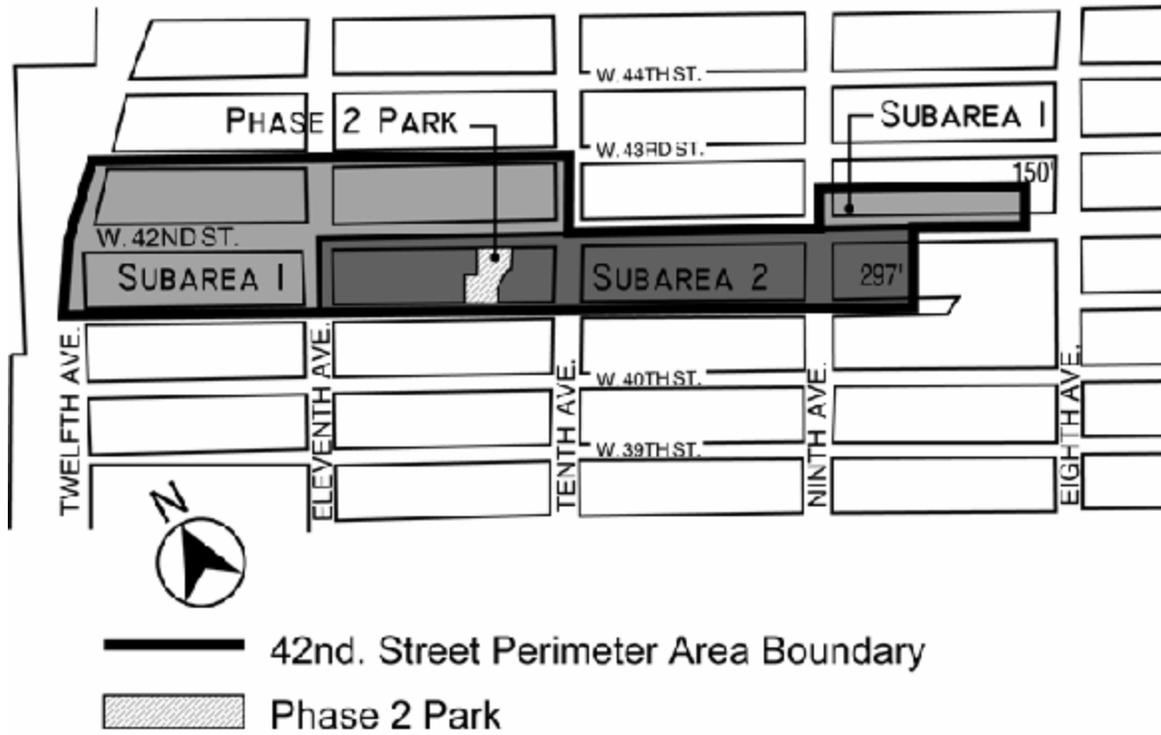
- (a) the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;
- (b) all #floor area# for which a bonus is received pursuant to this Section shall be limited to _____ floor space exclusively associated with legitimate theater #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, lobbies, lounges, ticket offices, rest rooms and circulation space;
- (c) the theater shall be designed, arranged and used exclusively for live performances of _____ drama, music or dance and shall have at least 150 fixed seats;
- (d) a signed lease shall be provided from a prospective theater operator, or a written commitment from the owner of the theater if such owner is also the operator, for occupancy of the theater and its operation as a legitimate theater for a period of not less than five years;

- (e) A plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work;
- (f) a legal commitment shall be provided for inspection and ongoing maintenance of the theater to ensure its continued availability for theater use. Such inspection shall be conducted every five years by a licensed engineer and/or architect, and a report issued to the Chairperson of the City Planning Commission and notice of such report shall be published in the City Record. Such report shall describe the condition of the theater and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and
- (g) a legal commitment shall be provided for continuance of the #use# of all #floor area# for which a bonus has been received pursuant to this Section as a legitimate theater for the life of the related #development#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner, lessee of the theater and their successors and assigns, a certified copy of which shall be submitted to the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the declaration and receipt of such certified copy shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

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

42nd STREET PERIMETER AREA



Article XII - Special Purpose Districts

**Chapter 1
Special Garment Center District**

**121-00
GENERAL PURPOSES**

The "Special Garment Center 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:

* * *

(d) to recognize the unique character of the western edge of the District as integral to the adjacent Special Hudson Yards District;

~~_____~~(d)(e) to establish an appropriate visual character for wide streets within the Garment Center; and

~~(e)~~(f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

* * *

**121-03
District Plan (Appendix A)**

The District Plan (Appendix A) for the #Special Garment Center District# shows the Preservation Areas, indicated by a "P-1" and "P-2". Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.

**121-10
PRESERVATION AREA**

**121-11
Special Use Regulations**

(a) ~~Use Groups A and B list the #uses# which are permitted in the Preservation Area. In~~ Preservation Area P-1, permitted uses are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, conversion to Use Group 6B #use# is

permitted subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation).

- (b) In Preservation Area P-2, for #buildings# with less than 70,000 square feet of #floor area# on (effective date of amendment), the underlying #use# regulations shall apply, except that the provisions of Section 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to the conversion to #dwelling units# of non-#residential buildings#.
- (c) In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on (effective date of amendment), permitted #uses# are listed in Use Groups A and B as set forth in Sections 121-111 and 121-112. In addition, conversion to any #use# permitted by the underlying #use# regulations is permitted subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation). For portions of such #buildings# converted to #dwelling units#, the provisions of Section 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to such conversions. Such #floor area# preservation requirements may be waived by authorization of the City Planning Commission pursuant to Section 121-13.

**121-111
Use Group A**

Conversion to Use Group A #uses# are exempt from the #floor area# preservation requirements of Section 121-113 (Floor area preservation). In Preservation Area P-1, in the case of conversion of #floor area# to Use Group 6B #use#, Use Group A #uses# may not be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of conversion of #floor area# to any #use# permitted by the underlying #use# regulations, Use Group A #uses# may not be used to satisfy the preservation requirement.

* * *

**121-112
Use Group B**

Conversion to Use Group B #uses# are exempt from the #floor area# preservation requirements of Section 121-113 (Floor area preservation). In Preservation Area P-1, in the case of conversion of #floor area# to Use Group 6B #use#, only Use Group B #uses# may be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of conversion of #floor area# to any #use# permitted by the underlying #use# regulations, only Use Group B #uses#, and #uses# in Use Group 6A and 6C may be used to satisfy the preservation requirement.

* * *

**121-113
Floor area preservation**

In the Preservation Area P-1, the conversion of #floor area# to Use Group 6B #use# after March 26, 1987 is permitted only by certification ...

* * *

The amount of #floor area# to be preserved shall be equal to the amount of #floor area# converted. Such #floor area# may be preserved in the same #building# or in any other comparable #building# in the Preservation Areas P1 or P2, subject to the provisions of Section 121-114 (Comparability).

* * *

121-13
Authorization for Waiver of Floor Area Preservation Requirements

In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on (effective date of amendment), the City Planning Commission may authorize the conversion of #floor area# to any #use# permitted by the underlying #use# regulations without complying with the #floor area# preservation requirements set forth in Section 121-113, provided the Commission finds that:

- (a) The #floor area# to be converted has not been occupied by any #manufacturing#, wholesale or showroom #use# for a period of at least three years prior to (date of complete application filed with the Department of City Planning);
- (b) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (c) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (d) the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#; and
- (e) the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.

* * *

121-30
SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2

The following special #bulk# regulations shall apply within Preservation Area P-2, as shown in Appendix A:

121-31 **Floor Area**

The basic maximum #floor area ratio# for any #commercial# or #community facility use# shall be 10.0, and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratio# for any #residential use# shall be 7.5, and may be increased to 10.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such #residential floor area ratio# may be further increased from 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING)

For the conversion to #dwelling units# of non-#residential buildings# or portions thereof, where the total #floor area# on the #zoning lot# to be converted to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31 (District Improvement Fund Bonus).

121-32 **Height of Street Walls and Maximum Building Height**

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a maximum height of 90 feet or the height of the #building#, whichever is less. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line# or the height of the adjacent #street wall# if higher than 90 feet and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

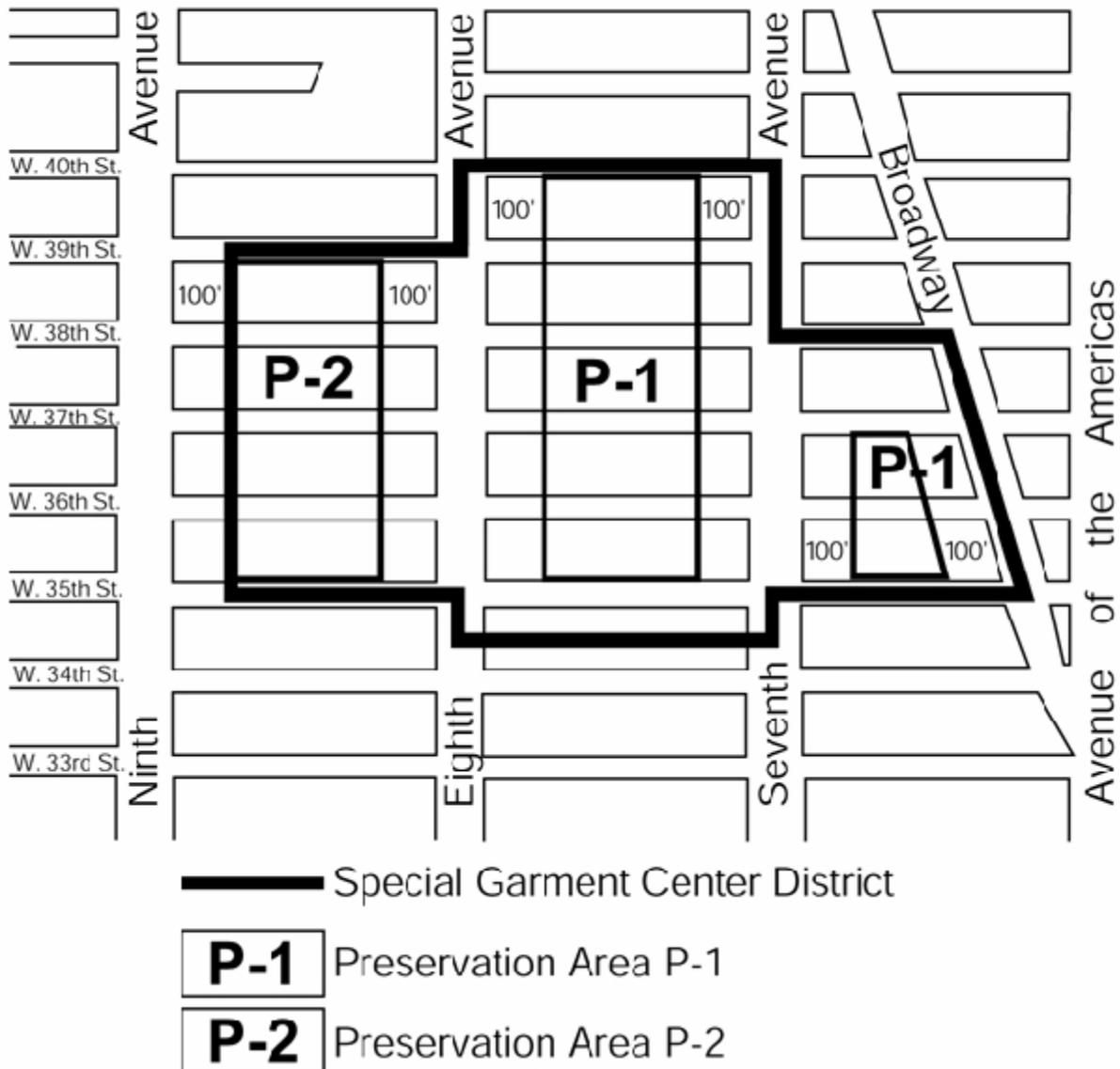
- (a) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane# provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (b) permitted obstructions, as listed in Section 93-41(a) may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) of Section 23-62 may penetrate the #sky exposure plane#.

121-40

PARKING REQUIREMENTS IN PRESERVATION AREA P-2

Within Preservation Area P-2, as shown in Appendix B, the underlying parking requirements shall not apply. In lieu thereof, the parking regulations of the Special Hudson Yards District, as set forth in Section 93-80 (OFF-STREET PARKING) shall apply.

SPECIAL GARMENT CENTER DISTRICT PLAN



C. Proposed City Map Amendments

PROPOSED CITY MAP AMENDMENTS

The New York City Department of Parks and Recreation and Department of City Planning are submitting an application for amendments to the City Map for the creation of new public parks, establishing legal grade on streets, as well as the creation of a new midblock street system “Hudson Boulevard.” These actions are part of a comprehensive set of zoning actions intended to transform the Hudson Yards area with new uses, streets, and parks.

Hudson Boulevard would extend from West 33rd Street to West 38th Street between Tenth and Eleventh Avenues. Hudson Boulevard would create additional routes for vehicular circulation as well as addresses and street frontages for new commercial and residential developments. The two legs of this street would form a north-south couplet and would flank a new linear park system, providing eastern and western park frontage. Hudson Boulevard (East) would extend between West 33rd Street and West 38th Street and would travel one-way northbound. Hudson Boulevard (West) would extend between West 35th Street and West 38th Street, traveling one-way southbound.

Hudson Boulevard would flank a new linear park system between Tenth and Eleventh Avenues which would extend between West 33rd Street and West 39th Street and connect via an elevated pedestrian bridge to a midblock park between West 41st Street and West 42nd Street. Portions of the midblock park and of Hudson Boulevard would be mapped above a lower limiting plane to allow for below-grade infrastructure in the area, including a below-grade public parking facility and the existing Amtrak Empire Line. The northern portion of the park system would reflect the area’s residential character, and is likely to include playgrounds, green spaces, trees and plantings. The southern portion of the park system would lie in a more commercial area, and its character is likely to change as a result, incorporating wider pathways, passive recreation amenities, outdoor cafes and kiosks. The linear park system would connect to the planned major public open space above the eastern portion of Caemmerer Yard south of West 33rd Street.

The mapping actions also include mapping the park above a lower limiting plane on a full block between Eleventh and Twelfth Avenues from West 29th to West 30th Streets. This park, to be located immediately south of the proposed Multi-Use Facility would provide for active recreation. The park would be located above a primarily below-grade municipal facility use, and would be accessed at grade at Eleventh Avenue and West 30th Street.

In all the mapped parks would create approximately 8.0 acres of park within an area that currently contains one acre of public open space.

The amendments to the City Map include the following:

1. Eliminating West 32nd Street between Tenth and Eleventh Avenues.
2. Establishing Hudson Boulevard between West 33rd and West 38th Streets.
3. Establishing several parks within an area bounded by West 33rd Street, West 42nd Street, Tenth Avenue and Eleventh Avenue.
4. Eliminating a volume of West 35th Street between Tenth and Eleventh Avenues below an upper limiting plane.
5. Establishing legal grades on West 33rd to West 38th Streets between Tenth and Eleventh Avenues.
6. Establishing a full-block park bounded by West 29th Street, West 30th Street, Eleventh Avenue, and Twelfth Avenue.